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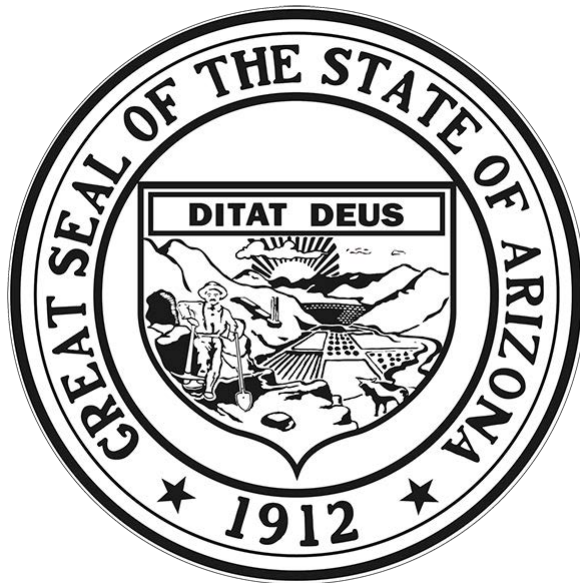


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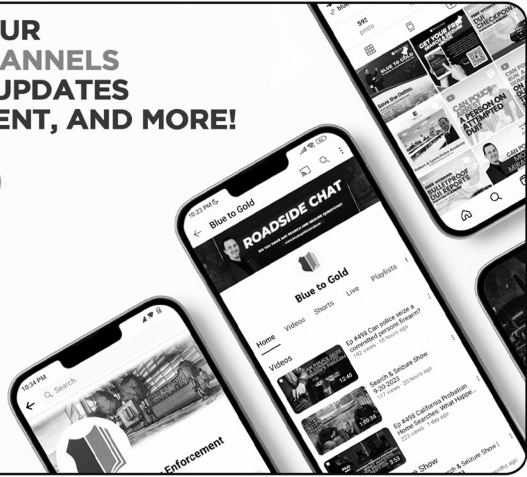


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# CHAPTER 1 - GENERAL PROVISIONS

## § 13-101 – Purposes

The public policy of this state and the overall purposes of this title are:

1. To forbid conduct that unjustifiably or without excuse causes, or threatens to cause, serious harm to individuals or the public;
2. To provide clear notice about what conduct is illegal and what sentences can be imposed after a conviction;
3. To clearly define the actions (or failure to act) and the required mental state that make up each offense, and to ensure that conduct is not labeled as criminal unless it meets these stated purposes;
4. To reasonably distinguish between serious and minor offenses and assign penalties that are proportionate to each;
5. To protect public safety by preventing crimes through the deterrent effect of authorized sentences;
6. To ensure fair and deserved punishment for those whose

actions threaten public peace;  
and

7. To promote honesty and accountability in sentencing.

---

## § 13-101.01 - Additional purposes of the criminal law

To protect the rights of crime victims and ensure public safety, one key purpose of the criminal law is to identify and remove from society people who continue to threaten public safety by committing violent or aggravated felonies after having already been convicted twice before of such offenses.

---

## § 13-105 – Definitions

Unless the context requires otherwise, the following definitions apply:

### 1. "Absconder"

- A probationer who leaves their primary residence without permission.
- Cannot be found within 90 days of last contact.
- A petition to revoke probation has been filed in court saying their whereabouts are unknown.
- They stop being an absconder once they are returned to probation

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- (voluntarily or involuntarily).
- 2. **"Act"** – Any bodily movement.
- 3. **"Benefit"** – Anything valuable or an advantage, now or in the future.
- 4. **"Calendar year"** – 365 days served in full without release, suspension, probation, pardon, parole, work furlough, or any other form of release.
- 5. **"Community supervision"** – The part of a felony sentence served in the community after prison, or sometimes served in prison per law.
- 6. **"Conduct"** – An act or failure to act (omission) combined with a guilty state of mind.
- 7. **"Crime"** – A misdemeanor or felony.
- 8. **"Criminal street gang"** – Any ongoing group (formal or informal) where members commit, try to commit, or help commit felony crimes, and at least one member is a gang member.
- 9. **"Criminal street gang member"** – A person who meets at least 2 of these 7 criteria:
  - (a) Claims gang membership themselves.
  - (b) Identified by a witness or official statement.
  - (c) Evidence in writing or electronic communication.
  - (d) Possession of gang-related items or photos.
  - (e) Gang tattoos.
  - (f) Gang clothing or colors.
  - (g) Other signs showing gang membership.
- 10. **"Culpable mental state"** – The state of mind while committing an act:
  - (a) **"Intentionally"** – The person's goal is to cause the result or do the act.
  - (b) **"Knowingly"** – The person is aware their act is of that nature or circumstance exists (does not require knowing it's illegal).
  - (c) **"Recklessly"** – The person is aware of a big risk and ignores it. The risk must be serious enough that ignoring it is a big departure from what a reasonable person would do. Being drunk/high does not excuse recklessness.
  - (d) **"Criminal negligence"** – The person fails to notice a big risk that a reasonable person would have seen.
- 11. **"Dangerous drug"** – As defined in §13-3401.
- 12. **"Dangerous instrument"** – Anything used or threatened to be used that can cause death or serious physical injury.

