

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

2 Section 1. Section 8-132, Arizona Revised Statutes, is amended to
3 read:

4 8-132. Adoption agency information confidentiality; permissible
5 disclosure; use; violation; classification; definitions

6 A. Unless otherwise provided by law and except as provided in
7 subsection C or D of this section, all personal information concerning
8 an individual who applies for or who receives an adoption agency license
9 is confidential and may not be released, unless the release is ordered
10 by the ~~superior~~ court or provided for by court rule. DCS information is
11 confidential and may be released only as prescribed in section 8-807.

12 B. Adoption agency information is not confidential, except for both
13 of the following:

14 1. Any DCS information in the licensing files.

15 2. The address of any facility where a foster child is placed, even
16 if the address is also the corporate address of the adoption agency.

17 C. An employee of the department of child safety, the department
18 of law or a court may obtain the information described in subsection A
19 or B of this section in the performance of the employee's duties.

20 D. An employee of the department of child safety, the department
21 of law or a court may release information that is otherwise confidential
22 under this section under any of the following circumstances:

23 1. To an applicant or licensee if a request is made in writing
24 specifically requesting information that directly relates to the person
25 who requests the information.

26 2. In oral or written communications involving the provision of
27 services or the referral to services between employees of, persons under
28 contract with or persons holding a general employment relationship with
29 the department of child safety, the department of law or the juvenile
30 court.

31 3. If the disclosure is necessary to protect against a clear and
32 substantial risk of imminent serious injury to a client of the department
33 of child safety.

34 4. To an agency of the federal government, this state or another
35 state or any political subdivision of this state for official purposes.
36 Information received by a governmental agency pursuant to this paragraph
37 shall be maintained as confidential, unless the information is pertinent
38 to a criminal prosecution.

1 5. To a foster parent or a parent certified to adopt, if the
2 information is necessary to assist in the placement with or care of a
3 child by the foster parent or person certified to adopt.

4 6. To an officer of the superior court, the department or an agency
5 that is required to perform an investigation pursuant to section 8-105,
6 if the information is pertinent to the investigation. Information
7 received pursuant to this paragraph may be disclosed to the court, but
8 shall otherwise be maintained as confidential.

9 E. A person who violates this section is guilty of a class 2
10 misdemeanor.

11 F. For the purposes of this section:

12 1. "Adoption agency information" means all information in the
13 licensing file of the department, including all information on corporate
14 or other entity applicants or licensees and any licensing investigations.
15 Adoption agency information does not include personal information about
16 individuals who apply for licensure to or who are licensed by the
17 department as an adoption agency or other similar personal information
18 contained in the licensing file of the department.

19 2. "DCS information" has the same meaning prescribed in section 8-
20 807.

21 3. "Personal information" means information about an individual
22 that is disclosed by the individual or by a third party on behalf of the
23 individual to obtain or maintain a license. Personal information includes
24 all of the following:

25 (a) The individual's identity, social security number, address and
26 personal history.

27 (b) Financial, health or medical information about the individual.

28 (c) References for the individual.

29 Section 2. Section 12-2703, Arizona Revised Statutes, is amended
30 to read:

31 **12-2703. Scope of remedies; violation; classification**

32 A. It is unlawful for any person to render for compensation any
33 service constituting the unauthorized practice of immigration and
34 nationality law or to otherwise violate this chapter.

35 B. A person having an interest or right that is or may be adversely
36 affected under this chapter may initiate an action for civil remedies.
37 The provisions of this article are in addition to all other causes of
38 action, remedies and penalties that are available in this state.

39 C. The attorney general shall initiate appropriate proceedings to
40 prevent or to stop violations of this chapter.

1 D. Section 13-703, subsection A ~~and subsection B, paragraph 1 do~~
2 DOES not apply for the purpose of enhancing the sentence of a person who
3 is convicted of two or more offenses under this section.

4 E. A person who violates this chapter is guilty of a class 6 felony.

5 Section 3. Section 13-703, Arizona Revised Statutes, is amended to read:

6 **13-703. Repetitive offenders; sentencing**

7 A. If a person is convicted of multiple felony offenses that were
8 not committed on the same occasion but that either are consolidated for
9 trial purposes or are not historical prior felony convictions, the person
10 shall be sentenced as a first time felony offender pursuant to section
11 13-702. For the first offense, as a category one repetitive offender for
12 the second offense, and as a category two repetitive offender for the
13 third and subsequent offenses.

