

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 95
HOUSE BILL 2089

AN ACT

AMENDING SECTION 13-1204, ARIZONA REVISED STATUTES; RELATING TO AGGRAVATED ASSAULT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1204, Arizona Revised Statutes, is amended to
3 read:

4 13-1204. Aggravated assault; classification; definitions

5 A. A person commits aggravated assault if the person commits assault
6 as prescribed by section 13-1203 under any of the following circumstances:

7 1. If the person causes serious physical injury to another.

8 2. If the person uses a deadly weapon or dangerous instrument.

9 3. If the person commits the assault by any means of force that causes
10 temporary but substantial disfigurement, temporary but substantial loss or
11 impairment of any body organ or part or a fracture of any body part.

12 4. If the person commits the assault while the victim is bound or
13 otherwise physically restrained or while the victim's capacity to resist is
14 substantially impaired.

15 5. If the person commits the assault after entering the private home
16 of another with the intent to commit the assault.

17 6. If the person is eighteen years of age or older and commits the
18 assault on a minor under fifteen years of age.

19 7. If the person commits assault as prescribed by section 13-1203,
20 subsection A, paragraph 1 or 3 and the person is in violation of an order of
21 protection issued against the person pursuant to section 13-3602 or 13-3624.

22 8. If the person commits the assault knowing or having reason to know
23 that the victim is any of the following:

24 (a) A peace officer, or a person summoned and directed by the officer
25 while engaged in the execution of any official duties **OR IF THE ASSAULT
26 RESULTS FROM THE EXECUTION OF THE PEACE OFFICER'S OFFICIAL DUTIES.**

27 (b) A constable, or a person summoned and directed by the constable
28 while engaged in the execution of any official duties **OR IF THE ASSAULT
29 RESULTS FROM THE EXECUTION OF THE CONSTABLE'S OFFICIAL DUTIES.**

30 (c) A firefighter, fire investigator, fire inspector, emergency
31 medical technician or paramedic engaged in the execution of any official
32 duties, or a person summoned and directed by such individual while engaged in
33 the execution of any official duties **OR IF THE ASSAULT RESULTS FROM THE
34 EXECUTION OF THE OFFICIAL DUTIES OF THE FIREFIGHTER, FIRE INVESTIGATOR, FIRE
35 INSPECTOR, EMERGENCY MEDICAL TECHNICIAN OR PARAMEDIC.**

36 (d) A teacher or other person employed by any school and the teacher
37 or other employee is on the grounds of a school or grounds adjacent to the
38 school or is in any part of a building or vehicle used for school purposes,
39 any teacher or school nurse visiting a private home in the course of the
40 teacher's or nurse's professional duties or any teacher engaged in any
41 authorized and organized classroom activity held on other than school
42 grounds.

43 (e) A health care practitioner who is certified or licensed pursuant
44 to title 32, chapter 13, 15, 17 or 25, or a person summoned and directed by
45 the licensed health care practitioner while engaged in the person's

1 professional duties. This subdivision does not apply if the person who
2 commits the assault is seriously mentally ill, as defined in section 36-550,
3 or is afflicted with alzheimer's disease or related dementia.

4 (f) A prosecutor WHILE ENGAGED IN THE EXECUTION OF ANY OFFICIAL DUTIES
5 OR IF THE ASSAULT RESULTS FROM THE EXECUTION OF THE PROSECUTOR'S OFFICIAL
6 DUTIES.

7 (g) A code enforcement officer as defined in section 39-123 WHILE
8 ENGAGED IN THE EXECUTION OF ANY OFFICIAL DUTIES OR IF THE ASSAULT RESULTS
9 FROM THE EXECUTION OF THE CODE ENFORCEMENT OFFICER'S OFFICIAL DUTIES.

10 (h) A state or municipal park ranger WHILE ENGAGED IN THE EXECUTION OF
11 ANY OFFICIAL DUTIES OR IF THE ASSAULT RESULTS FROM THE EXECUTION OF THE PARK
12 RANGER'S OFFICIAL DUTIES.

13 (i) A public defender WHILE ENGAGED IN THE EXECUTION OF ANY OFFICIAL
14 DUTIES OR IF THE ASSAULT RESULTS FROM THE EXECUTION OF THE PUBLIC DEFENDER'S
15 OFFICIAL DUTIES.

16 (j) A JUDICIAL OFFICER WHILE ENGAGED IN THE EXECUTION OF ANY OFFICIAL
17 DUTIES OR IF THE ASSAULT RESULTS FROM THE EXECUTION OF THE JUDICIAL OFFICER'S
18 OFFICIAL DUTIES.

