

REFERENCE TITLE: juveniles; hearing; sentence reduction

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

## **SB 1731**

Introduced by  
Senator Gonzales

AN ACT

AMENDING TITLE 13, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING SECTION  
13-721; RELATING TO SENTENCING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, chapter 7, Arizona Revised Statutes, is  
3 amended by adding section 13-721, to read:

4 13-721. Sentence reduction for offenses committed by persons  
5 under eighteen years of age; sentence reduction  
6 hearing

7 A. NOTWITHSTANDING ANY OTHER LAW, THE COURT SHALL REDUCE A TERM OF  
8 IMPRISONMENT IMPOSED ON A DEFENDANT WHO WAS SENTENCED TO SERVE MORE THAN  
9 TWENTY-FIVE YEARS FOR ONE OR MORE OFFENSES THAT WERE COMMITTED WHEN THE  
10 DEFENDANT WAS UNDER EIGHTEEN YEARS OF AGE AND WHO HAS COMPLETED AT LEAST  
11 \_\_\_\_\_ YEARS OF THE SENTENCE IMPOSED UNLESS AFTER A HEARING THE COURT  
12 FINDS THAT THE DEFENDANT IS A THREAT TO PUBLIC SAFETY. THE COURT SHALL  
13 DETERMINE THE LENGTH OF THE SENTENCE REDUCTION AFTER CONSIDERING THE  
14 FACTORS SET FORTH IN SUBSECTION C OF THIS SECTION. THE DEFENDANT IS  
15 ELIGIBLE FOR A HEARING PURSUANT TO THIS SUBSECTION REGARDLESS OF WHETHER  
16 THE DEFENDANT IS SERVING CONCURRENT OR CONSECUTIVE SENTENCES FOR MULTIPLE  
17 OFFENSES.

18 B. A DEFENDANT WHO IS ELIGIBLE FOR A SENTENCE REDUCTION PURSUANT TO  
19 SUBSECTION A OF THIS SECTION SHALL FILE A MOTION FOR A SENTENCE REDUCTION  
20 WITH THE SENTENCING COURT. THE COURT SHALL CONDUCT A HEARING ON THE  
21 MOTION WITHIN NINETY DAYS AFTER RECEIVING THE MOTION. ON REQUEST OF THE  
22 DEFENDANT, THE COURT SHALL APPOINT AN ATTORNEY TO REPRESENT THE DEFENDANT  
23 AT THE HEARING. IT IS PRESUMED THAT THE DEFENDANT SHALL RECEIVE A  
24 SENTENCE REDUCTION UNLESS THE COURT DETERMINES THAT THE DEFENDANT POSES A  
25 THREAT TO PUBLIC SAFETY BASED ON THE EVIDENCE PRESENTED AT THE HEARING.  
26 THE STATE SHALL PROVIDE NOTICE OF THE HEARING TO THE VICTIM OR THE  
27 VICTIM'S REPRESENTATIVE. THE DEFENDANT HAS THE RIGHT TO BE PRESENT AT THE  
28 HEARING. THE STATE AND THE DEFENDANT MAY INTRODUCE EVIDENCE IN SUPPORT OF  
29 OR OPPOSITION TO THE MOTION AND BOTH PARTIES AND THE VICTIM SHALL BE  
30 PROVIDED WITH AN OPPORTUNITY TO TESTIFY.

31 C. WHEN DETERMINING WHETHER THE DEFENDANT IS A THREAT TO PUBLIC  
32 SAFETY AND THE LENGTH OF THE SENTENCE REDUCTION, THE COURT SHALL CONSIDER  
33 THE FOLLOWING MITIGATING FACTORS:

34 1. THE DEFENDANT'S AGE AT THE TIME OF THE COMMISSION OF THE  
35 OFFENSE.

36 2. THE NATURE OF THE OFFENSE AND THE HISTORY AND CHARACTERISTICS OF  
37 THE DEFENDANT.

38 3. WHETHER THE DEFENDANT HAS REASONABLY COMPLIED WITH THE RULES OF  
39 THE CORRECTIONAL FACILITY IN WHICH THE DEFENDANT IS INCARCERATED.

