

House Engrossed

chronic felony offenders; juveniles

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

HOUSE BILL 2671

AN ACT

AMENDING SECTIONS 8-201, 8-202 AND 8-305, ARIZONA REVISED STATUTES;
REPEALING SECTION 8-327, ARIZONA REVISED STATUTES; AMENDING SECTIONS
8-341, 13-501, 13-610, 13-1206, 13-3967 AND 36-520, ARIZONA REVISED
STATUTES; RELATING TO CRIMINAL RESPONSIBILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 8-201, Arizona Revised Statutes, is amended to
3 read:
4 8-201. Definitions
5 In this title, unless the context otherwise requires:
6 1. "Abandoned" means the failure of the parent to provide
7 reasonable support and to maintain regular contact with the child,
8 including providing normal supervision. Abandoned includes a judicial
9 finding that a parent has made only minimal efforts to support and
10 communicate with the child. Failure to maintain a normal parental
11 relationship with the child without just cause for a period of six months
12 constitutes prima facie evidence of abandonment.
13 2. "Abuse":
14 (a) Means the infliction or allowing of physical injury, impairment
15 of bodily function or disfigurement or the infliction of or allowing
16 another person to cause serious emotional damage as evidenced by severe
17 anxiety, depression, withdrawal or untoward aggressive behavior and which
18 emotional damage is diagnosed by a medical doctor or psychologist and is
19 caused by the acts or omissions of an individual who has the care, custody
20 and control of a child, including an employee of a child welfare agency
21 where a child is placed that is licensed by and contracted with the
22 department.
23 (b) Includes:
24 (i) Inflicting or allowing sexual abuse pursuant to section
25 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual
26 assault pursuant to section 13-1406, molestation of a child pursuant to
27 section 13-1410, commercial sexual exploitation of a minor pursuant to
28 section 13-3552, sexual exploitation of a minor pursuant to section
29 13-3553, incest pursuant to section 13-3608 or child sex trafficking
30 pursuant to section 13-3212.
31 (ii) Physical injury that results from allowing a child to enter or
32 remain in any structure or vehicle in which volatile, toxic or flammable
33 chemicals are found or equipment is possessed by any person for the
34 purpose of manufacturing a dangerous drug as defined in section 13-3401.
35 (iii) Unreasonable confinement of a child.
36 3. "Adult" means a person who is eighteen years of age or older.
37 4. "Adult court" means the appropriate justice court, municipal
38 court or criminal division of the superior court that has jurisdiction to
39 hear proceedings concerning offenses committed by juveniles as provided in
40 ~~sections 8-327 and~~ SECTION 13-501.
41 5. "Award" or "commit" means to assign legal custody.
42 6. "Child", "youth" or "juvenile" means an individual who is under
43 eighteen years of age.

- 1 7. "Complaint" means a written statement of the essential facts
2 constituting a public offense that is any of the following:
3 (a) Made on an oath before a judge or commissioner of the superior
4 court or an authorized juvenile hearing officer.
5 (b) Made pursuant to section 13-3903.
6 (c) Accompanied by an affidavit of a law enforcement officer or
7 employee that swears on information and belief to the accuracy of the
8 complaint pursuant to section 13-4261.
- 9 8. "Criminal conduct allegation" means an allegation of conduct by
10 a parent, guardian or custodian of a child or an adult member of the
11 victim's household that, if true, would constitute any of the following:
12 (a) A violation of section 13-3623 involving child abuse.
13 (b) A felony offense that constitutes domestic violence as defined
14 in section 13-3601.
15 (c) A violation of section 13-1404 or 13-1406 involving a minor.
16 (d) A violation of section 13-1405, 13-1410 or 13-1417.
17 (e) Any other act of abuse that is classified as a felony.
18 (f) An offense that constitutes domestic violence as defined in
19 section 13-3601 and that involves a minor who is a victim of or was in
20 imminent danger during the domestic violence.
- 21 9. "Custodian" means a person, other than a parent or legal
22 guardian, who stands in loco parentis to the child or a person to whom
23 legal custody of the child has been given by order of the juvenile court.
- 24 10. "DCS report" means a communication received by the centralized
25 intake hotline that alleges child abuse or neglect and that meets the
26 criteria for a report as prescribed in section 8-455.
- 27 11. "Delinquency hearing" means a proceeding in the juvenile court
28 to determine whether a juvenile has committed a specific delinquent act as
29 set forth in a petition.
- 30 12. "Delinquent act" means an act by a juvenile that if committed
31 by an adult would be a criminal offense or a petty offense, a violation of
32 any law of this state, or of another state if the act occurred in that
33 state, or a law of the United States, or a violation of any law that can
34 only be violated by a minor and that has been designated as a delinquent
35 offense, or any ordinance of a city, county or political subdivision of
36 this state defining crime. Delinquent act does not include an offense
37 ~~under section 13-501, subsection A or B if the offense~~ THAT is filed in
38 adult court PURSUANT TO SECTION 13-501, SUBSECTION A OR B. Any juvenile
39 who is prosecuted as an adult or who is remanded for prosecution as an
40 adult shall not be adjudicated as a delinquent juvenile for the same
41 offense.
- 42 13. "Delinquent juvenile" means a child who is adjudicated to have
43 committed a delinquent act.
- 44 14. "Department" means the department of child safety.

- 1 15. "Dependent child":
2 (a) Means a child who is adjudicated to be:
3 (i) In need of proper and effective parental care and control and
4 who has no parent or guardian, or one who has no parent or guardian
5 willing to exercise or capable of exercising such care and control.
6 (ii) Destitute or who is not provided with the necessities of life,
7 including adequate food, clothing, shelter or medical care.
8 (iii) A child whose home is unfit by reason of abuse, neglect,
9 cruelty or depravity by a parent, a guardian or any other person having
10 custody or care of the child.
11 (iv) Under eight years of age and who is found to have committed an
12 act that would result in adjudication as a delinquent juvenile or
13 incorrigible child if committed by an older juvenile or child.
14 (v) Incompetent or not restorable to competency and who is alleged
15 to have committed a serious offense as defined in section 13-706.
16 (b) Does not include a child who in good faith is being furnished
17 Christian Science treatment by a duly accredited practitioner if none of
18 the circumstances described in subdivision (a) of this paragraph exists.
19 16. "Detention" means the temporary confinement of a juvenile who
20 requires secure care in a physically restricting facility that is
21 completely surrounded by a locked and physically secure barrier with
22 restricted ingress and egress for the protection of the juvenile or the
23 community pending court disposition or as a condition of probation.
24 17. "Director" means the director of the department.
25 18. "Health professional" has the same meaning prescribed in
26 section 32-3201.
27 19. "Incorrigible child" means a child who:
28 (a) Is adjudicated as a child who refuses to obey the reasonable
29 and proper orders or directions of a parent, guardian or custodian and who
30 is beyond the control of that person.
31 (b) Is habitually truant from school as defined in section 15-803,
32 subsection C.
33 (c) Is a runaway from the child's home or parent, guardian or
34 custodian.
35 (d) Habitually behaves in such a manner as to injure or endanger
36 the morals or health of self or others.
37 (e) Commits any act constituting an offense that can only be
38 committed by a minor and that is not designated as a delinquent act.
39 (f) Fails to obey any lawful order of a court of competent
40 jurisdiction given in a noncriminal action.
41 20. "Independent living program" includes a residential program
42 with supervision of less than twenty-four hours a day.
43 21. "Juvenile court" means the juvenile division of the superior
44 court when exercising its jurisdiction over children in any proceeding
45 relating to delinquency, dependency or incorrigibility.

