

ARIZONA

STATISTICAL INFORMATION

Current Governor: Janet Napolitano
Term of Office: Jan. 2003 - Jan. 2007

Legislative Term: Jan. - May

Total Inmate Pop.

(As of 5/1/05): 32,633 **White: 43.7% Black: 13.1% Latino/a: 36.7% Other: 6.4%**

Death Row Pop.

(As of 5/3/05:): 109 **White: 77 Black: 10 Latino/a: 16 Other: 6**

EXECUTIONS:

Since 1976: 22 **White: 16 Black: 0 Latino/a: 4 Other: 2**

(As of 5/19/05)

Carried out in 2003: 0

Carried out in 2004: 0

Scheduled for 2005: 0

(As of 5/19/05)

INMATES REMOVED FROM DEATH ROW BETWEEN 1973 AND 2004

(does not include those executed by the state or those who died of natural causes) :

Total Number: 92

Sentence/Conviction

overturned (minus
exonerations): 79

Sentence reduced: 6

Exonerations: 6

Other: 1

RELATED STATUTORY PROVISIONS

Life without Parole: yes

Prohibits the execution of juvenile offenders: yes

Prohibits the execution of mentally retarded offenders: yes

Prohibits the execution of mentally ill offenders: no

CURRENT STATUS OF THE MORATORIUM:

Moratorium: no

Study: yes

Status: On July 30, 2001, a Commission formed by then-Attorney General (now Governor) Janet Napolitano issued an interim report recommending the creation of a statewide public defender's office for capital cases, commutation of death sentences in all instances where a defendant is found incompetent to be executed following the issuance of a death warrant, and barring executions of mentally retarded offenders and juveniles who were under age 18 when they committed capital offenses. As of October 1, 2002, none of these recommendations had been implemented.

HISTORY OF LEGISLATION ADDRESSING ABA ISSUES

Moratorium/Study: Current: None

Previous Years: 2004: One bill that died repealed the death penalty (HB2588) 2003: One bill that died sine die repeals the death penalty and provides for a sentence of the offender's natural life without any possibility of release (HB2393).

Capital Offenses and Procedures:

Current: None.

Previous Years: None.

Aggravating and Mitigating Circumstances:

Current: 2005: One bill signed by the Governor creates three new aggravating circumstances for sentencing purposes in capital cases, expands the definition of victim in several statutes and specifies when the court shall impose a sentence of life or natural life for a defendant convicted of first degree murder (SB1429). One bill that failed expands aggravating factors for sentence of death to include a serious drug offense involving methamphetamine (HB2649).

Previous Years: None.

DNA Testing and Preservation of Material Evidence:

Current: None.

Previous Years: None.

Crime Labs and Medical Examiner Offices:

Current: None.

Previous Years: None.

Counsel Qualifications, Training, and Competency: Current: None.

Previous Years: 2001-02 : One bill signed into law which provides for the establishment of a State Capital Trial Public Defender Office and a State Capital Postconviction Public Defender Office and sets standards for the State Capital Trial Public Defender and the State Capital Postconviction Public Defender (Chapter No. 239 of 2002). 2001 : One bill was defeated that would have created a statewide public defender's office to help with some death penalty cases and established a County Risk Capital Indigent Defense Pool Fund.

Counsel Compensation: Current: None.

Previous Years: 1998 : One bill passed to expand appointment mechanism and compensation of post conviction counsel from \$75/hour to a maximum of \$100/hour for up to 200 hours, with the possibility of an additional \$100/hour maximum on showing of good cause.

Judges and Juries:

Current: 2005: One bill failed sine die that places juries in all phases of the sentencing proceedings for determining whether to impose on a defendant a sentence of life or natural life. The death sentence is imposed on the defendant only if the jury unanimously finds the sentence to be appropriate (HB2315).

Previous Years: 2004 : One bill that died would have allowed any party in a death penalty case to request a change of a judge no later than ten (10) days after the state filed a notice of intention to seek death penalty (HB2561).

Racial and Ethnic Minorities:

Current: None.

Previous Years: None.

Juvenile Offenders:

Current: 2005: One bill failed which would prohibit a court from imposing a death sentence on an individual who committed first degree murder while under the age of 18 (SB1423).

Previous Years: 2004 : One bill that died prohibits the imposition of the death penalty on a criminal defendant less than 18 years of age at the time of the offense (HB2251). Another bill that died prohibits a court from imposing the death penalty on an individual who committed first degree murder while under the age of 18 (SB1139). 2003: One bill died sine die that bans the death penalty for any offender who was under 18 at the time of the offense (HB2337). 2001-02 : Three bills died that would have prohibited the death penalty for juveniles (SB1457, HB2302, HB2681).

Mental Retardation, **Current: None.**
Mental Disability and
Mental Competency:

Previous Years: 2001: One bill signed into law to prohibit the death penalty for mentally retarded defendants (Chapter No. 260 of 2001); 2000: One bill introduced would have prohibited the death penalty for mentally retarded defendants; One bill died that would have established a task force on mental retardation and mental illness and the death penalty; 1999 One bill died that would have prohibited the death penalty for mentally retarded defendants.

**STATE AND LOCAL GOVERNMENTS AND LEGAL ORGANIZATIONS THAT HAVE
PASSED MORATORIUM RESOLUTIONS**

City of Tucson
Arizona Minority Bar Association

****Last Updated on June 27, 2005**