40 4. WHETHER THE DEFENDANT HAS COMPLETED AN EDUCATIONAL OR VOCATIONAL  
41 PROGRAM OR ANY OTHER PROGRAM WHILE IMPRISONED. IF AN EDUCATIONAL OR  
42 VOCATIONAL PROGRAM OR OTHER PROGRAMS WERE NOT AVAILABLE OR HAVE BEEN  
43 DENIED TO THE DEFENDANT WHILE IMPRISONED, THE COURT SHALL WEIGH THIS  
44 FACTOR IN FAVOR OF THE DEFENDANT AS IF THE DEFENDANT COMPLETED AN  
45 AVAILABLE EDUCATIONAL OR VOCATIONAL PROGRAM OR ANY OTHER PROGRAM.

1           5. WHETHER THE DEFENDANT HAS DEMONSTRATED MATURITY, REHABILITATION  
2 AND A FITNESS TO REENTER SOCIETY.

3           6. ANY REPORTS OF PHYSICAL, MENTAL OR PSYCHIATRIC EXAMINATIONS OF  
4 THE DEFENDANT THAT ARE CONDUCTED BY LICENSED HEALTH CARE PROFESSIONALS.

5           7. THE DEFENDANT'S FAMILY AND COMMUNITY CIRCUMSTANCES AT THE TIME  
6 OF THE COMMISSION OF THE OFFENSE, INCLUDING ANY HISTORY OF ABUSE, TRAUMA,  
7 NEGLECT OR INVOLVEMENT IN THE CHILD WELFARE SYSTEM.

8           8. THE EXTENT OF THE DEFENDANT'S ROLE IN THE COMMISSION OF THE  
9 OFFENSE AND WHETHER AND TO WHAT EXTENT AN ADULT OR PEER WAS INVOLVED IN  
10 THE COMMISSION OF THE OFFENSE.

11           9. THE DIMINISHED CULPABILITY OF A JUVENILE AS COMPARED TO THAT OF  
12 AN ADULT, INCLUDING IMMATURITY, IMPETUOSITY AND THE INABILITY TO FULLY  
13 APPRECIATE RISKS AND CONSEQUENCES.

14           10. ANY OTHER MITIGATING EVIDENCE THAT THE COURT DEEMS RELEVANT.

15           D. THE COURT SHALL ISSUE A RULING WITHIN THIRTY DAYS AFTER THE  
16 HEARING. THE COURT SHALL STATE ITS REASONS FOR GRANTING OR DENYING THE  
17 MOTION FOR SENTENCE REDUCTION IN WRITING AND THE WEIGHT GIVEN TO EACH  
18 FACTOR LISTED IN SUBSECTION C OF THIS SECTION. IF THE COURT DENIES THE  
19 MOTION, THE COURT MAY ORDER THE DEFENDANT TO RECEIVE REHABILITATION  
20 PROGRAMMING WHILE INCARCERATED. THE DEFENDANT MAY NOT FILE A SECOND OR  
21 SUBSEQUENT MOTION PURSUANT TO THIS SECTION FOR AT LEAST TWO YEARS. IF THE  
22 COURT GRANTS THE MOTION, THE COURT SHALL IMMEDIATELY RESENTENCE THE  
23 DEFENDANT TO A REDUCED TERM OF IMPRISONMENT. THE COURT MAY NOT RESENTENCE  
24 THE DEFENDANT TO AN INDEFINITE TERM OF IMPRISONMENT OR TO NATURAL LIFE.  
25 THE COURT MAY IMPOSE A SENTENCE THAT IS LESS THAN THE MINIMUM TERM THAT IS  
26 OTHERWISE PRESCRIBED BY LAW.

27           E. BEFORE RELEASING THE DEFENDANT FROM IMPRISONMENT, THE COURT MAY  
28 REQUIRE THE DEFENDANT TO COMPLETE ANY OF THE FOLLOWING:

29           1. PRERELEASE PROGRAMMING.

30           2. ALCOHOL AND SUBSTANCE ABUSE TREATMENT.

31           3. A GENERAL EDUCATION DEVELOPMENT PROGRAM OR OTHER EDUCATION,  
32 LITERACY OR JOB SKILLS PROGRAM.

33           4. A REENTRY PROGRAM.