1 22. "Law enforcement officer" means a peace officer, sheriff,
2 deputy sheriff, municipal police officer or constable.

3 23. "Medical director of a mental health agency":

4 (a) Means a psychiatrist, or licensed physician experienced in
5 psychiatric matters, who is designated in writing by the governing body of
6 the agency as the person in charge of the medical services of the agency,
7 or a psychiatrist designated by the governing body to act for the
8 director.

9 (b) Includes the superintendent of the state hospital.

10 24. "Mental health agency" means any private or public facility
11 that is licensed by this state as a mental health treatment agency, a
12 psychiatric hospital, a psychiatric unit of a general hospital or a
13 residential treatment center for emotionally disturbed children and that
14 uses secure settings or mechanical restraints.

15 25. "Neglect" or "neglected" means:

16 (a) The inability or unwillingness of a parent, guardian or
17 custodian of a child to provide that child with supervision, food,
18 clothing, shelter or medical care if that inability or unwillingness
19 causes substantial risk of harm to the child's health or welfare, except
20 if the inability of a parent, guardian or custodian to provide services to
21 meet the needs of a child with a disability or chronic illness is solely
22 the result of the unavailability of reasonable services.

23 (b) Allowing a child to enter or remain in any structure or vehicle
24 in which volatile, toxic or flammable chemicals are found or equipment is
25 possessed by any person with the intent and for the purpose of
26 manufacturing a dangerous drug as defined in section 13-3401.

27 (c) A determination by a health professional that a newborn infant
28 was exposed prenatally to a drug or substance listed in section 13-3401
29 and that this exposure was not the result of a medical treatment
30 administered to the mother or the newborn infant by a health professional.
31 This subdivision does not expand a health professional's duty to report
32 neglect based on prenatal exposure to a drug or substance listed in
33 section 13-3401 beyond the requirements prescribed pursuant to section
34 13-3620, subsection E. The determination by the health professional shall
35 be based on one or more of the following:

36 (i) Clinical indicators in the prenatal period including maternal
37 and newborn presentation.

38 (ii) History of substance use or abuse.

39 (iii) Medical history.

40 (iv) Results of a toxicology or other laboratory test on the mother
41 or the newborn infant.

42 (d) Diagnosis by a health professional of an infant under one year
43 of age with clinical findings consistent with fetal alcohol syndrome or
44 fetal alcohol effects.

1 (e) Deliberate exposure of a child by a parent, guardian or
2 custodian to sexual conduct as defined in section 13-3551 or to sexual
3 contact, oral sexual contact or sexual intercourse as defined in section
4 13-1401, bestiality as prescribed in section 13-1411 or explicit sexual
5 materials as defined in section 13-3507.

6 (f) Any of the following acts committed by the child's parent,
7 guardian or custodian with reckless disregard as to whether the child is
8 physically present:

9 (i) Sexual contact as defined in section 13-1401.

10 (ii) Oral sexual contact as defined in section 13-1401.

11 (iii) Sexual intercourse as defined in section 13-1401.

12 (iv) Bestiality as prescribed in section 13-1411.

13 26. "Newborn infant" means a child who is under thirty days of age.

14 27. "Petition" means a written statement of the essential facts
15 that allege delinquency, incorrigibility or dependency.

16 28. "Prevention" means the creation of conditions, opportunities
17 and experiences that encourage and develop healthy, self-sufficient
18 children and that occur before the onset of problems.

19 29. "Protective supervision" means supervision that is ordered by
20 the juvenile court of children who are found to be dependent or
21 incorrigible.

22 30. "Qualified young adult" means a former dependent child who is
23 at least eighteen years of age and not over twenty-one years of age, who
24 meets the criteria for an extended foster care program pursuant to section
25 8-521.02 and who signs a voluntary agreement to participate in the
26 program.

27 31. "Referral" means a report that is submitted to the juvenile
28 court and that alleges that a child is dependent or incorrigible or that a
29 juvenile has committed a delinquent or criminal act.

30 32. "Secure care" means confinement in a facility that is
31 completely surrounded by a locked and physically secure barrier with
32 restricted ingress and egress.

33 33. "Serious emotional injury" means an injury that is diagnosed by
34 a medical doctor or a psychologist and that does any one or a combination
35 of the following:

36 (a) Seriously impairs mental faculties.

37 (b) Causes serious anxiety, depression, withdrawal or social
38 dysfunction behavior to the extent that the child suffers dysfunction that
39 requires treatment.

40 (c) Is the result of sexual abuse pursuant to section 13-1404,
41 sexual conduct with a minor pursuant to section 13-1405, sexual assault
42 pursuant to section 13-1406, molestation of a child pursuant to section
43 13-1410, child sex trafficking pursuant to section 13-3212, commercial
44 sexual exploitation of a minor pursuant to section 13-3552, sexual

1 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
2 section 13-3608.

3 34. "Serious physical injury" means an injury that is diagnosed by
4 a medical doctor and that does any one or a combination of the following:

- 5 (a) Creates a reasonable risk of death.
- 6 (b) Causes serious or permanent disfigurement.
- 7 (c) Causes significant physical pain.
- 8 (d) Causes serious impairment of health.
- 9 (e) Causes the loss or protracted impairment of an organ or limb.

10 (f) Is the result of sexual abuse pursuant to section 13-1404,
11 sexual conduct with a minor pursuant to section 13-1405, sexual assault
12 pursuant to section 13-1406, molestation of a child pursuant to section
13 13-1410, child sex trafficking pursuant to section 13-3212, commercial
14 sexual exploitation of a minor pursuant to section 13-3552, sexual
15 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
16 section 13-3608.

17 35. "Shelter care" means the temporary care of a child in any
18 public or private facility or home that is licensed by this state and that
19 offers a physically nonsecure environment that is characterized by the
20 absence of physically restricting construction or hardware and that
21 provides the child access to the surrounding community.

22 36. "Standardized hotline assessment tool" means any written tool
23 used to make a determination that the allegation of abuse or neglect that
24 is the subject of a report received pursuant to section 8-455 involves
25 conduct that warrants investigation by the department pursuant to section
26 8-456 or 8-471.

27 37. "Young adult administrative review" means an administrative
28 review of a voluntary extended foster care case plan with the qualified
29 young adult, the department's case specialist or designee, an independent
30 party who is not responsible for the case management of or the delivery of
31 services to the qualified young adult and any other individual the young
32 adult invites.

33 Sec. 2. Section 8-202, Arizona Revised Statutes, is amended to
34 read:

35 8-202. Jurisdiction of juvenile court

36 A. The juvenile court has original jurisdiction over all
37 delinquency proceedings brought under the authority of this title.

38 B. The juvenile court has exclusive original jurisdiction over all
39 proceedings brought under the authority of this title except for
40 delinquency proceedings.

41 C. The juvenile court may consolidate any matter, except that the
42 juvenile court shall not consolidate any of the following:

- 43 1. A criminal proceeding that is filed in another division of
44 superior court and that involves a child who is subject to the
45 jurisdiction of the juvenile court.

1 2. A delinquency proceeding with any other proceeding that does not
2 involve delinquency, unless the juvenile delinquency adjudication
3 proceeding is not heard at the same time or in the same hearing as a
4 nondelinquency proceeding.

5 D. The juvenile court has jurisdiction of proceedings to:

6 1. Obtain judicial consent to the marriage, employment or
7 enlistment in the armed services of a child, if consent is required by
8 law.

9 2. In an action in which parental rights are terminated pursuant to
10 chapter 4, article 5 or 11 of this title, change the name of a minor child
11 who is the subject of the action. If the minor child who is the subject of
12 the action is twelve years of age or older, the court shall consider the
13 wishes of the child with respect to the name change.

