



ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

HB 2862: unlawful masking; violation

S/E: unlawful masking; violation

Sponsor: Representative Nguyen, LD 1

Committee on Judiciary

Summary of the Strike-Everything Amendment to HB 2862

Overview

Establishes enhanced sentencing for an offence, when committed while wearing a mask.

History

Under current law, for the sentencing of felony offences, the court may impose an increased maximum term of imprisonment if one or more alleged aggravating circumstances are found true by the trier of fact beyond a reasonable doubt or are admitted by the defendant. Among the enumerated aggravators is that, during or immediately following the commission of an offense, the defendant used a mask or other disguise to obscure the defendant's face to avoid identification ([A.R.S. § 13-701](#)).

Provisions

1. Creates a sentencing enhancement such that any person who is convicted of an offence while wearing a mask with the intent to conceal identity is to be sentenced for the next higher class of offense. (Sec. 1)
2. Stipulates that this enhancement does not apply to:
 - a. class 1 or 2 felonies; or
 - b. any violation of title 28 (transportation). (Sec. 1)
3. Asserts that the additional sentence imposed by this Act is in addition to any other enhanced sentences that may be applicable. (Sec. 1)
4. Defines *mask*. (Sec. 1)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note