



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

VETOED
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.

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.

Governor's Veto Message

The Governor indicates in her [veto message](#) that current law already allows the court to consider the pregnancy of a victim as a sentencing factor, and the Governor encourages the Legislature to focus on the needs of victims seeking safety and stability.

House Action

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

Senate Action

JUD 3/16/23 DP 4-3-0
3rd Read 3/28/23 16-13-1

Vetoed by the Governor 4/3/23

Prepared by Senate Research
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ZD/SB/sr