

APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007

The undersigned intends to circulate and file an INITIATIVE or a **REFERENDUM** (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or **CONSTITUTIONAL AMENDMENT** (circle appropriate word) intended to be INITIATED or **REFERRED** (circle appropriate word) at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

This law will amend existing law to restrict prosecutorial discretion with a mandate that a person may only be prosecuted under a single section of the law that would otherwise be punishable in different ways by different sections of the laws, and to ensure that all persons are charged equally and uniformly for the same criminal conduct without regard to the socio-economic status of the offender or the victim of the crime.

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FOX PETITIONS supporting
FAIR CRIME ACT

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Name of Officer and Title
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Date of Application September 28, 2011
Signatures Required 172,809
Deadline for Filing July 5, 2012
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OFFICIAL TITLE

AMENDING SECTION 13-116, ARIZONA REVISED STATUTES, RELATING TO DOUBLE PUNISHMENT.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the people of the state of Arizona:

Section 1. Title.

This act may be cited as the "Fair Crime Act."

Section 2. Findings.

The People of Arizona find and declare the following:

Charging, trying, and convicting an offender for a single crime under multiple sections of the law is an unnecessary consumption of judicial, prosecutorial, and defense resources.

Charging the same crime differently based on the socio-economic status of the alleged offender, or of the victim, is discriminatory and is against the public policy of this State.

Therefore, the purpose of this Act is to restrict the existing state law to mandate that a person may only be prosecuted under a single section of the law that would otherwise be punishable in different ways by different sections of the laws, and to ensure that all persons are charged equally and uniformly for the same criminal conduct without regard to the socio-economic status of the offender or the victim of the crime.

Section 3. Section 13-116, Arizona Revised Statutes, is amended to read:

13-116. Double PROSECUTION PROHIBITED punishment.

NOTWITHSTANDING ANY OTHER PROVISION IN THE LAW, an act or omission which is made punishable in different ways by different sections of the laws SHALL ONLY BE PROSECUTED, SENTENCED, AND PUNISHED PURSUANT TO ONE SECTION OF THE LAW ~~may be punished under both, but in no event may sentences be other than concurrent.~~ An acquittal or conviction and sentence under THE ONE SECTION ~~either one~~ bars a prosecution for the same act or omission under any other, to the extent the Constitution of the United States or of this state require. IF DIFFERENT SECTIONS OF THE LAWS CONTAIN THE SAME CRIMINAL ELEMENTS APPLICABLE TO THE ACT OR OMISSION, THE ACT OR OMISSION SHALL ONLY BE PROSECUTED, SENTENCED, AND PUNISHED PURSUANT TO THE SECTION OF THE LAW WITH THE LEAST SEVERE PUNISHMENT.

Section 4. Effective Date.

This act shall be effective upon certification of the secretary of state, and made applicable to all pending criminal prosecutions that have not concluded with an imposition of sentence.

Section 5. Severability.

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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SECRETARY OF STATE