

REFERENCE TITLE: juveniles; sentence reduction; hearing

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

SB 1784

Introduced by
Senator Gonzales

AN ACT

AMENDING TITLE 13, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-722; RELATING TO SENTENCING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, chapter 7, Arizona Revised Statutes, is
3 amended by adding section 13-722, to read:

4 13-722. Sentence reduction for offenses committed by persons
5 under eighteen years of age; sentence reduction
6 hearing

7 A. NOTWITHSTANDING ANY OTHER LAW, THE COURT SHALL REDUCE A TERM OF
8 IMPRISONMENT IMPOSED ON A DEFENDANT WHO WAS SENTENCED TO SERVE MORE THAN
9 FIFTEEN YEARS FOR ONE OR MORE OFFENSES THAT WERE COMMITTED WHEN THE
10 DEFENDANT WAS UNDER EIGHTEEN YEARS OF AGE AND WHO HAS COMPLETED AT LEAST
11 FIFTEEN YEARS OF THE SENTENCE IMPOSED UNLESS AFTER A HEARING THE COURT
12 FINDS THAT THE DEFENDANT IS A THREAT TO PUBLIC SAFETY. THE COURT SHALL
13 DETERMINE THE LENGTH OF THE SENTENCE REDUCTION AFTER CONSIDERING THE
14 FACTORS SET FORTH IN SUBSECTION C OF THIS SECTION. THE DEFENDANT IS
15 ELIGIBLE FOR A HEARING PURSUANT TO THIS SUBSECTION REGARDLESS OF WHETHER
16 THE DEFENDANT IS SERVING CONCURRENT OR CONSECUTIVE SENTENCES FOR MULTIPLE
17 OFFENSES.

18 B. A DEFENDANT WHO IS ELIGIBLE FOR A SENTENCE REDUCTION PURSUANT TO
19 SUBSECTION A OF THIS SECTION SHALL FILE A NOTICE OF INTENT TO FILE A
20 MOTION FOR A RESENTENCING HEARING WITH THE SENTENCING COURT. THE COURT
21 SHALL CONDUCT A HEARING ON THE MOTION WITHIN NINETY DAYS AFTER RECEIVING
22 THE MOTION. THE COURT SHALL APPOINT AN ATTORNEY TO REPRESENT THE
23 DEFENDANT AT THE INITIAL STATUS CONFERENCE, AND THE DEFENDANT'S ATTORNEY
24 SHALL FILE A MOTION FOR A SENTENCE REDUCTION WITH THE COURT WITHIN A
25 SPECIFIC TIME FRAME DETERMINED BY THE COURT. IT IS PRESUMED THAT THE
26 DEFENDANT SHALL RECEIVE A SENTENCE REDUCTION UNLESS THE COURT DETERMINES
27 THAT THE DEFENDANT POSES A THREAT TO PUBLIC SAFETY BASED ON THE EVIDENCE
28 PRESENTED AT THE HEARING. THE STATE SHALL PROVIDE NOTICE OF THE HEARING
29 TO THE VICTIM OR THE VICTIM'S REPRESENTATIVE. THE DEFENDANT HAS THE RIGHT
30 TO BE PRESENT AT ALL HEARINGS RELATED TO THE DEFENDANT'S RESENTENCING.

31 C. WHEN DETERMINING WHETHER THE DEFENDANT IS A THREAT TO PUBLIC
32 SAFETY AND THE LENGTH OF THE SENTENCE REDUCTION, THE COURT SHALL CONSIDER
33 THE FOLLOWING MITIGATING FACTORS:

34 1. THE DEFENDANT'S AGE AT THE TIME OF THE COMMISSION OF THE
35 OFFENSE.

36 2. THE NATURE OF THE OFFENSE AND THE HISTORY AND CHARACTERISTICS OF
37 THE DEFENDANT.

38 3. WHETHER THE DEFENDANT HAS REASONABLY COMPLIED WITH THE RULES OF
39 THE CORRECTIONAL FACILITY IN WHICH THE DEFENDANT IS INCARCERATED.

40 4. WHETHER THE DEFENDANT HAS COMPLETED AN EDUCATIONAL OR VOCATIONAL
41 PROGRAM OR ANY OTHER PROGRAM WHILE IMPRISONED. IF AN EDUCATIONAL OR
42 VOCATIONAL PROGRAM OR OTHER PROGRAMS WERE NOT AVAILABLE OR HAVE BEEN
43 DENIED TO THE DEFENDANT WHILE IMPRISONED, THE COURT SHALL WEIGH THIS
44 FACTOR IN FAVOR OF THE DEFENDANT AS IF THE DEFENDANT COMPLETED AN
45 AVAILABLE EDUCATIONAL OR VOCATIONAL PROGRAM OR ANY OTHER PROGRAM.

