

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SENATE BILL 1242

AN ACT

AMENDING SECTIONS 12-1809, 12-1810, 23-352, 23-1321, 23-1322, 23-1323 AND 23-1324, ARIZONA REVISED STATUTES; AMENDING TITLE 23, CHAPTER 8, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 23-1325, 23-1326, 23-1327 AND 23-1328; RELATING TO LABOR RELATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-1809, Arizona Revised Statutes, is amended to
3 read:

4 12-1809. Injunction against harassment; petition; venue; fees;
5 notices; enforcement; definition

6 A. A person may file a verified petition with a magistrate, justice of
7 the peace or superior court judge for an injunction prohibiting harassment.
8 If the person is a minor, the parent, legal guardian or person who has legal
9 custody of the minor shall file the petition unless the court determines
10 otherwise. The petition shall name the parent, guardian or custodian as the
11 plaintiff, and the minor is a specifically designated person for the purposes
12 of subsection F of this section. If a person is either temporarily or
13 permanently unable to request an injunction, a third party may request an
14 injunction on behalf of the plaintiff. After the request, the judicial
15 officer shall determine if the third party is an appropriate requesting party
16 for the plaintiff. Notwithstanding the location of the plaintiff or
17 defendant, any court in this state may issue or enforce an injunction against
18 harassment.

19 B. An injunction against harassment shall not be granted:

20 1. Unless the party who requests the injunction files a written
21 verified petition for injunction.

22 2. Against a person who is less than twelve years of age unless the
23 injunction is granted by the juvenile division of the superior court.

24 3. Against more than one defendant.

25 C. The petition shall state all of the following:

26 1. The name of the plaintiff. The plaintiff's address shall be
27 disclosed to the court for purposes of service. If the address of the
28 plaintiff is unknown to the defendant, the plaintiff may request that the
29 address be protected. On the plaintiff's request, the address shall not be
30 listed on the petition. Whether the court issues an injunction against
31 harassment, the protected address shall be maintained in a separate document
32 or automated database and is not subject to release or disclosure by the
33 court or any form of public access except as ordered by the court.

34 2. The name and address, if known, of the defendant.

35 3. A specific statement showing events and dates of the acts
36 constituting the alleged harassment.

37 4. The name of the court in which there was or is any prior or pending
38 proceeding or order concerning the conduct that is sought to be restrained.

39 5. The relief requested.

40 D. A fee shall not be charged for filing a petition under this
41 section. Fees for service of process may be deferred or waived under any
42 rule or law applicable to civil actions, except that fees for service of
43 process shall not be charged if the petition arises out of a dating
44 relationship. The court shall advise a plaintiff that the plaintiff may be
45 eligible for the deferral or waiver of these fees at the time the plaintiff

1 files a petition. The court shall not require the petitioner to perform
2 community restitution as a condition of the waiver or deferral of fees for
3 service of process. A law enforcement agency or constable shall not require
4 the advance payment of fees for service of process of injunctions against
5 harassment. If the court does not waive the fees, the serving agency may
6 assess the actual fees against the plaintiff. On request of the plaintiff,
7 an injunction against harassment that is issued by a municipal court may be
8 served by the police agency for that city if the defendant can be served
9 within the city. If the defendant cannot be served within the city, the
10 police agency in the city in which the defendant can be served may serve the
11 injunction. On request of the plaintiff, each injunction against harassment
12 that is issued by a justice of the peace shall be served by the constable for
13 that jurisdiction if the defendant can be served within the jurisdiction. If
14 the defendant cannot be served within that jurisdiction, the constable in the
15 jurisdiction in which the defendant can be served shall serve the injunction.
16 On request of the plaintiff, an injunction against harassment that is issued
17 by a superior court judge or commissioner may be served by the sheriff of the
18 county. If the defendant cannot be served within that jurisdiction, the
19 sheriff in the jurisdiction in which the defendant can be served may serve
20 the order. The court shall provide, without charge, forms for purposes of
21 this section for assisting parties without counsel.

22 E. The court shall review the petition, any other pleadings on file
23 and any evidence offered by the plaintiff, including any evidence of
24 harassment by electronic contact or communication, to determine whether the
25 injunction requested should issue without a further hearing. Rules 65(a)(1)
26 and 65(e) of the Arizona rules of civil procedure do not apply to injunctions
27 that are requested pursuant to this section. If the court finds reasonable
28 evidence of harassment of the plaintiff by the defendant during the year
29 preceding the filing of the petition or that good cause exists to believe
30 that great or irreparable harm would result to the plaintiff if the
31 injunction is not granted before the defendant or the defendant's attorney
32 can be heard in opposition and the court finds specific facts attesting to
33 the plaintiff's efforts to give notice to the defendant or reasons supporting
34 the plaintiff's claim that notice should not be given, the court shall issue
35 an injunction as provided for in subsection F of this section. If the court
36 denies the requested relief, it may schedule a further hearing within ten
37 days with reasonable notice to the defendant. For the purposes of
38 determining the one year period, any time that the defendant has been
39 incarcerated or out of this state shall not be counted.

