

REFERENCE TITLE: probation supervision; least restrictive conditions

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

SB 1662

Introduced by
Senator Bolick

AN ACT

AMENDING SECTIONS 13-901, 13-903, 13-917 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.

19 B. IF PROBATION IS GRANTED, THE FOLLOWING APPLY TO ANY CONDITIONS
20 OF PROBATION IMPOSED:

21 1. IN DETERMINING THE DEFENDANT'S CONDITIONS OF PROBATION, THE
22 COURT OR A PROBATION OFFICER SHALL IMPOSE THE FEWEST AND LEAST RESTRICTIVE
23 CONDITIONS OF PROBATION THAT ARE REASONABLY NECESSARY TO:

- 24 (a) ASSIST THE DEFENDANT IN LEADING A LAW-ABIDING LIFE.
25 (b) PROTECT PUBLIC SAFETY.
26 (c) PROMOTE THE DEFENDANT'S REHABILITATION.

27 2. THE CONDITIONS OF PROBATION THAT ARE IMPOSED SHALL BE INFORMED
28 BY THE DEFENDANT'S CRIMINOGENIC RISK AND NEEDS AS ESTABLISHED BY A
29 VALIDATED RISK ASSESSMENT TOOL.

30 3. THE COURT OR THE PROBATION OFFICER SHALL:

31 (a) BEFORE IMPOSING A STANDARD CONDITION OF PROBATION, CONSIDER
32 WAIVING ANY STANDARD CONDITION OF PROBATION THAT IS NOT REASONABLY
33 NECESSARY TO ACHIEVE THE PURPOSES PRESCRIBED IN PARAGRAPH 1 OF THIS
34 SUBSECTION.

35 (b) BEFORE IMPOSING A SPECIAL CONDITION OF PROBATION, CONSIDER ALL
36 INFORMATION THAT IS PROPERLY PRESENTED TO THE COURT BEFORE IMPOSING A
37 SPECIAL CONDITION OF PROBATION, SHALL DETERMINE IF THE CONDITION IS MORE
38 RESTRICTIVE THAN IS REASONABLY NECESSARY TO ACHIEVE THE PURPOSES
39 PRESCRIBED IN PARAGRAPH 1 OF THIS SUBSECTION AND SHALL NOT IMPOSE A
40 SPECIAL CONDITION OF PROBATION UNLESS THE SPECIAL CONDITION IS SUPPORTED
41 BY THE RECORD.

42 (c) ENSURE THAT ALL CONDITIONS OF PROBATION ARE INDIVIDUALLY
43 DETERMINED AND NARROWLY TAILORED TO THE DEFENDANT.

44 4. IF A PRESENTENCE REPORT WAS PREPARED PURSUANT TO SECTION 13-701,
45 THE CONDITIONS OF PROBATION IMPOSED SHALL BE INFORMED BY THE FINDINGS OF
46 THAT PRESENTENCE REPORT.

1 C. When granting probation to an adult the court, as a condition of
2 probation, shall assess a monthly fee of not less than \$65 unless, after
3 determining the inability of the probationer to pay the fee, the court
4 assesses a lesser fee. This fee is not subject to any surcharge. In
5 justice and municipal courts the fee shall only be assessed when the
6 person is placed on supervised probation. For persons placed on probation
7 in the superior court, the fee shall be paid to the clerk of the superior
8 court and the clerk of the court shall pay all monies collected from this
9 fee to the county treasurer for deposit in the adult probation services
10 fund established by section 12-267. For persons placed on supervised
11 probation in the justice court, the fee shall be paid to the justice court
12 and the justice court shall transmit all of the monies to the county
13 treasurer for deposit in the adult probation services fund established by
14 section 12-267. For persons placed on supervised probation in the
15 municipal court, the fee shall be paid to the municipal court. The
16 municipal court shall transmit all of the monies to the city treasurer who
17 shall transmit the monies to the county treasurer for deposit in the adult
18 probation services fund established by section 12-267. Any amount
19 assessed pursuant to this subsection shall be used to supplement monies
20 used for the salaries of adult probation and surveillance officers and for
21 support of programs and services of the superior court adult probation
22 departments.

23 ~~B.~~ D. The period of probation shall be determined according to
24 section 13-902, except that if a person is released pursuant to section
25 31-233, subsection B and community supervision is waived pursuant to
26 section 13-603, subsection K, the court shall extend the period of
27 probation by the amount of time the director of the state department of
28 corrections approves for the inmate's temporary release.

29 ~~E.~~ E. The court, in its discretion, may issue a warrant for the
30 rearrest of the defendant and may modify or add to the conditions or, if
31 the defendant commits an additional offense or violates a condition, may
32 revoke probation in accordance with the Arizona rules of criminal
33 procedure at any time before the expiration or termination of the period
34 of probation. If the court revokes the defendant's probation and the
35 defendant is serving more than one probationary term concurrently, the
36 court may sentence the person to terms of imprisonment to be served
37 consecutively.

38 ~~D.~~ F. At any time during the probationary term of the person
39 released on probation, any probation officer, without warrant or other
40 process and at any time until the final disposition of the case, may
41 rearrest any person and bring the person before the court.

42 ~~E.~~ G. The court, on its own initiative or on application of the
43 probationer, after notice and an opportunity to be heard for the
44 prosecuting attorney and, on request, the victim, may terminate the period
45 of probation or intensive probation and discharge the defendant at a time
46 earlier than that originally imposed if in the court's opinion the ends of

1 justice will be served and if the conduct of the defendant on probation
2 warrants it.

