

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 121

HOUSE BILL 2530

AN ACT

AMENDING SECTION 28-693, ARIZONA REVISED STATUTES; RELATING TO RECKLESS
DRIVING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-693, Arizona Revised Statutes, is amended to
3 read:

4 28-693. Reckless driving; classification; license; surrender

5 A. A person who drives a vehicle in reckless disregard for the safety
6 of persons or property is guilty of reckless driving.

7 B. A person convicted of reckless driving is guilty of a class 2
8 misdemeanor.

9 C. In addition, the judge may require the surrender to a police
10 officer of any driver license of the convicted person, shall report the
11 conviction to the department and may order the driving privileges of the
12 person to be suspended for a period of not more than ninety days. On receipt
13 of the abstract of conviction and order, the department shall suspend the
14 driving privilege of the person for the period of time ordered by the judge.

15 D. If a person who is convicted of a violation of this section has
16 been previously convicted of a violation of this section, section 13-1102 or
17 section 13-1103, subsection A, paragraph 1, in the driving of a vehicle, or
18 section 28-708, 28-1381, 28-1382 or 28-1383 within a period of twenty-four
19 months:

20 1. The person is guilty of a class 1 misdemeanor.

21 2. The person is not eligible for probation, pardon, suspension of
22 sentence or release on any basis until the person has served not less than
23 twenty days in jail.

24 3. The judge may require the surrender to a police officer of any
25 driver license of the person and shall immediately forward the abstract of
26 conviction to the department.

27 4. On receipt of the abstract of conviction, the department shall
28 revoke the driving privilege of the person.

29 ~~E. The dates of the commission of the offense are the determining~~
30 ~~factor in applying subsection D of this section.~~ IN APPLYING THE TWENTY-FOUR
31 MONTH PERIOD PROVISION OF SUBSECTION D OF THIS SECTION, THE DATES OF THE
32 COMMISSION OF THE OFFENSE SHALL BE THE DETERMINING FACTOR, IRRESPECTIVE OF
33 THE SEQUENCE IN WHICH THE OFFENSES WERE COMMITTED. A second or subsequent
34 violation for which a conviction occurs as provided in this section does not
35 include a conviction for an offense arising out of the same series of acts.

36 F. On pronouncement of a jail sentence under this section, and after
37 the court receives confirmation that the person is employed or is a student,
38 the court may provide in the sentence that if the defendant is employed or is
39 a student the defendant can continue employment or schooling for not more
40 than twelve hours per day nor more than five days per week. The defendant
41 shall spend the remaining days or parts of days in jail until the sentence is
42 served and shall be allowed out of jail only long enough to complete the
43 defendant's actual hours of employment or schooling.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.

Passed the House June 10, 2009

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate June 26, 2009

by the following vote: 24 Ayes,

0 Nays, 6 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

1st day of July, 2009

at 8:25 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 13th day of

July 2009

at 8:42 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 13 day of July, 2009

at 11:14 o'clock A. M.

[Signature]
Secretary of State