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13. **"Dangerous offense"** – An offense that involves:
- Firing, using, or threatening with a deadly weapon or dangerous instrument.
  - Intentionally or knowingly causing serious physical injury.
14. **"Deadly physical force"** – Force intended to cause death or serious injury, or used in a way that could easily cause it.
15. **"Deadly weapon"** – Anything designed to kill, including firearms.
16. **"Economic loss"** – Any financial loss caused by a crime, including lost wages, interest, or similar.
- Does not include: pain and suffering, punitive damages, or losses of the offender.
17. **"Enterprise"** – Any corporation, union, or legal entity.
18. **"Felony"** – A crime punishable by prison under state law.
19. **"Firearm"** – Any gun (loaded or not) that fires or can be converted to fire a projectile by expanding gases (not permanently inoperable guns).
20. **"Government"** – The state, any subdivision, agency, department, or instrumentality.
21. **"Governmental function"** – Any activity a public servant is legally authorized to perform for government.
22. **"Historical prior felony conviction"** – Past felony convictions that count for enhanced sentencing:
- (a) Any prior felony that:
    - (i) Required prison time (except small drug violations).
    - (ii) Was a dangerous offense.
    - (iii) Involved illegal control of a criminal enterprise.
    - (iv) Was aggravated DUI (if current offense is also aggravated DUI).
    - (v) Was a dangerous crime against children.
  - (b) Any class 2 or 3 felony within 10 years before current offense (time absconded, escaped, or incarcerated not counted).
  - (c) Any class 4, 5, or 6 felony within 5 years before current offense (same abscond/escape rules apply).
  - (d) Any felony conviction if it's the 3rd or more prior felony.
  - (e) Any felony from another state within 5 years before current offense (same abscond/escape rules apply).
  - (f) Any felony from another state involving use of a

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- weapon or serious injury (unless it's a felony weapons possession charge that wouldn't be a felony in Arizona).
23. **"Human smuggling organization"** – Group of people working together to smuggle humans.
24. **"Intoxication"** – Mental or physical impairment from drugs, vapors, or alcohol.
25. **"Misdemeanor"** – A crime punishable by jail (not prison).
26. **"Narcotic drug"** – As defined in §13-3401.
27. **"Offense" / "Public offense"** – Any act punishable by imprisonment or fine under state law or local ordinances. Includes acts in other states if they would be punishable in Arizona.
28. **"Omission"** – Failing to do something required by law.
29. **"Peace officer"** – Anyone legally authorized to maintain public order and make arrests (includes constables).
30. **"Person"** – A human being, or an organization/entity capable of owning property.
31. **"Petty offense"** – A crime punishable only by a fine.
32. **"Physical force"** – Force directed at someone's body, including confinement. Does not include deadly force.
33. **"Physical injury"** – Any impairment of physical condition.
34. **"Possess"** – Knowingly having control over something.
35. **"Possession"** – A voluntary act of knowingly exercising control over property.
36. **"Preconviction custody"** – Confinement in jail after being arrested or charged with a felony but before conviction.
37. **"Property"** – Anything of value, tangible or intangible.
38. **"Public servant"** –
- (a) Any government officer, employee, or consultant (includes peace officers).
  - (b) Excludes jurors and witnesses.
  - (c) Includes people chosen to become public servants even if not yet serving.
39. **"Serious physical injury"** – An injury that:
- Creates risk of death,
  - Causes permanent disfigurement,
  - Seriously impairs health, or
  - Causes loss/long-term impairment of an organ or limb.
40. **"Unlawful"** – Against the law or not allowed by law.
41. **"Vehicle"** – Any device used to transport people/property on

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highways, waterways, or airways (not including human-powered devices or those on rails/tracks).

42. **"Voluntary act"** – A conscious, intentional bodily movement.
43. **"Voluntary intoxication"** – Intoxication from knowingly using substances that can cause impairment, unless taken under medical advice or duress.

\_\_\_\_\_

**§ 13-108 - Territorial applicability**

A. This state has jurisdiction over an offense that someone commits, either by their own actions or by being legally responsible for another person's actions, if:

1. Any part of the offense, or the result of it, happens within this state; or
2. The conduct occurs outside this state but is an attempt or conspiracy to commit an offense here, and at least one act to further the attempt or conspiracy happens within this state; or
3. The conduct within this state is an attempt, solicitation, conspiracy, or facilitation of an offense in another state, as long as

the conduct is also a crime under this state's law; or

4. The \_\_\_\_\_ offense is failing to perform a duty required by this state's law, no matter where the person is located at the time; or
5. The offense violates a law of this state that specifically prohibits conduct occurring outside this state.

B. For homicide cases:

- Either the victim's death or the physical act that caused the death counts as a result within subsection A, paragraph 1.
- If the victim's body is found in this state, it is presumed that the death happened here.

C. For purposes of this law, "this state" includes its land, water, and the airspace above them.

## **CHAPTER 2 - GENERAL PRINCIPLES OF CRIMINAL LIABILITY**

### **§ 13-201 - Requirements for criminal liability**

The minimum requirement for someone to be criminally liable is that the person:

- Does something voluntarily, meaning the conduct includes a voluntary act, or
- Fails to do something required by law, when the law imposes a duty and the person is physically capable of doing it.