40 F. If the court issues an injunction, the court may do any of the
41 following:

- 42 1. Enjoin the defendant from committing a violation of one or more
43 acts of harassment.
- 44 2. Restrain the defendant from contacting the plaintiff or other
45 specifically designated persons and from coming near the residence, place of

1 employment or school of the plaintiff or other specifically designated
2 locations or persons.

3 3. Grant relief necessary for the protection of the alleged victim and
4 other specifically designated persons proper under the circumstances.

5 G. The court shall not grant a mutual injunction against harassment.
6 If opposing parties separately file verified petitions for an injunction
7 against harassment, the courts after consultation between the judicial
8 officers involved may consolidate the petitions of the opposing parties for
9 hearing. This does not prohibit a court from issuing cross injunctions
10 against harassment.

11 H. At any time during the period during which the injunction is in
12 effect, the defendant is entitled to one hearing on written request. No fee
13 may be charged for requesting a hearing. A hearing that is requested by a
14 defendant shall be held within ten days from the date requested unless the
15 court finds compelling reasons to continue the hearing. The hearing shall be
16 held at the earliest possible time. An ex parte injunction that is issued
17 under this section shall state on its face that the defendant is entitled to
18 a hearing on written request and shall include the name and address of the
19 judicial office where the request may be filed. After the hearing, the court
20 may modify, quash or continue the injunction.

21 I. The injunction shall include the following statement:

22 Warning

23 This is an official court order. If you disobey this
24 order, you may be arrested and prosecuted for the crime of
25 interfering with judicial proceedings and any other crime you
26 may have committed in disobeying this order.

27 J. A copy of the petition and the injunction shall be served on the
28 defendant within one year from the date the injunction is signed. An
29 injunction that is not served on the defendant within one year expires. The
30 injunction is effective on the defendant on service of a copy of the
31 injunction and petition and expires one year after service on the defendant.
32 A modified injunction is effective upon service and expires one year after
33 service of the initial injunction and petition.

34 K. Each affidavit, acceptance or return of service shall be promptly
35 filed with the clerk of the issuing court. This filing shall be completed in
36 person, shall be made by fax or shall be postmarked, if sent by mail, no
37 later than the end of the seventh court business day after the date of
38 service. If the filing is made by fax, the original affidavit, acceptance or
39 return of service shall be promptly filed with the court. Within twenty-four
40 hours after the affidavit, acceptance or return of service has been filed,
41 excluding weekends and holidays, the court from which the injunction or any
42 modified injunction was issued shall forward to the sheriff of the county in
43 which the court is located a copy of the injunction and a copy of the
44 affidavit or certificate of service of process or acceptance of service. On
45 receiving these copies, the sheriff shall register the injunction.

1 Registration of an injunction means that a copy of the injunction and a copy
2 of the affidavit or certificate of service of process or acceptance of
3 service have been received by the sheriff's office. The sheriff shall
4 maintain a central repository for injunctions so that the existence and
5 validity of the injunctions can be easily verified. The effectiveness of an
6 injunction does not depend on its registration, and for enforcement purposes
7 pursuant to section 13-2810, a copy of an injunction, whether or not
8 registered, is presumed to be a valid existing order of the court for a
9 period of one year from the date of service of the injunction on the
10 defendant.

11 L. A peace officer, with or without a warrant, may arrest a person if
12 the peace officer has probable cause to believe that the person has violated
13 section 13-2810 by disobeying or resisting an injunction that is issued
14 pursuant to this section, whether or not the violation occurred in the
15 presence of the officer. The provisions for release under section 13-3903 do
16 not apply to an arrest made pursuant to this subsection. A person who is
17 arrested pursuant to this subsection may be released from custody in
18 accordance with the Arizona rules of criminal procedure or any other
19 applicable statute. An order for release, with or without an appearance
20 bond, shall include pretrial release conditions that are necessary to provide
21 for the protection of the alleged victim and other specifically designated
22 persons and may provide for additional conditions that the court deems
23 appropriate, including participation in any counseling programs available to
24 the defendant.

25 M. If a peace officer responds to a call alleging that harassment has
26 been or may be committed, the officer shall inform in writing any alleged or
27 potential victim of the procedures and resources available for the protection
28 of the victim including:

- 29 1. An injunction pursuant to this section.
- 30 2. The emergency telephone number for the local police agency.
- 31 3. Telephone numbers for emergency services in the local community.

