



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2245

narcotic drugs; fentanyl; sentencing

Purpose

Establishes specific sentencing ranges for persons convicted of possession or transportation of a narcotic drug if the offense involves the sale of fentanyl to another person in an amount of at least 200 grams.

Background

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 person is guilty of a class 3 felony if they knowingly possess equipment or chemicals, or both, for the purpose of manufacturing a narcotic drug. A class 2 felony for a non-dangerous offense carries a minimum sentence of 4 years, presumptive sentence of 5 years and a maximum sentence of 10 years. A class 2 felony for a non-dangerous, repetitive offense carries a minimum sentence of 6 years, presumptive sentence of 9.25 years and a maximum sentence of 18.5 years (A.R.S. §§ [13-702](#); [13-703](#) and [13-3408](#)).

In 2023, the Joint Legislative Budget Committee issued a fiscal note on a similar measure, H.B. 2802, which estimated an impact of \$2.3 million beginning in FY 2026, increasing to \$6.9 million in FY 2033 ([JLBC Fiscal Note](#)).

Provisions

1. Establishes a specific sentencing range for a person convicted of a first offense for the possession or transportation of a narcotic drug if the offense involves the sale of fentanyl to another person in an amount of at least 200 grams, as follows:
 - a) minimum, five calendar years;
 - b) presumptive, 10 calendar years; and
 - c) maximum, 15 calendar years.
2. Establishes a specific sentencing range for a person who has previously been convicted of an offense for the possession or transportation of a narcotic drug if the offense involves the sale of fentanyl to another person in an amount of at least 200 grams, as follows:
 - a) minimum, 10 calendar years;
 - b) presumptive, 15 calendar years; and
 - c) maximum, 20 calendar years.
3. Allows the presumptive prison sentences in these new ranges to be mitigated or aggravated pursuant to statute.
4. Designates this legislation as the *Ashley Dunn Act*.

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5. Makes conforming changes.
6. Becomes effective on the general effective date.

House Action

JUD	1/24/24	DP	5-3-1-0
3 rd Read	2/22/24		47-10-2-0-1

Prepared by Senate Research
March 11, 2024
ZD/cs