14 B. Except as provided in section 13-704 or 13-705, a person shall
15 be sentenced as a category two repetitive offender if the person is at
16 least eighteen years of age or has been tried as an adult and stands
17 convicted of a felony and has one historical prior felony conviction.

18 C. Except as provided in section 13-704 or 13-705, a person shall
19 be sentenced as a category three repetitive offender if the person is
20 at least eighteen years of age or has been tried as an adult and stands
21 convicted of a felony and has two or more historical prior felony
22 convictions.

23 D. The presumptive term set by this section may be aggravated or
24 mitigated within the range under this section pursuant to section 13-
25 701, subsections C, D and E.

26 E. If a person is sentenced as a category one repetitive offender
27 pursuant to subsection A of this section and if at least two aggravating
28 circumstances listed in section 13-701, subsection D apply or at least
29 two mitigating circumstances listed in section 13-701, subsection E
30 apply, the court may impose a mitigated or aggravated sentence pursuant
31 to subsection H of this section.

32 F. If a person is sentenced as a category two repetitive offender
33 pursuant to subsection A OR B of this section and if at least two
34 aggravating circumstances listed in section 13-701, subsection D apply
35 or at least two mitigating circumstances listed in section 13-701,
36 subsection E apply, the court may impose a mitigated or aggravated
37 sentence pursuant to subsection I of this section.

38 G. If a person is sentenced as a category three repetitive offender
39 pursuant to subsection C of this section and at least two aggravating
40 circumstances listed in section 13-701, subsection D or at least two

1 mitigating circumstances listed in section 13-701, subsection E apply,
2 the court may impose a mitigated or aggravated sentence pursuant to
3 subsection J of this section.

4 H. A category one repetitive offender shall be sentenced within
5 the following ranges:

	<u>Felony</u>	<u>Mitigated</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>	<u>Aggravated</u>
6	Class 2	3 years	4 years	5 years	10 years	12.5 years
7	Class 3	2 years	2.5 years	3.5 years	7 years	8.75 years
8	Class 4	1 year	1.5 years	2.5 years	3 years	3.75 years
9	Class 5	.5 years	.75 years	1.5 years	2 years	2.5 years
10	Class 6	.25 years	.5 years	1 year	1.5 years	2 years

11 I. A category two repetitive offender shall be sentenced within
12 the following ranges:

	<u>Felony</u>	<u>Mitigated</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>	<u>Aggravated</u>
13	Class 2	4.5 years	6 years	9.25 years	18.5 years	23
14	Class 3	3.25 years	4.5 years	6.5 years	13 years	16.25
15	Class 4	2.25 years	3 years	4.5 years	6 years	7.5
16	Class 5	1 year	1.5 years	2.25 years	3 years	3.75
17	Class 6	.75 years	1 year	1.75 years	2.25 years	2.75

18 years
19 years
20 years
21 years
22 years
23 years
24 years
25 J. A category three repetitive offender shall be sentenced within
26 the following ranges:

	<u>Felony</u>	<u>Mitigated</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>	<u>Aggravated</u>
27	Class 2	10.5 years	14 years	15.75 years	28 years	35 years
28	Class 3	7.5 years	10 years	11.25 years	20 years	25 years
29	Class 4	6 years	8 years	10 years	12 years	15 years
30	Class 5	3 years	4 years	5 years	6 years	7.5 years
31	Class 6	2.25 years	3 years	3.75 years	4.5 years	5.75

32 years
33 years
34 K. The aggravated or mitigated term imposed pursuant to subsection
35 H, I or J of this section may be imposed only if at least two of the
36 aggravating circumstances are found beyond a reasonable doubt to be true
37 by the trier of fact or are admitted by the defendant, except that an
38 aggravating circumstance under section 13-701, subsection D, paragraph
39 11 shall be found to be true by the court, or in mitigation of the crime
40 are found to be true by the court, on any evidence or information

1 introduced or submitted to the court or the trier of fact before
2 sentencing or any evidence presented at trial, and factual findings and
3 reasons in support of these findings are set forth on the record at the
4 time of sentencing.

5 L. Convictions for two or more offenses committed on the same
6 occasion shall be counted as only one conviction for the purposes of
7 subsection B, ~~paragraph 2 and subsection~~ AND C of this section.