14 E. The juvenile court has jurisdiction over civil traffic
15 violations, civil marijuana violations and offenses listed in section
16 8-323, subsection B that are committed within the county by persons who
17 are under eighteen years of age unless the presiding judge of the county
18 declines jurisdiction of these cases. The presiding judge of the county
19 may decline jurisdiction of civil traffic violations and civil marijuana
20 violations committed within the county by juveniles if the presiding judge
21 finds that the declination would promote the more efficient use of limited
22 judicial and law enforcement resources located within the county. If the
23 presiding judge declines jurisdiction, juvenile civil traffic violations
24 and civil marijuana violations shall be processed, heard and disposed of
25 in the same manner and with the same penalties as adult civil traffic
26 violations.

27 F. The orders of the juvenile court under the authority of this
28 chapter or chapter 3 or 4 of this title take precedence over any order of
29 any other court of this state except for the following:

30 1. An order entered in the criminal court concerning an ongoing
31 case that governs a criminal defendant's ability to contact the victim,
32 the family of the victim or other minor children if the criminal court
33 makes a finding that contact with other minor children would pose a risk
34 of harm to those children.

35 2. ~~An order~~ **ORDERS** by the court of appeals and the supreme court to
36 the extent they are inconsistent with orders of other courts.

37 G. Except as provided in subsection H of this section, jurisdiction
38 of a child that is obtained by the juvenile court in a proceeding under
39 this chapter or chapter 3 or 4 of this title shall be retained by it, for
40 the purposes of implementing the orders made and filed in that proceeding,
41 until the child becomes eighteen years of age, unless terminated by order
42 of the court before the child's eighteenth birthday.

43 H. At any time before an adjudication hearing or a proceeding in
44 which a juvenile is admitting to an allegation in a petition that alleges
45 the juvenile is delinquent, the state may file a notice of intent to

1 retain jurisdiction over a juvenile who is seventeen years of age. If the
2 state files a notice of intent to retain jurisdiction, the juvenile
3 court's jurisdiction over a juvenile is retained on the filing of the
4 notice and the court shall retain jurisdiction over the juvenile until the
5 juvenile reaches nineteen years of age, unless before the juvenile's
6 nineteenth birthday either:

7 1. Jurisdiction is terminated by order of the court.
8 2. The juvenile is discharged from the jurisdiction of the
9 department of juvenile corrections pursuant to section 41-2820.

10 I. Persons who are under eighteen years of age shall be prosecuted
11 in the same manner as adults if either:

12 1. The juvenile court transfers jurisdiction pursuant to section
13 ~~8-327~~ 13-501.

14 2. The juvenile is charged as an adult with an offense listed in
15 section 13-501.

16 J. The juvenile court shall retain jurisdiction after a juvenile's
17 eighteenth birthday for the purpose of:

18 1. Designating an undesignated felony offense as a misdemeanor or
19 felony, including after an adjudication is set aside pursuant to section
20 8-348.

21 2. Modifying an outstanding monetary obligation imposed by the
22 court except for victim restitution.

23 3. Implementing section 36-2862.

24 K. The juvenile court has jurisdiction to make the initial
25 determination prescribed in section 8-829 whether the voluntary
26 participation of a qualified young adult in an extended foster care
27 program pursuant to section 8-521.02 is in the young adult's best
28 interests.

29 Sec. 3. Section 8-305, Arizona Revised Statutes, is amended to
30 read:

31 8-305. Detention center; jail; separate custody; definition

32 A. The county board of supervisors or the county jail district, if
33 authorized pursuant to title 48, chapter 25, shall maintain a detention
34 center that is separate and apart from a jail or lockup in which adults
35 are confined and where juveniles who are alleged to be delinquent or
36 children who are incorrigible and within the provisions of this article
37 shall be detained when necessary before or after a hearing or as a
38 condition of probation. A juvenile who is charged with an offense that is
39 listed in section 13-501 may be detained in a juvenile detention center if
40 the court orders the detention. The board may enter agreements with
41 public or private entities to acquire land for, build, purchase,
42 lease-purchase, lease or expand a detention center required by this
43 section.

44 B. The board of supervisors or the county jail district, if
45 authorized pursuant to title 48, chapter 25, may provide for the detention

1 of juveniles who are accused or convicted of a criminal offense in a jail
2 or lockup in which adults are confined. A juvenile who is confined in a
3 jail or lockup in which adults are confined shall be kept in a physically
4 separate section from any adult who is charged with or convicted of a
5 criminal offense, and no sight or sound contact between the juvenile and
6 any charged or convicted adult is allowed, except to the extent authorized
7 under federal laws or regulations.

8 C. A juvenile, pending a juvenile hearing, shall not be confined
9 with adults charged with or convicted of a crime, except that:

10 1. A juvenile who is accused of a criminal offense or who is
11 alleged to be delinquent may be securely detained in such location for up
12 to six hours until transportation to a juvenile detention center can be
13 arranged if the juvenile is kept in a physically separate section from any
14 adult who is charged with or convicted of a crime and no sight or sound
15 contact between the juvenile and any charged or convicted adult is
16 allowed, except to the extent authorized under federal laws or
17 regulations.

18 2. A juvenile who is transferred as provided in section ~~8-327~~
19 13-501 to the criminal division of the superior court may be securely
20 detained if the juvenile is kept in a physically separate section from any
21 adult charged with or convicted of a crime, and no sight or sound contact
22 with any charged or convicted adult is allowed, except to the extent
23 authorized under federal laws or regulations.

24 3. A juvenile who is arrested for an offense listed in section
25 13-501 may be detained in a juvenile detention center until formally
26 charged as an adult if the court orders the detention. After a juvenile
27 has been formally charged as an adult the juvenile may be either of the
28 following:

29 (a) Detained in a juvenile detention center.

30 (b) Securely detained in an adult facility if the juvenile is
31 detained separately from any adult charged with or convicted of a crime,
32 except to the extent authorized under federal laws or regulations.

33 D. In determining whether to order that a juvenile who is charged
34 with an offense that is listed in section 13-501 be detained in a juvenile
35 detention center or an adult facility pursuant to subsection A or
36 subsection C, paragraph 3, subdivision (a) of this section, the court
37 shall consider all of the following:

38 1. The best interests of both the juvenile charged as an adult and
39 the other juveniles detained in the juvenile detention center.

40 2. The juvenile's age.

41 3. The juvenile's physical and mental maturity.

42 4. The juvenile's present mental state, including whether the
43 juvenile presents an imminent risk of harm to the juvenile.

44 5. The nature and circumstances of the alleged offense.

45 6. The juvenile's history of prior delinquent acts.

1 7. The relative ability of the available adult and juvenile
2 detention facilities to meet the specific needs of the juvenile and to
3 protect the safety of the public as well as other detained juveniles.

4 8. The existing programs and facilities for juveniles at both the
5 juvenile detention center and the adult facility.

6 9. Any other factor relevant to the determination of where to
7 detain the juvenile.

8 E. The director of juvenile court services in the county in which
9 the juvenile is detained may file a motion in the juvenile's criminal case
10 that requests a juvenile who is charged with an offense listed in section
11 13-501 be transferred to an adult facility based on the juvenile's conduct
12 while in detention. On the director's request for the juvenile's
13 transfer, the court shall hold a hearing to consider the transfer. At the
14 hearing, the court shall consider all of the factors listed in subsection
15 D of this section.