---

### **§ 13-203 - Causal relationship between conduct and result; relationship to mental culpability**

- A. A person's conduct is considered the cause of a result when both of the following are true:
6. The result would not have happened but for the person's conduct.
  7. The connection between the conduct and the result meets any additional

requirements stated in the statute that defines the offense.

- B. If an offense requires that a person intentionally cause a particular result, but the actual result is different from what the person intended or expected, the element of intent is still met if:
1. The actual result is different only because a different person or property was harmed, or the harm that happened was less serious or less extensive than what was intended or expected; or
  2. The actual result is a similar type of harm as what was intended or expected, and it occurred in a way that the person knew or should have known was made substantially more likely by their conduct.
- C. If an offense requires that a person recklessly or negligently cause a particular result, but the actual result is different from the risk the person was aware of (or, in the case of negligence, should have been aware of), the element is still met if:
1. The actual result is different only because a different person or property was harmed, or

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the harm that happened was less serious or less extensive than the harm that was probable; or

2. The actual result is a similar type of harm as the probable result, and it occurred in a way that the person knew or should have known was made substantially more likely by their conduct.

---

### **§ 13-204 - Effect of ignorance or mistake upon criminal liability**

- A. Not knowing a fact, or having a mistaken belief about a fact, does not excuse a person from criminal liability unless:
  1. The mistake or lack of knowledge cancels out the required mental state for committing the offense; or
  2. The mistake or lack of knowledge supports a defense of justification as defined in chapter 4 of this title.
- B. Not knowing the law, or being mistaken about the law, does not excuse a person from criminal liability.

### **§ 13-206 – Entrapment**

- A. Entrapment is an affirmative defense to a criminal charge. To claim entrapment, the person must admit—through

testimony or other evidence—the essential elements of the offense charged.

- B. A person claiming entrapment must prove all of the following by clear and convincing evidence:
  1. The idea to commit the offense came from law enforcement officers or their agents, not from the person.
  2. Law enforcement officers or their agents persuaded or encouraged the person to commit the offense.
  3. Before law enforcement officers or their agents persuaded or encouraged the person, the person was not already predisposed to commit that type of offense.
- C. Entrapment is not established if the person was already predisposed to commit the offense and law enforcement officers or their agents only gave the person the opportunity to commit it. It is not entrapment for law enforcement officers or their agents to use a ruse or conceal their identity. The actions of law enforcement officers or their agents may be considered when deciding if the person has proven entrapment.

## **CHAPTER 3 - PARTIES TO OFFENSES: ACCOUNTABILITY**

### **§ 13-301 - Definition of accomplice**

An "**accomplice**" is a person (not including a peace officer acting lawfully in their official duty) who, with the intent to help or encourage a crime, does any of the following:

1. Solicits or commands someone else to commit the crime.
2. Helps, advises, agrees to help, or tries to help someone plan or commit the crime.
3. Provides the means or opportunity for someone to commit the crime.

---

### **§ 13-302 - Criminal liability based upon conduct**

A person can be guilty of a crime in either of the following ways:

- By their own actions; or
- By the actions of another person, if the law makes them criminally responsible for that conduct under this chapter; or
- By both their own actions and the actions of another.

In a prosecution, the testimony of an accomplice does not need to be supported by additional evidence to be used.

---

### **§ 13-303 - Criminal liability based upon conduct of another**

- A. A person can be held criminally responsible for another person's conduct if:
  4. The law that defines the offense specifically makes them accountable; or
  5. They act with the required mental state for the crime and cause another person to commit the conduct— even if that other person cannot form the required mental state; or
  6. They are an accomplice in the crime, including any crime that is a natural, probable, or reasonably foreseeable outcome of the offense they helped with.
- B. If causing a specific result is part of the crime, a person with the required mental state for that result is guilty if:
  1. They ask or order another person to do the conduct that causes the result; or
  2. They help, advise, agree to help, or try to help another person plan or carry out the conduct that causes the result.

**§13-305 - Criminal liability of enterprises; definitions**

A. An enterprise (such as a company or organization) can be guilty of a crime if:

1. The crime involves failing to carry out a legal duty required by law; or
2. The crime is carried out for the enterprise, and it is done, approved, requested, ordered, or recklessly allowed by the enterprise's directors or by a high managerial agent acting within the scope of their job; or
3. The crime is carried out by an agent of the enterprise while acting within the scope of their job and on behalf of the enterprise, and:
  - (a) The crime is a misdemeanor or petty offense; or
  - (b) The crime is one that specifically makes enterprises criminally responsible under the law.

**B. Definitions:**

1. “**Agent**” means any officer, director, employee, or anyone else authorized to act on behalf of the enterprise.
2. “**High managerial agent**” means an officer or another agent with authority to set or influence the enterprise's policies.

---

**§ 13-306 - Criminal liability of an individual for conduct of an enterprise**

A person is criminally responsible for any crime they commit, or cause to be committed, in the name of or on behalf of an enterprise, just as if they had committed the crime for themselves.

