

Conference Engrossed

State of Arizona
Senate
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 311

SENATE BILL 1029

AN ACT

ESTABLISHING THE SENTENCING COMMISSION FOR REVIEW OF THE STATE'S SENTENCING
POLICIES AND PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Sentencing commission; purposes; members; terms;
3 duties; definition

4 A. The sentencing commission is established to review this state's
5 existing sentencing structure, including its laws, policies and practices.
6 The sentencing commission shall review the criminal code and any other
7 aspects of sentencing policies and practices it deems necessary.

8 B. In fulfilling its purposes, the sentencing commission shall
9 consider the purposes of sentencing, including:

- 10 1. Protecting the public.
- 11 2. Promoting respect for the law.
- 12 3. Providing just and adequate punishment for the offense.
- 13 4. Deterring criminal conduct.
- 14 5. Promoting the rehabilitation of offenders.

15 C. The sentencing commission consists of the following members:

16 1. Two members of the house of representatives from different
17 political parties. The speaker of the house of representatives shall appoint
18 the members and designate one of the members as the cochairperson.

19 2. Two members of the senate from different political parties. The
20 president of the senate shall appoint the members and designate one of the
21 members as the cochairperson.

22 3. The governor or the governor's designee.

23 4. Two superior court judges who are appointed by the chief justice
24 of the supreme court, one of whom is from a county with a population of seven
25 hundred fifty thousand persons or more and one of whom is from a county with
26 a population less than seven hundred fifty thousand persons.

27 5. The director of the department of public safety or the director's
28 designee.

29 6. The director of the department of corrections or the director's
30 designee.

31 7. Two sheriffs or the sheriffs' designees who are appointed by the
32 speaker of the house of representatives, one of whom is from a county with
33 a population of seven hundred fifty thousand persons or more and one of whom
34 is from a county with a population of less than seven hundred fifty thousand
35 persons.

36 8. Two chiefs of police or the chiefs' designees who are appointed by
37 the president of the senate, one of whom is from a city with a population of
38 two hundred fifty thousand persons or more and one of whom is from a city
39 with a population of less than two hundred fifty thousand persons.

40 9. One member of the academic community whose background is in
41 criminal justice or corrections policy and who is appointed by the speaker
42 of the house of representatives.

43 10. One director of an adult probation program who is appointed by the
44 chief justice of the supreme court.

- 1 11. One prisoner's advocate who is appointed by the president of the
2 senate.
- 3 12. One victim's advocate who is appointed by the president of the
4 senate.
- 5 13. One representative of a prison ministry organization who is not
6 employed by this state and who is appointed by the speaker of the house of
7 representatives.
- 8 14. The attorney general or the attorney general's designee.
- 9 15. Two county attorneys or the county attorneys' designees who are
10 appointed by the Arizona prosecuting attorneys' advisory council, one of whom
11 is from a county with a population of seven hundred fifty thousand persons
12 or more and one of whom is from a county with a population of less than seven
13 hundred fifty thousand persons.
- 14 16. Three criminal defense attorneys who are appointed by the Arizona
15 attorneys for criminal justice, one of whom is a county public defender from
16 a county with a population of more than seven hundred fifty thousand persons,
17 one of whom is a county public defender from a county with a population of
18 less than seven hundred fifty thousand persons and one of whom is an attorney
19 in private practice.
- 20 17. One municipal court judge who is appointed by the chief justice of
21 the supreme court.
- 22 18. One city prosecutor who is appointed by the Arizona prosecuting
23 attorneys' advisory council.
- 24 19. One city public defender who is appointed by the Arizona attorneys
25 for criminal justice.
- 26 D. Members of the sentencing commission are not eligible to receive
27 compensation but are eligible for reimbursement of expenses pursuant to title
28 38, chapter 4, article 2.
- 29 E. The sentencing commission shall meet quarterly or on the call of
30 the cochairpersons. The commission shall meet at the state capitol or at
31 other places as the cochairpersons deem necessary or convenient and all
32 meetings shall be open to the public. A majority of the members constitutes
33 a quorum for the transaction of business.
- 34 F. The legislature shall provide staff and support services to the
35 commission.
- 36 G. The sentencing commission shall:
- 37 1. Review this state's sentencing structure, including laws, policies
38 and practices and recommend changes to the criminal code and any other
39 aspects of sentencing that are necessary to ensure appropriateness of
40 sentencing.
- 41 2. Make recommendations concerning the enactment of laws relating to
42 criminal offenses and sentencing.
- 43 3. Review all class 6 felony offenses and shall consider the repeal
44 or the reclassification of some or all class 6 felony offenses.

