



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature
First Regular Session

Senate: JUDE 4-3-0-0 | 3rd Read 17-12-0-1

SB 1013: municipalities; counties; fee increases; vote
S/E: fentanyl; possession; probation ineligibility
Sponsor: Senator Petersen, LD 14
Committee on Judiciary

Summary of the Strike-Everything Amendment to SB 1013

Overview

Excludes individuals convicted of personal possession or use of fentanyl from eligibility for mandatory probation, except for those with a valid medical prescription.

History

In 1996, Arizona voters passed, by initiative, the Drug Medicalization, Prevention and Control Act ([Proposition 200](#)). Proposition 200 added to the Criminal Code, among other statutes, [A.R.S. § 13-901.01](#); this statute, with subsequent amendments, mandates probation for individuals convicted of personal possession or use of controlled substances or drug paraphernalia, requiring courts to suspend sentencing and impose probation instead. Probation includes mandatory participation in a drug treatment or education program, which the defendant must pay for to the extent he is financially able. Individuals are ineligible for this mandatory probation if they:

- 1) have been convicted three or more times of drug possession;
- 2) refuse drug treatment;
- 3) reject probation; or
- 4) were convicted of methamphetamine possession.

Provisions

1. Adds that a person convicted of the personal possession or use of controlled substances or drug paraphernalia is not eligible for mandatory probation if the offence involved fentanyl. (Sec. 1)
2. Stipulates that the aforesaid does not apply to a person with a valid medical prescription for fentanyl. (Sec. 1)
3. Contains a findings clause. (Sec. 2)
4. Contains a Proposition 105 clause. (Sec. 3)

<input checked="" 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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