



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

FACT SHEET FOR H.B. 2427

domestic violence; pregnant victim; sentencing

Purpose

Classifies, as aggravated assault punishable as a class 3 felony, assault against a pregnant victim if the person knows or has reason to know the victim is pregnant and circumstances exist that classify the offense as domestic violence.

Background

A person commits aggravated assault if the person commits assault under a number of statutorily outlined circumstances, including if the person: 1) causes serious physical injury to another; 2) uses a deadly weapon or dangerous instrument; or 3) commits the assault by any means of force that causes temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part or a fracture of any body part. Aggravated assault can also constitute domestic violence if certain circumstances are met, including if the person commits assault and: 1) the relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household; 2) the victim and the defendant have a child in common; or 3) the victim or the defendant is pregnant by the other party (A.R.S. §§ [13-1204](#) and [13-3601](#)).

The classification of a domestic violence case is determined by specific circumstances, including whether the defendant committed a homicide, assault, kidnapping, a sexual offense or other statutorily outlined offense. If a defendant committed a felony offense involving domestic violence against a pregnant victim and knew that the victim was pregnant, or if the defendant committed a felony offense causing physical injury to a pregnant victim and knew that the victim was pregnant, the maximum sentence otherwise authorized for that violation must be increased by up to two years ([A.R.S. § 13-3601](#)).

For a first-time felony offender, a class 3 felony carries a presumptive imprisonment sentence of three and a half years and not more than \$150,000 to be determined by the court (A.R.S. §§ [13-702](#) and [13-801](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Classifies, as aggravated assault punishable as a class 3 felony, assault against a pregnant victim if the person knows or has reason to know the victim is pregnant and circumstances exist that classify the offense as domestic violence.

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2. Increases, from two years to five years, the amount of time that the maximum sentence can be increased for a defendant convicted of a felony domestic violence offense against a pregnant victim if the defendant knew the victim was pregnant or if the defendant committed a felony offense causing physical injury to a pregnant victim and knew that the victim was pregnant.
3. Becomes effective on the general effective date.

House Action

JUD	1/25/23	DP	5-2-1-0
3 rd Read	2/28/23		31-28-1

Prepared by Senate Research

March 14, 2023

ZD/SB/sr