32 N. The remedies provided in this section for enforcement of the orders
33 of the court are in addition to any other civil and criminal remedies
34 available. The municipal court and the justice court may hear and decide all
35 matters arising pursuant to this section. After a hearing with notice to the
36 affected party, the court may enter an order requiring any party to pay the
37 costs of the action, including reasonable attorney fees, if any. An order
38 that is entered by a justice court or municipal court after a hearing
39 pursuant to this section may be appealed to the superior court as provided in
40 title 22, chapter 2, article 4, section 22-425, subsection B and the superior
41 court rules of civil appellate procedure without regard to an amount in
42 controversy. No fee may be charged to either party for filing an appeal.

43 O. A peace officer who makes an arrest pursuant to this section is not
44 civilly or criminally liable for the arrest if the officer acts on probable

1 cause and without malice. A peace officer is not civilly liable for
2 noncompliance with subsection M of this section.

3 P. This section does not apply to preliminary injunctions issued
4 pursuant to an action for dissolution of marriage or legal separation or for
5 protective orders against domestic violence.

6 Q. In addition to the persons who are authorized to serve process
7 pursuant to rule 4(d), Arizona rules of civil procedure, a peace officer or a
8 correctional officer as defined in section 41-1661 who is acting in the
9 officer's official capacity may serve an injunction against harassment that
10 is issued pursuant to this section.

11 R. For the purposes of this section, "harassment" means a series of
12 acts over any period of time that is directed at a specific person and that
13 would cause a reasonable person to be seriously alarmed, annoyed or harassed
14 and the conduct in fact seriously alarms, annoys or harasses the person and
15 serves no legitimate purpose. HARASSMENT INCLUDES UNLAWFUL PICKETING,
16 TRESPASSORY ASSEMBLY, UNLAWFUL MASS ASSEMBLY, CONCERTED INTERFERENCE WITH
17 LAWFUL EXERCISE OF BUSINESS ACTIVITY AND ENGAGING IN A SECONDARY BOYCOTT AS
18 DEFINED IN SECTION 23-1321.

19 Sec. 2. Section 12-1810, Arizona Revised Statutes, is amended to read:

20 12-1810. Injunction against workplace harassment; definitions

21 A. An employer or an authorized agent of an employer may file a
22 written verified petition with a magistrate, justice of the peace or superior
23 court judge for an injunction prohibiting workplace harassment.

24 B. The court shall not grant an injunction against workplace
25 harassment against either:

26 1. A person who is under twelve years of age unless the injunction is
27 granted by the juvenile division of the superior court.

28 2. More than one defendant.

29 C. The petition shall state all of the following:

30 1. The name of the employer.

31 2. The name and address, if known, of the defendant.

32 3. A specific statement showing the events and dates of the acts that
33 constitute harassment toward the employer or any person who enters the
34 employer's property or who is performing official work duties.

35 D. The filing fee for a petition that is filed pursuant to this
36 section is established pursuant to sections 12-284, 22-281 and 22-404.

37 E. The court shall review the petition and any evidence offered by the
38 employer to determine whether to issue the injunction without further
39 hearing. Rules 65(a)(1) and 65(e) of the Arizona rules of civil procedure do
40 not apply to injunctions requested pursuant to this section. If the court
41 finds reasonable evidence of workplace harassment by the defendant or that
42 good cause exists to believe that great or irreparable harm would result to
43 the employer or ANY other person who enters the employer's property or who is
44 performing official work duties or if the injunction is not granted before
45 the defendant or the defendant's attorney can be heard in opposition and the

1 court finds specific facts that attest to the employer's efforts to give
2 notice to the defendant or reasons supporting the employer's claim that
3 notice should not be given, the court shall issue an injunction pursuant to
4 subsection F of this section. If the court denies the requested relief, the
5 court may schedule a further hearing within ten days with reasonable notice
6 to the defendant.

7 F. If the court grants an injunction against workplace harassment, the
8 court may do any of the following:

9 1. Restrain the defendant from coming near the employer's property or
10 place of business and restrain the defendant from contacting the employer,
11 or other person while that person is on or at the employer's property or
12 place of business or is performing official work duties.

13 2. Grant any other relief necessary for the protection of the
14 employer, the workplace, the employer's employees or any other person who is
15 on or at the employer's property or place of business or who is performing
16 official work duties.

17 G. If the court issues an ex parte injunction pursuant to this
18 section, the injunction shall state on its face that the defendant is
19 entitled to a hearing on written request and shall include the name and
20 address of the judicial office in which the request may be filed. At any
21 time during the period that the injunction is in effect, the defendant may
22 request a hearing. The court shall hold the hearing within ten days after
23 the date of the written request unless the court finds compelling reasons to
24 continue the hearing. The hearing shall be held at the earliest possible
25 time. After the hearing, the court may modify, quash or continue the
26 injunction.

