

REFERENCE TITLE: dangerous crimes against children; probation

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1092

Introduced by
Senator Shamp

AN ACT

**AMENDING SECTIONS 13-901, 13-923 AND 13-924, ARIZONA REVISED STATUTES;
RELATING TO PROBATION.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-901, Arizona Revised Statutes, is amended to
3 read:

4 13-901. Probation

5 A. If a person who has been convicted of an offense is eligible for
6 probation, the court may suspend the imposition or execution of sentence
7 and, if so, shall without delay place the person on intensive probation
8 supervision pursuant to section 13-913 or supervised or unsupervised
9 probation on such terms and conditions as the law requires and the court
10 deems appropriate, including participation in any programs authorized in
11 title 12, chapter 2, article 11. If a person is not eligible for
12 probation, imposition or execution of sentence shall not be suspended or
13 delayed. If the court imposes probation, it may also impose a fine as
14 authorized by chapter 8 of this title. If probation is granted the court
15 shall impose a condition that the person waive extradition for any
16 probation revocation procedures and it shall order restitution pursuant to
17 section 13-603, subsection C where there is a victim who has suffered
18 economic loss. When granting probation to an adult the court, as a
19 condition of probation, shall assess a monthly fee of not less than \$65
20 unless, after determining the inability of the probationer to pay the fee,
21 the court assesses a lesser fee. This fee is not subject to any
22 surcharge. In justice and municipal courts the fee shall only be assessed
23 when the person is placed on supervised probation. For persons placed on
24 probation in the superior court, the fee shall be paid to the clerk of the
25 superior court and the clerk of the court shall pay all monies collected
26 from this fee to the county treasurer for deposit in the adult probation
27 services fund established by section 12-267. For persons placed on
28 supervised probation in the justice court, the fee shall be paid to the
29 justice court and the justice court shall transmit all of the monies to
30 the county treasurer for deposit in the adult probation services fund
31 established by section 12-267. For persons placed on supervised probation
32 in the municipal court, the fee shall be paid to the municipal court. The
33 municipal court shall transmit all of the monies to the city treasurer who
34 shall transmit the monies to the county treasurer for deposit in the adult
35 probation services fund established by section 12-267. Any amount
36 assessed pursuant to this subsection shall be used to supplement monies
37 used for the salaries of adult probation and surveillance officers and for
38 support of programs and services of the superior court adult probation
39 departments.

40 B. The period of probation shall be determined according to section
41 13-902, except that if a person is released pursuant to section 31-233,
42 subsection B and community supervision is waived pursuant to section
43 13-603, subsection K, the court shall extend the period of probation by
44 the amount of time the director of the state department of corrections
45 approves for the inmate's temporary release.

1 C. The court, in its discretion, may issue a warrant for the
 2 rearrest of the defendant and may modify or add to the conditions or, if
 3 the defendant commits an additional offense or violates a condition, may
 4 revoke probation in accordance with the Arizona rules of criminal
 5 procedure at any time before the expiration or termination of the period
 6 of probation. If the court revokes the defendant's probation and the
 7 defendant is serving more than one probationary term concurrently, the
 8 court may sentence the person to terms of imprisonment to be served
 9 consecutively.

10 D. At any time during the probationary term of the person released
 11 on probation, any probation officer, without warrant or other process and
 12 at any time until the final disposition of the case, may rearrest any
 13 person and bring the person before the court.

14 E. The court, on its own initiative or on application of the
 15 probationer, after notice and an opportunity to be heard for the
 16 prosecuting attorney and, on request, the victim, may terminate the period
 17 of probation or intensive probation and discharge the defendant at a time
 18 earlier than that originally imposed if in the court's opinion the ends of
 19 justice will be served and if the conduct of the defendant on probation
 20 warrants it. THE COURT MAY NOT TERMINATE THE PERIOD OF PROBATION OR
 21 INTENSIVE PROBATION EARLIER THAN THAT ORIGINALLY IMPOSED IF THE DEFENDANT
 22 WAS CONVICTED OF A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION
 23 13-705.