8 M. A person who has been convicted in any court outside the
9 jurisdiction of this state of an offense that was punishable by that
10 jurisdiction as a felony is subject to this section. A person who has
11 been convicted as an adult of an offense punishable as a felony under
12 the provisions of any prior code in this state or the jurisdiction in
13 which the offense was committed is subject to this section. A person who
14 has been convicted of a felony weapons possession violation in any court
15 outside the jurisdiction of this state that would not be punishable as
16 a felony under the laws of this state is not subject to this section.

17 N. The penalties prescribed by this section shall be substituted
18 for the penalties otherwise authorized by law if an allegation of prior
19 conviction is charged in the indictment or information and admitted or
20 found by the court. The release provisions prescribed by this section
21 shall not be substituted for any penalties required by the substantive
22 offense or a provision of law that specifies a later release or
23 completion of the sentence imposed before release. The court shall allow
24 the allegation of a prior conviction at any time before the date the
25 case is actually tried unless the allegation is filed fewer than twenty
26 days before the case is actually tried and the court finds on the record
27 that the person was in fact prejudiced by the untimely filing and states
28 the reasons for these findings. If the allegation of a prior conviction
29 is filed, the state must make available to the person a copy of any
30 material or information obtained concerning the prior conviction. The
31 charge of previous conviction shall not be read to the jury. For the
32 purposes of this subsection, "substantive offense" means the felony
33 offense that the trier of fact found beyond a reasonable doubt the person
34 committed. Substantive offense does not include allegations that, if
35 proven, would enhance the sentence of imprisonment or fine to which the
36 person otherwise would be subject.

37 O. A person who is sentenced pursuant to this section is not
38 eligible for suspension of sentence, probation, pardon or release from
39 confinement on any basis, except as specifically authorized by section
40 31-233, subsection A or B, until the sentence imposed by the court has

1 been served, the person is eligible for release pursuant to section 41-
2 1604.07 or the sentence is commuted.

3 P. The court shall inform all of the parties before sentencing
4 occurs of its intent to impose an aggravated or mitigated sentence
5 pursuant to subsection H, I or J of this section. If the court fails to
6 inform the parties, a party waives its right to be informed unless the
7 party timely objects at the time of sentencing.

8 Q. The court in imposing a sentence shall consider the evidence
9 and opinions presented by the victim or the victim's immediate family
10 at any aggravation or mitigation proceeding or in the presentence report.

11 Section 4. Section 13-905, Arizona Revised Statutes, is amended to
12 read:

13 13-905. Restoration of civil rights; persons completing probation

14 A. A person who has been convicted of two or more felonies and
15 whose period of probation has been completed may have any civil rights
16 which were lost or suspended by the felony conviction restored by the
17 judge who discharges him at the end of the term of probation.

18 B. On proper application, a person who has been discharged from
19 probation either before or after adoption of this chapter may have any
20 civil rights which were lost or suspended by the felony conviction
21 restored by the superior court ~~judge by whom the person was sentenced~~
22 ~~or the judge's successors in office from~~ IN the county in which the
23 person was originally convicted. The clerk of the superior court shall
24 have the responsibility for processing the application on request of the
25 person involved or the person's attorney. The superior court shall serve
26 a copy of the application on the county attorney.

27 C. If the person was convicted of a dangerous offense under § 13-
28 704, the person may not file for the restoration of the right to possess
29 or carry a gun or firearm. If the person was convicted of a serious
30 offense as defined in § 13-706 the person may not file for the restoration
31 of the right to possess or carry a gun or firearm for ten years from the
32 date of his discharge from probation. If the person was convicted of any
33 other felony offense, the person may not file for the restoration of the
34 right to possess or carry a gun or firearm for two years from the date
35 of the person's discharge from probation.

36 Section 5. Section 13-906, Arizona Revised Statutes, is amended to
37 read:

38 13-906. Applications by persons discharged from prison

39 A. On proper application, a person who has been convicted of two
40 or more felonies and who has received an absolute discharge from

1 imprisonment may have any civil rights which were lost or suspended by
2 his conviction restored by the superior court ~~judge by whom the person~~
3 ~~was sentenced or the judge's successors in office from~~ IN the county in
4 which the person was originally sentenced.