27 H. An injunction against workplace harassment that is issued pursuant
28 to this section shall include the following statement:

29 Warning

30 This is an official court order. If you disobey this order, you
31 may be arrested and prosecuted for the crime of interfering with
32 judicial proceedings and any other crime you may have committed
33 in disobeying this order.

34 I. A copy of the petition and the injunction shall be served on the
35 defendant within one year from the date the injunction is signed. An
36 injunction that is not served on the defendant within one year expires. The
37 injunction is effective on the defendant on service of a copy of the
38 injunction and petition and expires one year after service on the defendant.
39 A modified injunction is effective on service and expires one year after
40 service of the initial injunction and petition.

41 J. Each affidavit, acceptance or return of service shall be filed
42 promptly with the clerk of the issuing court. The filing shall be completed
43 in person, made by fax or postmarked, if sent by mail, no later than the end
44 of the seventh court business day after the date of service. If the filing
45 is made by fax, the original affidavit, acceptance or return of service shall

1 be filed promptly with the court. Within twenty-four hours after the
2 affidavit, acceptance or return of service has been filed, excluding weekends
3 and holidays, the court that issued the injunction shall register a copy of
4 the injunction and a copy of the affidavit of service of process or
5 acceptance of service with the sheriff's office of the county in which the
6 employer is located. A copy of an injunction is presumed to be a valid
7 existing order of the court for one year after the date on which the
8 defendant was served. Any changes or modifications to the injunction are
9 effective on entry by the court and shall be registered with the sheriff
10 within twenty-four hours after the entry, excluding weekends and holidays.

11 K. This section does not:

12 1. Expand, diminish, alter or modify the duty of an employer to
13 provide a safe workplace for its employees and other persons.

14 2. Permit a court to issue a temporary restraining order or injunction
15 that prohibits speech or other activities that are constitutionally protected
16 or otherwise protected by law, including actions involving organized labor
17 disputes **THAT DO NOT INVOLVE UNLAWFUL PICKETING, TRESPASSORY ASSEMBLY,**
18 **UNLAWFUL MASS ASSEMBLY, CONCERTED INTERFERENCE WITH LAWFUL EXERCISE OF**
19 **BUSINESS ACTIVITY AND ENGAGING IN A SECONDARY BOYCOTT AS DEFINED IN SECTION**
20 **23-1321 OR ANY ACTUAL OR THREATENED MISREPRESENTATION, FRAUD, DURESS,**
21 **VIOLENCE OR BREACH OF THE PEACE.**

22 3. Preclude either party from being represented by private counsel or
23 appearing on the party's own behalf.

24 L. When the employer has knowledge that a specific person or persons
25 ~~is~~ **ARE** the target of harassment as defined by this section, the employer
26 shall make a good faith effort to provide notice to the person or persons
27 that the employer intends to petition the court for an injunction against
28 workplace harassment.

29 M. Whether or not a violation occurs in the presence of a peace
30 officer, a peace officer, with or without a warrant, may arrest a person if
31 the peace officer has probable cause to believe that the person has violated
32 section 13-2810 by disobeying or resisting an injunction that was issued
33 pursuant to this section. The release provisions under section 13-3903 do
34 not apply to an arrest made pursuant to this subsection. A person who is
35 arrested pursuant to this subsection may be released from custody pursuant to
36 the Arizona rules of criminal procedure or any applicable statute. The court
37 shall include in an order for release any pretrial release conditions that
38 the court deems appropriate.

39 N. The remedies under this section for the enforcement of protection
40 orders are in addition to any other civil and criminal remedies that are
41 available. The municipal court and the justice court may hear and decide all
42 matters arising pursuant to this section. On notice to the affected party
43 and after a hearing, the court may enter an order that requires any party to
44 pay the costs of the action, including reasonable attorney fees. A party may
45 appeal an order entered by a justice court or municipal court pursuant to

1 section 22-261 or 22-425 and the superior court rules of civil appellate
2 procedure without regard to an amount in controversy.

3 O. A peace officer who makes an arrest pursuant to this section is
4 immune from civil or criminal liability if the officer acts on probable
5 cause.

6 P. An employer is immune from civil liability for seeking or failing
7 to seek an injunction under this section unless the employer is seeking an
8 injunction primarily to accomplish a purpose for which the injunction was not
9 designed. Any action or statement by an employer under this section shall
10 not be deemed an admission by the employer of any fact. An action or
11 statement by an employer under this section may be used for impeachment
12 purposes.

13 Q. In addition to the persons who are authorized to serve process
14 pursuant to rule 4(d), Arizona rules of civil procedure, a peace officer may
15 serve an injunction against workplace harassment pursuant to this section.

