



Arizona: Reform of Repetitive Offender Law HB 2361 (Toma)

The Bill: HB 2361 would amend the sentencing of people under Section 13-703, Arizona Revised Statutes, so that people convicted of multiple felonies in a single criminal proceeding would not be considered “repetitive offenders” and receive enhanced sentences.

Who it would help: If the bill passes, it would help people sentenced in Arizona state courts (not federal courts) as “repetitive offenders” under Section 13-703 because the person has multiple charges in one indictment.

Bill status: *This bill is not yet law.* To become law, it must go through the committee process, pass through both the Arizona Senate and House of Representatives, and be signed by the governor.

Repetitive felony offender sentencing reform:

- Under current law, people can be given longer sentences as a “repetitive offender” if they are sentenced for multiple charges in one indictment — even if those charges happened within hours of each other, are part of the same case, or it is the person’s first time ever being charged with any crime. This practice is often referred to as alleging “*Hannah* priors” (based on the *State v. Hannah* case from 1980).
 - Example: A person sells drugs to an undercover officer several times in one week, and all the charges are brought in one indictment. Each charge is a *Hannah* prior that is used to give the person a longer sentence as a “repetitive offender.”
- HB 2361 would eliminate the provision in Section 13-703 that allows people convicted of multiple felonies in a single criminal proceeding to be sentenced as repetitive offenders. If passed, people would only be sentenced as repetitive offenders if they had prior historical felony convictions – i.e., they are true repeat offenders who were previously convicted of and sentenced for another crime *before* they committed the current offense.
- HB 2361 would amend the current sentencing and categorization of historical felony convictions as follows:
 - Current sentencing guidelines for category one repetitive offenders would be eliminated, and the current sentencing guidelines for category two and category three repetitive offenders would be renamed as categories one and two, respectively;
 - Offenders with one prior historical felony conviction would be sentenced as category one repetitive offenders;
 - Offenders with two or more prior historical felony convictions would be sentenced as category two repetitive offenders.
- The bill would not be retroactive (i.e., would not apply to people sentenced before the bill is signed into law).

