

REFERENCE TITLE: parole eligibility; classifications

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2676

Introduced by
Representatives Powell; Marshall

AN ACT

REPEALING SECTIONS 13-716 AND 13-718, ARIZONA REVISED STATUTES; AMENDING SECTIONS 13-2308.01 AND 41-1604.09, ARIZONA REVISED STATUTES; RELATING TO PAROLE ELIGIBILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Sections 13-716 and 13-718, Arizona Revised Statutes, are repealed.

4 Sec. 2. Section 13-2308.01, Arizona Revised Statutes, is amended to
5 read:

6 13-2308.01. Terrorism; classification

7 A. It is unlawful for a person to intentionally or knowingly do any
8 of the following:

9 1. Engage in an act of terrorism.

10 2. Organize, manage, direct, supervise or finance an act of
11 terrorism.

12 3. Solicit, incite or induce others to promote or further an act of
13 terrorism.

14 4. Without lawful authority or when exceeding lawful authority,
15 manufacture, sell, deliver, display, use, make accessible to others,
16 possess or exercise control over a weapon of mass destruction knowing or
17 having reason to know that the device or object involved is a weapon of
18 mass destruction.

19 5. Make property available to another, by transaction,
20 transportation or otherwise, knowing or having reason to know that the
21 property is intended to facilitate an act of terrorism.

22 6. Provide advice, assistance or direction in the conduct,
23 financing or management of an act of terrorism knowing or having reason to
24 know that an act of terrorism has occurred or may result by:

25 (a) Harboring or concealing any person or property.

26 (b) Warning any person of impending discovery, apprehension,
27 prosecution or conviction. This subdivision does not apply to a warning
28 that is given in connection with an effort to bring another person into
29 compliance with the law.

30 (c) Providing any person with material support or resources or any
31 other means of avoiding discovery, apprehension, prosecution or
32 conviction.

33 (d) Concealing or disguising the nature, location, source,
34 ownership or control of material support or resources.

35 (e) Preventing or obstructing by means of force, deception or
36 intimidation anyone from performing an act that might aid in the
37 discovery, apprehension, prosecution or conviction of any person or that
38 might aid in the prevention of an act of terrorism.

39 (f) Suppressing by any act of concealment, alteration or
40 destruction any physical evidence that might aid in the discovery,
41 apprehension, prosecution or conviction of any person or that might aid in
42 the prevention of an act of terrorism.

43 (g) Concealing the identity of any person.

44 7. Provide advice, assistance or direction in the conduct,
45 financing or management of a terrorist organization.

1 B. A violation of this section is a class 2 felony.

2 C. A person who is convicted of a violation of this section may be
 3 sentenced to imprisonment in the custody of the state department of
 4 corrections for life or natural life. A defendant who is sentenced to
 5 natural life is not eligible for commutation, parole, work furlough, work
 6 release or release from confinement on any basis for the remainder of the
 7 defendant's natural life. A defendant who is sentenced to life is not
 8 eligible for suspension of sentence, probation, pardon or release from
 9 confinement on any basis except as specifically authorized by ~~section~~
 10 ~~13-716 or~~ section 31-233, subsection A or B until the completion of the
 11 service of twenty-five calendar years or the sentence is commuted. If the
 12 defendant is not sentenced to life or natural life, the defendant shall be
 13 sentenced to a term of imprisonment as follows:

14 <u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
15 10 calendar years	16 16 calendar years	25 calendar years

16 Sec. 3. Section 41-1604.09, Arizona Revised Statutes, is amended to
 17 read:

18 41-1604.09. Parole eligibility certification;
 19 classifications; appeal; recertification;
 20 applicability; definition

21 A. The director shall develop and maintain a parole eligibility
 22 classification system. Within the system, the director shall establish
 23 two classes of parole eligibility, class one and class two, to be given
 24 effect as provided for in this section, one class of parole noneligibility
 25 for dangerous psychiatric offenders and as many other classes of
 26 noneligibility as the director deems necessary or desirable. Each person
 27 committed to the state department of corrections shall be classified
 28 pursuant to the parole eligibility system established by the director.

29 B. The director shall establish rules pursuant to chapter 6 of this
 30 title for the classification and certification of prisoners for purposes
 31 of parole. Reclassification and certification shall be based on factors
 32 related to a prisoner's record while in the custody of the department,
 33 including work performance, compliance with all rules of the department,
 34 progress in any appropriate training or treatment programs and the
 35 performance of any assignments of confidence or trust. The director shall
 36 also establish rules governing the procedures and performance standards by
 37 which prisoners, reclassified to noneligibility classifications, may earn
 38 eligibility classification. Prisoners may be reclassified only pursuant
 39 to the rules of the department. The director shall distribute a copy of
 40 all the rules to each person committed to the department.