1 5. WHETHER THE DEFENDANT HAS DEMONSTRATED MATURITY, REHABILITATION
2 AND A FITNESS TO REENTER SOCIETY.

3 6. ANY REPORTS OF PHYSICAL, MENTAL OR PSYCHIATRIC EXAMINATIONS OF
4 THE DEFENDANT THAT ARE CONDUCTED BY LICENSED HEALTH CARE PROFESSIONALS.

5 7. THE DEFENDANT'S FAMILY AND COMMUNITY CIRCUMSTANCES AT THE TIME
6 OF THE COMMISSION OF THE OFFENSE, INCLUDING ANY HISTORY OF ABUSE, TRAUMA,
7 NEGLECT OR INVOLVEMENT IN THE CHILD WELFARE SYSTEM.

8 8. THE EXTENT OF THE DEFENDANT'S ROLE IN THE COMMISSION OF THE
9 OFFENSE AND WHETHER AND TO WHAT EXTENT AN ADULT OR PEER WAS INVOLVED IN
10 THE COMMISSION OF THE OFFENSE.

11 9. THE DIMINISHED CULPABILITY OF A JUVENILE AS COMPARED TO THAT OF
12 AN ADULT, INCLUDING IMMATURITY, IMPETUOSITY AND THE INABILITY TO FULLY
13 APPRECIATE RISKS AND CONSEQUENCES.

14 10. ANY OTHER MITIGATING EVIDENCE THAT THE COURT DEEMS RELEVANT.

15 D. THE COURT SHALL ISSUE A RULING WITHIN THIRTY DAYS AFTER THE
16 RESENTENCING HEARING. THE COURT SHALL STATE ITS REASONS FOR GRANTING OR
17 DENYING THE MOTION FOR SENTENCE REDUCTION IN WRITING AND THE WEIGHT GIVEN
18 TO EACH FACTOR LISTED IN SUBSECTION C OF THIS SECTION. IF THE COURT
19 DENIES THE MOTION, THE COURT MAY ORDER THE CORRECTIONAL FACILITY TO
20 PROVIDE EDUCATIONAL PROGRAMMING TO THE DEFENDANT WHILE THE DEFENDANT IS
21 INCARCERATED, AND THE DENIAL MAY NOT BE WEIGHED AS AN ADVERSE FACTOR AT
22 ANY SUBSEQUENT JUDICIAL HEARING OR BOARD OF EXECUTIVE CLEMENCY HEARING.
23 THE DEFENDANT MAY NOT FILE A SECOND OR SUBSEQUENT MOTION PURSUANT TO THIS
24 SECTION FOR AT LEAST TWO YEARS FROM THE DATE THAT THE INITIAL NOTICE OF
25 INTENT TO FILE A MOTION FOR RESENTENCING HEARING WAS FILED. IF THE COURT
26 GRANTS THE MOTION, THE COURT SHALL IMMEDIATELY RESENTENCE THE DEFENDANT TO
27 A REDUCED TERM OF IMPRISONMENT. THE COURT MAY NOT RESENTENCE THE
28 DEFENDANT TO AN INDEFINITE TERM OF IMPRISONMENT OR TO NATURAL LIFE. THE
29 COURT MAY IMPOSE A SENTENCE THAT IS LESS THAN THE MINIMUM TERM THAT IS
30 OTHERWISE PRESCRIBED BY LAW.

31 E. BEFORE RELEASING THE DEFENDANT FROM IMPRISONMENT, THE COURT MAY
32 REQUIRE THE CORRECTIONAL FACILITY TO ENROLL THE DEFENDANT IN, AND ALLOW
33 THE DEFENDANT TO COMPLETE, ANY OF THE FOLLOWING:

- 34 1. PRERELEASE PROGRAMMING.
35 2. ALCOHOL AND SUBSTANCE ABUSE TREATMENT.
36 3. A GENERAL EDUCATION DEVELOPMENT PROGRAM OR OTHER EDUCATION,
37 LITERACY OR JOB SKILLS PROGRAM.
38 4. A REENTRY PROGRAM.

39 F. THIS SECTION DOES NOT DISQUALIFY A PERSON FROM BEING ELIGIBLE
40 FOR EARLY RELEASE OR ANY OTHER REMEDIES OR RELIEF PURSUANT TO ANY OTHER
41 LAW.

42 G. A PERSON WHO IS ELIGIBLE FOR RELEASE OR A SENTENCE REDUCTION
43 PURSUANT TO THIS SECTION IS ENTITLED TO A PRESUMPTION IN FAVOR OF RELEASE
44 ON COMMUNITY SUPERVISION, WHICH MAY BE REBUTTED WITH EVIDENCE THAT THE
45 PERSON CONTINUES TO POSE A THREAT TO PUBLIC SAFETY.