16 R. For the purposes of this section:

17 1. "Employer" means an individual, partnership, association or
18 corporation or a person or group of persons who act, directly or indirectly,
19 on behalf of or in the interest of an employer and with the consent of the
20 employer. Employer includes this state, a political subdivision of this
21 state and any school district or other special district.

22 2. "Harassment" means a single threat or act of physical harm or
23 damage or a series of acts over any period of time that would cause a
24 reasonable person to be seriously alarmed or annoyed **AND INCLUDES UNLAWFUL
25 PICKETING, TRESPASSORY ASSEMBLY, UNLAWFUL MASS ASSEMBLY, CONCERTED
26 INTERFERENCE WITH LAWFUL EXERCISE OF BUSINESS ACTIVITY AND ENGAGING IN A
27 SECONDARY BOYCOTT AS DEFINED IN SECTION 23-1321.**

28 Sec. 3. Section 23-352, Arizona Revised Statutes, is amended to read:
29 **23-352. Withholding of wages**

30 No employer may withhold or divert any portion of an employee's wages
31 unless one of the following applies:

32 1. The employer is required or empowered to do so by state or federal
33 law.

34 2. The employer has prior written authorization from the employee. **AN
35 EMPLOYER SHALL NOT WITHHOLD WAGES UNDER A WRITTEN AUTHORIZATION FROM THE
36 EMPLOYEE PAST THE DATE SPECIFIED BY THE EMPLOYEE IN A WRITTEN REVOCATION OF
37 THE AUTHORIZATION, UNLESS A COURT ORDERS OTHERWISE.**

38 3. There is a reasonable good faith dispute as to the amount of wages
39 due, including the amount of any counterclaim or any claim of debt,
40 reimbursement, recoupment or set-off asserted by the employer against the
41 employee.

42 Sec. 4. Section 23-1321, Arizona Revised Statutes, is amended to read:
43 **23-1321. Definitions**

44 In this article, unless the context otherwise requires:

1 1. "CONCERTED INTERFERENCE WITH LAWFUL EXERCISE OF BUSINESS ACTIVITY"
2 MEANS TO DO EITHER OF THE FOLLOWING BY THE USE OF FORCE, INTIMIDATION,
3 VIOLENCE, THREATS OF UNLAWFUL ACTIVITY, DESTRUCTION OF THE EMPLOYER'S REAL OR
4 INTANGIBLE PROPERTY OR UNLAWFUL ASSEMBLY:

5 (a) PREVENT OR ATTEMPT TO PREVENT AN EMPLOYER FROM:

6 (i) LAWFULLY ENGAGING IN ANY PROPER AND LAWFUL BUSINESS ACTIVITY.

7 (ii) PROPERLY, LAWFULLY OR PEACEFULLY USING OR ENJOYING THE EMPLOYER'S
8 PROPERTY THAT IS USED OR USEFUL IN THE CONDUCT OF THE EMPLOYER'S BUSINESS.

9 (iii) ACQUIRING MATERIALS OR SUPPLIES FOR THE PURPOSES OF THE
10 EMPLOYER'S BUSINESS.

11 (iv) DISPOSING OF THE GOODS, WARES OR PRODUCTS OF THE EMPLOYER'S
12 BUSINESS.

13 (b) CAUSE OR INDUCE A BREACH OR TERMINATION OF A KNOWN CONTRACTUAL
14 RELATIONSHIP OR KNOWN BUSINESS EXPECTANCY FOR AN IMPROPER PURPOSE WHICH
15 RESULTS IN DAMAGE TO THE EMPLOYER.

16 ~~1-~~ 2. "Labor organization" means an organization of any kind, or an
17 agency or employee representation committee or plan in which employees
18 participate and which exists for the purpose, in whole or in part, of dealing
19 with employers concerning grievances, labor disputes, wages, rates of pay,
20 hours of employment or other conditions of employment. For the purpose of
21 this article the word "employee" or "employees" does not include persons
22 having supervisory authority, professional or confidential employees, guards
23 or persons employed in personnel departments.

24 ~~2-~~ 3. "Person" includes a natural person, a corporation, association,
25 company, firm or labor organization.

26 ~~3-~~ 4. "Secondary boycott" means:

27 (a) A combination or conspiracy by two or more persons, by a strike,
28 threat to strike, picketing, threat to picket, violence, threat of violence,
29 or by concerted refusal or threat of concerted refusal, to process, install,
30 service, handle, transport or otherwise deal with specified articles,
31 materials or services, to force or require a person to cease or partially to
32 cease processing, installing, servicing, selling, handling or transporting
33 the products of or selling to or otherwise dealing with any other person for
34 the purpose of forcing or requiring such other person to recognize, bargain
35 with or comply with the demands of a labor organization, or for the reason
36 that such other person has in his employ persons who are not members of a
37 labor organization or is not himself a member of a labor organization, or for
38 the reason that such other person uses goods, materials or services
39 considered objectionable by a labor organization.