---

## **CHAPTER 4 – JUSTIFICATION**

### **§ 13-401 - Unavailability of justification defense; justification as defense**

- A. person may be justified in using or threatening physical force or deadly force under this chapter. However, if in doing so the person recklessly injures or kills an innocent third party, the justification defense cannot be used in a prosecution for that reckless injury or killing.
- B. Except as explained in subsection A, justification under this chapter may be used as a defense in any prosecution for an offense under this title.
- 

### **§ 13-402 - Justification; execution of public duty**

- A. Conduct that would normally be a criminal offense is justified if it is required or authorized by law, unless another section in this chapter or another law overrides it.
- B. The justification in subsection A also applies when:
1. A reasonable person would believe the conduct is required or authorized by a court judgment, court

order, or legal process, even if the court lacked jurisdiction or the process had a defect.

2. A reasonable person would believe the conduct is required or authorized to help a peace officer carry out official duties, even if the officer exceeded their legal authority.
- 

### **§ 13-403 - Justification; use of physical force**

Using physical force on another person, which would normally be a crime, is justified and not criminal in the following situations:

1. A parent, guardian, teacher, or another person responsible for a minor or incompetent person may use reasonable and appropriate physical force when necessary to maintain discipline.
2. A superintendent or official in charge of a jail, prison, or correctional institution may use physical force to keep peace, maintain order or discipline, or stop the commission of a felony or misdemeanor.
3. A person responsible for maintaining order in a place where people are gathered, or on a passenger motor carrier (such as a bus), or someone acting under that person's direction, may use physical force if a reasonable person

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would believe it is necessary to maintain order. Deadly physical force may only be used if reasonably necessary to prevent death or serious physical injury.

4. A person may use physical force to stop someone from committing suicide or seriously harming themselves, if it is reasonably necessary to prevent the harm.
5. A licensed physician, registered nurse, or someone acting under their direction, as well as anyone providing emergency care at the scene of an emergency, may use reasonable physical force to provide lawful and recognized treatment to protect the patient's physical or mental health, if:
  - (a) The treatment is given with the consent of the patient, or if the patient is a minor or incompetent person, with the consent of a parent, guardian, or other caretaker (unless otherwise provided by law); or
  - (b) The treatment is given in an emergency when no one competent to consent is available, and a reasonable person would agree to treatment to protect the patient's welfare.

6. A person may also use physical force as otherwise permitted by this chapter.

---

### **§ 13-404 - Justification; self-defense**

- A. person may threaten or use physical force against another if a reasonable person would believe it is immediately necessary to protect themselves from the other person's use or attempted use of unlawful physical force.
- B. The use or threat of physical force is not justified in the following situations:
  1. When responding only to verbal provocation.
  2. To resist an arrest by a peace officer (or someone assisting at the officer's direction), whether the arrest is lawful or unlawful, unless the officer uses more force than the law allows.
  3. If the person provoked the other's use or attempted use of unlawful physical force, unless both of the following apply:
    - (a) The person withdraws from the encounter or clearly communicates an intent to withdraw, reasonably believing it is unsafe to simply walk away.

- (b) The other person still continues or attempts to use unlawful physical force.
- 

**§ 13-405 - Justification; use of deadly physical force**

- A. A person may threaten or use deadly physical force against another if:
    - 4. They would already be justified in using physical force under section 13-404, and
    - 5. A reasonable person would believe deadly physical force is immediately necessary to protect themselves from the other person's use or attempted use of unlawful deadly physical force.
  - B. A person does not have to retreat before threatening or using deadly physical force if:
    - They are in a place where they are legally allowed to be, and
    - They are not engaged in an unlawful act.
- 

**§ 13-406 - Justification; defense of a third person**

A person may threaten or use physical force or deadly physical force to protect someone else if, under the circumstances as a reasonable person would see

them, they would be justified under section 13-404 (self-defense with physical force) or section 13-405 (self-defense with deadly force) in using such force to protect themselves against the unlawful force or deadly force threatening the third person.

---

**§ 13-407 - Justification; use of physical force in defense of premises**

- A. A person, or their agent, who has lawful possession or control of property ("premises") may threaten to use deadly force or may threaten or use physical force against another if a reasonable person would believe it is immediately necessary to stop or prevent a criminal trespass on the premises.
  - B. Deadly physical force under subsection A may only be used in defense of oneself or others, as described in sections 13-405 (self-defense with deadly force) and 13-406 (defense of a third person).
  - C. For this section, "premises" means any real property and any structure—movable or immovable, permanent or temporary—adapted for human residence or lodging, whether occupied or not.
-

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### **§ 13-408 - Justification; use of physical force in defense of property**

A person may use physical force against another if a reasonable person would believe it is necessary to stop what appears to be an attempt or the actual commission of theft or criminal damage involving tangible, movable property under their possession or control.

Deadly physical force in these situations may only be used as allowed under sections 13-405 (self-defense with deadly force), 13-406 (defense of a third person), and 13-411 (defense of a residential structure or occupied vehicle).