16 F. A child who is alleged to be delinquent or who is alleged to be
17 incorrigible shall not be securely detained in a jail or lockup in which
18 adults charged with or convicted of a crime are detained. A child may be
19 nonsecurely detained if necessary to obtain the child's name, age,
20 residence or other identifying information for up to six hours until
21 arrangements for transportation to any shelter care facility, home or
22 other appropriate place can be made. A child who is nonsecurely detained
23 shall be detained separately from any adult charged with or convicted of a
24 crime, and no sight or sound contact with any charged or convicted adult
25 is ~~permitted~~ ALLOWED, except to the extent authorized under federal laws
26 or regulations.

27 G. Any detained juvenile or child who, by the juvenile's or child's
28 conduct, endangers or evidences that the juvenile or child may endanger
29 the safety of other detained children shall not be allowed to intermingle
30 with any other juvenile or child in the detention center.

31 H. Pursuant to section 8-322, the county board of supervisors, the
32 county jail district board of directors or the administrative office of
33 the courts on behalf of the juvenile court may enter into an agreement
34 with public or private entities to provide the detention centers required
35 by subsection A of this section.

36 I. For the purposes of this section, "juvenile" includes a person
37 who is under the jurisdiction of the juvenile court pursuant to section
38 8-202, subsection H.

39 Sec. 4. Repeal

40 Section 8-327, Arizona Revised Statutes, is repealed.

41 Sec. 5. Section 8-341, Arizona Revised Statutes, is amended to
42 read:

43 8-341. Disposition and commitment; definitions

44 A. After receiving and considering the evidence on the proper
45 disposition of the case, the court may enter judgment as follows:

- 1 1. It may award a delinquent juvenile:
2 (a) To the care of the juvenile's parents, subject to the
3 supervision of a probation department.
4 (b) To a probation department, subject to any conditions the court
5 may impose, including a period of incarceration in a juvenile detention
6 center of not more than one year.
7 (c) To a reputable citizen of good moral character, subject to the
8 supervision of a probation department.
9 (d) To a private agency or institution, subject to the supervision
10 of a probation officer.
11 (e) To the department of juvenile corrections.
12 (f) To maternal or paternal relatives, subject to the supervision
13 of a probation department.
14 (g) To an appropriate official of a foreign country of which the
15 juvenile is a foreign national who is unaccompanied by a parent or
16 guardian in this state to remain on unsupervised probation for at least
17 one year on the condition that the juvenile cooperate with that official.
18 2. It may award an incorrigible child:
19 (a) To the care of the child's parents, subject to the supervision
20 of a probation department.
21 (b) To the protective supervision of a probation department,
22 subject to any conditions the court may impose.
23 (c) To a reputable citizen of good moral character, subject to the
24 supervision of a probation department.
25 (d) To a public or private agency, subject to the supervision of a
26 probation department.
27 (e) To maternal or paternal relatives, subject to the supervision
28 of a probation department.
29 B. If a juvenile is placed on probation pursuant to this section,
30 the period of probation may continue until the juvenile's eighteenth
31 birthday or until the juvenile's nineteenth birthday if jurisdiction is
32 retained pursuant to section 8-202, subsection H, except that the term of
33 probation shall not exceed one year if all of the following apply:
34 1. The juvenile is not charged with a subsequent offense.
35 2. The juvenile has not been found in violation of a condition of
36 probation.
37 3. The court has not made a determination that it is in the best
38 interests of the juvenile or the public to require continued supervision.
39 The court may not use the juvenile's failure to pay fees, costs or fines
40 as a reason to continue supervision. The court shall state by minute
41 entry or written order its reasons for finding that continued supervision
42 is required.
43 4. The offense for which the juvenile is placed on probation does
44 not involve a dangerous offense as defined in section 13-105.

1 5. The offense for which the juvenile is placed on probation does
2 not involve a violation of title 13, chapter 14 or 35.1.

3 6. Restitution ordered pursuant to section 8-344 has been made.

4 C. If a juvenile is adjudicated as a first time felony juvenile
5 offender, the court shall provide the following written notice to the
6 juvenile:

7 This is your first felony offense. If you commit
8 another felony offense and you are fourteen years of age or
9 older, any of the following could happen to you:

10 1. You could be tried as an adult in adult criminal
11 court.

12 2. You could be committed to the department of juvenile
13 corrections.

14 3. You could be placed on juvenile intensive probation,
15 which could include incarceration in a juvenile detention
16 center.

17 D. If a juvenile is fourteen years of age or older and is
18 adjudicated as a repeat felony juvenile offender, unless the court
19 determines based on the severity of the offense and a risk assessment that
20 juvenile intensive probation services are not required, the juvenile court
21 shall place the juvenile on juvenile intensive probation, which may
22 include incarceration in a juvenile detention center, or may commit the
23 juvenile to the department of juvenile corrections pursuant to subsection
24 A, paragraph 1, subdivision (e) of this section.

25 E. If the juvenile is adjudicated as a repeat felony juvenile
26 offender, the court shall provide the following written notice to the
27 juvenile:

28 You are now a repeat felony offender. This means:

29 1. You will be tried as an adult in adult criminal
30 court if you commit another felony offense and you are fifteen
31 years of age or older.

32 2. You could be tried as an adult in adult criminal
33 court if you commit another felony offense when you are at
34 least fourteen years of age.

35 3. You could be incarcerated in the state department of
36 corrections if you are convicted as an adult in adult criminal
37 court.

38 F. The failure or inability of the court to provide the notices
39 required under subsections C and E of this section does not preclude the
40 use of the prior adjudications for any purpose otherwise allowed.

41 G. After considering the length of stay guidelines developed
42 pursuant to section 41-2816, subsection C, the court may set forth in the
43 order of commitment the minimum period during which the juvenile shall
44 remain in secure care while in the custody of the department of juvenile
45 corrections. When the court awards a juvenile to the department of

1 juvenile corrections or an institution or agency, it shall transmit with
2 the order of commitment copies of a diagnostic psychological evaluation
3 and educational assessment if one has been administered, copies of the
4 case report, all other psychological and medical reports, restitution
5 orders, any request for postadjudication notice that has been submitted by
6 a victim and any other documents or records pertaining to the case
7 requested by the department of juvenile corrections or an institution or
8 agency. The department shall not release a juvenile from secure care
9 before the juvenile completes the length of stay determined by the court
10 in the commitment order unless the county attorney in the county from
11 which the juvenile was committed requests the committing court to reduce
12 the length of stay. The department may temporarily escort the juvenile
13 from secure care pursuant to section 41-2804, may release the juvenile
14 from secure care without a further court order after the juvenile
15 completes the length of stay determined by the court or may retain the
16 juvenile in secure care for any period subsequent to the completion of the
17 length of stay in accordance with the law.

18 H. Written notice of the release of any juvenile pursuant to
19 subsection G of this section shall be made to any victim requesting
20 notice, the juvenile court that committed the juvenile and the county
21 attorney of the county from which the juvenile was committed.

22 I. Notwithstanding any law to the contrary, if a person is under
23 the supervision of the court as an adjudicated delinquent juvenile at the
24 time the person reaches eighteen years of age, treatment services may be
25 provided until the person reaches twenty-one years of age if the court,
26 the person and the state agree to the provision of the treatment and a
27 motion to transfer the person pursuant to section ~~8-327~~ 13-501 has not
28 been filed or has been withdrawn. The court may terminate the provision
29 of treatment services after the person reaches eighteen years of age if
30 the court determines that any of the following applies:

- 31 1. The person is not progressing toward treatment goals.
- 32 2. The person terminates treatment.
- 33 3. The person commits a new offense after reaching eighteen years
34 of age.
- 35 4. Continued treatment is not required or is not in the best
36 interests of the state or the person.

