

Maricopa County Attorney's Office
Prosecution Policies and Procedures

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| PLEA AGREEMENTS | EFFECTIVE DATE 08/13/2020 | PROCEDURE # 7.3 |
| SECTION VIOLENT CRIMES AND FIREARMS OFFENSES | | |
| DISTRIBUTION TRIAL ATTORNEYS | REVISION DATE 10/06/2020 | REVISION # 1 |

A. VIOLENT CRIMES

For cases involving the listed violent crimes, the presumptive offer will include a plea to the charge. If the case involves multiple offenses on this list, the presumptive offer is that the defendant pleads to at least one of the offenses listed below and it should be the crime listed below with the highest felony classification.

1. First degree murder;
2. Second degree murder;
3. Manslaughter;
4. Aggravated assaults that are a class 2 or 3 felony;
5. Arson of an occupied structure;
6. Armed robbery,
7. Burglary in the first degree;
8. Kidnapping;
9. Drive-by shooting;
10. Discharge of a weapon at an occupied structure;
11. Prisoners who assault with intent to incite a riot; and
12. Sex Trafficking and Trafficking for Forced Labor and Services.

B. CRIMES INVOLVING THE USE OR POSSESSION OF FIREARMS

1. In all cases where a defendant has been charged with using a firearm during the commission of a crime, the presumptive offer will include a prison term. For this subsection, "using" refers to any case where a firearm is actively used to facilitate the commission of a crime, not where the firearm is merely possessed. This presumptive prison offer does not apply to the following:
 - a. Cases involving a B.B. gun, a pellet gun, or a CO₂ gun;
 - b. Disorderly Conduct pursuant to A.R.S. § 13-2904(A)(6);
 - c. Endangerment pursuant to A.R.S. § 13-1201; or
 - d. Unlawful Discharge of a Firearm pursuant to A.R.S. § 13-3107.
2. **Firearms in Gang Offenses.** If the defendant possessed a firearm during the commission of a crime that promoted or assisted a criminal syndicate, the presumptive offer will include a stipulation to a prison term.

C. VIOLENT FIREARM OFFENSES COMMITTED AGAINST PEACE OFFICERS

In any case where the defendant has pointed or discharged a firearm at a peace officer who was acting in the peace officer's official capacity, no plea offer will be made absent prior approval by the division chief.