

REFERENCE TITLE: prisoners; correctional facilities; sentencing

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

## **SB 1285**

Introduced by  
Senator Bolick

AN ACT

AMENDING SECTIONS 13-711, 13-751 AND 13-1206, ARIZONA REVISED STATUTES;  
RELATING TO CORRECTIONAL FACILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-711, Arizona Revised Statutes, is amended to  
3 read:

4 13-711. Multiple sentences of imprisonment; concurrent and  
5 consecutive determinations

6 A. Except as otherwise provided by law, if multiple sentences of  
7 imprisonment are imposed on a person at the same time, the sentences  
8 imposed by the court may run consecutively or concurrently, as determined  
9 by the court. The court shall state on the record the reason for its  
10 determination.

11 B. Notwithstanding subsection A of this section, if a person is  
12 subject to an undischarged term of imprisonment and is sentenced to an  
13 additional term of imprisonment for a felony offense that is committed  
14 while the person is under the jurisdiction of the state department of  
15 corrections, IMPRISONED IN A PRIVATELY OWNED CORRECTIONAL FACILITY OR IN  
16 THE CUSTODY OF A FEDERAL PRISON OR DETENTION CENTER, the sentence imposed  
17 by the court shall run consecutively to the undischarged term of  
18 imprisonment.

19 Sec. 2. Section 13-751, Arizona Revised Statutes, is amended to  
20 read:

21 13-751. Sentence of death or life imprisonment; aggravating  
22 and mitigating circumstances; definition

23 A. If the state has filed a notice of intent to seek the death  
24 penalty and the defendant is:

25 1. Convicted of first degree murder pursuant to section 13-1105,  
26 subsection A, paragraph 1 or 3 and was at least eighteen years of age at  
27 the time of the commission of the offense, the defendant shall be  
28 sentenced to death or imprisonment in the custody of the state department  
29 of corrections for natural life as determined and in accordance with the  
30 procedures provided in section 13-752. A defendant who is sentenced to  
31 natural life is not eligible for commutation, parole, work furlough, work  
32 release or release from confinement on any basis.

33 2. Convicted of first degree murder pursuant to section 13-1105 and  
34 was under eighteen years of age at the time of the commission of the  
35 offense, the defendant shall be sentenced to imprisonment in the custody  
36 of the state department of corrections for life or natural life, as  
37 determined and in accordance with the procedures provided in section  
38 13-752. A defendant who is sentenced to natural life is not eligible for  
39 commutation, parole, work furlough, work release or release from  
40 confinement on any basis. If the defendant is sentenced to life, the  
41 defendant shall not be released on any basis until the completion of the  
42 service of twenty-five calendar years if the murdered person was fifteen  
43 or more years of age and thirty-five years if the murdered person was  
44 under fifteen years of age or was an unborn child.

1           3. Convicted of first degree murder pursuant to section 13-1105,  
2 subsection A, paragraph 2, the defendant shall be sentenced to death or  
3 imprisonment in the custody of the state department of corrections for  
4 life or natural life as determined and in accordance with the procedures  
5 provided in section 13-752. A defendant who is sentenced to natural life  
6 is not eligible for commutation, parole, work furlough, work release or  
7 release from confinement on any basis. If the defendant is sentenced to  
8 life, the defendant shall not be released on any basis until the  
9 completion of the service of twenty-five calendar years if the murdered  
10 person was fifteen or more years of age and thirty-five years if the  
11 murdered person was under fifteen years of age or was an unborn child.

12           B. At the aggravation phase of the sentencing proceeding that is  
13 held pursuant to section 13-752, the admissibility of information relevant  
14 to any of the aggravating circumstances set forth in subsection F of this  
15 section shall be governed by the rules of evidence applicable to criminal  
16 trials. The burden of establishing the existence of any of the  
17 aggravating circumstances set forth in subsection F of this section is on  
18 the prosecution. The prosecution must prove the existence of the  
19 aggravating circumstances beyond a reasonable doubt.

20           C. At the penalty phase of the sentencing proceeding that is held  
21 pursuant to section 13-752, the prosecution or the defendant may present  
22 any information that is relevant to any of the mitigating circumstances  
23 included in subsection G of this section, regardless of its admissibility  
24 under the rules governing admission of evidence at criminal trials. The  
25 burden of establishing the existence of the mitigating circumstances  
26 included in subsection G of this section is on the defendant. The  
27 defendant must prove the existence of the mitigating circumstances by a  
28 preponderance of the evidence. If the trier of fact is a jury, the jurors  
29 do not have to agree unanimously that a mitigating circumstance has been  
30 proven to exist. Each juror may consider any mitigating circumstance  
31 found by that juror in determining the appropriate penalty.

32           D. Evidence that is admitted at the trial and that relates to any  
33 aggravating or mitigating circumstances shall be deemed admitted as  
34 evidence at a sentencing proceeding if the trier of fact considering that  
35 evidence is the same trier of fact that determined the defendant's guilt.  
36 The prosecution and the defendant shall be permitted to rebut any  
37 information received at the aggravation or penalty phase of the sentencing  
38 proceeding and shall be given fair opportunity to present argument as to  
39 whether the information is sufficient to establish the existence of any of  
40 the circumstances included in subsections F and G of this section.