37 J. On the request of a victim of an act that may have involved
38 significant exposure as defined in section 13-1415 or that if committed by
39 an adult would be a sexual offense, the prosecuting attorney shall
40 petition the adjudicating court to require that the juvenile be tested for
41 the presence of the human immunodeficiency virus. If the victim is a
42 minor the prosecuting attorney shall file this petition at the request of
43 the victim's parent or guardian. If the act committed against a victim is
44 an act that if committed by an adult would be a sexual offense or the
45 court determines that sufficient evidence exists to indicate that

1 significant exposure occurred, it shall order the department of juvenile
2 corrections or the department of health services to test the juvenile
3 pursuant to section 13-1415. Notwithstanding any law to the contrary, the
4 department of juvenile corrections and the department of health services
5 shall release the test results only to the victim, the delinquent
6 juvenile, the delinquent juvenile's parent or guardian and a minor
7 victim's parent or guardian and shall counsel them regarding the meaning
8 and health implications of the results.

9 K. If a juvenile has been adjudicated delinquent for an offense
10 that if committed by an adult would be an offense listed in section
11 41-1750, subsection C, the court shall provide the department of public
12 safety Arizona automated fingerprint identification system established in
13 section 41-2411 with the juvenile's ten-print fingerprints, personal
14 identification data and other pertinent information. If a juvenile has
15 been committed to the department of juvenile corrections the department
16 shall provide the fingerprints and information required by this subsection
17 to the Arizona automated fingerprint identification system. If the
18 juvenile's fingerprints and information have been previously submitted to
19 the Arizona automated fingerprint identification system, the information
20 is not required to be resubmitted.

21 L. Access to fingerprint records submitted pursuant to subsection K
22 of this section shall be limited to the administration of criminal justice
23 as defined in section 41-1750. Dissemination of fingerprint information
24 shall be limited to the name of the juvenile, juvenile case number, date
25 of adjudication and court of adjudication.

26 M. If a juvenile is adjudicated delinquent for an offense that if
27 committed by an adult would be a misdemeanor, the court may prohibit the
28 juvenile from carrying or possessing a firearm while the juvenile is under
29 the jurisdiction of the department of juvenile corrections or the juvenile
30 court.

31 N. If a juvenile is adjudicated delinquent for a violation of
32 section 13-1602, subsection A, paragraph 5, the court shall order the
33 juvenile to pay a fine of at least \$300 but not more than \$1,000. Any
34 restitution ordered shall be paid in accordance with section 13-809,
35 subsection A. The court may order the juvenile to perform community
36 restitution in lieu of the payment for all or part of the fine if it is in
37 the best interests of the juvenile. The court shall credit community
38 restitution performed at a rate that is equal to the minimum wage
39 prescribed by section 23-363, subsections A and B, rounded up to the
40 nearest dollar. If the juvenile is convicted of a second or subsequent
41 violation of section 13-1602, subsection A, paragraph 5 and is ordered to
42 perform community restitution, the court may order the parent or guardian
43 of the juvenile to assist the juvenile in the performance of the community
44 restitution if both of the following apply:

1 6. Any felony offense committed by a chronic felony offender.
2 7. Any offense that is properly joined to an offense listed in this
3 subsection.

4 B. Except as provided in subsection A of this section, the county
5 attorney may bring a criminal prosecution against a juvenile WHO IS
6 CHARGED WITH A FELONY OFFENSE in the same manner as an adult ~~if the~~
7 ~~juvenile is at least fourteen years of age at the time the alleged offense~~
8 ~~is committed and the juvenile is accused of any of the following offenses~~
9 ONLY AFTER A HEARING IS HELD IN JUVENILE COURT IN WHICH THE COURT FINDS
10 PROBABLE CAUSE EXISTS TO BELIEVE THE OFFENSE WAS COMMITTED BY THE
11 JUVENILE, AND THE COURT DETERMINES THAT PUBLIC SAFETY AND THE INTERESTS OF
12 JUSTICE REQUIRE ADULT PROSECUTION. THE STATE HAS THE BURDEN OF PROVING BY
13 CLEAR AND CONVINCING EVIDENCE THAT ADULT PROSECUTION IS NECESSARY. IN
14 MAKING THIS DETERMINATION, THE COURT SHALL CONSIDER THE FOLLOWING FACTORS:
15 ~~1. A class 1 felony.~~
16 ~~2. A class 2 felony.~~
17 ~~3. A class 3 felony in violation of any offense in chapters 10~~
18 ~~through 17 or chapter 19 or 23 of this title.~~
19 ~~4. A class 3, 4, 5 or 6 felony involving a dangerous offense.~~
20 ~~5. Any felony offense committed by a chronic felony offender.~~
21 ~~6. Any offense that is properly joined to an offense listed in this~~
22 ~~subsection.~~

23 1. THE SERIOUSNESS AND CIRCUMSTANCES OF THE OFFENSE.
24 2. WHETHER THE OFFENSE INVOLVED THE USE OR THREATENED USE OF A
25 DEADLY WEAPON.
26 3. THE JUVENILE'S PRIOR DELINQUENCY HISTORY.
27 4. THE JUVENILE'S AGE, MATURITY AND MENTAL, EMOTIONAL AND
28 PSYCHOLOGICAL CONDITION.
29 5. WHETHER THE JUVENILE HAS PREVIOUSLY PARTICIPATED IN
30 REHABILITATION PROGRAMS AND THE RESULTS OF THAT PARTICIPATION.
31 6. WHETHER THE JUVENILE HAS PREVIOUSLY BEEN COMMITTED TO THE
32 DEPARTMENT OF JUVENILE CORRECTIONS.
33 7. THE VIEWS OF THE VICTIM OF THE OFFENSE.
34 8. WHETHER THE JUVENILE COMMITTED THE OFFENSE WHILE PARTICIPATING
35 IN, ASSISTING, PROMOTING OR FURTHERING THE INTERESTS OF A CRIMINAL STREET
36 GANG, A CRIMINAL SYNDICATE OR A RACKETEERING ENTERPRISE.
37 9. WHETHER THE DEGREE OF THE JUVENILE'S PARTICIPATION IN THE
38 OFFENSE WAS RELATIVELY MINOR BUT NOT SO MINOR AS TO CONSTITUTE A DEFENSE
39 TO PROSECUTION.
40 10. THE LIKELIHOOD OF THE JUVENILE'S REASONABLE REHABILITATION
41 THROUGH AVAILABLE JUVENILE COURT SERVICES.

42 C. A criminal prosecution shall be brought against a juvenile in
43 the same manner as an adult if the juvenile has been accused of a criminal
44 offense and has a historical prior felony conviction.

1 D. At the time the county attorney files a complaint or indictment
2 the county attorney shall file a WRITTEN STATEMENT OF SPECIFIC FACTS
3 SUPPORTING ADULT PROSECUTION AND A notice stating that the juvenile is a
4 chronic felony offender. Subject to subsection E of this section, the
5 notice shall establish and confer jurisdiction over the juvenile as a
6 chronic felony offender.

7 E. On motion of the juvenile the court shall hold a hearing after
8 arraignment and before trial to determine if a juvenile is a chronic
9 felony offender. THE COURT SHALL ISSUE WRITTEN FINDINGS SUPPORTING ITS
10 DETERMINATION. At the hearing the state shall prove by a preponderance of
11 the evidence that the juvenile is a chronic felony offender. If the court
12 does not find that the juvenile is a chronic felony offender, the court
13 shall transfer the juvenile to the juvenile court pursuant to section
14 8-302. If the court finds that the juvenile is a chronic felony offender
15 or if the juvenile does not file a motion to determine if the juvenile is
16 a chronic felony offender, the criminal prosecution shall continue.

17 F. Except as provided in section 13-921, a person who is charged
18 pursuant to this section shall be sentenced in the criminal court in the
19 same manner as an adult for any offense for which the person is convicted.