5 B. A person who is subject to subsection A of this section may
6 file, no sooner than two years from the date of his absolute discharge,
7 an application for restoration of civil rights that shall be accompanied
8 by a certificate of absolute discharge from the director of the state
9 department of corrections. The clerk of the superior court that sentenced
10 the applicant shall have the responsibility for processing applications
11 for restoration of civil rights upon request of the person involved, the
12 person's attorney or a representative of the state department of
13 corrections. The superior court shall serve a copy of the application
14 on the county attorney.

15 C. If the person was convicted of a dangerous offense under § 13-
16 704, the person may not file for the restoration of the right to possess
17 or carry a gun or firearm. If the person was convicted of a serious
18 offense as defined in § 13-706, the person may not file for the
19 restoration of the right to possess or carry a gun or firearm for ten
20 years from the date of his absolute discharge from imprisonment. If the
21 person was convicted of any other felony offense, the person may not
22 file for the restoration of the right to possess or carry a gun or
23 firearm for two years from the date of the person's absolute discharge
24 from imprisonment.

25 Section 6. Section 13-909, Arizona Revised Statutes, is amended to
26 read:

27 13-909. Restoration of civil rights; persons completing probation
28 for federal offense

29 A. A person who has been convicted of two or more felonies and
30 whose period of probation has been completed may have any civil rights
31 which were lost or suspended by the felony conviction in a United States
32 district court restored by the ~~presiding judge of the~~ superior court in
33 the county in which the person now resides, on filing of an affidavit
34 of discharge from the judge who discharged him at the end of the term
35 of probation.

36 B. On proper application, a person who has been discharged from
37 probation either before or after adoption of this chapter may have any
38 civil rights which were lost or suspended by the felony conviction
39 restored by an application filed with the clerk of the superior court
40 in the county in which the person now resides. The clerk of the superior

1 court shall process the application on request of the person involved
2 or the person's attorney.

3 C. If the person was convicted of an offense which would be a
4 dangerous offense under § 13-704, the person may not file for the
5 restoration of the right to possess or carry a gun or firearm. If the
6 person was convicted of an offense which would be a serious offense as
7 defined in § 13-706 the person may not file for the restoration of the
8 right to possess or carry a gun or firearm for ten years from the date
9 of the person's discharge from probation. If the person was convicted
10 of any other felony offense, the person may not file for the restoration
11 of his right to possess or carry a gun or firearm for two years from the
12 date of his discharge from probation.

13 Section 7. Section 13-911, Arizona Revised Statutes, is amended to read:

14 13-911. Restoration of civil rights in the discretion of the
15 presiding judge of the superior court

16 The restoration of civil rights under provisions of §§ 13-909 or
17 13-910 is within the discretion of the ~~presiding judge of the~~ superior
18 court in the county in which the person resides.

19 Section 8. Section 13-912.01, Arizona Revised Statutes, is amended
20 to read:

21 13-912.01. Restoration of civil rights; persons adjudicated
22 delinquent

23 A. A person who was adjudicated delinquent and whose period of
24 probation has been completed may have the right to possess or carry a
25 gun or firearm restored by the judge who discharges the person at the
26 end of the person's term of probation.

27 B. A person who was adjudicated delinquent and who has been
28 discharged from probation, on proper application, may have the right to
29 carry or possess a gun or firearm restored by the ~~judge of the~~ juvenile
30 court in the county where the person was adjudicated delinquent ~~or the~~
31 ~~judge's successors~~. The clerk of the superior court shall process the
32 application on the request of the person involved or the person's
33 attorney. The applicant shall serve a copy of the application on the
34 county attorney.

35 C. If the person's adjudication was for a dangerous offense under
36 § 13-704, a serious offense as defined in § 13-706, burglary in the first
37 degree, burglary in the second degree or arson, the person may not file
38 for the restoration of the right to possess or carry a gun or firearm
39 until the person attains thirty years of age. If the person's
40 adjudication was for any other felony offense, the person may not file

1 for the restoration of the right to possess or carry a gun or firearm
2 for two years from the date of the person's discharge.

3 Section 9. Section 13-1204, Arizona Revised Statutes, is amended to
4 read:

5 13-1204. Aggravated assault; classification; definitions

6 A. A person commits aggravated assault if the person commits
7 assault as prescribed by section 13-1203 under any of the following
8 circumstances:

9 1. If the person causes serious physical injury to another.

10 2. If the person uses a deadly weapon or dangerous instrument.

