



ARIZONA HOUSE OF REPRESENTATIVES

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Senate: MAPS DP 6-1-0-0 | 3rd Read DP 17-11-2-0-0

House: JUD DP 6-3-0-0 | 3rd Read DP 39-20-1-0-0

SB 1155: lifetime probation; sexual offenses; termination

Sponsor: Senator Shamp, LD 29

Transmitted to the Governor

Overview

Prohibits a person on lifetime probation for a sexual offense from petitioning for probation termination until a certain amount of time has passed based on felony level. Requires the probation department to complete an investigation of the probationer's current or pending criminal charges and prohibits probation modification or termination if there are current or pending charges.

History

The criminal code includes several provisions that govern the procedure for a court to impose a term of probation; define the different types of probation that may be imposed for eligible offenses; and delineate the terms and conditions that a defendant is subject to while on probation. In some cases, either on its own initiative or on application from the probationer, the sentencing court is authorized to terminate the period of probation early after notice and an opportunity to be heard for the prosecuting attorney and, on request, the victim. But probation can only be terminated early if in the court's opinion the ends of justice will be served and if the conduct of the defendant on probation warrants it ([A.R.S. § 13-901](#)).

Current law enumerates maximum terms of probation that may be imposed based on the sentencing classification for the offense. However, for certain offenses, such as those in [A.R.S. title 13](#), chapters 14 (sexual offenses) and 35.1 (sexual exploitation of children), the court is required to impose no less than the applicable probation term and may extend probation for up to life if the court believes it is appropriate for the ends of justice ([A.R.S. § 13-902](#)).

Statute permits probationers to request that the court conduct a probation hearing at least once a year if the probationer is under 22 years of age and was convicted of an offense that occurred when the person was under the age 18 and requires the probationer to register as a sex offender pursuant to [A.R.S. § 13-3821](#) ([A.R.S. § 13-923](#)).

Provisions

1. Prohibits, notwithstanding any other law, a person on lifetime probation for a sexual offense from petitioning a court to terminate the person's probation before the following expiration of time:
 - a) for a class 2 or 3 felony conviction, 20 years after the date that the person was placed on probation;
 - b) for a class 4, 5 or 6 felony conviction, 10 years after the date that the person was placed on probation. (Sec. 1)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

2. States that the previous provision does not apply to a person who requests an annual probation review hearing pursuant to [A.R.S. § 13-923](#). (Sec. 1)
3. Requires the applicable probation department to complete an investigation of arrest notifications and warrant checks of a person placed on probation for a felony sexual offense to determine whether the person has any current or pending criminal charges before recommending a modification or early termination of the person's probation sentence. (Sec. 1)
4. Prohibits a court from issuing an order terminating or modifying the person's probation sentence if there is a current or pending criminal charge against the person. (Sec. 1)