40 (b) An act, combination or agreement which directly or indirectly
41 causes, induces or compels another to strike, threaten to strike, picket,
42 threaten to picket, commit violence, threaten to commit violence, refuse to
43 or threaten to refuse to process, install, service, handle, transport or
44 otherwise deal with specified articles, materials or services, to force or
45 require a person to cease or partially to cease processing, installing,

1 servicing, selling, handling or transporting the products of, or selling to
2 or otherwise dealing with any other person for the purpose of forcing or
3 requiring such other person to recognize, bargain with or comply with the
4 demands of a labor organization, or for the reason that such other person has
5 in his employ persons who are not members of a labor organization, or is not
6 himself a member of a labor organization, or for the reason that such other
7 person uses goods, materials or services considered objectionable by a labor
8 organization.

9 5. "TRESPASSORY ASSEMBLY" MEANS KNOWINGLY ENTERING OR UNLAWFULLY
10 REMAINING ON ANY PROPERTY IN VIOLATION OF SECTION 13-1502, 13-1503 OR
11 13-1504.

12 6. "UNLAWFUL MASS ASSEMBLY" MEANS A VIOLATION OF SECTION 23-1327.

13 7. "UNLAWFUL PICKETING" MEANS A VIOLATION OF SECTION 23-1322.

14 Sec. 5. Section 23-1322, Arizona Revised Statutes, is amended to read:
15 23-1322. Unlawful picketing

16 A. It is unlawful for a labor organization to picket any establishment
17 unless there exists between the employer and the majority of employees of
18 such establishment a bona fide dispute regarding wages or working conditions.

19 B. IT IS UNLAWFUL FOR A LABOR ORGANIZATION TO ENGAGE IN PICKETING OR
20 TO INDUCE OTHERS TO ENGAGE IN PICKETING IF THE PURPOSE OF THE PICKETING IS TO
21 COERCE OR INDUCE AN EMPLOYER OR SELF-EMPLOYED PERSON TO JOIN OR CONTRIBUTE TO
22 A LABOR ORGANIZATION.

23 Sec. 6. Section 23-1323, Arizona Revised Statutes, is amended to read:
24 23-1323. Injunctive relief; damages

25 A. ~~The picketing of an establishment when a bona fide dispute does not~~
26 ~~exist between the employer and the majority of employees, UNLAWFUL PICKETING,~~
27 ~~TRESPASSORY ASSEMBLY, UNLAWFUL MASS ASSEMBLY, CONCERTED INTERFERENCE WITH~~
28 ~~LAWFUL EXERCISE OF BUSINESS ACTIVITY and engaging in a secondary boycott, are~~
29 ~~illegal and a person against whom such picketing or secondary boycott ANY OF~~
30 ~~THESE ACTIVITIES is directed or who is injured thereby BY THESE ACTIVITIES is~~
31 ~~entitled to injunctive relief therefrom FROM THESE ACTIVITIES. Any person or~~
32 ~~persons calling or conducting illegal picketing or secondary boycott shall be~~
33 ~~ANY OF THESE ACTIVITIES IS liable in damages to any person injured thereby BY~~
34 ~~THESE ACTIVITIES FOR DAMAGES, PREJUDGMENT INTEREST, LITIGATION COSTS AND~~
35 ~~REASONABLE ATTORNEY FEES. THESE DAMAGES INCLUDE LOST SALES AND BUSINESS,~~
36 ~~LOST PROFITS AND LOSS IN VALUE OF THE BUSINESS. IF A PERSON CALLING OR~~
37 ~~CONDUCTING THESE ACTIVITIES ACTED IN BAD FAITH OR DISOBEYED A COURT ORDER,~~
38 ~~INCLUDING AN INJUNCTION ISSUED PURSUANT TO THIS SUBSECTION, THE PERSON IS~~
39 ~~LIABLE FOR PUNITIVE DAMAGES.~~

40 B. Nothing in this article shall be construed to imply the legality of
41 any act or conspiracy illegal under the laws of this state ~~prior to~~ BEFORE
42 November 24, 1952. Any labor organization, subdivision or local thereof
43 shall be bound by and liable for the acts of its agents, and may sue or be
44 sued in its common name.

1 Sec. 7. Section 23-1324, Arizona Revised Statutes, is amended to read:

2 23-1324. Violations: classification

3 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, any person who
4 violates any provision of this article is guilty of a class 2 misdemeanor AND
5 SHALL PAY A FINE OF NOT LESS THAN TWO HUNDRED DOLLARS.