### **§ 13-409 - Justification; use of physical force in law enforcement**

A person may threaten or use physical force against another while making or helping with an arrest or detention, or while preventing or helping prevent an escape after arrest or detention, if all of the following conditions are met:

1. A reasonable person would believe the force is immediately necessary to carry out the arrest or

detention or to prevent the escape.

2. The person making the arrest or detention makes the purpose known, or reasonably believes it is already known, or that it cannot reasonably be communicated.
3. A reasonable person would believe the arrest or detention is lawful.

### **§ 13-410 - Justification; use of deadly physical force in law enforcement**

- A. A person (not limited to peace officers) may threaten deadly physical force under section 13-409 only if a reasonable person making the arrest or preventing the escape would believe the suspect or escapee is:

4. Actively resisting a legal duty with deadly force or with the apparent ability to use deadly force; or
5. A felon who has escaped lawful confinement; or
6. A felon fleeing from justice or resisting arrest with physical force.

- B. A person who is not a peace officer may actually use deadly physical force under section 13-409 only if a reasonable person making the arrest or preventing the escape would believe the

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suspect or escapee is actively resisting a legal duty with physical force or with the apparent ability to use deadly force.

- C. A peace officer may use deadly physical force under section 13-409 only if the officer reasonably believes it is necessary:
1. To defend themselves or another person from what they reasonably believe to be the use or imminent use of deadly physical force.
  2. To arrest or prevent the escape of someone the officer reasonably believes:
    - a. Has committed, is committing, or is attempting to commit a felony involving the use or threatened use of a deadly weapon.
    - b. Is attempting to escape by using a deadly weapon.
    - c. Is likely, based on known past or current conduct, to endanger human life or cause serious injury unless apprehended immediately.
    - d. Must be stopped to lawfully suppress a riot if that person or another participant is

armed with a deadly weapon.

- D. A peace officer may threaten deadly physical force when, and to the extent, a reasonable officer would believe it necessary to protect against another's potential use of physical force or deadly force.

---

**§ 13-411 - Justification; use of force in crime prevention; applicability**

- A. A person may threaten or use physical force or deadly physical force against another if they reasonably believe it is immediately necessary to stop that person from committing any of the following crimes:
- Arson of an occupied structure (§ 13-1704).
  - Burglary in the second or first degree (§ 13-1507, § 13-1508).
  - Kidnapping (§ 13-1304).
  - Manslaughter (§ 13-1103).
  - Second-degree or first-degree murder (§ 13-1104, § 13-1105).
  - Sexual conduct with a minor (§ 13-1405).
  - Sexual assault (§ 13-1406).

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- Child molestation (§ 13-1410).
  - Armed robbery (§ 13-1904).
  - Aggravated assault under § 13-1204(A)(1) or (2).
- B. A person has no duty to retreat before using or threatening physical force or deadly physical force as allowed under subsection A.
- C. A person is legally presumed to be acting reasonably if they are trying to stop what they reasonably believe to be the imminent or actual commission of any of the crimes listed in subsection A.
- D. This law applies to the use or threat of physical force or deadly physical force in any of the following places:
- A person's home or residence.
  - A person's place of business.
  - Land the person owns or leases.
  - Any kind of vehicle or conveyance.
  - Any other place in Arizona where the person has a right to be.

### **§ 13-412 – Duress**

- A. Conduct that would normally be a crime is justified if a reasonable person would believe they were forced to do it by the threat or use of immediate physical force against themselves or another person, where the force caused or could cause serious physical injury, and a reasonable person in that situation would not have resisted.
- B. This defense is not available if the person intentionally, knowingly, or recklessly put themselves in a situation where it was likely they would face duress.
- C. This defense is not available for crimes involving homicide or serious physical injury.

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### **§ 13-413 - No civil liability for justified conduct**

A person in Arizona cannot be held civilly liable for conduct that is justified under this chapter.

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### **§ 13-414 - Justification; use of reasonable and necessary means**

A correctional officer, as defined in section 41-1661, may use all reasonable and necessary means, including deadly force, to stop a prisoner sentenced to the

Department of Corrections from attempting to:

1. Escape from custody or from a correctional facility.
2. Take another person as a hostage.
3. Cause serious bodily harm to another person.

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**§ 13-415 - Justification; domestic violence**

If the victim has previously committed acts of domestic violence (as defined in § 13-3601(A)) against the defendant, then when applying the self-defense and defense-of-others laws (§ 13-404, § 13-405, and § 13-406), the “reasonable person” standard must be considered from the viewpoint of a reasonable person who has experienced those past acts of domestic violence.

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**§ 13-416 - Justification; use of reasonable and necessary means; definition**

- A. A security officer employed by a private contractor may use all reasonable and necessary means, including deadly force, to stop a prisoner in the contractor’s custody from:
1. Escaping from the custody of a law enforcement officer, an authorized custodial

agent, or a correctional facility.

2. Taking another person hostage, or causing death or serious bodily harm to another person.

- B. Security officers described in subsection A who are employed by private prisons in Arizona must meet or exceed the minimum training standards set by the American Correctional Association.
- C. For this section, “**private contractor**” means a person or company that contracts with a government entity to provide detention or incarceration services for prisoners.

