

REFERENCE TITLE: lifetime injunction; undesignated offenses

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1449

Introduced by
Senator Bolick

AN ACT

AMENDING SECTIONS 13-604 AND 13-719, ARIZONA REVISED STATUTES; RELATING TO
SENTENCING AND IMPRISONMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-604, Arizona Revised Statutes, is amended to
3 read:

4 13-604. Class 6 felony; designation

5 A. Notwithstanding any other provision of this title, if a person
6 is convicted of any class 6 felony not involving a dangerous offense and
7 if the court, having regard to the nature and circumstances of the crime
8 and to the history and character of the defendant, is of the opinion that
9 it would be unduly harsh to sentence the defendant for a felony, the court
10 may enter judgment of conviction for a class 1 misdemeanor and make
11 disposition accordingly or may place the defendant on probation in
12 accordance with chapter 9 of this title and refrain from designating the
13 offense as a felony or misdemeanor until the probation is terminated. The
14 offense shall be treated as a misdemeanor for all purposes until such time
15 as the court may actually enter an order designating the offense a
16 misdemeanor or a felony. This subsection does not apply to any person who
17 stands convicted of a class 6 felony and who has previously been convicted
18 of two or more felonies.

19 B. Notwithstanding subsection A of this section and until the court
20 actually enters an order designating an offense a misdemeanor or a felony,
21 the offense shall be treated as a felony conviction for all of the
22 following purposes:

23 1. Placing the defendant on felony probation pursuant to chapter 9
24 of this title, including for the purposes of title 31, chapter 3,
25 article 4.1.

26 2. For the purposes of DNA collection pursuant to section 13-610.

27 3. Determining the defendant's right to possess a firearm pursuant
28 to chapter 31 of this title.

29 4. Being used as a historical prior felony conviction.

30 5. Being admissible for impeachment purposes in a subsequent trial.

31 6. Being used to enhance the sentence pursuant to chapter 7 of this
32 title.

33 7. FOR THE PURPOSES OF ISSUING A LIFETIME INJUNCTION UNDER
34 SECTION 13-719, SUBSECTION A.

35 C. The court shall designate an undesignated offense as a
36 misdemeanor on the defendant's successful fulfillment of the conditions of
37 probation and discharge by the court. The defendant successfully fulfills
38 the conditions of probation if, in the discretion of the court, the
39 defendant has satisfied the conditions of probation. This subsection
40 applies to a defendant who owes any outstanding monetary obligation unless
41 the defendant owes victim restitution or has wilfully failed to pay the
42 monetary obligation.

1 D. If a crime or public offense is punishable in the discretion of
2 the court by a sentence as a class 6 felony or a class 1 misdemeanor, the
3 offense shall be deemed a misdemeanor if the prosecuting attorney files
4 any of the following:

5 1. An information in superior court designating the offense as a
6 misdemeanor.

7 2. A complaint in justice court or municipal court designating the
8 offense as a misdemeanor within the jurisdiction of the respective court.

9 3. A complaint, with the consent of the defendant, before or during
10 the preliminary hearing amending the complaint to charge a misdemeanor.

11 Sec. 2. Section 13-719, Arizona Revised Statutes, is amended to
12 read:

13 13-719. Lifetime injunction; offenses; registration;
14 previously sentenced defendants

15 A. At the time of sentencing, on the request of the victim or the
16 prosecutor, the court shall issue an injunction that prohibits the
17 defendant from contacting the victim if the defendant is convicted of any
18 of the following offenses, whether completed or preparatory:

19 1. A dangerous offense as defined in section 13-105 that is a
20 felony.

21 2. A serious offense or violent or aggravated felony as defined in
22 section 13-706.

23 3. A felony offense included in chapter 14 or 35.1 of this title.

24 4. A felony offense as set forth in section 13-1204, subsection B.

25 5. A felony offense as set forth in section 13-1424.

26 6. A felony offense as set forth in section 13-2923.

27 B. An injunction issued pursuant to subsection A of this section is
28 effective immediately and shall be served on the defendant at the time of
29 sentencing.

30 C. The court shall provide information to the department of public
31 safety to register the injunction with the national crime information
32 center and shall notify the victim of the injunction.

33 D. If the victim did not request an injunction at the time of
34 sentencing pursuant to subsection A of this section or the sentencing
35 occurred before September 24, 2022, the victim may submit a petition to
36 the court requesting an injunction against a defendant who was sentenced
37 for an offense listed in subsection A of this section, and the court may
38 not charge a fee for filing the petition. A law enforcement agency shall
39 serve an injunction issued pursuant to this subsection at no charge to the
40 victim.

1 E. An injunction that is issued pursuant to this section does not
2 expire and is valid for the defendant's natural lifetime unless any of the
3 following occurs:

4 1. The defendant makes a showing to the court that either:

5 (a) The victim has died.

6 (b) The conviction has been dismissed, expunged or overturned or
7 the defendant has been pardoned.

8 2. The victim submits a written request to the court for an early
9 expiration. The court may hold a hearing to verify the victim's request
10 to dismiss the injunction.

11 F. Notwithstanding any other law, a conviction that is DESIGNATED A
12 MISDEMEANOR PURSUANT TO SECTION 13-604, set aside pursuant to section
13 13-905 or sealed pursuant to section 13-911 does not affect the validity
14 of a lifetime injunction that is issued pursuant to this section and does
15 not prohibit a victim from submitting a petition to the court requesting a
16 lifetime injunction.