



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

House: JUD DP 6-3-0-0

## **HB 2435: repetitive offenders; organized retail theft**

**Sponsor: Representative Toma, LD 27**

**Caucus & COW**

### **Overview**

Requires a person who is convicted of a third or subsequent organized retail theft offense to be sentenced as a category two repetitive offender in certain circumstances.

### **History**

A person commits organized retail theft under [A.R.S. § 13-1819](#), subsection A, paragraph 1, if the person, acting alone or in conjunction with another person, removes merchandise from a retail establishment without paying the purchase price with the intent to resell or trade the merchandise for money or for other value. This offense is classified as a class 4 felony, meaning that, for a first-time offense, it is punishable by 1 to 3.75 years in prison or up to 4 years of probation (A.R.S. §§ [13-1819](#), [13-702](#), [13-902](#)).

The criminal code provides for enhanced sentencing categories for certain repetitive offenders. For example, if a person is convicted of multiple felony offenses that were not committed on the same occasion but that either are consolidated for trial purposes or are not historical prior felony convictions, statute requires the person be sentenced as a first-time felony offender for the first offense and as a category one repetitive offender for the second and subsequent offenses. Moreover, except for dangerous offenses or dangerous crimes against children, statute requires a person to be sentenced as a category two repetitive offender if the person is at least 18 years old or has been tried as an adult; stands convicted of a felony; and has one historical prior felony conviction. In the case of a class 4 felony, the applicable sentences for these categories are as follows:

- 1) for a category one repetitive offender, 1 to 3.75 years in prison without eligibility for probation;
- 2) for a category two repetitive offender, 2.25 to 7.5 years in prison without eligibility for probation ([A.R.S. § 13-703](#)).

*Historical prior felony conviction* is defined in statute to include an extensive list of different offenses or categories of offenses ([A.R.S. § 13-105](#)).

### **Provisions**

1. Requires a person who is convicted of a third or subsequent organized retail theft offense under [A.R.S. § 13-1819](#), subsection A, paragraph 1, to be sentenced as a category two repetitive offender. (Sec. 1)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note