



ARIZONA STATE SENATE
Fiftieth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2549

electronic; digital devices; stalking; threatening

Purpose

Updates certain harassment and stalking related crimes to include the use of electronic or digital devices.

Background

Currently, it is unlawful for a person, with the intent to terrify, intimidate, threaten, harass, annoy or offend another person, to use a telephone to suggest any lewd or lascivious act, or threaten to inflict physical harm to the person or their property. Additionally, it is unlawful to otherwise disturb, by repeated anonymous phone calls, the peace, quiet or right of privacy of any person at the place where the call was received (A.R.S. § 13-2916).

A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if the conduct either causes a reasonable person to: a) fear for the person's safety or the safety of that person's immediate family member, and the person in fact fears for their safety or the safety of an immediate family member; or b) fear death of that person or their immediate family member, and that person in fact fears death of that person or that person's immediate family member. Statute defines course of conduct as maintaining visual or physical proximity to a specific person or directing verbal, written or other threats, express or implied, to a specific person on two or more occasions over a period of time, however short. Course of conduct does not include constitutionally protected activity (A.R.S. § 13-2923).

There is no immediate anticipated fiscal impact to the state General Fund; however, there may be costs associated with incarceration.

Provisions

1. Prohibits using any electronic or digital device, instead of a telephone, with the intent to terrify, intimidate, threaten, harass, annoy or offend a person.
2. Specifies *electronic or digital device* includes any wired or wireless communication device and multimedia storage device.
3. Expands *course of conduct* regarding stalking to include using any electronic, digital or global positioning system device to surveil a specific person or a specific person's internet or wireless activity:
 - a) continuously for twelve hours or more; or

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- b) on two or more occasions over a period of time, however short.
- 4. Specifies *course of conduct* does not include activity authorized by law.
- 5. Makes technical and conforming changes.
- 6. Becomes effective on the general effective date.

House Action

JUD	02/02/12	DPA	8-0-0-1
3 rd Read	03/06/12		58-1-1-0

Prepared by Senate Research
March 9, 2012
GK/tf