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House Engrossed Senate Bill

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

SENATE BILL 1059

AN ACT

AMENDING SECTIONS 13-1501 AND 13-1504, ARIZONA REVISED STATUTES; RELATING TO CRIMINAL TRESPASS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-1501, Arizona Revised Statutes, is amended to
3 read:

4 13-1501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "CRITICAL PUBLIC SERVICE FACILITY" MEANS:

7 (a) A STRUCTURE OR FENCED YARD THAT IS POSTED WITH SIGNAGE INDICATING
8 IT IS A FELONY TO TRESPASS OR SIGNAGE INDICATING HIGH VOLTAGE OR HIGH
9 PRESSURE AND IS USED BY A RAIL, BUS, AIR OR OTHER MASS TRANSIT PROVIDER, A
10 PUBLIC OR PRIVATE UTILITY, ANY MUNICIPAL CORPORATION, CITY, TOWN OR OTHER
11 POLITICAL SUBDIVISION THAT IS ORGANIZED UNDER STATE LAW AND THAT GENERATES,
12 TRANSMITS, DISTRIBUTES OR OTHERWISE PROVIDES NATURAL GAS, LIQUEFIED PETROLEUM
13 GAS, ELECTRICITY OR A COMBUSTIBLE SUBSTANCE FOR A DELIVERY SYSTEM THAT IS NOT
14 A RETAIL-ONLY FACILITY, A TELECOMMUNICATIONS CARRIER OR TELEPHONE COMPANY, A
15 MUNICIPAL PROVIDER AS DEFINED IN SECTION 45-561, A LAW ENFORCEMENT AGENCY, A
16 PUBLIC OR PRIVATE FIRE DEPARTMENT OR AN EMERGENCY MEDICAL SERVICE PROVIDER.

17 (b) A STRUCTURE OR FENCED YARD OR ANY EQUIPMENT OR APPARATUS THAT IS
18 POSTED WITH SIGNAGE INDICATING IT IS A FELONY TO TRESPASS OR SIGNAGE
19 INDICATING HIGH VOLTAGE OR HIGH PRESSURE AND IS USED TO MANUFACTURE, EXTRACT,
20 TRANSPORT, DISTRIBUTE OR STORE GAS, INCLUDING NATURAL GAS OR LIQUEFIED
21 PETROLEUM GAS, OIL, ELECTRICITY, WATER OR HAZARDOUS MATERIALS, UNLESS IT IS A
22 RETAIL-ONLY FACILITY.

23 ~~1.~~ 2. "Enter or remain unlawfully" means an act of a person who
24 enters or remains on premises when ~~such~~ THE person's intent for so entering
25 or remaining is not licensed, authorized or otherwise privileged except when
26 the entry is to commit theft of merchandise displayed for sale during normal
27 business hours, when the premises are open to the public and when the person
28 does not enter any unauthorized areas of the premises.

29 ~~2.~~ 3. "Entry" means the intrusion of any part of any instrument or
30 any part of a person's body inside the external boundaries of a structure or
31 unit of real property.

32 ~~3.~~ 4. "Fenced commercial yard" means a unit of real property THAT IS
33 surrounded completely by ~~either~~ fences, walls, buildings, ~~or~~ or similar
34 barriers, or any combination ~~thereof~~ OF FENCES, WALLS, BUILDINGS OR SIMILAR
35 BARRIERS, and THAT IS used primarily for business operations or where
36 livestock, produce or other commercial items are located.

37 ~~4.~~ 5. "Fenced residential yard" means a unit of real property THAT
38 immediately ~~surrounding~~ SURROUNDS or IS adjacent to a residential structure
39 and THAT IS enclosed by a fence, wall, building or similar barrier, ~~or~~ or any
40 combination ~~thereof~~ OF FENCES, WALLS, BUILDINGS OR SIMILAR BARRIERS.

41 6. "FENCED YARD" MEANS A UNIT OF REAL PROPERTY THAT IS SURROUNDED BY
42 FENCES, WALLS, BUILDINGS OR SIMILAR BARRIERS OR ANY COMBINATION OF FENCES,
43 WALLS, BUILDINGS OR SIMILAR BARRIERS.

1 ~~5.~~ 7. "In the course of committing" means any acts THAT ARE performed
2 by an intruder from the moment of entry to and including flight from the
3 scene of a crime.

4 ~~6.~~ 8. "Nonresidential structure" means any structure other than a
5 residential structure.

6 ~~7.~~ 9. "Residential structure" means any structure, movable or
7 immovable, permanent or temporary, THAT IS adapted for both human residence
8 and lodging whether occupied or not.

9 ~~8.~~ 10. "Structure" means any vending machine, ~~OR ANY~~ building,
10 object, vehicle, railroad car or place with sides and a floor, ~~THAT IS~~
11 separately securable from any other structure attached to it and THAT IS
12 used for lodging, business, transportation, recreation or storage.

13 ~~9.~~ 11. "Vending machine" means a machine that dispenses merchandise
14 or service through the means of currency, coin, token, credit card or other
15 nonpersonal means of accepting payment for merchandise or service received.

16 Sec. 2. Section 13-1504, Arizona Revised Statutes, is amended to read:

17 13-1504. Criminal trespass in the first degree; classification

18 A. A person commits criminal trespass in the first degree by
19 knowingly:

20 1. Entering or remaining unlawfully in or on a residential structure
21 ~~or in a fenced residential yard; or.~~

22 2. ENTERING OR REMAINING UNLAWFULLY IN A FENCED RESIDENTIAL YARD.

23 ~~2.~~ 3. Entering any residential yard and, without lawful authority,
24 looking into the residential structure thereon in reckless disregard of
25 infringing on the inhabitant's right of privacy.

26 ~~3.~~ 4. Entering unlawfully on real property THAT IS subject to a valid
27 mineral claim or lease with the intent to hold, work, take or explore for
28 minerals on ~~such~~ THE claim or lease.

29 ~~4.~~ 5. Entering or remaining unlawfully on the property of another and
30 burning, defacing, mutilating or otherwise desecrating a religious symbol or
31 other religious property of another without the express permission of the
32 owner of the property.

33 6. ENTERING OR REMAINING UNLAWFULLY IN OR ON A CRITICAL PUBLIC SERVICE
34 FACILITY.

35 B. Criminal trespass in the first degree UNDER SUBSECTION A, PARAGRAPH
36 1, 5 OR 6 is a class 6 felony ~~if it is committed by entering or remaining~~
37 ~~unlawfully in or on a residential structure or committed pursuant to~~
38 ~~subsection A, paragraph 4.~~ Criminal trespass in the first degree UNDER
39 SUBSECTION A, PARAGRAPH 2, 3 OR 4 is a class 1 misdemeanor ~~if it is committed~~
40 ~~by entering or remaining unlawfully in a fenced residential yard or committed~~
41 ~~pursuant to subsection A, paragraph 2 or 3.~~