1 4. Maintain and make available for public inspection records of
2 actions that are taken by the sentencing commission.

3 5. Prepare a report on its work, findings and recommendations
4 regarding structure, including laws, policies and fiscal impact, changes to
5 the criminal code and any other aspects of sentencing for all felony offenses
6 committed in this state.

7 6. Report to the governor, the president of the senate, the speaker
8 of the house of representatives and the chief justice of the supreme court
9 on or before December 31, 2003, and provide a copy of this report to the
10 secretary of state and the director of the Arizona state library, archives
11 and public records.

12 H. The sentencing commission may:

13 1. Request information, data and reports from any agency or political
14 subdivision in this state and from judicial officers.

15 2. Hold hearings, conduct fact-finding tours and call witnesses to
16 assist the commission in fulfilling its responsibilities.

17 3. Perform or delegate any other function that may be necessary to
18 carry out the purposes of the commission.

19 I. On request of the sentencing commission, an agency of this state
20 shall make its services, equipment, personnel, facilities and information
21 available to the greatest practicable extent to the commission without cost
22 to the commission. If possible, any information shall be provided
23 electronically.

24 Sec. 2. Delayed repeal

25 This act is repealed from and after December 31, 2003.

APPROVED BY THE GOVERNOR MAY 28, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 29, 2002.

Passed the House April 25, 2002,

by the following vote: 49 Ayes,

2 Nays, 9 Not Voting

[Signature]
Speaker of the House

Norman L. Joyce
Chief Clerk of the House

Passed the Senate February 4, 2002,

by the following vote: 26 Ayes,

0 Nays, 4 Not Voting

[Signature]
President of the Senate

Norma Lowe
Asst. Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

Approved this _____ day of

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

S.B. 1029

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

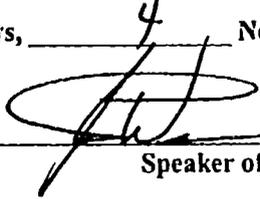
~~_____
Secretary of State~~

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 20, 2002,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting


Speaker of the House

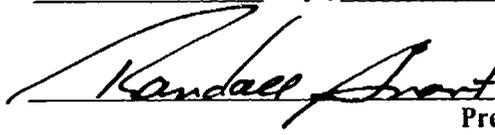

Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 16, 2002,

by the following vote: 26 Ayes,

0 Nays, 4 Not Voting


President of the Senate

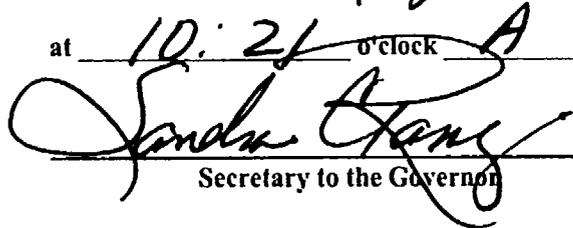

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 21 day of May, 2002,

at 10:21 o'clock A M.


Secretary to the Governor

Approved this 28th day of

May, 2002,

at 10:45 o'clock 0 M.

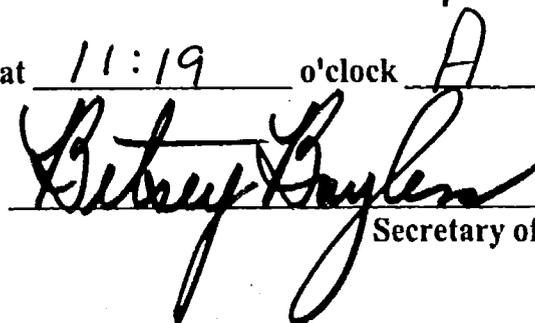

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 29 day of May, 2002,

at 11:19 o'clock A M.


Secretary of State

S.B. 1029