

Senate Engrossed

dangerous crimes against children; probation

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

# SENATE BILL 1092

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.

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

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

7           J. If the defendant meets the criteria set forth in section  
8 13-901.01 or 13-3422, the court may place the defendant on probation  
9 pursuant to either section. If a defendant is placed on probation  
10 pursuant to section 13-901.01 or 13-3422, the court may impose any term of  
11 probation that is authorized pursuant to this section and that is not in  
12 violation of section 13-901.01.

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

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

30           1. Confirm the details of the probationer's employment, housing or  
31 family caregiving plans.

32           2. Review any victim safety concerns and ensure compliance with the  
33 victims' bill of rights.

34           3. Submit the request for permission to proceed to the receiving  
35 county within seven business days after receipt.

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

1 N. If a probationer's intensive probation supervision or supervised  
2 probation is courtesy transferred to another county pursuant to subsection  
3 L of this section and the probationer subsequently violates the terms of  
4 the probationer's probation or commits an additional offense while on  
5 probation, the probation department in the county in which the probation  
6 violation or additional offense occurred may not return the probationer's  
7 intensive probation supervision or supervised probation back to the county  
8 in which the probationer's probation was originally imposed except for  
9 revocation hearings or an order of the court.

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

12 13-923. Persons convicted of sexual offenses; annual  
13 probation review hearing; report; notification

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

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

21 C. The probation department that is supervising the probationer  
22 shall prepare a probation report and submit the report to the court ~~prior~~  
23 ~~to~~ BEFORE the hearing.

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

25 1. A prosecutor.

26 2. An attorney for the probationer.

27 3. Any victim or victim's attorney who has a right to be present  
28 and heard pursuant to the victims' bill of rights, article II, section  
29 2.1, ~~of the~~ constitution of ~~this state~~ ARIZONA, ~~title 13,~~ chapter 40 OF  
30 THIS TITLE or court rule.

31 4. The probation officer supervising the probationer.

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

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

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

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

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

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

3           13-924. Probation; earned time credit; work time credit;  
4                   applicability; definitions

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

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

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

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

14           3. Is current in completing community restitution.

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

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

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

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

30           4. Is current in completing community restitution.

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

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

35           1. On lifetime probation.

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

37           3. On probation exclusively for a misdemeanor offense.

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

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

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

1           G. For the purposes of this section:

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

6           2. "Supporting documentation" means an employment record, pay stub,  
7 employment letter, contract or other reliable means of verifying  
8 employment.

9           (ENACTED WITHOUT THE EMERGENCY)

10          Sec. 4. Emergency

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