

REFERENCE TITLE: aggravated driving; suspended; revoked; license

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

HB 2498

Introduced by
Representative Way

AN ACT

AMENDING SECTIONS 13-702 AND 28-3473, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 8, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-3484; RELATING TO AGGRAVATED DRIVING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-702, Arizona Revised Statutes, is amended to
3 read:

4 13-702. First time felony offenders; sentencing; definition

5 A. Unless a specific sentence is otherwise provided, the term of
6 imprisonment for a first felony offense shall be the presumptive sentence
7 determined pursuant to subsection D of this section. Except for those
8 felonies involving a dangerous offense or if a specific sentence is
9 otherwise provided, the court may increase or reduce the presumptive
10 sentence within the ranges set by subsection D of this section. Any
11 reduction or increase shall be based on the aggravating and mitigating
12 circumstances listed in section 13-701, subsections D and E and shall be
13 within the ranges prescribed in subsection D of this section.

14 B. If a person is convicted of a felony without having previously
15 been convicted of any felony and if at least two of the aggravating
16 factors listed in section 13-701, subsection D apply, the court may
17 increase the maximum term of imprisonment otherwise authorized for that
18 offense to an aggravated term. If a person is convicted of a felony
19 without having previously been convicted of any felony and if the court
20 finds at least two mitigating factors listed in section 13-701, subsection
21 E apply, the court may decrease the minimum term of imprisonment otherwise
22 authorized for that offense to a mitigated term.

23 C. The aggravated or mitigated term imposed pursuant to subsection
24 D of this section may be imposed only if at least two of the aggravating
25 circumstances are found beyond a reasonable doubt to be true by the trier
26 of fact or are admitted by the defendant, except that an aggravating
27 circumstance under section 13-701, subsection D, paragraph 11 shall be
28 found to be true by the court, or in mitigation of the crime are found to
29 be true by the court, on any evidence or information introduced or
30 submitted to the court or the trier of fact before sentencing or any
31 evidence presented at trial, and factual findings and reasons in support
32 of these findings are set forth on the record at the time of sentencing.

33 D. The term of imprisonment for a presumptive, minimum, maximum,
34 mitigated or aggravated sentence shall be within the range prescribed
35 under this subsection. The terms are as follows:

<u>Felony</u>	<u>Mitigated</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>	<u>Aggravated</u>
36 Class 2	3 years	4 years	5 years	10 years	12.5 years
37 Class 3	2 years	2.5 years	3.5 years	7 years	8.75 years
38 Class 4	1 year	1.5 years	2.5 years	3 years	3.75 years
39 Class 5	.5 years	.75 years	1.5 years	2 years	2.5 years
40 Class 6	.33 years	.5 years	1 year	1.5 years	2 years

41 E. The court shall inform all of the parties before sentencing
42 occurs of its intent to increase or decrease a sentence to the aggravated
43 or mitigated sentence pursuant TO this section. If the court fails to
44

1 inform the parties, a party waives its right to be informed unless the
2 party timely objects at the time of sentencing.

3 F. A PERSON WHO IS CONVICTED PURSUANT TO SECTION 28-3484 SHALL BE
4 SENTENCED PURSUANT TO THE MANDATORY MINIMUM PRESCRIBED BY THAT SECTION.
5 THE COURT MAY NOT SUSPEND ANY PART OF THE SENTENCE AND MAY NOT GRANT
6 PROBATION, A PARDON OR EARLY RELEASE UNTIL THE PERSON HAS SERVED THE
7 MINIMUM TERM OF INCARCERATION IMPOSED BY SECTION 28-3484.

8 ~~F.~~ G. For the purposes of this section, "trier of fact" means a
9 jury, unless the defendant and the state waive a jury in which case the
10 trier of fact means the court.

11 Sec. 2. Section 28-3473, Arizona Revised Statutes, is amended to
12 read:

13 28-3473. Driving on a suspended, revoked or canceled license;
14 violation; classification

15 A. Except as provided in section 28-3482, a person may not operate
16 a motor vehicle on a public highway if the person's privilege to drive a
17 motor vehicle is suspended, revoked, canceled or refused or if the person
18 is disqualified from driving.

19 B. A person who violates this section is guilty of a class 1
20 misdemeanor EXCEPT IF THE PERSON IS FOUND GUILTY OF VIOLATING SECTION
21 28-3484, THE PERSON IS GUILTY OF A CLASS 5 FELONY.

22 C. EACH CONVICTION PURSUANT TO THIS SECTION SHALL BE REPORTED TO
23 THE DEPARTMENT, AND THE DEPARTMENT SHALL MAINTAIN A RECORD OF CONVICTION
24 FOR THE PURPOSES OF DETERMINING REPEAT OFFENSES FOR SENTENCING PURPOSES
25 UNDER SECTION 28-3484.

26 Sec. 3. Title 28, chapter 8, article 8, Arizona Revised Statutes,
27 is amended by adding section 28-3484, to read:

28 28-3484. Aggravated driving on a suspended license;
29 violation; classification

30 A. A PERSON IS GUILTY OF A CLASS 5 FELONY IF THE PERSON VIOLATES
31 SECTION 28-3473 AND HAS BEEN CONVICTED OF FIVE OR MORE SEPARATE VIOLATIONS
32 OF SECTION 28-3473 WITHIN THE PREVIOUS EIGHTY-FOUR MONTHS.

33 B. A PERSON WHO IS CONVICTED PURSUANT TO THIS SECTION SHALL BE
34 SENTENCED TO A TERM OF IMPRISONMENT OF NOT LESS THAN FOUR MONTHS. THE
35 COURT MAY NOT SUSPEND ANY PART OF THE SENTENCE AND MAY NOT GRANT
36 PROBATION, A PARDON OR EARLY RELEASE UNTIL THE PERSON HAS SERVED THE
37 MANDATORY MINIMUM OF FOUR MONTHS IMPRISONMENT.

38 C. FOR THE PURPOSES OF THIS SECTION, MULTIPLE VIOLATIONS OF SECTION
39 28-3473 WHICH ARISE FROM THE SAME SERIES OF ACTS SHALL BE CONSIDERED ONE
40 OFFENSE.

41 D. THIS SECTION APPLIES ONLY TO VIOLATIONS WHICH OCCURRED ON OR
42 AFTER JANUARY 1, 2019.