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**§ 13-417 - Necessity defense**

- A. Conduct that would normally be a crime is justified if a reasonable person would believe they had no reasonable alternative but to commit the act in order to avoid an imminent public or private injury that would be greater than the harm likely caused by their conduct.
- B. This defense is not available if the person intentionally, knowingly, or recklessly put themselves in a situation where it was likely they would have to commit the act.

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- C. This defense is not available for crimes involving homicide or serious physical injury.

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### **§ 13-418 - Justification; use of force in defense of residential structure or occupied vehicles; definitions**

- A. A person may threaten or use physical force or deadly physical force against another if:

- The person reasonably believes they or someone else is in imminent danger of death or serious physical injury, and
- The other person was unlawfully or forcefully entering, had already unlawfully or forcefully entered, a residential structure or occupied vehicle, or
- The other person had removed or was attempting to remove someone against their will from the residential structure or occupied vehicle.

- B. A person has no duty to retreat before using or threatening physical force or deadly physical force under this section.

- C. For this section:

1. **“Residential structure”** has the same meaning as in section 13-1501.
2. **“Vehicle”** means any type of conveyance, motorized or not, designed to transport people or property.

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### **§ 13-419 - Presumptions; defense of a residential structure or occupied vehicle; exceptions; definitions**

- A. A person is legally presumed to reasonably believe that using or threatening physical force or deadly force is immediately necessary under §§ 13-404 through 13-408, § 13-418, and § 13-421 if they know or have reason to believe that the other person is unlawfully or forcefully entering, or has unlawfully or forcefully entered and is present in, their residential structure or occupied vehicle.
- B. For the same sections listed in subsection A, a person unlawfully or forcefully entering, or who has already unlawfully or forcefully entered and is present in, a residential structure or occupied vehicle is legally presumed to pose an imminent threat of deadly harm to anyone inside.
- C. These presumptions do not apply if:

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1. The person against whom force was threatened or used has a legal right to be in the residential structure or vehicle, such as an owner, lessee, invitee, or titleholder, and no order of protection or injunction against harassment has been filed against them.
  2. The person against whom force was threatened or used is the parent or grandparent, or has legal custody or guardianship, of a child or grandchild being removed from the residential structure or vehicle.
  3. The person using or threatening force is engaged in unlawful activity or is using the residential structure or vehicle to further unlawful activity.
  4. The person against whom force was threatened or used is a law enforcement officer entering or attempting to enter in the performance of official duties.
- D. For this section:
1. **“Residential structure”** has the same meaning as in § 13-1501.
  2. **“Vehicle”** means any type of conveyance, motorized or not, designed to transport people or property.
- 
- § 13-421 - Justification; defensive display of a firearm; definition**
- A. A person may defensively display a firearm against another if a reasonable person would believe that doing so is immediately necessary to protect themselves from the other person’s use or attempted use of unlawful physical force or deadly physical force.
- B. This law does not apply to a person who:
1. Intentionally provokes someone else to use or attempt to use unlawful physical force.
  2. Uses a firearm while committing a “serious offense” (as defined in § 13-706) or a “violent crime” (as defined in § 13-901.03).
- C. A person who is otherwise justified in using or threatening physical force does not have to first display a firearm defensively before using or threatening that force.
- D. For this section, **“defensive display of a firearm”** includes:

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1. Verbally telling another person that you have or can access a firearm.
  2. Showing or displaying a firearm in a way a reasonable person would understand is meant to protect against unlawful force or deadly force.
  3. Placing your hand on a firearm while it is still in a pocket, purse, or other container.
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## **CHAPTER 5 – RESPONSIBILITY**

### **§ 13-501 - Persons under eighteen years of age; felony charging; definitions**

- A. The county attorney must charge a juvenile as an adult if the juvenile is 15, 16, or 17 years old at the time of the alleged offense and is accused of:
3. First degree murder (13-1105).
  4. Second degree murder (13-1104).
  5. Forcible sexual assault (13-1406).
  6. Armed robbery (13-1904).
  7. Any other violent felony offense.
  8. Any felony committed by a chronic felony offender.
  9. Any offense properly joined to one of the above.
- B. Except as in subsection A, the county attorney may charge a juvenile as an adult if the juvenile is at least 14 years old and is accused of:
1. A class 1 felony.
  2. A class 2 felony.
  3. A class 3 felony under chapters 10–17, 19, or 23 of this title.
  4. A class 3, 4, 5, or 6 felony that is a dangerous offense.
  5. Any felony committed by a chronic felony offender.
  6. Any offense properly joined to one of the above.
- C. A juvenile must be charged as an adult if they are accused of a crime and already have a historical prior felony conviction.
- D. When filing charges, the county attorney must also file a notice if the juvenile is a chronic felony offender. This notice gives the court jurisdiction to treat the juvenile as such, subject to subsection E.
- E. The juvenile may request a hearing (after arraignment and before trial) to challenge being labeled a chronic felony offender.
- The state must prove, by a preponderance of the evidence, that the juvenile is a chronic felony offender.
  - If the court does not find this proven, the case is transferred to juvenile court under section 8-302.
  - If the court finds the juvenile is a chronic felony

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offender, or if no motion is filed, the case continues in criminal court.