11 3. If the person commits the assault by any means of force that
12 causes temporary but substantial disfigurement, temporary but
13 substantial loss or impairment of any body organ or part or a fracture
14 of any body part.

15 4. If the person commits the assault while the victim is bound or
16 otherwise physically restrained or while the victim's capacity to resist
17 is substantially impaired.

18 5. If the person commits the assault after entering the private
19 home of another with the intent to commit the assault.

20 6. If the person is eighteen years of age or older and commits the
21 assault on a minor under fifteen years of age.

22 7. If the person commits assault as prescribed by section 13-1203,
23 subsection A, paragraph 1 or 3 and the person is in violation of an order
24 of protection issued against the person pursuant to section 13-3602 or
25 13-3624.

26 8. If the person commits the assault knowing or having reason to
27 know that the victim is any of the following:

28 (a) A peace officer, or a person summoned and directed by the
29 officer while engaged in the execution of any official duties or if the
30 assault results from the execution of the peace officer's official
31 duties.

32 (b) A constable, or a person summoned and directed by the constable
33 while engaged in the execution of any official duties or if the assault
34 results from the execution of the constable's official duties.

35 (c) A firefighter, fire investigator, fire inspector, emergency
36 medical technician or paramedic engaged in the execution of any official
37 duties, or a person summoned and directed by such individual while
38 engaged in the execution of any official duties or if the assault results
39 from the execution of the official duties of the firefighter, fire
40 investigator, fire inspector, emergency medical technician or paramedic.

1 (d) A teacher or other person employed by any school and the teacher
2 or other employee is on the grounds of a school or grounds adjacent to
3 the school or is in any part of a building or vehicle used for school
4 purposes, any teacher or school nurse visiting a private home in the
5 course of the teacher's or nurse's professional duties or any teacher
6 engaged in any authorized and organized classroom activity held on other
7 than school grounds.

8 (e) A health care practitioner who is certified or licensed
9 pursuant to title 32, chapter 13, 15, 17 or 25, or a person summoned and
10 directed by the licensed health care practitioner while engaged in the
11 person's professional duties. This subdivision does not apply if the
12 person who commits the assault is seriously mentally ill, as defined in
13 section 36-550, or is afflicted with alzheimer's disease or related
14 dementia.

15 (f) A prosecutor while engaged in the execution of any official
16 duties or if the assault results from the execution of the prosecutor's
17 official duties.

18 (g) A code enforcement officer as defined in section 39-123 while
19 engaged in the execution of any official duties or if the assault results
20 from the execution of the code enforcement officer's official duties.

21 (h) A state or municipal park ranger while engaged in the execution
22 of any official duties or if the assault results from the execution of
23 the park ranger's official duties.

24 (i) A public defender while engaged in the execution of any official
25 duties or if the assault results from the execution of the public
26 defender's official duties.

27 (j) A judicial officer while engaged in the execution of any
28 official duties or if the assault results from the execution of the
29 judicial officer's official duties.

30 9. If the person knowingly takes or attempts to exercise control
31 over any of the following:

32 (a) A peace officer's or other officer's firearm and the person
33 knows or has reason to know that the victim is a peace officer or other
34 officer employed by one of the agencies listed in paragraph 10,
35 subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection
36 and is engaged in the execution of any official duties.

37 (b) Any weapon other than a firearm that is being used by a peace
38 officer or other officer or that the officer is attempting to use, and
39 the person knows or has reason to know that the victim is a peace officer
40 or other officer employed by one of the agencies listed in paragraph 10,

1 subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection
2 and is engaged in the execution of any official duties.

3 (c) Any implement that is being used by a peace officer or other
4 officer or that the officer is attempting to use, and the person knows
5 or has reason to know that the victim is a peace officer or other officer
6 employed by one of the agencies listed in paragraph 10, subdivision (a),
7 item (i), (ii), (iii), (iv) or (v) of this subsection and is engaged in
8 the execution of any official duties. For the purposes of this
9 subdivision, "implement" means an object that is designed for or that
10 is capable of restraining or injuring an individual. Implement does not
11 include handcuffs.

12 10. If the person meets both of the following conditions:

13 (a) Is imprisoned or otherwise subject to the custody of any of
14 the following:

15 (i) The state department of corrections.

16 (ii) The department of juvenile corrections.

17 (iii) A law enforcement agency.

