



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

Senate: MAPS DP 6-0-1-0 | 3<sup>rd</sup> Read 25-4-1-0

House: JUD DP 7-1-1-0

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## **SB 1675: prior felony conviction; aggravated DUI**

**Sponsor: Senator Gowan, LD 19**

**Caucus & COW**

### **Overview**

Allows an aggravated driving under the influence (DUI) offense to be used as a historical prior felony conviction in a prosecution for any new offense if the aggravated DUI was committed within five years of the present offense.

### **History**

Historical prior felony convictions are used in determining the sentencing level a defendant will receive when they are on trial for a new offense. Historical felony prior convictions depend on the crime committed, the felony level and the time since the previous offense. Currently, aggravated driving under the influence (DUI) can only be considered a historical prior felony conviction if the new offense is also an aggravated DUI ([A.R.S. § 13-105](#)).

A person commits aggravated DUI by doing any of the following:

- 1) committing a DUI offense while the person's driver license or privilege is suspended, canceled, revoked or refused or while a restriction is placed on the person's driver license or privilege as a result of certain prior violations (a class 4 felony);
- 2) committing a third or subsequent DUI offense within a period of 84 months (a class 4 felony);
- 3) committing a DUI offense with a person under 15 years of age in the vehicle (a class 6 felony);
- 4) committing a DUI offense while under an ignition lock device requirement (a class 4 felony);
- 5) committing a DUI offense while driving the wrong way on a highway (a class 4 felony) ([A.R.S. § 28-1383](#)).

### **Provisions**

1. Allows an aggravated DUI offense to be considered a historical prior felony conviction in a prosecution for any new offense if the aggravated DUI was committed within five years immediately preceding the new offense. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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