20 G. Unless otherwise provided by law, ~~nothing in~~ this section ~~shall~~
21 ~~be construed as to~~ DOES NOT confer jurisdiction in the juvenile court over
22 any person who is eighteen years of age or older.

23 H. THIS SECTION DOES NOT ELIMINATE JUDICIAL DISCRETION OR DUE
24 PROCESS PROTECTIONS THAT ARE GUARANTEED BY THE ARIZONA CONSTITUTION.

25 ~~H.~~ I. For the purposes of this section:

26 1. "Accused" means a juvenile against whom a complaint, information
27 or indictment is filed.

28 2. "Chronic felony offender" means:

29 (a) A juvenile who has had two prior and separate adjudications and
30 dispositions THAT WERE CLASSIFIED AS ANY FELONY UNDER CHAPTER 14 OF THIS
31 TITLE OR A CLASS 1, 2 OR 3 FELONY for conduct that would constitute a
32 historical prior felony conviction if the juvenile had been tried as an
33 adult.

34 (b) A JUVENILE WHO HAS BEEN COMMITTED TO THE DEPARTMENT OF JUVENILE
35 CORRECTIONS AND WHO HAS HAD TWO PRIOR AND SEPARATE FELONY ADJUDICATIONS
36 AND DISPOSITIONS FOR CONDUCT THAT WOULD CONSTITUTE A HISTORICAL PRIOR
37 FELONY CONVICTION IF THE JUVENILE HAD BEEN TRIED AS AN ADULT.

38 3. "Forcible sexual assault" means sexual assault pursuant to
39 section 13-1406 that is committed without consent as defined in section
40 13-1401, SUBSECTION A, paragraph 7, subdivision (a).

41 4. "Other violent felony offense" means:

42 (a) Aggravated assault pursuant to section 13-1204, subsection A,
43 paragraph 1.

44 (b) Aggravated assault pursuant to section 13-1204, subsection A,
45 paragraph 2 involving the use of a deadly weapon.

1 (c) Drive by shooting pursuant to section 13-1209.

2 (d) Discharging a firearm at a structure pursuant to section
3 13-1211.

4 Sec. 7. Section 13-610, Arizona Revised Statutes, is amended to
5 read:

6 13-610. DNA testing

7 A. Within thirty days after a person is sentenced to the state
8 department of corrections or a person who is accepted under the interstate
9 compact for the supervision of parolees and probationers arrives in this
10 state, the state department of corrections shall secure a sufficient
11 sample of blood or other bodily substances for deoxyribonucleic acid
12 testing and extraction from the person if the person was convicted of an
13 offense listed in this section and was sentenced to a term of imprisonment
14 or was convicted of any offense that was committed in another jurisdiction
15 that if committed in this state would be a violation of any offense listed
16 in this section and the person is under the supervision of the state
17 department of corrections. The state department of corrections shall
18 transmit the sample to the department of public safety.

19 B. Within thirty days after a person is placed on probation and
20 sentenced to a term of incarceration in a county jail detention facility
21 or is detained in a county juvenile detention facility, the county
22 detention facility shall secure a sufficient sample of blood or other
23 bodily substances for deoxyribonucleic acid testing and extraction from
24 the person if the person was convicted of or adjudicated delinquent for an
25 offense listed in this section. The county detention facility shall
26 transmit the sample to the department of public safety.

27 C. Within thirty days after a person is convicted and placed on
28 probation without a term of incarceration or adjudicated delinquent and
29 placed on probation, the county probation department shall secure a
30 sufficient sample of blood or other bodily substances for deoxyribonucleic
31 acid testing and extraction from the person if the person was convicted of
32 or adjudicated delinquent for an offense listed in this section. The
33 county probation department shall transmit the sample to the department of
34 public safety.

35 D. Within thirty days after the arrival of a person who is accepted
36 under the interstate compact for the supervision of parolees and
37 probationers and who is under the supervision of a county probation
38 department, the county probation department shall secure a sufficient
39 sample of blood or other bodily substances for deoxyribonucleic acid
40 testing and extraction from the person if the person was convicted of an
41 offense that was committed in another jurisdiction that if committed in
42 this state would be a violation of any offense listed in this section and
43 was sentenced to a term of probation. The county probation department
44 shall transmit the sample to the department of public safety.

1 E. Within thirty days after a juvenile is committed to the
2 department of juvenile corrections, the department of juvenile corrections
3 shall secure a sufficient sample of blood or other bodily substances for
4 deoxyribonucleic acid testing and extraction from the youth if the youth
5 was adjudicated delinquent for an offense listed in this section and was
6 committed to a secure care facility. The department of juvenile
7 corrections shall transmit the sample to the department of public safety.

8 F. Within thirty days after the arrival in this state of a juvenile
9 who is accepted by the department of juvenile corrections pursuant to the
10 interstate compact on juveniles and who was adjudicated for an offense
11 that was committed in another jurisdiction that if committed in this state
12 would be a violation of any offense listed in this section, the compact
13 administrator shall request that the sending state impose as a condition
14 of supervision that the juvenile submit a sufficient sample of blood or
15 other bodily substances for deoxyribonucleic acid testing. If the sending
16 state does not impose that condition, the department of juvenile
17 corrections shall request a sufficient sample of blood or other bodily
18 substances for deoxyribonucleic acid testing within thirty days after the
19 juvenile's arrival in this state. The department of juvenile corrections
20 shall transmit the sample to the department of public safety.

21 G. Notwithstanding subsections A through F, K, L and O of this
22 section, the agency that is responsible for securing a sample pursuant to
23 this section shall not secure the sample if the scientific criminal
24 analysis section of the department of public safety has previously
25 received and is maintaining a sample sufficient for deoxyribonucleic acid
26 testing.

27 H. The department of public safety shall do all of the following:

28 1. Conduct or oversee through mutual agreement an analysis of the
29 samples that it receives pursuant to subsections K, L and O of this
30 section.

31 2. Make and maintain a report of the results of each
32 deoxyribonucleic acid analysis.

33 3. Maintain samples of blood and other bodily substances for at
34 least thirty-five years.

35 I. Any sample and the result of any test that is obtained pursuant
36 to this section or section 8-238 may be used only as follows:

37 1. For law enforcement identification purposes.

38 2. In a proceeding in a criminal prosecution or juvenile
39 adjudication.

40 3. In a proceeding under title 36, chapter 37.

41 J. If the conviction or adjudication of a person who is subject to
42 this section or section 8-238 is overturned on appeal or postconviction
43 relief and a final mandate has been issued, on petition of the person to
44 the superior court in the county in which the conviction occurred, the
45 court shall order that the person's deoxyribonucleic acid profile

1 resulting from that conviction or adjudication be expunged from the
2 Arizona deoxyribonucleic acid identification system established by section
3 41-2418 unless the person has been convicted or adjudicated delinquent of
4 another offense that would require the person to submit to
5 deoxyribonucleic acid testing pursuant to this section.

6 K. If a person is arrested for any offense listed in subsection O,
7 paragraph 3 of this section and is transferred by the arresting authority
8 to a state, county or local law enforcement agency or jail, the arresting
9 authority or its designee shall secure a sufficient sample of buccal cells
10 or other bodily substances for deoxyribonucleic acid testing and
11 extraction from the person for the purpose of determining identification
12 characteristics. The arresting authority or its designee shall transmit
13 the sample to the department of public safety.