6 B. A PERSON WHO VIOLATES SECTION 23-1322, 23-1327 OR 23-1328 AT A
7 PROPERTY LISTED ON THE NO TRESPASS PUBLIC NOTICE LIST IS GUILTY OF A CLASS 1
8 MISDEMEANOR AND SHALL PAY A FINE OF NOT LESS THAN TWO HUNDRED DOLLARS.

9 C. Any fine levied PURSUANT TO THIS SECTION shall be recovered by the
10 attorney general or under his direction in the name of the state.

11 Sec. 8. Title 23, chapter 8, article 2, Arizona Revised Statutes, is
12 amended by adding sections 23-1325, 23-1326, 23-1327 and 23-1328, to read:

13 23-1325. No trespass public notice list; presumption

14 A. THE SECRETARY OF STATE SHALL ESTABLISH A NO TRESPASS PUBLIC NOTICE
15 LIST IDENTIFYING EMPLOYERS IN THE STATE WHO HAVE ESTABLISHED PRIVATE PROPERTY
16 RIGHTS TO THEIR ESTABLISHMENT AND ANY RELATED REAL PROPERTY IN THE STATE.

17 B. TO BE INCLUDED ON THE LIST, AN EMPLOYER SHALL PROVIDE TO THE
18 SECRETARY OF STATE COPIES OF APPROPRIATE DOCUMENTS THAT ESTABLISH THE
19 EMPLOYER'S PRIVATE PROPERTY RIGHTS, INCLUDING THE ADDRESS AND LEGAL
20 DESCRIPTION OF THE PROPERTY TO WHICH IT HAS LEGAL CONTROL IN A FORMAT
21 DESIGNATED BY THE SECRETARY OF STATE DEVELOPED IN CONSULTATION WITH LAW
22 ENFORCEMENT AGENCIES. THE EMPLOYER SHALL ALSO PROVIDE TO THE SECRETARY OF
23 STATE THE NAME AND TELEPHONE NUMBER OF A CONTACT PERSON OR PERSONS EMPLOYED
24 AT THE PROPERTY. AN EMPLOYER ON THE NO TRESPASS PUBLIC NOTICE LIST SHALL
25 NOTIFY THE SECRETARY OF STATE AS SOON AS PRACTICABLE REGARDING ANY CHANGE
26 THAT LIMITS OR MODIFIES ITS RIGHT TO THE PROPERTY INCLUDED ON THE LIST. AN
27 EMPLOYER THAT PARTICIPATES IN THE NO TRESPASS PUBLIC NOTICE LIST SHALL PAY A
28 FEE DETERMINED BY THE SECRETARY OF STATE.

29 C. IF AN EMPLOYER PROVIDES THE DOCUMENTS PRESCRIBED IN SUBSECTION B
30 AND PAYS THE FEE, THE SECRETARY OF STATE SHALL LIST THE EMPLOYER AND ITS
31 ADDRESS ON THE NO TRESPASS PUBLIC NOTICE LIST AND SHALL MAINTAIN A COPY OF
32 THE DOCUMENTS FOR PUBLIC INSPECTION.

33 D. BEGINNING JULY 1, 2011 AND EVERY JULY 1 AND JANUARY 1 THEREAFTER,
34 THE SECRETARY OF STATE SHALL:

35 1. PUBLISH THE NO TRESPASS PUBLIC NOTICE LIST AT LEAST ONE DAY A WEEK
36 FOR FOUR CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
37 COUNTY IN WHICH THE EMPLOYER IS LOCATED. IF THERE IS NO NEWSPAPER OF GENERAL
38 CIRCULATION IN THE COUNTY, THE LIST SHALL BE PUBLISHED IN A NEWSPAPER OF
39 GENERAL CIRCULATION IN AN ADJOINING COUNTY. THE SECRETARY OF STATE SHALL
40 MAKE THE LIST ACCESSIBLE TO THE PUBLIC IN THE SECRETARY OF STATE'S OFFICE AND
41 SHALL PUBLISH THE LIST ON THE SECRETARY OF STATE'S WEBSITE.

42 2. PROVIDE A COPY OF THE NO TRESPASS PUBLIC NOTICE LIST TO EVERY LAW
43 ENFORCEMENT AGENCY IN THE STATE. THE LIST PROVIDED TO LAW ENFORCEMENT
44 AGENCIES SHALL BE UPDATED ON A REGULAR BASIS AND SHALL BE PROVIDED IN A
45 FORMAT DEVELOPED IN CONSULTATION WITH LAW ENFORCEMENT AGENCIES.

