

REFERENCE TITLE: juveniles; parole eligibility; release presumption

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

SB 1770

Introduced by
Senator Gonzales

AN ACT

AMENDING TITLE 31, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 31-419; RELATING TO PAROLE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 31, chapter 3, article 2, Arizona Revised
3 Statutes, is amended by adding section 31-419, to read:

4 31-419. Juvenile offenders; parole eligibility; parole
5 hearing; mitigating factors; presumption of
6 release; sentencing

7 A. NOTWITHSTANDING ANY OTHER LAW, A PERSON WHO WAS SENTENCED TO
8 SERVE TWENTY-FIVE OR MORE YEARS FOR ONE OR MORE OFFENSES THAT WERE
9 COMMITTED WHEN THE PERSON WAS UNDER EIGHTEEN YEARS OF AGE AND WHO HAS
10 COMPLETED AT LEAST FIFTEEN YEARS OF THE SENTENCE IMPOSED IS ELIGIBLE FOR
11 PAROLE.

12 B. A PERSON WHO IS ELIGIBLE FOR PAROLE PURSUANT TO SUBSECTION A OF
13 THIS SECTION HAS THE RIGHT TO A PAROLE HEARING REGARDLESS OF WHETHER THE
14 PERSON IS SERVING CONCURRENT OR CONSECUTIVE SENTENCES FOR MULTIPLE
15 OFFENSES.

16 C. THE PERSON SHALL BE PRESENT AT THE PAROLE HEARING, UNLESS THE
17 PERSON WAIVES THE RIGHT TO BE PRESENT.

18 D. DURING A PAROLE HEARING, THE BOARD OF EXECUTIVE CLEMENCY SHALL
19 TAKE INTO CONSIDERATION ALL OF THE FOLLOWING MITIGATING FACTORS:

20 1. THE PERSON'S AGE AT THE TIME OF THE COMMISSION OF THE OFFENSE.

21 2. IF THE PERSON HAS REASONABLY COMPLIED WITH THE RULES OF THE
22 CORRECTIONAL FACILITY IN WHICH THE PERSON IS CONFINED.

23 3. IF THE PERSON HAS COMPLETED ANY EDUCATIONAL, VOCATIONAL,
24 TECHNICAL OR OTHER PROGRAM, IF AVAILABLE, WHILE CONFINED. IF ANY
25 EDUCATIONAL, VOCATIONAL, TECHNICAL OR OTHER PROGRAMS ARE NOT AVAILABLE OR
26 ARE DENIED TO THE PERSON WHILE CONFINED, THE BOARD OF EXECUTIVE CLEMENCY
27 SHALL WEIGH THIS FACTOR IN FAVOR OF THE PERSON AS IF THE PERSON COMPLETED
28 ANY EDUCATIONAL, VOCATIONAL, TECHNICAL OR OTHER PROGRAM.

29 4. IF THE PERSON HAS DEMONSTRATED MATURITY, REHABILITATION AND A
30 FITNESS TO REENTER SOCIETY.

31 5. ANY PHYSICAL, MENTAL OR BEHAVIORAL EXAMINATION OF THE PERSON
32 THAT HAS BEEN CONDUCTED BY A LICENSED HEALTH CARE PROFESSIONAL.

33 6. THE PERSON'S FAMILY AND COMMUNITY CIRCUMSTANCES AT THE TIME THE
34 OFFENSE WAS COMMITTED, INCLUDING ANY HISTORY OF ABUSE, TRAUMA, NEGLECT OR
35 INVOLVEMENT IN THE CHILD WELFARE SYSTEM.

36 7. THE EXTENT OF THE PERSON'S ROLE IN THE COMMISSION OF THE OFFENSE
37 AND IF AND TO WHAT EXTENT AN ADULT OR PEER WAS INVOLVED IN THE COMMISSION
38 OF THE OFFENSE.

39 8. THE DIMINISHED CULPABILITY OF JUVENILES AS COMPARED TO THAT OF
40 AN ADULT, INCLUDING IMMATURITY, IMPETUOSITY AND THE INABILITY TO FULLY
41 APPRECIATE RISKS AND THE CONSEQUENCES OF CONDUCT.

42 9. ANY OTHER MITIGATING EVIDENCE THAT THE BOARD OF EXECUTIVE
43 CLEMENCY DEEMS RELEVANT.

44 E. IF THE BOARD OF EXECUTIVE CLEMENCY DENIES THE PERSON'S RELEASE
45 ON PAROLE:

1 1. THE BOARD SHALL STATE THE REASONS FOR ITS DENIAL IN WRITING AND
2 ORDER THAT THE PERSON IS ELIGIBLE TO RECEIVE AND COMPLETE REHABILITATION
3 PROGRAMMING WHILE CONFINED.

4 2. THE PERSON REMAINS ELIGIBLE FOR PAROLE AND IS ENTITLED TO A
5 PAROLE HEARING EVERY YEAR AFTER THE INITIAL DENIAL.

6 3. THE BOARD MAY NOT WEIGH OR CONSIDER A DENIAL AS AN ADVERSE
7 FACTOR AT ANY SUBSEQUENT PAROLE HEARING.

8 F. SUBSECTION E OF THIS SECTION DOES NOT DISQUALIFY A PERSON FROM
9 BEING ELIGIBLE FOR EARLY RELEASE OR ANY OTHER REMEDIES OR RELIEF PURSUANT
10 TO ANY OTHER LAW.

11 G. A PERSON WHO IS ELIGIBLE FOR PAROLE PURSUANT TO THIS SECTION IS
12 ENTITLED TO A PRESUMPTION IN FAVOR OF RELEASE ON PAROLE, WHICH MAY BE
13 REBUTTED WITH EVIDENCE THAT THE PERSON CONTINUES TO POSE A THREAT TO
14 PUBLIC SAFETY.

15 H. NOTWITHSTANDING ANY OTHER LAW, WHEN SENTENCING A JUVENILE WHO
16 HAS BEEN CONVICTED AS AN ADULT, A COURT:

17 1. MAY IMPOSE A SENTENCE THAT IS LESS THAN THE MINIMUM TERM
18 REQUIRED UNDER LAW.

19 2. MAY NOT IMPOSE ANY OF THE FOLLOWING SENTENCES:

20 (a) DEATH.

21 (b) NATURAL LIFE.

22 (c) DE FACTO LIFE. FOR THE PURPOSES OF THIS SUBDIVISION, "DE FACTO
23 LIFE" MEANS A SENTENCE OR CONSECUTIVE SENTENCES THAT TOTAL TWENTY-FIVE
24 YEARS OR MORE.

25 (d) LIFE WITHOUT THE POSSIBILITY OF PAROLE OR RELEASE.