24 F. When granting probation the court may require that the defendant
 25 be imprisoned in the county jail at whatever time or intervals,
 26 consecutive or nonconsecutive, the court shall determine, within the
 27 period of probation, as long as the period actually spent in confinement
 28 does not exceed one year or the maximum period of imprisonment allowed
 29 under chapter 7 of this title, whichever is the shorter.

30 G. If the defendant is placed on lifetime probation and has served
 31 one year in the county jail as a term of probation, the court may require
 32 that the defendant be additionally imprisoned in the county jail at
 33 whatever time or intervals, consecutive or nonconsecutive, the court shall
 34 determine, within the period of probation if the defendant's probation is
 35 revoked by the court and the defendant is subsequently reinstated on
 36 probation. The period actually spent in confinement as a term of being
 37 reinstated on probation shall not exceed one year or, when including the
 38 initial one-year period of incarceration imposed as a term of probation,
 39 the maximum period of imprisonment allowed under chapter 7 of this title,
 40 whichever is shorter.

41 H. If restitution is made a condition of probation, the court shall
 42 fix the amount of restitution and the manner of performance pursuant to
 43 chapter 8 of this title.

I. When granting probation, the court shall set forth at the time of sentencing and on the record the factual and legal reasons in support of each sentence.

J. If the defendant meets the criteria set forth in section 13-901.01 or 13-3422, the court may place the defendant on probation pursuant to either section. If a defendant is placed on probation pursuant to section 13-901.01 or 13-3422, the court may impose any term of probation that is authorized pursuant to this section and that is not in violation of section 13-901.01.

K. If the court imposes a term of probation, the court may require the defendant to report to a probation officer. The court or the defendant's probation officer may allow the defendant to fulfill a reporting requirement through remote reporting. The probation officer shall take into consideration and make accommodations for the probationer's work schedule, family caregiver obligations, substance abuse treatment or recovery program, mental health treatment, transportation availability and medical care requirements before setting the reporting time and location requirements for the probationer.

L. If a probationer makes a written request to the supervising probation department to courtesy transfer the probationer's intensive probation supervision or supervised probation to another county in this state with the intent to reside in that county and provides proof of family caregiver obligations, employment or housing, or an offer of employment or housing that will assist in the probationer's positive behavioral change, the supervising probation department shall do all of the following:

1. Confirm the details of the probationer's employment, housing or family caregiving plans.
2. Review any victim safety concerns and ensure compliance with the victims' bill of rights.
3. Submit the request for permission to proceed to the receiving county within seven business days after receipt.

M. After verifying the information submitted by the sending probation department pursuant to subsection L of this section, the receiving probation department shall provide the sending probation department with permission for the probationer to proceed to the receiving county within seven business days after receipt unless the receiving probation department finds the basis for the plan is not factual or the transfer will endanger the victim.

N. If a probationer's intensive probation supervision or supervised probation is courtesy transferred to another county pursuant to subsection L of this section and the probationer subsequently violates the terms of the probationer's probation or commits an additional offense while on probation, the probation department in the county in which the probation violation or additional offense occurred may not return the probationer's

1 intensive probation supervision or supervised probation back to the county
2 in which the probationer's probation was originally imposed except for
3 revocation hearings or an order of the court.

4 Sec. 2. Section 13-923, Arizona Revised Statutes, is amended to
5 read:

6 13-923. Persons convicted of sexual offenses; annual
7 probation review hearing; report; notification

8 A. If requested by the probationer, the court shall conduct a
9 probation hearing at least once a year for a probationer who is under
10 twenty-two years of age and who was convicted of an offense that occurred
11 when the person was under eighteen years of age and that requires the
12 probationer to register pursuant to section 13-3821.

13 B. This section does not preclude the court from conducting more
14 than one probation review hearing each year.

15 C. The probation department that is supervising the probationer
16 shall prepare a probation report and submit the report to the court ~~prior~~
17 ~~to~~ BEFORE the hearing.

18 D. The following individuals shall be notified of the hearing:

19 1. A prosecutor.