1 E. PUBLICATION OF THE NO TRESPASS PUBLIC NOTICE LIST AS PRESCRIBED IN
2 SUBSECTION D ESTABLISHES A PRESUMPTION THAT ALL MEMBERS OF THE PUBLIC HAVE
3 NOTICE OF ALL EMPLOYERS AND PROPERTIES SHOWN ON THE LIST.

4 F. EACH LAW ENFORCEMENT AGENCY SHALL MAINTAIN THE MOST RECENT NO
5 TRESPASS PUBLIC NOTICE LIST RECEIVED FROM THE SECRETARY OF STATE FOR ITS USE
6 IN RESPONDING TO COMPLAINTS OF UNLAWFUL PICKETING, TRESPASSORY ASSEMBLY OR
7 UNLAWFUL MASS ASSEMBLY. IF A PROPERTY IS IDENTIFIED ON THE LIST, THE
8 RESPONDING PEACE OFFICER MAY NOT REQUIRE THE EMPLOYER TO PROVIDE ANY FURTHER
9 DOCUMENTATION TO ESTABLISH THE EMPLOYER'S PROPERTY RIGHTS BEFORE REQUIRING
10 ANY LABOR ORGANIZATION OR INDIVIDUAL OR GROUPS OF INDIVIDUALS ACTING ON
11 EMPLOYEES' BEHALF THAT ARE ENGAGED IN UNLAWFUL PICKETING, TRESPASSORY
12 ASSEMBLY OR MASS PICKETING TO LEAVE THE EMPLOYER'S PROPERTY OR CEASE FROM
13 BLOCKING INGRESS TO OR EGRESS FROM THE EMPLOYER'S PROPERTY. A RESPONDING
14 PEACE OFFICER SHALL NOT BE HELD LIABLE FOR ANY ACTION TAKEN AS A DIRECT
15 RESULT OF AN EMPLOYER'S INCLUSION ON THE NO TRESPASS PUBLIC NOTICE LIST.

16 G. THIS SECTION DOES NOT AFFECT OR LIMIT ANY EXISTING PROPERTY RIGHTS
17 IF A PROPERTY IS NOT INCLUDED ON ANY NO TRESPASS PUBLIC NOTICE LIST.

18 23-1326. Unlawful mass assembly

19 A. A PERSON SHALL NOT DO ANY OF THE FOLLOWING:

20 1. HINDER OR PREVENT THE PURSUIT OF ANY LAWFUL WORK OR EMPLOYMENT BY
21 MASS ASSEMBLY, UNLAWFUL THREATS OR FORCE.

22 2. OBSTRUCT OR INTERFERE WITH ENTRANCE TO OR EGRESS FROM ANY PLACE OF
23 EMPLOYMENT, INCLUDING BY INTENTIONALLY OPERATING A MOTOR VEHICLE SO AS TO
24 DELAY, IMPEDE OR INTERFERE WITH THE ABILITY OF PERSONS OR VEHICLES TO ENTER
25 OR LEAVE ANY PROPERTY.

26 3. OBSTRUCT OR INTERFERE WITH THE FREE AND UNINTERRUPTED USE OF PUBLIC
27 ROADS, STREETS, HIGHWAYS, RAILWAYS, AIRPORTS OR OTHER MEANS OF TRAVEL OR
28 CONVEYANCE.

29 4. USE LANGUAGE OR WORDS THREATENING TO DO HARM TO A PERSON OR THE
30 PERSON'S REAL OR INTANGIBLE PROPERTY OR DESIGNED TO INCITE FEAR IN ANY PERSON
31 ATTEMPTING TO ENTER OR LEAVE ANY PROPERTY.

32 5. ASSEMBLE OTHER THAN IN A REASONABLE AND PEACEFUL MANNER.

33 B. THIS SECTION DOES NOT PROHIBIT ASSEMBLY TO THE EXTENT THAT ASSEMBLY
34 IS AUTHORIZED UNDER THE ARIZONA OR FEDERAL CONSTITUTION OR FEDERAL LAW.

35 23-1327. Trespassory assembly

36 A LABOR ORGANIZATION OR INDIVIDUAL OR GROUP THAT ACTS ON BEHALF OF
37 EMPLOYEES SHALL NOT ENGAGE IN TRESPASSORY ASSEMBLY.

38 23-1328. Publicizing enjoined picketing or assembly;
39 prohibition

40 A PERSON SHALL NOT DECLARE OR PUBLICIZE THE CONTINUED EXISTENCE OF
41 ACTUAL OR CONSTRUCTIVE PICKETING OR ASSEMBLY AT A POINT OR DIRECTED AGAINST A
42 PREMISES, IF A COURT OF COMPETENT JURISDICTION HAS ENJOINED THE CONTINUATION
43 OF THE PICKETING OR ASSEMBLY AT THAT POINT OR PREMISES.