- F. Except as provided in 13-921, a person charged under this section will be sentenced in criminal court the same as an adult for any conviction.
- G. Nothing in this section gives juvenile court jurisdiction over anyone 18 years or older.
- H. **Definitions:**

1. **“Accused”** = a juvenile against whom a complaint, information, or indictment is filed.
2. **“Chronic felony offender”** = a juvenile with two prior, separate adjudications and dispositions for conduct that would count as a historical prior felony conviction if tried as an adult.
3. **“Forcible sexual assault”** = sexual assault under 13-1406 committed without consent as defined in 13-1401(7)(a).
4. **“Other violent felony offense”** includes:
  - (a) Aggravated assault under 13-1204(A)(1).
  - (b) Aggravated assault under 13-1204(A)(2) involving a deadly weapon.
  - (c) Drive-by shooting under 13-1209.

- (d) Discharging a firearm at a structure under 13-1211.

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### **§ 13-503 - Effect of alcohol or drug use**

Being temporarily intoxicated from voluntarily drinking alcohol, using illegal drugs (chapter 34), taking other psychoactive substances, or abusing prescribed medication does not count as insanity and cannot be used as a defense for committing a crime or for lacking the required mental state.

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### **§ 13-504 - Persons under eighteen years of age; juvenile transfer**

- A. If a juvenile is being prosecuted as an adult under § 13-501(B), the court must hold a hearing—either on its own or at the juvenile’s request—to decide whether the case should be transferred to juvenile court.
- B. The court must also hold a transfer hearing if the juvenile is prosecuted under § 13-501(B) for an offense committed more than 12 months before the criminal charge was filed.
- C. The court must transfer the case to juvenile court if it finds, by clear and convincing evidence, that public safety and the juvenile’s rehabilitation would be better served by the transfer.

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- If transferred, the court must order the juvenile to be taken either to a juvenile detention facility, directly to juvenile court, or released to a parent/guardian or another responsible adult.
  - If released, that person must bring the juvenile to juvenile court at the designated time.
  - Once transferred, the case proceeds as if a delinquency petition had been filed under § 8-301.
- D. When deciding whether transfer is appropriate, the court must consider:
1. How serious the offense was.
  2. The juvenile's prior record and history, including probation and its results.
  3. Any prior commitments to juvenile facilities or secure institutions.
  4. Whether the juvenile was previously committed to the Department of Juvenile Corrections for a felony.
  5. Whether the juvenile committed another felony while under the Department of Juvenile Corrections.
  6. Whether the offense was committed in connection with a criminal street gang, syndicate, or racketeering group.
7. The victim's views.
8. Whether the juvenile's role in the crime was relatively minor (but not a legal defense).
9. The juvenile's mental and emotional condition.
10. The likelihood that the juvenile can be rehabilitated with services available through juvenile court.
- E. At the end of the transfer hearing, the court must issue a written decision on whether the case will be transferred. The court cannot delay making this decision.
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**CHAPTER 6 -  
CLASSIFICATIONS  
OF OFFENSES AND  
AUTHORIZED  
DISPOSITIONS OF  
OFFENDERS**

**§ 13-601 - Classification of offenses**

- A. Felonies are divided into six categories for sentencing purposes:
    - 1. Class 1 felonies.
    - 2. Class 2 felonies.
    - 3. Class 3 felonies.
    - 4. Class 4 felonies.
    - 5. Class 5 felonies.
    - 6. Class 6 felonies.
  - B. Misdemeanors are divided into three categories for sentencing purposes:
    - 1. Class 1 misdemeanors.
    - 2. Class 2 misdemeanors.
    - 3. Class 3 misdemeanors.
  - C. Petty offenses are not divided into categories.
- 

**§ 13-602 - Designation of offenses**

- A. Each felony in this title is given a specific classification in the section or chapter where it is defined. If a felony is defined outside this title and the law does not state its classification or penalty, it is treated as a class 5 felony.
- B. Each misdemeanor in this title is given a specific classification in the section or chapter where it is defined. If a misdemeanor is defined outside this title and the law does not state its classification or penalty, it is treated as a class 2 misdemeanor.
- C. Every petty offense in this title is specifically identified as such. If an offense is defined outside this title and the law does not identify it as a felony or misdemeanor, or does not provide a classification or penalty, it is treated as a petty offense.
- D. If an offense is declared by law to be a felony, misdemeanor, or petty offense but no classification is provided, the punishment is based on the penalty stated for that offense.
- E. If an offense is defined within or outside this title without being labeled as a felony, misdemeanor, or petty offense, it is punished

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according to the penalty stated for that offense.

- F. If an offense is defined outside this title and its classification is specified, it is punished according to the rules in this title.
- G. Any petty offense, class 3 misdemeanor, or class 2 misdemeanor — except violations of title 28 (traffic laws) — is considered a “minor nontraffic offense” for armed forces recruitment purposes.

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### **§ 13-604 - Class 6 felony; designation**

- A. If a person is convicted of a class 6 felony that does not involve a dangerous offense, the court may decide the following, after considering the nature of the crime and the defendant’s history and character:
  - If sentencing the defendant as a felon would be too harsh, the court may:
    1. Enter a judgment of conviction for a class 1 misdemeanor and sentence accordingly, or
    2. Place the defendant on probation without immediately designating the offense as either a felony or a misdemeanor.

