



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: JUD DPA 7-0-0-0 | 3rd Read 26-0-4-0-0

House: JUD DP 9-0-0-0

SB 1364: probation; transfer

Sponsor: Senator Bolick, LD 2

Caucus & COW

Overview

Allows a probationer to request to live in and serve their probation in another county in the state if they meet certain requirements.

History

The criminal code includes several provisions that govern the procedure for a court to impose a term of probation, define the different types of probation that may be imposed for eligible offenses and delineate the terms and conditions that a defendant is subject to while on probation.

The conditions of *supervised probation* are dependent on the offense committed and the discretion of the court. Common requirements often include but are not limited to regularly reporting to a parole officer, community service or counseling.

Intensive probation is a highly structured and closely supervised probation that emphasizes individualized intervention for a person deemed appropriate for the program pursuant to [A.R.S. § 13-914 \(A.R.S. § 13-913\)](#).

Provisions

1. Allows a probationer at the time of sentencing or disposition for intensive or supervised probation to request to live in another county in the state during their probation if they can provide proof of family caregiving obligations, employment, housing or an offer of employment or housing that will assist in the probationer's positive behavioral change. (Sec. 1)
2. Requires the supervising probation department to do the following upon the probationer's request:
 - a) confirm the details of the probationer's employment, housing or family caregiving plans;
 - b) review victim safety concerns and ensure compliance with the Victim's Bill of Rights;
 - c) submit the request for permission to proceed to the receiving county within seven business days after receipt. (Sec. 1)
3. After verifying the information from the sending probation department, requires the receiving probation department to send permission for the probationer to be received in the county within seven business days after receipt, unless the receiving department finds that the basis of the plan not factual or that the transfer will endanger the victim. (Sec. 1)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

4. Except for revocation hearings or on court order, prohibits the receiving probation department from sending the probationer back to the sending department if the probationer violates the terms of probation or commits an additional offense. (Sec. 1)