

Senate Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 130

SENATE BILL 1253

AN ACT

AMENDING SECTION 13-1105, ARIZONA REVISED STATUTES; RELATING TO HOMICIDE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1105, Arizona Revised Statutes, is amended to
3 read:

4 13-1105. First degree murder; classification

5 A. A person commits first degree murder if:

6 1. Intending or knowing that the person's conduct will cause death,
7 the person causes the death of another person, including an unborn child,
8 with premeditation or, as a result of causing the death of another person
9 with premeditation, causes the death of an unborn child.

10 2. Acting either alone or with one or more other persons the person
11 commits or attempts to commit sexual conduct with a minor under section
12 13-1405, sexual assault under section 13-1406, molestation of a child under
13 section 13-1410, terrorism under section 13-2308.01, marijuana offenses under
14 section 13-3405, subsection A, paragraph 4, dangerous drug offenses under
15 section 13-3407, subsection A, paragraphs 4 and 7, narcotics offenses under
16 section 13-3408, subsection A, paragraph 7 that equal or exceed the statutory
17 threshold amount for each offense or combination of offenses, involving or
18 using minors in drug offenses under section 13-3409, DRIVE BY SHOOTING UNDER
19 SECTION 13-1209, kidnapping under section 13-1304, burglary under section
20 13-1506, 13-1507 or 13-1508, arson under section 13-1703 or 13-1704, robbery
21 under section 13-1902, 13-1903 or 13-1904, escape under section 13-2503 or
22 13-2504, child abuse under section 13-3623, subsection A, paragraph 1 or
23 unlawful flight from a pursuing law enforcement vehicle under section
24 28-622.01 and, in the course of and in furtherance of the offense or
25 immediate flight from the offense, the person or another person causes the
26 death of any person.

27 3. Intending or knowing that the person's conduct will cause death to
28 a law enforcement officer, the person causes the death of a law enforcement
29 officer who is in the line of duty.

30 B. Homicide, as prescribed in subsection A, paragraph 2 of this
31 section, requires no specific mental state other than what is required for
32 the commission of any of the enumerated felonies.

33 C. An offense under subsection A, paragraph 1 of this section applies
34 to an unborn child in the womb at any stage of its development. A person
35 shall not be prosecuted under subsection A, paragraph 1 of this section if
36 any of the following applies:

37 1. The person was performing an abortion for which the consent of the
38 pregnant woman, or a person authorized by law to act on the pregnant woman's
39 behalf, has been obtained or for which the consent was implied or authorized
40 by law.

41 2. The person was performing medical treatment on the pregnant woman
42 or the pregnant woman's unborn child.

43 3. The person was the unborn child's mother.

44 D. First degree murder is a class 1 felony and is punishable by death
45 or life imprisonment as provided by sections 13-751 and 13-752.

APPROVED BY THE GOVERNOR JULY 13, 2009.

Passed the House July 1, 2009,

by the following vote: 50 Ayes,

5 Nays, 5 Not Voting



Speaker of the House



Chief Clerk of the House

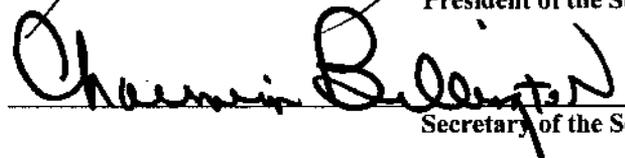
Passed the Senate June 22, 2009,

by the following vote: 28 Ayes,

0 Nays, 2 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

15th day of July, 2009

at 8:53 o'clock A. M.

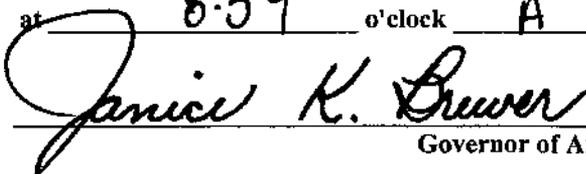


Secretary to the Governor

Approved this 13th day of

July, 2009,

at 8:59 o'clock A. M.



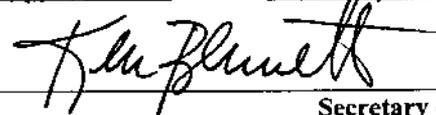
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13 day of July, 2009,

at 11:14 o'clock A. M.



Secretary of State

S.B. 1253