18 (iv) A county or city jail or an adult or juvenile detention
19 facility of a city or county.

20 (v) Any other entity that is contracting with the state department
21 of corrections, the department of juvenile corrections, a law enforcement
22 agency, another state, any private correctional facility, a county, a
23 city or the federal bureau of prisons or other federal agency that has
24 responsibility for sentenced or unsentenced prisoners.

25 (b) Commits an assault knowing or having reason to know that the
26 victim is acting in an official capacity as an employee of any of the
27 entities listed in subdivision (a) of this paragraph.

28 11. If the person uses a simulated deadly weapon.

29 B. A person commits aggravated assault if the person commits
30 assault by either intentionally, knowingly or recklessly causing any
31 physical injury to another person, intentionally placing another person
32 in reasonable apprehension of imminent physical injury or knowingly
33 touching another person with the intent to injure the person, and both
34 of the following occur:

35 1. The person intentionally or knowingly impedes the normal
36 breathing or circulation of blood of another person by applying pressure
37 to the throat or neck or by obstructing the nose and mouth either manually
38 or through the use of an instrument.

39 2. Any of the circumstances exists that are set forth in section
40 13-3601, subsection A, paragraph 1, 2, 3, 4, 5 or 6.

1 C. A person who is convicted of intentionally or knowingly
2 committing aggravated assault on a peace officer while the officer is
3 engaged in the execution of any official duties pursuant to subsection
4 A, paragraph 1 or 2 of this section shall be sentenced to imprisonment
5 for not less than the presumptive sentence authorized under chapter 7
6 of this title and is not eligible for suspension of sentence, commutation
7 or release on any basis until the sentence imposed is served.

8 D. Except pursuant to subsections E and F of this section,
9 aggravated assault pursuant to subsection A, paragraph 1 or 2, paragraph
10 9, subdivision (a) or paragraph 11 of this section is a class 3 felony
11 except if the aggravated assault is a violation of subsection A,
12 paragraph 1 or 2 or paragraph 9, subdivision (a) of this section and the
13 victim is under fifteen years of age it is a class 2 felony punishable
14 pursuant to section 13-705. Aggravated assault pursuant to subsection A,
15 paragraph 3 or subsection B of this section is a class 4 felony.
16 Aggravated assault pursuant to subsection A, paragraph 9, subdivision
17 (b) or paragraph 10 of this section is a class 5 felony. Aggravated
18 assault pursuant to subsection A, paragraph 4, 5, 6, 7 or 8 ~~or paragraph~~
19 ~~9, subdivision~~ (c) of this section is a class 6 felony.

20 E. Aggravated assault pursuant to subsection A, paragraph 1 or 2
21 of this section committed on a peace officer while the officer is engaged
22 in the execution of any official duties is a class 2 felony. Aggravated
23 assault pursuant to subsection A, paragraph 3 of this section committed
24 on a peace officer while the officer is engaged in the execution of any
25 official duties is a class 3 felony. Aggravated assault pursuant to
26 subsection A, paragraph 8, subdivision (a) of this section committed on
27 a peace officer while the officer is engaged in the execution of any
28 official duties is a class 5 felony unless the assault results in any
29 physical injury to the peace officer while the officer is engaged in the
30 execution of any official duties, in which case it is a class 4 felony.

31 F. Aggravated assault pursuant to:

32 1. Subsection A, paragraph 1 or 2 of this section is a class 2
33 felony if committed on a prosecutor.

34 2. Subsection A, paragraph 3 of this section is a class 3 felony
35 if committed on a prosecutor.

36 3. Subsection A, paragraph 8, subdivision (f) of this section is a
37 class 5 felony if the assault results in physical injury to a prosecutor.

38 G. For the purposes of this section:

1 1. "Judicial officer" means a justice of the supreme court, judge,
2 justice of the peace, magistrate or a commissioner or hearing officer
3 of a state, county or municipal court.

4 2. "Prosecutor" means a county attorney, a municipal prosecutor or
5 the attorney general and includes an assistant or deputy county attorney,
6 municipal prosecutor or attorney general.

7 Section 10. Section 41-1604.10, Arizona Revised Statutes, is amended to
8 read:

9 41-1604.10. Earned release credits; forfeiture; restoration;
10 applicability

11 A. Each prisoner classified as parole eligible, class one, pursuant
12 to section 41-1604.09, shall be allowed the following release credits:

13 1. If sentenced upon a first conviction other than pursuant to
14 section 13-751 or other than for a felony involving a dangerous offense
15 as defined in section 13-105, every two days served within class one
16 shall be counted as an earned release credit of one day.

