



## ARIZONA STATE SENATE

### *Fifty-Sixth Legislature, First Regular Session*

#### AMENDED FACT SHEET FOR S.B. 1029

#### felony murder; fentanyl; sentencing

##### Purpose

Classifies, as first-degree murder, causing the death of any person during the course of or immediate flight from a narcotics offense involving the possession for sale, manufacture or transportation of fentanyl as part of the person's association and participation in managing, directing, supervising or financing the conduct of an enterprise that deals in illegal drugs with the intent to promote or further the enterprise's criminal objectives.

##### Background

Knowingly transporting or offering to transport a narcotic for sale, including fentanyl, is first-degree murder if the amount being transported is in excess of the threshold amount and the person committing the offense or another person present causes the death of any person in the course of and in furtherance of the offense or in immediate flight from the offense. The current threshold amount for fentanyl or fentanyl mimetic substances is nine grams (A.R.S. §§ [13-1105](#) and [13-3401](#)).

A person is guilty of a class 2 felony if they knowingly possess a narcotic drug for sale, knowingly manufacture a narcotic drug, or knowingly transport a narcotic drug for sale ([A.R.S. § 13-3408](#)).

A class 2 felony for a non-dangerous offense carries a presumptive sentence of five years and a fine not to exceed \$150,000 to be determined by the court. A class 2 felony for a dangerous offense carries a presumptive sentence of 10.5 years and a fine not to exceed \$150,000 to be determined by the court. Felony murder is classified as first degree murder and is a class 1 felony punishable by sentence of life or natural life to be determined by the trier of fact and a fine not to exceed \$150,000 to be determined by the court (A.R.S. §§ [13-702](#); [13-752](#); and [13-1105](#)).

The Joint Legislative Budget Committee (JLBC) fiscal note indicates that S.B. 1029 would increase costs for the Arizona Department of Corrections, Rehabilitation and Reentry by extending the time the individuals convicted of crimes serve in state prison. The fiscal impact would depend on how many individuals are charged under the revised sentencing guidelines, but the magnitude of the cost is unable to be estimated due to a lack of information ([JLBC fiscal note](#)).

##### Provisions

1. Classifies, as first-degree murder, causing the death of any person during the course of and in furtherance of or immediate flight from a narcotics offense involving the possession for sale, manufacture or transportation of fentanyl, as part of the person's association and participation

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in managing, directing, supervising or financing the conduct of an enterprise that deals in illegal drugs with the intent to promote or further the enterprise's criminal objectives.

2. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

- Adds that, in order for a person to commit first-degree murder in the course of or immediate flight from a narcotics offense involving fentanyl, the person must have committed the offense as part of the person's association and participation in managing, directing, supervising, or financing the conduct of a criminal enterprise with the intent to promote or further the enterprise's criminal objectives.

Senate Action

JUD            1/26/23    DP  4-3-0

Prepared by Senate Research

March 7, 2023

ZD/KS/sr