

Senate Engrossed

~~mandatory prison sentences; judicial discretion~~  
(now: diversion program; military members; veterans)

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

# SENATE BILL 1275

AN ACT

AMENDING TITLE 11, CHAPTER 2, ARTICLE 11, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 11-366; RELATING TO CRIMINAL DIVERSION PROGRAMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 11, chapter 2, article 11, Arizona Revised  
3 Statutes, is amended by adding section 11-366, to read:

4 11-366. Veterans diversion program; definitions

5 A. A COUNTY ATTORNEY MAY ESTABLISH A VETERANS DIVERSION PROGRAM FOR  
6 THE PURPOSE OF PROSECUTING, ADJUDICATING AND TREATING A DEFENDANT WHO HAS  
7 A MENTAL HEALTH CONDITION RELATED TO THE DEFENDANT'S MILITARY SERVICE IF  
8 THE DEFENDANT IS A MILITARY MEMBER OR VETERAN.

9 B. THE COUNTY ATTORNEY HAS SOLE DISCRETION TO DECIDE WHETHER TO  
10 DIVERT, BEFORE A GUILTY PLEA OR A TRIAL, THE PROSECUTION OF AN OFFENDER,  
11 EXCEPT THAT THE VETERANS DIVERSION PROGRAM MAY BE STRUCTURED TO REQUIRE AN  
12 OFFENDER TO PLEAD GUILTY BEFORE ENTRY INTO THE VETERANS DIVERSION PROGRAM.  
13 THE VETERANS DIVERSION PROGRAM MAY PROVIDE FOR THE DISMISSAL OF A CRIMINAL  
14 COMPLAINT ON SUCCESSFUL COMPLETION OF THE VETERANS DIVERSION PROGRAM.

15 C. EXCEPT AS OTHERWISE PROVIDED IN TITLE 13, THE COUNTY ATTORNEY  
16 MAY DIVERT THE PROSECUTION OF A DEFENDANT WHO IS A VETERAN IF THE  
17 DEFENDANT MEETS THE CRITERIA AND GUIDELINES FOR ENTRY INTO THE VETERANS  
18 DIVERSION PROGRAM THAT ARE DEVELOPED AND AGREED ON BY THE PRESIDING JUDGE  
19 AND THE PROSECUTOR.

20 D. A DEFENDANT WHO IS CONVICTED OF ANY OF THE FOLLOWING OFFENSES IS  
21 NOT ELIGIBLE TO PARTICIPATE IN THE VETERANS DIVERSION PROGRAM:

22 1. AN OFFENSE INVOLVING THE DEATH OF OR SERIOUS PHYSICAL INJURY TO  
23 ANOTHER PERSON.

24 2. A DOMESTIC VIOLENCE OFFENSE AS DEFINED IN SECTION 13-3601 OR A  
25 VIOLATION OF CHAPTER 14 OR 35.1 OF THIS TITLE.

26 3. AN OFFENSE IN WHICH THE DEFENDANT ENGAGES IN A CONTINUING  
27 CRIMINAL ENTERPRISE.

28 E. FOR THE PURPOSES OF THIS SECTION:

29 1. "MILITARY MEMBER" MEANS AN INDIVIDUAL WHO SERVES IN THE  
30 UNIFORMED SERVICES OF THE UNITED STATES, INCLUDING ALL REGULAR, RESERVE  
31 AND NATIONAL GUARD COMPONENTS OF THE UNITED STATES ARMY, NAVY, AIR FORCE,  
32 SPACE FORCE, MARINE CORPS AND COAST GUARD.

33 2. "VETERAN" MEANS AN INDIVIDUAL WHO HAS SERVED IN AND WHO HAS BEEN  
34 DISCHARGED, SEPARATED OR RELEASED FROM ACTIVE OR INACTIVE SERVICE IN THE  
35 UNIFORMED SERVICES OF THE UNITED STATES, INCLUDING ALL REGULAR, RESERVE  
36 AND NATIONAL GUARD COMPONENTS OF THE UNITED STATES ARMY, NAVY, AIR FORCE,  
37 SPACE FORCE, MARINE CORPS AND COAST GUARD, UNDER EITHER:

38 (a) HONORABLE CONDITIONS.

39 (b) DISHONORABLE CONDITIONS IF THE PERSON HAS BEEN DIAGNOSED WITH A  
40 MENTAL HEALTH CONDITION, INCLUDING:

41 (i) A SUBSTANCE USE DISORDER.

42 (ii) MILITARY SEXUAL TRAUMA.

43 (iii) A TRAUMATIC BRAIN INJURY.

44 (iv) POST-TRAUMATIC STRESS DISORDER.