While on probation, the offense is treated as a misdemeanor for all purposes until the court officially designates it as either a misdemeanor or a felony.

This option does not apply to anyone convicted of a class 6 felony who has two or more prior felony convictions.

- B. Despite subsection A, until the court officially designates the offense as a misdemeanor or felony, it is treated as a felony conviction for the following purposes:
  1. Placing the defendant on felony probation under chapter 9 of this title, including for purposes of title 31, chapter 3, article 4.1.
  2. DNA collection under section 13-610.
  3. Determining firearm possession rights under chapter 31 of this title.
  4. Being used as a historical prior felony conviction.
  5. Being used for impeachment in a later trial.
  6. Being used to increase a sentence under chapter 7 of this title.
- C. The court must designate an undesignated offense as a misdemeanor if the defendant

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successfully completes probation and is discharged by the court. A defendant is considered to have successfully completed probation if the court decides they met the conditions, even if the defendant still owes money, unless:

- The money owed is victim restitution, or
- The defendant willfully failed to pay the money owed.

D. If an offense can be punished as either a class 6 felony or a class 1 misdemeanor, the offense is treated as a misdemeanor if the prosecutor does any of the following:

1. Files an information in superior court designating it as a misdemeanor.
2. Files a complaint in justice court or municipal court designating it as a misdemeanor within that court's jurisdiction.
3. Amends the complaint, with the defendant's consent, before or during the preliminary hearing to charge a misdemeanor.

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### **§ 13-610 - DNA testing**

A. Within 30 days after sentencing, the Department of Corrections must collect a

blood or other bodily sample for DNA testing from any person who:

- Was convicted of an offense listed in this section and sentenced to prison, or
- Was convicted of a similar offense in another jurisdiction and is under supervision in Arizona. The Department of Corrections must send the sample to the Department of Public Safety (DPS).

B. Within 30 days after sentencing, a county jail or juvenile detention facility must collect a DNA sample if the person:

- Was convicted of or adjudicated delinquent for an offense listed in this section, and
- Was sentenced to jail or juvenile detention. The facility must send the sample to DPS.

C. Within 30 days after sentencing, a county probation department must collect a DNA sample if the person:

- Was convicted of or adjudicated delinquent for an offense listed in this section, and
- Was placed on probation without jail or detention. The probation department

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- must send the sample to DPS.
- D. Within 30 days after arrival, a county probation department must collect a DNA sample from a person who:
- Was convicted of a qualifying offense in another state,
  - Is under probation supervision in Arizona, and
  - Was sentenced to probation.  
The probation department must send the sample to DPS.
- E. Within 30 days after commitment, the Department of Juvenile Corrections must collect a DNA sample from any youth:
- Adjudicated delinquent for a listed offense, and
  - Sent to a secure care facility.  
The sample must be sent to DPS.
- F. Within 30 days after arrival, if a juvenile is transferred from another state under the interstate compact, the Department of Juvenile Corrections must request the sending state to require DNA testing. If the sending state does not, Arizona must collect the sample within 30 days and send it to DPS.
- G. No sample is required if DPS already has a sufficient DNA sample on file.
- H. DPS must:
1. Conduct or oversee testing of collected samples.
  2. Keep a report of each test result.
  3. Maintain all samples for at least 35 years.
- I. DNA samples and test results may only be used:
1. For law enforcement identification.
  2. In criminal or juvenile proceedings.
  3. In proceedings under title 36, chapter 37.
- J. If a conviction or adjudication is overturned and final, the court must order the DNA profile removed from the Arizona DNA system if the person has no other conviction requiring DNA testing.
- K. If a person is arrested for certain offenses listed in subsection O(3) and transferred to a law enforcement agency or jail, that agency must collect a DNA sample and send it to DPS.
- L. If a person is charged with certain offenses listed in subsection O(3) and released on bail or their own

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- recognizance, they must report within 5 days to the investigating agency and submit a DNA sample. That agency must send it to DPS.
- M. A person required to give a sample under subsection K or L may petition the court to have their DNA profile removed if:
1. Charges are not filed within the legal time limits.
  2. Charges are dismissed.
  3. The person is acquitted.
- N. If DPS determines a submitted sample is unusable, another sample must be collected.
- O. This law applies to:
1. Anyone convicted of any felony.
  2. Anyone adjudicated delinquent for:
    - (a) Any offense in chapter 11, any felony in chapter 14 or 35.1, or sections 13-1507, 13-1508, or 13-3608.
    - (b) Any offense requiring sex offender registration under section 13-3821.
    - (c) Any felony in chapter 34 that may be prosecuted under section 13-501(B)(2).
    - (d) Any felony listed in section 13-501.
  3. Anyone arrested for:
    - o Any offense in chapter 11.
    - o Sections 13-1402, 13-1403, 13-1404, 13-1405, 13-1406, 13-1410, 13-1411, 13-1417, 13-1507, 13-1508, 13-3208, 13-3214, 13-3555, or 13-3608.
    - o Any "serious offense" under section 13-706 that is also a dangerous offense.