41 C. The director shall maintain two classes for parole eligibility,
 42 class one and class two. Inclusion of an inmate in class one shall be
 43 determined by adherence to the rules of the department and continual
 44 willingness to volunteer for or successful participation in a work,
 45 educational, treatment or training program established by the department,

1 except that a person sentenced pursuant to a statute that requires that a
2 person serve a mandatory minimum term shall not be placed in class one
3 until one-quarter of the mandatory minimum portion of the term is served
4 and shall not be released until the mandatory minimum portion of the term
5 is served. Inclusion of an inmate in class two shall be determined by
6 adherence to the rules of the department.

7 D. The director shall certify as eligible for parole any prisoner
8 classified within an eligible classification five months immediately
9 before the prisoner's earliest parole eligibility. The inmate shall be
10 required to remain in a parole eligible classification from the date of
11 certification until the date of release on parole. If the inmate does not
12 remain in a parole eligible classification until the date of release on
13 parole, the entire parole process shall be rescinded. For the purposes of
14 this subsection, the prisoner's earliest parole eligibility occurs when
15 the prisoner has served one-half of the sentence imposed unless the
16 prisoner is sentenced according to any provisions of law that prohibit the
17 release on any basis until serving not less than two-thirds of the
18 sentence imposed by the court, the sentence imposed by the court or any
19 other mandatory minimum term, in which case the prisoner must have served
20 the sentence required by law.

21 E. Every prisoner shall be entitled to a hearing before
22 reclassification of the prisoner to a lower class. The hearing shall be
23 before a person or persons designated by the director to hold the
24 hearings. Reasonable notice and a written statement of the alleged
25 violation of the rules shall be distributed to the prisoner at least five
26 days before the hearing. A prisoner may request a review of a decision to
27 reclassify the prisoner by delivering a written request to the director.

28 F. Notwithstanding subsection D of this section, placement of a
29 prisoner in a noneligible parole class except placement in the noneligible
30 parole class for dangerous psychiatric offenders shall result in an
31 increase in the period of time the prisoner must serve before reaching the
32 prisoner's earliest parole eligibility date. The increase shall equal the
33 number of days occurring after placement in a noneligible parole class and
34 before the prisoner is reclassified to a parole eligible class.

35 G. The classification of each prisoner shall be reviewed by the
36 director not less than once every six months. Any prisoner who was
37 certified as eligible for parole and denied parole and remains eligible
38 for parole pursuant to subsection D of this section shall be recertified
39 by the director not less than one ~~not~~ OR more than four months after the
40 hearing at which the prisoner was denied parole, except that the board of
41 executive clemency in denying parole may prescribe that the prisoner shall
42 not be recertified for a period of up to one year after the hearing. The
43 board of executive clemency may adopt rules for the recertification
44 process and may apply specific rules for the recertification process that
45 applies to a prisoner who is serving a sentence for any of the following:

- 1 1. Death in violation of section 13-1104 or 13-1105.
- 2 2. Serious physical injury if the person was sentenced pursuant to
- 3 section 13-704.
- 4 3. A dangerous crime against children as defined in section 13-705.
- 5 4. A felony offense in violation of title 13, chapter 14 or 35.1.
- 6 H. Immediately after the adoption of the rules required pursuant to
- 7 this section, the director shall forward a certified copy of the rules to
- 8 the legislature. The legislature may review and, by concurrent
- 9 resolution, approve, disapprove or modify the rules, except that they
- 10 shall be given full force and effect pending legislative review. If no
- 11 concurrent resolution is passed by the legislature with respect to the
- 12 rules within one year following receipt of a certified copy of the rules,
- 13 they shall be deemed to have been approved by the legislature. If the
- 14 legislature disapproves the rules or a section of them, the director shall
- 15 immediately discontinue the use of any procedure, action or proceeding
- 16 authorized or required by the rules or section of the rules.
- 17 I. This section applies to either of the following:
- 18 1. A person who commits a felony offense before January 1, 1994.
- 19 ~~2. A person who is sentenced to life imprisonment and who is~~
- 20 ~~eligible for parole pursuant to section 13-716 or 13-718.~~
- 21 2. A PERSON WHO COMMITS A FELONY OFFENSE ON OR AFTER JANUARY 1,
- 22 1994 AND WHO RECEIVED A SENTENCE OF LIFE IMPRISONMENT, BUT NOT NATURAL
- 23 LIFE.
- 24 J. Pursuant to rules adopted by the director, on commitment to the
- 25 department, each prisoner shall be placed in parole class one beginning on
- 26 the prisoner's sentence begin date.
- 27 K. For the purposes of this section, "dangerous psychiatric
- 28 offender" means an inmate who has been placed in a psychiatric unit for
- 29 psychiatric evaluation and treatment and who has been determined to
- 30 present a high risk of potential violence.