

House Engrossed Senate Bill

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 314

SENATE BILL 1308

AN ACT

AMENDING SECTION 8-305, ARIZONA REVISED STATUTES; RELATING TO JUVENILE OFFENDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-305, Arizona Revised Statutes, is amended to
3 read:

4 8-305. Detention center; jail; separate custody; definition

5 A. The county board of supervisors or the county jail district, if
6 authorized pursuant to title 48, chapter 25, shall maintain a detention
7 center that is separate and apart from a jail or lockup in which adults are
8 confined and where juveniles who are alleged to be delinquent or children who
9 are incorrigible and within the provisions of this article shall be detained
10 when necessary before or after a hearing or as a condition of probation. A
11 JUVENILE WHO IS CHARGED WITH AN OFFENSE THAT IS NOT A DANGEROUS OFFENSE AND
12 THAT IS LISTED IN SECTION 13-501 MAY BE DETAINED IN A JUVENILE DETENTION
13 CENTER IF THE DETENTION IS ORDERED BY THE COURT. The board may enter
14 agreements with public or private entities to acquire land for, build,
15 purchase, lease-purchase, lease or expand a detention center required by this
16 section.

17 B. The board of supervisors or the county jail district, if authorized
18 pursuant to title 48, chapter 25, may provide for the detention of juveniles
19 who are accused or convicted of a criminal offense in a jail or lockup in
20 which adults are confined. A juvenile who is confined in a jail or lockup in
21 which adults are confined shall be kept in a physically separate section from
22 any adult who is charged with or convicted of a criminal offense, and no
23 sight or sound contact between the juvenile and any charged or convicted
24 adult is permitted, except to the extent authorized under federal laws or
25 regulations.

26 C. A juvenile, pending a juvenile hearing, shall not be confined with
27 adults charged with or convicted of a crime, except that:

28 1. A juvenile who is accused of a criminal offense or who is alleged
29 to be delinquent may be securely detained in such location for up to six
30 hours until transportation to a juvenile detention center can be arranged if
31 the juvenile is kept in a physically separate section from any adult who is
32 charged with or convicted of a crime and no sight or sound contact between
33 the juvenile and any charged or convicted adult is permitted, except to the
34 extent authorized under federal laws or regulations.

35 2. A juvenile who is transferred as provided in section 8-327 to the
36 criminal division of the superior court may be securely detained if the
37 juvenile is kept in a physically separate section from any adult charged with
38 or convicted of a crime, and no sight or sound contact with any charged or
39 convicted adult is permitted, except to the extent authorized under federal
40 laws or regulations.

41 3. A juvenile who is arrested for an offense listed in section 13-501
42 may be detained in a juvenile ~~facility~~ DETENTION CENTER until formally
43 charged as an adult. After a juvenile has been formally charged as an adult
44 the juvenile may be EITHER OF THE FOLLOWING:

1 (a) DETAINED IN A JUVENILE DETENTION CENTER IF THE OFFENSE IS NOT A
2 DANGEROUS OFFENSE AND THE DETENTION IS ORDERED BY THE COURT.

3 (b) Securely detained in an adult facility if the juvenile is detained
4 separately from any adult charged with or convicted of a crime, except to the
5 extent authorized under federal laws or regulations.

6 D. IN DETERMINING WHETHER TO ORDER THAT A JUVENILE WHO IS CHARGED WITH
7 AN OFFENSE THAT IS NOT A DANGEROUS OFFENSE AND THAT IS LISTED IN SECTION
8 13-501 BE DETAINED IN A JUVENILE DETENTION CENTER OR AN ADULT FACILITY
9 PURSUANT TO SUBSECTION A OR SUBSECTION C, PARAGRAPH 3, SUBDIVISION (a) OF
10 THIS SECTION, THE COURT SHALL CONSIDER ALL OF THE FOLLOWING:

11 1. THE BEST INTERESTS OF BOTH THE JUVENILE CHARGED AS AN ADULT AND THE
12 OTHER JUVENILES DETAINED IN THE JUVENILE DETENTION CENTER.

13 2. THE SEVERITY OF THE CHARGES AGAINST THE JUVENILE CHARGED AS AN
14 ADULT.

15 3. THE EXISTING PROGRAMS AND FACILITIES FOR JUVENILES AT BOTH THE
16 JUVENILE DETENTION CENTER AND THE ADULT FACILITY.

17 4. ANY OTHER FACTOR RELEVANT TO THE DETERMINATION OF WHERE TO DETAIN
18 THE JUVENILE.

19 ~~D.~~ E. A child who is alleged to be delinquent or who is alleged to be
20 incorrigible shall not be securely detained in a jail or lockup in which
21 adults charged with or convicted of a crime are detained. A child may be
22 nonsecurely detained if necessary to obtain the child's name, age, residence
23 or other identifying information for up to six hours until arrangements for
24 transportation to any shelter care facility, home or other appropriate place
25 can be made. A child who is nonsecurely detained shall be detained
26 separately from any adult charged with or convicted of a crime, and no sight
27 or sound contact with any charged or convicted adult is permitted, except to
28 the extent authorized under federal laws or regulations.

29 ~~E.~~ F. Any detained juvenile or child who, by the juvenile's or
30 child's conduct, endangers or evidences that the juvenile or child may
31 endanger the safety of other detained children shall not be allowed to
32 intermingle with any other juvenile or child in the detention center.

33 ~~F.~~ G. Pursuant to section 8-322, the county board of supervisors, the
34 county jail district board of directors or the administrative office of the
35 courts on behalf of the juvenile court may enter into an agreement with
36 public or private entities to provide the detention centers required by
37 subsection A of this section.

38 H. FOR THE PURPOSES OF THIS SECTION, "DANGEROUS OFFENSE" HAS THE SAME
39 MEANING PRESCRIBED IN SECTION 13-105.

40 Sec. 2. Effective date

41 Section 8-305, Arizona Revised Statutes, as amended by this act, is
42 effective from and after December 31, 2016.

APPROVED BY THE GOVERNOR MAY 17, 2016.

FILED IN THE OFFICE OF THE SECRETARY² OF STATE MAY 18, 2016.

Passed the House March 30, 2016,

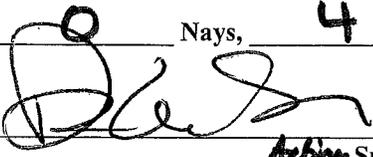
Passed the Senate February 22, 2016,

by the following vote: 56 Ayes,

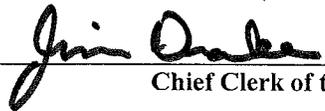
by the following vote: 30 Ayes,

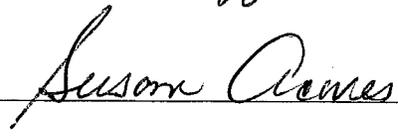
0 Nays, 4 Not Voting

0 Nays, 0 Not Voting


Acting Speaker of the House
Pro Tempore


President of the Senate


Chief Clerk of the House


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~~

~~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~~

S.B. 1308

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 4, 2016

by the following vote: 28 Ayes,

0 Nays, 2 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
4th day of May, 2016

at 4:26 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 17th day of
May

at 5:18 o'clock P. M.
[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State
this 18th day of May, 2016

at 10:20 o'clock A M.
[Signature]
Secretary of State

S.B. 1308