14 L. A person who is charged with a felony or misdemeanor offense
15 listed in subsection O, paragraph 3 of this section and who is summoned to
16 appear in court for an initial appearance shall report within five days of
17 release on bail or on the person's own recognizance to the law enforcement
18 agency that investigated the person or its designee and submit a
19 sufficient sample of buccal cells or other bodily substances for
20 deoxyribonucleic acid testing and extraction. The arresting authority or
21 its designee shall transmit the sample to the department of public safety.

22 M. A person who is subject to subsection K or L of this section or
23 section 8-238 may petition the superior court in the county in which the
24 arrest occurred or the criminal charge was filed to order that the
25 person's deoxyribonucleic acid profile and sample be expunged from the
26 Arizona deoxyribonucleic acid identification system, unless the person has
27 been arrested, charged with or convicted of or adjudicated delinquent ~~of~~
28 **FOR** another offense that would require the person to submit to
29 deoxyribonucleic acid testing pursuant to this section, if any of the
30 following applies:

31 1. The criminal charges are not filed within the applicable period
32 prescribed by section 13-107.

33 2. The criminal charges are dismissed.

34 3. The person is acquitted at trial.

35 N. If any sample that is submitted to the department of public
36 safety under this section or section 8-238 is found to be unacceptable for
37 analysis and use or cannot be used by the department, the department shall
38 require that another sample of blood or other bodily substances be secured
39 pursuant to this section.

40 O. This section applies to persons who are:

41 1. Convicted of any felony offense.

42 2. Adjudicated delinquent for any of the following offenses:

43 (a) A violation or an attempt to violate any offense in chapter 11
44 of this title, any felony offense in chapter 14 or 35.1 of this title or
45 section 13-1507, 13-1508 or 13-3608.

1 (b) Any offense for which a person is required to register pursuant
2 to section 13-3821.

3 (c) A violation of any felony offense in chapter 34 of this title
4 that may be prosecuted pursuant to section 13-501, subsection
5 B, ~~paragraph 2~~.

6 (d) A violation of any ~~felony~~ offense that is listed in section
7 13-501, **SUBSECTION A OR ANY FELONY OFFENSE THAT MAY BE PROSECUTED PURSUANT**
8 **TO SECTION 13-501, SUBSECTION B**.

9 3. Arrested for a violation of any offense in chapter 11 of this
10 title, a violation of section 13-1402, 13-1403, 13-1404, 13-1405, 13-1406,
11 13-1410, 13-1411, 13-1417, 13-1507, 13-1508, 13-3208, 13-3214, 13-3555 or
12 13-3608 or a violation of any serious offense as defined in section 13-706
13 that is a dangerous offense.

14 Sec. 8. Section 13-1206, Arizona Revised Statutes, is amended to
15 read:

16 **13-1206. Dangerous or deadly assault by prisoner or juvenile;**
17 **classification**

18 A person, while in the custody of the state department of
19 corrections, the department of juvenile corrections, a law enforcement
20 agency or a county or city jail, who commits an assault involving the
21 discharge, use or threatening exhibition of a deadly weapon or dangerous
22 instrument or who intentionally or knowingly inflicts serious physical
23 injury ~~upon~~ **ON** another person is guilty of a class 2 felony. If the person
24 is an adult or is a juvenile convicted as an adult pursuant to section
25 ~~8-327~~ **or** 13-501 or the rules of procedure for the juvenile court, the
26 person ~~shall~~ **IS** not ~~be~~ eligible for suspension of sentence, probation,
27 pardon or release from confinement on any basis until the sentence imposed
28 by the court has been served or commuted. A sentence imposed pursuant to
29 this section shall be consecutive to any other sentence presently being
30 served by the convicted person.

31 Sec. 9. Section 13-3967, Arizona Revised Statutes, is amended to
32 read:

33 **13-3967. Release on bailable offenses before trial;**
34 **definition**

35 A. At his appearance before a judicial officer, any person who is
36 charged with a public offense that is bailable as a matter of right shall
37 be ordered released pending trial on his own recognizance or on the
38 execution of bail in an amount specified by the judicial officer.

39 B. In determining the method of release or the amount of bail, the
40 judicial officer, on the basis of available information, shall take into
41 account all of the following:

- 42 1. The views of the victim.
- 43 2. The nature and circumstances of the offense charged.
- 44 3. Whether the accused has a prior arrest or conviction for a
45 serious offense or violent or aggravated felony as defined in section

1 13-706 or an offense in another state that would be a serious offense or
2 violent or aggravated felony as defined in section 13-706 if committed in
3 this state.

4 4. Evidence that the accused poses a danger to others in the
5 community.

6 5. The results of a risk or lethality assessment in a domestic
7 violence charge that is presented to the court.

8 6. The weight of evidence against the accused.

9 7. The accused's family ties, employment, financial resources,
10 character and mental condition.

11 8. The results of any drug test submitted to the court.

12 9. Whether the accused is using any substance if its possession or
13 use is illegal pursuant to chapter 34 of this title.

14 10. Whether the accused violated section 13-3407, subsection A,
15 paragraph 2, 3, 4 or 7 involving methamphetamine or section 13-3407.01.

16 11. The length of residence in the community.

17 12. The accused's record of arrests and convictions.

18 13. The accused's record of appearance at court proceedings or of
19 flight to avoid prosecution or failure to appear at court proceedings.

20 14. Whether the accused has entered or remained in the United
21 States illegally.

22 15. Whether the accused's residence is in this state, in another
23 state or outside the United States.

24 C. If a judicial officer orders the release of a defendant who is
25 charged with a felony either on his own recognizance or on bail, the
26 judicial officer shall condition the defendant's release on the
27 defendant's good behavior while so released. On a showing of probable
28 cause that the defendant committed any offense during the period of
29 release, a judicial officer may revoke the defendant's release pursuant to
30 section 13-3968.

31 D. After providing notice to the victim pursuant to section
32 13-4406, a judicial officer may impose any of the following conditions on
33 a person who is released on his own recognizance or on bail:

34 1. Place the person in the custody of a designated person or
35 organization agreeing to supervise him.

36 2. Place restrictions on the person's travel, associates or place
37 of abode during the period of release.

38 3. Require the deposit with the clerk of the court of cash or other
39 security, such deposit to be returned on the performance of the conditions
40 of release.

41 4. Prohibit the person from possessing any deadly weapon or
42 engaging in certain described activities or indulging in intoxicating
43 liquors or certain drugs.

44 5. Require the person to report regularly to and remain under the
45 supervision of an officer of the court.

1 6. Impose any other conditions deemed reasonably necessary to
2 assure appearance as required including a condition requiring that the
3 person return to custody after specified hours.

4 E. In addition to any of the conditions a judicial officer may
5 impose pursuant to subsection D of this section, the judicial officer
6 shall impose both of the following conditions on a person who is charged
7 with a felony violation of chapter 14 or 35.1 of this title or section
8 13-3212 and who is released on his own recognizance or on bail:

9 1. Electronic monitoring where available.

10 2. A condition prohibiting the person from having any contact with
11 the victim.

12 F. The judicial officer who authorizes the release of the person
13 charged on his own recognizance or on bail shall do all of the following:

14 1. Issue an appropriate order containing statements of the
15 conditions imposed.

16 2. Inform the person of the penalties that apply to any violation
17 of the conditions of release.

18 3. Advise the person that a warrant for his arrest may be issued
19 immediately on any violation of the conditions of release, including the
20 failure to submit to deoxyribonucleic acid testing ordered pursuant to
21 paragraph 4 of this subsection.

22 4. If the person is charged with a felony or misdemeanor offense
23 listed in section 13-610, subsection 0, paragraph 3 and is summoned to
24 appear, order the person to report within five days to the law enforcement
25 agency that arrested the person or to the agency's designee and submit a
26 sufficient sample of buccal cells or other bodily substances for
27 deoxyribonucleic acid testing and extraction. If a person does not comply
28 with an order issued pursuant to this paragraph, the court shall revoke
29 the person's release.

