

House Engrossed

~~technical correction; critical infrastructure information~~
(now: dangerous incompetent defendants; out-of-state facilities)

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HOUSE BILL 2307

AN ACT

AMENDING SECTION 13-4521, ARIZONA REVISED STATUTES; RELATING TO DANGEROUS
AND INCOMPETENT DEPENDENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-4521, Arizona Revised Statutes, is amended to
3 read:

4 13-4521. Dangerous and incompetent defendants; proof evident
5 hearing; commitment trial; disposition; findings;
6 annual report

7 A. If a court enters an order pursuant to section 13-4517,
8 subsection A, paragraph 4, the court shall hold a hearing within ten days
9 after the order is issued to determine if the proof is evident or the
10 presumption great that the defendant committed the act that constitutes a
11 serious offense as defined in section 13-706. If the court does not find
12 the proof is evident or the presumption great that the defendant committed
13 the act, the court shall proceed pursuant to section 13-4517, subsection
14 A, paragraph 1, 2 or 3.

15 B. If the court does find the proof is evident or the presumption
16 great pursuant to subsection A of this section, the court shall hold a
17 trial within one hundred twenty days after the court issued the order
18 pursuant to section 13-4517, subsection A, paragraph 4 to determine if the
19 defendant is dangerous and should be involuntarily committed. Unless the
20 state or defendant requests a jury trial, a trial held pursuant to this
21 subsection shall be before the court.

22 C. The Arizona rules of evidence and the Arizona rules of civil
23 procedure apply to proceedings held pursuant to this section, except that
24 the court may consider evidence that is not admissible under the Arizona
25 rules of evidence when making a determination pursuant to subsection A of
26 this section.

27 D. If there has not been a previous evaluation to determine whether
28 the defendant is dangerous, the defendant shall be examined by mental
29 health experts in accordance with the requirements of section 13-4509,
30 subsection D to determine if the defendant should be considered dangerous.
31 The state and the defendant may each retain a mental health expert to
32 examine the defendant and present the defendant's mental health evaluation
33 at the trial.

34 E. At a trial to determine if the defendant is dangerous, the state
35 shall establish beyond a reasonable doubt that the defendant is dangerous
36 and should be involuntarily committed. If the factfinder does not find
37 that the defendant is dangerous or does not find that the defendant should
38 be involuntarily committed, the court shall proceed pursuant to section
39 13-4517, subsection A, paragraph 1, 2 or 3.

40 F. If the factfinder finds that the defendant is dangerous and
41 should be involuntarily committed, the court shall dismiss the charges
42 against the defendant without prejudice and order the defendant to be
43 committed to a secure state mental health facility. The defendant shall
44 receive education, care, supervision and treatment to render the defendant
45 either competent or nondangerous.

1 G. If the court issues a commitment order pursuant to this section:
2 1. IF THE DEFENDANT HAS BEEN DETERMINED TO BE DANGEROUS AND
3 INCOMPETENT AND IS INVOLUNTARILY COMMITTED TO A SECURE STATE MENTAL HEALTH
4 FACILITY PURSUANT TO THIS SECTION BUT THERE ARE NO BEDS AVAILABLE IN A
5 SECURE STATE MENTAL HEALTH FACILITY IN THIS STATE, THE DEPARTMENT OF
6 HEALTH SERVICES SHALL CONTRACT WITH A SECURE MENTAL HEALTH FACILITY
7 OUTSIDE OF THIS STATE OR A FACILITY THAT IS ABLE TO PROVIDE EQUIVALENT
8 SERVICES OUTSIDE OF THIS STATE TO PROVIDE SERVICES TO THE DEFENDANT AS
9 REQUIRED BY THIS SECTION AND TO ABIDE BY THE REQUIREMENTS PRESCRIBED IN
10 TITLE 36, CHAPTER 40. THE DEPARTMENT OF HEALTH SERVICES IS RESPONSIBLE
11 FOR ALL CONTRACTUAL COSTS ASSOCIATED WITH OUT-OF-STATE PLACEMENT AND
12 SERVICES FOR A DEFENDANT PURSUANT TO THIS SUBSECTION.

13 ~~1.~~ 2. All further proceedings for the defendant's continued
14 treatment and the circumstances under which the defendant may be released
15 shall be conducted pursuant to title 36, chapter 40.

16 ~~2.~~ 3. The order shall require that the defendant remain committed
17 to a secure state mental health facility until any of the following
18 occurs:

19 (a) The court finds that the defendant is competent to stand trial.
20 (b) The court finds that the defendant is no longer dangerous.

21 H. A commitment order issued pursuant to this section may not be in
22 effect for more than the presumptive sentence the defendant could have
23 received for the highest charged offense pursuant to section 13-702 or
24 13-703, section 13-704, subsection A, B, C, D or E, section 13-705,
25 section 13-706, subsection A, section 13-708, subsection D or section
26 13-751 or any section for which a specific sentence is authorized. In
27 making this determination, the court may not consider the sentence
28 enhancements under section 13-703 or 13-704 for prior convictions. The
29 court shall consider all time a defendant has been in custody, including
30 pretrial detention and custody under title 36.

31 I. The court shall retain jurisdiction over a defendant who is
32 committed pursuant to this section until the court discharges the
33 defendant from treatment. If a defendant is discharged or released on the
34 expiration of a commitment order issued pursuant to this section, the
35 medical director of the secure state mental health facility from which the
36 defendant is discharged or released or the state may file a petition
37 stating that the defendant requires further treatment pursuant to title
38 36, chapter 5 or the appointment of a guardian pursuant to title 14.

39 J. Findings by the court made pursuant to this section and, except
40 as provided in section 13-4508, any statements made by the defendant
41 during an examination by a mental health expert pursuant to section
42 13-4509 are inadmissible in any proceeding other than a proceeding under
43 title 36, chapters 5 and 40.

44 K. A person who is involuntarily committed to a secure state mental
45 health facility pursuant to this section shall receive credit for all time

1 spent under the jurisdiction of the secure state mental health facility if
2 the person is found competent to stand trial and is subsequently sentenced
3 to the state department of corrections for any of the charges that were
4 the basis for the involuntary commitment.

5 L. The court shall annually report the following information for
6 the previous year to the Arizona criminal justice commission:

7 1. The number of court orders for a trial pursuant to section
8 13-4517, subsection A, paragraph 4, including the number of jury trials
9 that were held.

10 2. The number of defendants who are committed after a trial
11 pursuant to this section.

12 3. The number of committed defendants who are conditionally
13 released to a less restrictive alternative.

14 4. The number of committed defendants who are restored to
15 competency or determined to not be dangerous and who are discharged.

16 (ENACTED WITHOUT THE EMERGENCY)

17 Sec. 2. Emergency

18 This act is an emergency measure that is necessary to preserve the
19 public peace, health or safety and is operative immediately as provided by
20 law.