

REFERENCE TITLE: dangerous crimes; children; probation revocation

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

SB 1709

Introduced by
Senator Shamp

AN ACT

AMENDING SECTION 13-901, ARIZONA REVISED STATUTES; RELATING TO PROBATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

13-901. Probation

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

B. The period of probation shall be determined according to section 13-902, except that if a person is released pursuant to section 31-233, subsection B and community supervision is waived pursuant to section 13-603, subsection K, the court shall extend the period of probation by the amount of time the director of the state department of corrections 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.

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

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

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

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

44 J. If the defendant meets the criteria set forth in section
 45 13-901.01 or 13-3422, the court may place the defendant on probation

1 pursuant to either section. If a defendant is placed on probation
2 pursuant to section 13-901.01 or 13-3422, the court may impose any term of
3 probation that is authorized pursuant to this section and that is not in
4 violation of section 13-901.01.

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

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

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

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

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

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

35 N. If a probationer's intensive probation supervision or supervised
36 probation is courtesy transferred to another county pursuant to subsection
37 L of this section and the probationer subsequently violates the terms of
38 the probationer's probation or commits an additional offense while on
39 probation, the probation department in the county in which the probation
40 violation or additional offense occurred may not return the probationer's
41 intensive probation supervision or supervised probation back to the county
42 in which the probationer's probation was originally imposed except for
43 revocation hearings or an order of the court.

44 O. NOTWITHSTANDING ANY OTHER LAW, IF A DEFENDANT IS AT LEAST
45 EIGHTEEN YEARS OF AGE, IS CONVICTED OF A DANGEROUS CRIME AGAINST CHILDREN

1 AND COMMITS AN ADDITIONAL OFFENSE OR VIOLATES A CONDITION OF PROBATION,
2 THE COURT SHALL ISSUE A WARRANT FOR THE REARREST OF THE DEFENDANT AND
3 SHALL REVOKE THE DEFENDANT'S PROBATION IN ACCORDANCE WITH THE ARIZONA
4 RULES OF CRIMINAL PROCEDURE AT ANY TIME BEFORE THE EXPIRATION OR
5 TERMINATION OF THE PERIOD OF PROBATION. IF THE COURT REVOKES THE
6 DEFENDANT'S PROBATION AND THE DEFENDANT IS SERVING MORE THAN ONE
7 PROBATIONARY TERM CONCURRENTLY, THE COURT SHALL SENTENCE THE PERSON TO
8 TERMS OF IMPRISONMENT TO BE SERVED CONSECUTIVELY.