30 G. At any time after providing notice to the victim pursuant to
31 section 13-4406, the judicial officer who orders the release of a person
32 on any condition specified in this section or the court in which a
33 prosecution is pending may amend the order to employ additional or
34 different conditions of release, including either an increase or reduction
35 in the amount of bail. On application, the defendant shall be entitled to
36 have the conditions of release reviewed by the judicial officer who
37 imposed them or by the court in which the prosecution is pending.
38 Reasonable notice of the application shall be given to the county attorney
39 and the victim.

40 H. Any information that is stated or offered in connection with any
41 order pursuant to this section need not conform to the rules pertaining to
42 admissibility of evidence in a court of law.

43 I. This section does not prevent the disposition of any case or
44 class of cases by forfeiture of bail or collateral security if such
45 disposition is authorized by the court.

1 J. A judicial officer who orders the release of a juvenile who is
2 enrolled in a school and who has been transferred to the criminal division
3 of the superior court pursuant to section ~~8-327~~ 13-501 or who has been
4 charged as an adult pursuant to section 13-501 shall notify the
5 appropriate school on the release of the juvenile from custody.

6 K. For the purposes of this section and section 13-3968, "judicial
7 officer" means any person or court authorized pursuant to the constitution
8 or laws of this state to bail or otherwise release a person before trial
9 or sentencing or pending appeal.

10 Sec. 10. Section 36-520, Arizona Revised Statutes, is amended to
11 read:

12 36-520. Application for evaluation; definition

13 A. Any responsible individual may apply for a court-ordered
14 evaluation of a person who is alleged to be, as a result of a mental
15 disorder, a danger to self or to others or a person with a persistent or
16 acute disability or a grave disability and who is unwilling or unable to
17 undergo a voluntary evaluation. The application shall be made in the
18 prescribed form and manner as adopted by the director.

19 B. The application for evaluation shall include the following, if
20 known:

21 1. The name and address of the proposed patient for whom evaluation
22 is applied.

23 2. The age, date of birth, sex, race, marital status, occupation,
24 social security number, present location, dates and places of previous
25 hospitalizations, names and addresses of the guardian, agent under a
26 health care power of attorney or mental health care power of attorney,
27 spouse, next of kin and significant other persons and other data that the
28 director may require on the form to whatever extent that this data is
29 known and is applicable to the proposed patient.

30 3. The name, address and relationship of the person who is applying
31 for the evaluation.

32 4. A statement that the proposed patient is exhibiting behaviors
33 that may be consistent with a mental disorder and is believed to be, as a
34 result of a mental disorder, a danger to self or to others or a patient
35 with a persistent or acute disability or a grave disability and the facts
36 on which this statement is based.

37 5. A statement from the applicant of whether the applicant believes
38 that the proposed patient is or is not willing or able to undergo
39 voluntary evaluation and the facts on which this statement is based.

40 6. A statement of the proposed patient's relevant history of mental
41 health diagnosis, treatment recommended or provided and compliance with
42 the treatment recommended or provided.

43 7. A statement that the applicant believes the proposed patient is
44 in need of screening, evaluation, supervision, care and treatment and the
45 facts on which this statement is based.

1 8. Copies of all documents relating to guardianship or powers of
2 attorney that allow the guardian or agent to consent to inpatient
3 psychiatric treatment, which shall be attached to the application if
4 available at the time of the application.

5 9. A statement by the applicant of whether the applicant believes
6 that, without a period of inpatient observation, stabilization and
7 assessment or emergency inpatient psychiatric hospitalization, the
8 proposed patient is likely to cause or endure serious physical harm or
9 injury and the facts supporting that statement.

10 10. To the extent known, the names and contact information of
11 persons other than the applicant who have witnessed the behavior exhibited
12 by the proposed patient on which the application is based. The screening
13 agency may not deny or refuse to process an application because no other
14 witnesses have been identified.

15 C. The application shall be signed and notarized. For an
16 application made by a peace officer or a health care professional who is
17 licensed pursuant to title 32, chapter 13, 15, 17 or 19.1, a copy of the
18 application that contains the applicant's original signature is
19 acceptable, does not have to be notarized and may be submitted as the
20 written application.

21 D. The screening agency shall offer assistance to the applicant in
22 preparation of the application. On receipt of the application, the
23 screening agency shall immediately note on the front of the application
24 the time and date of receipt, shall log this information in a record of
25 applications received by the screening agency and shall act as prescribed
26 in section 36-521 within forty-eight hours after the filing of the
27 application, excluding weekends and holidays. If the application is not
28 acted on within forty-eight hours, excluding weekends and holidays, the
29 reasons for not acting promptly shall be reviewed by the director of the
30 screening agency or the director's designee and the reasons shall be
31 stated in the report required by section 36-521, subsection B.

32 E. If the applicant for the court-ordered evaluation presents the
33 person to be evaluated at the screening agency, the agency shall conduct a
34 prepetition screening examination. Except in the case of an emergency
35 evaluation, the person to be evaluated shall not be detained or forced to
36 undergo prepetition screening against the person's will.

37 F. In the course of conducting a prepetition screening, the
38 screening agency shall accept and consider information relevant to the
39 present behavior and past behavioral health history of the proposed
40 patient from persons who have a significant relationship with the proposed
41 patient, including family members and guardians.

42 G. If the applicant for the court-ordered evaluation does not
43 present the person to be evaluated at the screening agency, the agency
44 shall conduct the prepetition screening at the home of the person to be
45 evaluated or any other place the person to be evaluated is found. If

1 prepetition screening is not possible, the screening agency shall proceed
2 as prescribed in section 36-521, subsection B.

3 H. If a person is being treated by prayer or spiritual means alone
4 in accordance with the tenets and practices of a recognized church or
5 religious denomination by a duly accredited practitioner of that church or
6 denomination, the person may not be ordered evaluated, detained or
7 involuntarily treated unless the court has determined that the person is,
8 as a result of mental disorder, a danger to others or to self.

9 I. If the application is not acted on because it has been
10 determined that the proposed patient does not need an evaluation, the
11 medical director of the screening agency or the medical director's
12 designee shall make a written statement of the reasons why the proposed
13 patient does not need an evaluation and shall retain the application
14 together with the medical director's statement and any records or reports
15 concerning prepetition screening required pursuant to section 36-521.

16 J. If the screening agency determines that the application should
17 be denied or if the application is accepted but the screening agency
18 declines to file a petition for court-ordered evaluation, the screening
19 agency shall comply with the requirements of section 36-521, subsection C.
20 If the screening of the proposed patient took place in a facility operated
21 by the screening agency, the screening agency shall attempt to notify the
22 applicant that the screening agency intends to release the proposed
23 patient. The screening agency shall document the time and method of the
24 notification or an unsuccessful attempt to notify the applicant. If
25 requested by the applicant, the medical director of the screening agency
26 or the medical director's designee shall provide the reason for the denial
27 of the application or the decision not to file a petition for
28 court-ordered evaluation if either:

29 1. The disclosure is not opposed by the person who was screened.

30 2. The person who was screened is deemed to lack capacity to make
31 the decision to allow the disclosure and the disclosure is deemed to be in
32 the person's best interest.

33 K. For the purposes of this section, "person" includes a person
34 who:

35 1. Is under eighteen years of age.

36 2. Has been transferred to the criminal division of the superior
37 court pursuant to section ~~8-327~~ 13-501 or who has been charged with an
38 offense pursuant to section 13-501.

39 3. Is under the supervision of an adult probation department.