

**Maricopa County Attorney's Office
Prosecution Policies and Procedures**

PLEA AGREEMENTS	EFFECTIVE DATE 08/13/2020	PROCEDURE # 7.3
SECTION VIOLENT CRIMES AND FIREARMS OFFENSES		
DISTRIBUTION TRIAL ATTORNEYS	REVISION DATE 09/02/2022	REVISION # 2

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 offer must 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 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. Misconduct Involving Weapons Cases. In a misconduct involving weapons case based on the defendant being a prohibited possessor due to a prior felony conviction, if the defendant has a historical felony prior, any offer must include a prison term.

3. **Firearms Possession 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.