



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

House: JUD DPA 6-3-0-0

---

## **HB 2064: school safety zone; offenses; sentencing**

**Sponsor: Representative Bliss, LD 1**

**House Engrossed**

### **Overview**

Authorizes a court to increase the applicable sentencing range by up to five years for a person who is convicted of a felony offense in a school safety zone if the person is in a position of trust and is convicted of a qualifying sexual offense, in addition to other sentence enhancements that may apply.

### **History**

With the exception of certain drug offenses with separate sentencing provisions in [A.R.S. § 13-3411](#), a person who is convicted of a felony offense that is committed in a school safety zone is guilty of the same class of felony that the person would otherwise be guilty of, except that the court is authorized to impose increased sentencing ranges as follows:

- 1) For a person who is not a criminal street gang member, the court may impose a sentence that is one year longer than the applicable minimum, maximum and presumptive sentence for the offense; or
- 2) For a person who is a criminal street gang member, the court may impose a sentence that is up to five years longer than the applicable minimum, maximum and presumptive sentence for the offense.

These increased sentencing ranges are in addition to any other enhanced punishments enumerated in statute that may be applicable to the situation, such as those for repeat offenses or dangerous offenses. Moreover, the court is also authorized to order such a person to pay a fine of at least \$2,000 but not more than the statutory maximum of \$150,000.

For these purposes, a *school* is defined as any public or nonpublic kindergarten program, common school or high school. A *school safety zone* is defined as any of the following:

- 1) The area within three hundred feet of a school or its accompanying grounds;
- 2) Any public property within 1,000 feet of a school or its accompanying grounds;
- 3) Any school bus;
- 4) A bus contracted to transport pupils to any school during the time when the contracted vehicle is transporting pupils on behalf of the school;
- 5) A school bus stop; or
- 6) Any bus stop where school children are awaiting, boarding or exiting a bus contracted to transport pupils to any school ([A.R.S. § 13-709](#)).

The criminal code defines a *criminal street gang* as an ongoing formal or informal association of persons in which members or associates individually or collectively engage in the commission, attempted commission, facilitation or solicitation of any felony act and that has at least one individual who is a criminal street gang member. Further, a *criminal street gang*

*member* is defined as an individual to whom at least two of the following seven criteria that indicate criminal street gang membership apply:

- 1) Self-proclamation;
- 2) Witness testimony or official statement;
- 3) Written or electronic correspondence;
- 4) Paraphernalia or photographs;
- 5) Tattoos;
- 6) Clothing or colors; or
- 7) Any other indicia of street gang membership ([A.R.S. § 13-105](#)).

For purposes of certain sexual offenses, the criminal code defines *position of trust* to include a person who is or was any of the following:

- 1) The minor's parent, stepparent, grandparent, adoptive parent, legal guardian, aunt, uncle or foster parent;
- 2) The minor's teacher or any school employee or volunteer at the minor's school who is eighteen years of age or older;
- 3) The minor's coach or instructor, whether the coach or instructor is an employee or volunteer;
- 4) The minor's clergyman or priest or any person who is at least eighteen years of age and who worked or volunteered for a religious organization that hosted events or activities where the minor was in attendance;
- 5) Engaged in a sexual or romantic relationship with the minor's parent, adoptive parent, grandparent, aunt, uncle, legal guardian, foster parent, stepparent, step-grandparent or sibling;
- 6) Related to the minor by blood or marriage within the third degree and is at least ten years older than the minor;
- 7) The minor's employer; or
- 8) An employee of a group home or residential treatment facility where the minor resides or has previously resided ([A.R.S. § 13-1401](#)).

### **Provisions**

1. Expands the existing five-year sentence enhancement that may be imposed on a criminal street gang member who commits a felony in a school safety zone to also include a person who:
  - a) Is in a position of trust as defined in [A.R.S. § 13-1401](#); and
  - b) Is convicted of an offense listed in [A.R.S. § 13-3212](#) (child sex trafficking) or A.R.S. title 13, chapters 14 (sexual offenses) or 35.1 (sexual exploitation of children). (Sec. 1)
2. Makes a technical change. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
--	--	---	--------------------------------------