3 ~~F.~~ H. When granting probation the court may require that the
4 defendant be imprisoned in the county jail at whatever time or intervals,
5 consecutive or nonconsecutive, the court shall determine, within the
6 period of probation, as long as the period actually spent in confinement
7 does not exceed one year or the maximum period of imprisonment allowed
8 under chapter 7 of this title, whichever is the shorter.

9 ~~G.~~ I. If the defendant is placed on lifetime probation and has
10 served one year in the county jail as a term of probation, the court may
11 require that the defendant be additionally imprisoned in the county jail
12 at whatever time or intervals, consecutive or nonconsecutive, the court
13 shall determine, within the period of probation if the defendant's
14 probation is revoked by the court and the defendant is subsequently
15 reinstated on probation. The period actually spent in confinement as a
16 term of being reinstated on probation shall not exceed one year or, when
17 including the initial one-year period of incarceration imposed as a term
18 of probation, the maximum period of imprisonment allowed under chapter 7
19 of this title, whichever is shorter.

20 ~~H.~~ J. If restitution is made a condition of probation, the court
21 shall fix the amount of restitution and the manner of performance pursuant
22 to chapter 8 of this title.

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

26 ~~J.~~ L. If the defendant meets the criteria set forth in section
27 13-901.01 or 13-3422, the court may place the defendant on probation
28 pursuant to either section. If a defendant is placed on probation
29 pursuant to section 13-901.01 or 13-3422, the court may impose any term of
30 probation that is authorized pursuant to this section and that is not in
31 violation of section 13-901.01.

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

41 ~~L.~~ N. If a probationer makes a written request to the supervising
42 probation department to courtesy transfer the probationer's intensive
43 probation supervision or supervised probation to another county in this
44 state with the intent to reside in that county and provides proof of
45 family caregiver obligations, employment or housing, or an offer of
46 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.~~ O. After verifying the information submitted by the sending probation department pursuant to subsection ~~+~~ N 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.~~ P. If a probationer's intensive probation supervision or supervised probation is courtesy transferred to another county pursuant to subsection ~~+~~ N 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 intensive probation supervision or supervised probation back to the county in which the probationer's probation was originally imposed except for revocation hearings or an order of the court.

Sec. 2. Section 13-903, Arizona Revised Statutes, is amended to read:

13-903. Calculation of periods of probation

A. A period of probation commences on the day it is imposed or as designated by the court, and an extended period of probation commences on the day the original period lapses.

B. If a court determines that the defendant violated a condition of the defendant's probation but reinstates probation, the period between the date of the violation and the date of restoration of probation is not computed as part of the period of probation. If it is determined that the defendant is not a violator, there is no interruption of the period OF PROBATION.

C. The running of the period of probation shall cease during the unauthorized absence of the defendant from the jurisdiction or from any required supervision and shall resume only ~~upon~~ ON the defendant's voluntary or involuntary return to the probation service.

D. The running of the period of probation shall cease during the period from the filing of the petition to revoke probation to the termination of revocation of probation proceedings, except that if a court determines that the defendant is not a violator, there is no interruption of the period of probation.

1 E. If probation is imposed on one who at the time is serving a
2 sentence of imprisonment imposed on a different conviction, service of the
3 sentence of imprisonment shall not satisfy the probation.

4 F. Time spent in custody under section 13-901, subsection ~~F~~ H
5 shall be credited to any sentence of imprisonment imposed ~~upon~~ ON
6 revocation of probation.

7 Sec. 3. Section 13-917, Arizona Revised Statutes, is amended to
8 read:

9 13-917. Modification of supervision

10 A. The adult probation officer shall periodically examine the risk
11 and needs of each person granted intensive probation and the risks of
12 modifying the level of supervision of the person. The court or the adult
13 probation officer may at any time modify the level of intensive probation
14 supervision of a person granted intensive probation. The court may
15 transfer the person to standard probation or terminate the period of
16 intensive probation pursuant to section 13-901, subsection ~~F~~ G.

17 B. If a petition to revoke the grant of intensive probation is
18 filed and the court finds that the person has committed an additional
19 felony offense that posed a serious threat or danger to the community, the
20 court shall revoke the grant of intensive probation and impose a term of
21 imprisonment as authorized by law. If the court finds that the person has
22 committed a violation of a condition of intensive probation that posed a
23 serious threat or danger to the community, the court shall revoke the
24 grant of intensive probation and impose a term of imprisonment as
25 authorized by law. If the court finds that the person has violated any
26 other condition of intensive probation, the court may modify the
27 conditions of intensive probation or may revoke the grant of intensive
28 probation and impose a term of imprisonment as authorized by law.

29 C. The court shall notify the parties, and the victim on request,
30 of any proposed modification of the terms of a person's intensive
31 probation if that modification will substantially affect the person's
32 contact with or safety of the victim or if the modification involves
33 restitution or incarceration status.

34 Sec. 4. Section 13-924, Arizona Revised Statutes, is amended to
35 read:

36 13-924. Probation; earned time credit; work time credit;
37 applicability; definitions

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

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

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

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

1 3. Is current in completing community restitution.

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

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

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

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

17 4. Is current in completing community restitution.

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

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

22 1. On lifetime probation.

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

24 3. On probation exclusively for a misdemeanor offense.

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

26 F. This section has no effect on the ability of the court to
27 terminate the period of probation or intensive probation pursuant to
28 section 13-901, subsection ~~F~~ G at a time earlier than originally imposed.

29 G. For the purposes of this section:

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

34 2. "Supporting documentation" means an employment record, pay stub,
35 employment letter, contract or other reliable means of verifying
36 employment.