Bill Summary: Arizona Judicial Discretion Act
HB 2245 (Rivero)

The Bill: If passed, HB 2245 would create a "safety valve" that would allow judges to depart from a mandatory prison sentence and impose a different sentence if the court finds that (1) the mandatory sentence would result in an injustice to the defendant, and (2) the mandatory sentence is not necessary to protect the public. FAMM supports this bill.

Who would it help: Individuals sentenced for an offense that requires a mandatory prison sentence, *unless* the person was convicted of:

- An offense involving death or serious physical injury to another; or
- An offense listed under Title 13, Chapter 14 of Arizona Criminal Code committed against a minor, excluding a sexual conduct offense where the victim was 15, 16, 17 years old and the defendant was under 19 years old or was attending high school and was not more than 24 months older than the victim and the conduct was consensual; or
- An offense in which the defendant engages in a continuing criminal enterprise or organizes, leads, manages or supervises others in an offense.

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.

HB 2245 restores some judicial discretion in sentencing: HB 2245 permits judges to consider the circumstances of each case and avoid unreasonably lengthy punishments for people who do not need them, while still maintaining public safety.

Additional requirements under HB 2245:

- If the court departs from the mandatory sentence, it must do so on the record and explain why.
- The administrative office of the courts must submit an annual report to the Arizona Criminal Justice Commission of the name of each case where the court departed from the mandatory sentence.
- Each year, the Arizona Criminal Justice Commission must determine the costs saved from departing from the mandatory sentence and notify the state's treasurer.