

REFERENCE TITLE: Classification As Misdemeanor

State of Arizona
Senate
Thirtieth Legislature
Second Regular Session

Leon Shults
Mark
S. J. [unclear]
Paul [unclear]
George [unclear]

S. B. 1173

Introduced by *R. [unclear]*

Frank Kelley
[unclear]

AN ACT

RELATING TO CRIMES; PRESCRIBING CONDITIONS UNDER WHICH AN "OPEN END" OFFENSE IS A MISDEMEANOR, AND AMENDING SECTION 13-103, ARIZONA REVISED STATUTES.

- 1 Be it enacted by the Legislature of the State of Arizona:
- 2 Section 1. Section 13-103, Arizona Revised Statutes, is amended
- 3 to read:
- 4 13-103. Classification as felony or misdemeanor
- 5 A. A felony is a crime or public offense which is punishable with
- 6 death or by imprisonment in the state prison. Every other crime or
- 7 public offense is a misdemeanor.
- 8 ~~B. When a crime or public offense punishable by imprisonment~~
- 9 ~~in the state prison is also punishable by fine or imprisonment in a~~
- 10 ~~county jail, in the discretion of the court, it shall be deemed a~~
- 11 ~~misdemeanor for all purposes after a sentence imposing a punishment~~
- 12 ~~other than imprisonment in the state prison.~~
- 13 B. WHEN A CRIME IS PUNISHABLE, IN THE DISCRETION OF THE COURT,
- 14 BY IMPRISONMENT IN THE STATE PRISON OR BY FINE OR IMPRISONMENT IN THE
- 15 COUNTY JAIL, IT IS A MISDEMEANOR FOR ALL PURPOSES UNDER THE FOLLOWING
- 16 CIRCUMSTANCES:
- 17 1. AFTER A JUDGMENT IMPOSING A PUNISHMENT OTHER THAN IMPRISON-
- 18 MENT IN THE STATE PRISON.
- 19 2. WHEN THE COURT COMMITS THE DEFENDANT TO THE YOUTH AUTHORITY.

1 3. WHEN THE COURT GRANTS PROBATION TO A DEFENDANT WITHOUT
2 IMPRISONMENT OF SENTENCE AND AT THE TIME OF GRANTING PROBATION OR ON
3 APPLICATION OF THE DEFENDANT OR PROBATION OFFICER THEREAFTER THE
4 COURT DECLARES THE OFFENSE TO BE A MISDEMEANOR.

5 4. WHEN THE PROSECUTING ATTORNEY FILES IN A COURT HAVING JURIS-
6 DICTION OVER MISDEMEANOR OFFENSES A COMPLAINT SPECIFYING THAT THE
7 OFFENSE IS A MISDEMEANOR, UNLESS THE DEFENDANT AT THE TIME OF HIS
8 ARRAIGNMENT OR PLEA OBJECTS TO THE OFFENSE BEING MADE A MISDEMEANOR,
9 IN WHICH EVENT THE COMPLAINT SHALL BE AMENDED TO CHARGE THE FELONY AND
10 THE CASE SHALL PROCEED ON THE FELONY COMPLAINT.

11 5. WHEN, AT OR BEFORE THE PRELIMINARY EXAMINATION AND WITH THE
12 CONSENT OF THE PROSECUTING ATTORNEY AND THE DEFENDANT, THE MAGISTRATE
13 DETERMINES THAT THE OFFENSE IS A MISDEMEANOR, THE CASE SHALL PROCEED
14 AS IF THE DEFENDANT HAD BEEN ARRAIGNED ON A MISDEMEANOR COMPLAINT.