17 2. If sentenced pursuant to section 13-703, subsection B, ~~paragraph~~
18 ~~2~~, or upon first conviction of a class 4, 5 or 6 felony involving a
19 dangerous offense as defined in section 13-105 or any other provisions
20 of law which prohibits release on any basis until serving not less than
21 one-half the sentence imposed by the court, every two days served within
22 class one shall be counted as an earned release credit of one day.

23 3. If sentenced pursuant to any other provision of section 13-703,
24 section 13-704, subsection A, B, C, D or E, section 13-706, subsection
25 A or section 13-708, subsection D or any other provision of law which
26 prohibits release on any basis until serving not less than two-thirds
27 the sentence imposed by the court, every three days served within class
28 one shall be counted as an earned release credit of one day.

29 B. Release credits earned by a prisoner pursuant to subsection A
30 of this section shall not reduce the term of imprisonment imposed by the
31 court on such prisoner, nor reduce the sentence imposed on the prisoner
32 for the purpose of determining such prisoner's parole eligibility.

33 C. Upon reclassification of a prisoner resulting from the
34 prisoner's failure to adhere to the rules of the department or failure
35 to demonstrate a continual willingness to volunteer for or successfully
36 participate in a work, educational, treatment or training program, the
37 director may declare any and all release credits earned by the prisoner
38 forfeited. In the discretion of the director the release credits may
39 subsequently be restored. The director shall maintain an account of
40 release credits earned by each prisoner.

1 D. The director, according to rules adopted by the department, may
2 authorize the release of any prisoner who has earned release credits
3 which, when added to the time served by the prisoner, equal the sentence
4 imposed by the court which shall be the prisoner's earned release credit
5 date. A prisoner on earned release credit release is not under the
6 control of the department and the department is not required to provide
7 parole services or otherwise supervise any prisoner released, except
8 that the department may revoke the release of the prisoner until the
9 final expiration of his sentence if the department has reason to believe
10 that the released prisoner has engaged in criminal conduct during the
11 term of his release. If a prisoner has a term of probation to be completed
12 or served, the probation department shall begin supervision of the
13 prisoner when the prisoner is released on the earned release credit date.
14 If the prisoner's term of probation equals or exceeds the prisoner's
15 final expiration date, the director of the state department of
16 corrections shall issue the prisoner an absolute discharge on the
17 prisoner's earned release credit date. The prisoner is not under the
18 control of the department and the department is not required to provide
19 parole services or otherwise supervise the prisoner. If the prisoner's
20 term of probation is less than the prisoner's final expiration date, the
21 prisoner is not under the control of the department and the department
22 is not required to provide parole services or otherwise supervise the
23 prisoner, except that the department may revoke the release at any time
24 between the earned release credit date and the final expiration date if
25 the department has reason to believe that the released prisoner has
26 engaged in criminal conduct during the term of release. The director may
27 issue the prisoner an absolute discharge from the sentence of
28 imprisonment if it appears that the prisoner will live and remain at
29 liberty without violating the law and it is in the best interest of the
30 state. The state department of corrections shall provide reasonable
31 notice to the probation department of the scheduled release of the
32 prisoner from confinement by the state department of corrections.

33 E. A prisoner shall forfeit five days of the prisoner's earned
34 release credits if the court finds or a disciplinary hearing held after
35 a review by and recommendations from the attorney general's office
36 determines that the prisoner does any of the following:

- 37 1. Brings a claim without substantial justification.
- 38 2. Unreasonably expands or delays a proceeding.
- 39 3. Testifies falsely or otherwise presents false information or
40 material to the court.

1 4. Submits a claim that is intended solely to harass the party it
2 is filed against.

3 F. If the prisoner does not have five days of earned release
4 credits, the prisoner shall forfeit the prisoner's existing earned
5 release credits and be ineligible from accruing earned release credits
6 until the number of earned release credits the prisoner would have
7 otherwise accrued equals the difference between five days and the number
8 of existing earned release credit days the prisoner forfeits pursuant to
9 this section.

10 G. This section applies only to persons who commit felonies before
11 January 1, 1994.

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