20 2. An attorney for the probationer.

21 3. Any victim or victim's attorney who has a right to be present
22 and heard pursuant to the victims' bill of rights, article II, section
23 2.1, ~~of the~~ constitution of ~~this state~~ ARIZONA, ~~title 13,~~ chapter 40 OF
24 THIS TITLE or court rule.

25 4. The probation officer supervising the probationer.

26 E. At the hearing, after hearing from those present pursuant to
27 subsection D of this section, the court shall consider the following:

28 1. Whether to continue, modify or terminate probation. ~~THE COURT~~
29 ~~MAY NOT TERMINATE THE PERIOD OF PROBATION EARLIER THAN THAT ORIGINALLY~~
30 ~~IMPOSED IF THE PROBATIONER WAS CONVICTED OF A DANGEROUS CRIME AGAINST~~
31 ~~CHILDREN AS DEFINED IN SECTION 13-705.~~

32 2. Whether to continue to require, to suspend or to terminate the
33 probationer's registration pursuant to section 13-3821.

34 3. Whether to continue, defer or terminate community notification
35 pursuant to section 13-3825.

36 F. The court may hold a prehearing involving the persons listed in
37 subsection D of this section to discuss and advise the court concerning
38 the issues listed in subsection E of this section.

39 Sec. 3. Section 13-924, Arizona Revised Statutes, is amended to
40 read:

41 13-924. Probation; earned time credit; work time credit;
42 applicability; definitions

43 A. The court may adjust the period of a probationer's supervised
44 probation on the recommendation of an adult probation officer for earned
45 time credit or work time credit.

1 B. Earned time credit equals twenty days for every thirty days that
2 a probationer does all of the following:

3 1. Exhibits positive progression toward the goals and treatment of
4 the probationer's case plan.

5 2. Is current on payments for ~~court-ordered~~ COURT-ORDERED
6 restitution and is in compliance with all other nonmonetary obligations.

7 3. Is current in completing community restitution.

8 C. Work time credit equals thirty days for every thirty days that a
9 probationer does all of the following:

10 1. Is engaged in eligible employment. A probationer must provide
11 supporting documentation to the supervising probation officer within five
12 business days after completing thirty days of eligible employment. The
13 supervising probation officer must verify the probationer's employment
14 through the supporting documentation that is provided by the probationer
15 and by any other means that the court determines is necessary to verify
16 the work, including site visits and telephonic verification. The
17 probation officer must document any request for work time credit that is
18 denied.

19 2. Exhibits positive progression toward the goals and treatment of
20 the probationer's case plan.

21 3. Is current on payments for court-ordered restitution and is in
22 compliance with all other nonmonetary obligations.

23 4. Is current in completing community restitution.

24 D. Any earned time credit and work time credit awarded pursuant to
25 this section shall be revoked if a probationer is found in violation of a
26 condition of probation.

27 E. This section does not apply to a probationer who is currently:

28 1. On lifetime probation.

29 2. On probation for any class 2 or 3 felony.

30 3. On probation exclusively for a misdemeanor offense.

31 4. Required to register pursuant to section 13-3821.

32 5. ON PROBATION FOR A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED
33 IN SECTION 13-705.

34 F. This section has no effect on the ability of the court to
35 terminate the period of probation or intensive probation pursuant to
36 section 13-901, subsection E at a time earlier than originally imposed.

37 G. For the purposes of this section:

38 1. "Eligible employment" means any occupation or combination of
39 occupations for which a person can provide supporting documentation
40 verifying at least one hundred thirty wage-earning hours in any thirty-day
41 period.

42 2. "Supporting documentation" means an employment record, pay stub,
43 employment letter, contract or other reliable means of verifying
44 employment.

1 Sec. 4. Applicability

2 This act applies to a person who is currently serving a term of
3 lifetime probation for a dangerous crime against children on the effective
4 date of this act and to a person who commits an offense involving a
5 dangerous crime against children and who is placed on lifetime probation
6 on or after the effective date of this act.

7 Sec. 5. Emergency

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