41           E. In determining whether to impose a sentence of death or life  
42 imprisonment, the trier of fact shall take into account the aggravating  
43 and mitigating circumstances that have been proven. The trier of fact  
44 shall impose a sentence of death if the trier of fact finds one or more of  
45 the aggravating circumstances enumerated in subsection F of this section

1 and then determines that there are no mitigating circumstances  
2 sufficiently substantial to call for leniency.

3 F. The trier of fact shall consider the following aggravating  
4 circumstances in determining whether to impose a sentence of death:

5 1. The defendant has been convicted of another offense in the  
6 United States for which under Arizona law a sentence of life imprisonment  
7 or death was imposable.

8 2. The defendant has been or was previously convicted of a serious  
9 offense, whether preparatory or completed. Convictions for serious  
10 offenses committed on the same occasion as the homicide, or not committed  
11 on the same occasion but consolidated for trial with the homicide, shall  
12 be treated as a serious offense under this paragraph.

13 3. The defendant procured the commission of the offense by payment,  
14 or promise of payment, of anything of pecuniary value, or the defendant  
15 committed the offense as a result of payment, or a promise of payment, of  
16 anything of pecuniary value.

17 4. The defendant committed the offense in an especially heinous,  
18 cruel or depraved manner.

19 5. The defendant committed the offense while:

20 (a) In the custody of or on authorized or unauthorized release from  
21 the state department of corrections, A FACILITY THAT CONTRACTS WITH THE  
22 STATE DEPARTMENT OF CORRECTIONS FOR THE CONFINEMENT OF PERSONS WHO ARE  
23 COMMITTED TO THE DEPARTMENT, A PRIVATE CORRECTIONAL FACILITY, A FEDERAL  
24 PRISON OR DETENTION CENTER, a law enforcement agency or a county or city  
25 jail.

26 (b) On probation for a felony offense.

27 6. The defendant has been convicted of one or more other homicides,  
28 as defined in section 13-1101, that were committed during the commission  
29 of the offense.

30 7. The defendant was an adult at the time the offense was committed  
31 or was tried as an adult and the murdered person was under fifteen years  
32 of age, was an unborn child in the womb at any stage of its development or  
33 was seventy years of age or older.

34 8. The murdered person was an on duty peace officer who was killed  
35 in the course of performing the officer's official duties and the  
36 defendant knew, or should have known, that the murdered person was a peace  
37 officer.

38 9. The defendant committed the offense with the intent to promote,  
39 further or assist the objectives of a criminal street gang or criminal  
40 syndicate or to join a criminal street gang or criminal syndicate.

41 10. The defendant committed the offense to prevent a person's  
42 cooperation with an official law enforcement investigation, to prevent a  
43 person's testimony in a court proceeding, in retaliation for a person's  
44 cooperation with an official law enforcement investigation or in  
45 retaliation for a person's testimony in a court proceeding.

1 G. The trier of fact shall consider as mitigating circumstances any  
2 factors proffered by the defendant or the state that are relevant in  
3 determining whether to impose a sentence less than death, including any  
4 aspect of the defendant's character, propensities or record and any of the  
5 circumstances of the offense, including but not limited to the following:

6 1. The defendant's capacity to appreciate the wrongfulness of his  
7 conduct or to conform his conduct to the requirements of law was  
8 significantly impaired, but not so impaired as to constitute a defense to  
9 prosecution.

10 2. The defendant was under unusual and substantial duress, although  
11 not such as to constitute a defense to prosecution.

12 3. The defendant was legally accountable for the conduct of another  
13 under section 13-303, but his participation was relatively minor, although  
14 not so minor as to constitute a defense to prosecution.

15 4. The defendant could not reasonably have foreseen that his  
16 conduct in the course of the commission of the offense for which the  
17 defendant was convicted would cause, or would create a grave risk of  
18 causing, death to another person.

19 5. The defendant's age.

20 H. For the purposes of determining whether a conviction of any  
21 dangerous crime against children is a serious offense pursuant to this  
22 section, an unborn child shall be treated like a minor who is under twelve  
23 years of age.

24 I. In this section, for purposes of punishment an unborn child  
25 shall be treated like a minor who is under twelve years of age.

26 J. For the purposes of this section, "serious offense" means any of  
27 the following offenses if committed in this state or any offense committed  
28 outside this state that if committed in this state would constitute one of  
29 the following offenses:

30 1. First degree murder.

31 2. Second degree murder.

32 3. Manslaughter.

33 4. Aggravated assault resulting in serious physical injury or  
34 committed by the use, threatened use or exhibition of a deadly weapon or  
35 dangerous instrument.

36 5. Sexual assault.

37 6. Any dangerous crime against children.

38 7. Arson of an occupied structure.

39 8. Robbery.

40 9. Burglary in the first degree.

41 10. Kidnapping.

42 11. Sexual conduct with a minor under fifteen years of age.

43 12. Burglary in the second degree.

44 13. Terrorism.