19 9. If the person knowingly takes or attempts to exercise control over
20 any of the following:

21 (a) A peace officer's or other officer's firearm and the person knows
22 or has reason to know that the victim is a peace officer or other officer
23 employed by one of the agencies listed in paragraph 10, subdivision (a), item
24 (i), (ii), (iii), (iv) or (v) of this subsection and is engaged in the
25 execution of any official duties.

26 (b) Any weapon other than a firearm that is being used by a peace
27 officer or other officer or that the officer is attempting to use, and the
28 person knows or has reason to know that the victim is a peace officer or
29 other officer employed by one of the agencies listed in paragraph 10,
30 subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection and is
31 engaged in the execution of any official duties.

32 (c) Any implement that is being used by a peace officer or other
33 officer or that the officer is attempting to use, and the person knows or has
34 reason to know that the victim is a peace officer or other officer employed
35 by one of the agencies listed in paragraph 10, subdivision (a), item (i),
36 (ii), (iii), (iv) or (v) of this subsection and is engaged in the execution
37 of any official duties. For the purposes of this subdivision, "implement"
38 means an object that is designed for or that is capable of restraining or
39 injuring an individual. Implement does not include handcuffs.

40 10. If the person meets both of the following conditions:

41 (a) Is imprisoned or otherwise subject to the custody of any of the
42 following:

43 (i) The state department of corrections.

44 (ii) The department of juvenile corrections.

45 (iii) A law enforcement agency.

1 (iv) A county or city jail or an adult or juvenile detention facility
2 of a city or county.

3 (v) Any other entity that is contracting with the state department of
4 corrections, the department of juvenile corrections, a law enforcement
5 agency, another state, any private correctional facility, a county, a city or
6 the federal bureau of prisons or other federal agency that has responsibility
7 for sentenced or unsentenced prisoners.

8 (b) Commits an assault knowing or having reason to know that the
9 victim is acting in an official capacity as an employee of any of the
10 entities listed in subdivision (a) of this paragraph.

11 B. A person commits aggravated assault if the person commits assault
12 by either intentionally, knowingly or recklessly causing any physical injury
13 to another person, intentionally placing another person in reasonable
14 apprehension of imminent physical injury or knowingly touching another person
15 with the intent to injure the person, and both of the following occur:

16 1. The person intentionally or knowingly impedes the normal breathing
17 or circulation of blood of another person by applying pressure to the throat
18 or neck or by obstructing the nose and mouth either manually or through the
19 use of an instrument.

20 2. Any of the circumstances exists that are set forth in section
21 13-3601, subsection A, paragraph 1, 2, 3, 4, 5 or 6.

22 C. A person who is convicted of intentionally or knowingly committing
23 aggravated assault on a peace officer while the officer is engaged in the
24 execution of any official duties pursuant to subsection A, paragraph 1 or 2
25 of this section shall be sentenced to imprisonment for not less than the
26 presumptive sentence authorized under chapter 7 of this title and is not
27 eligible for suspension of sentence, commutation or release on any basis
28 until the sentence imposed is served.

29 D. Except pursuant to subsections E and F of this section, aggravated
30 assault pursuant to subsection A, paragraph 1 or 2 or paragraph 9,
31 subdivision (a) of this section is a class 3 felony except if the victim is
32 under fifteen years of age in which case it is a class 2 felony punishable
33 pursuant to section 13-705. Aggravated assault pursuant to subsection A,
34 paragraph 3 or subsection B of this section is a class 4 felony. Aggravated
35 assault pursuant to subsection A, paragraph 9, subdivision (b) or paragraph
36 10 of this section is a class 5 felony. Aggravated assault pursuant to
37 subsection A, paragraph 4, 5, 6, 7 or 8 or paragraph 9, subdivision (c) of
38 this section is a class 6 felony.

39 E. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of
40 this section committed on a peace officer while the officer is engaged in the
41 execution of any official duties is a class 2 felony. Aggravated assault
42 pursuant to subsection A, paragraph 3 of this section committed on a peace
43 officer while the officer is engaged in the execution of any official duties
44 is a class 3 felony. Aggravated assault pursuant to subsection A, paragraph
45 8, subdivision (a) of this section committed on a peace officer while the

1 officer is engaged in the execution of any official duties is a class 5
2 felony unless the assault results in any physical injury to the peace officer
3 while the officer is engaged in the execution of any official duties, in
4 which case it is a class 4 felony.

5 F. Aggravated assault pursuant to:

6 1. Subsection A, paragraph 1 or 2 of this section is a class 2 felony
7 if committed on a prosecutor.

8 2. Subsection A, paragraph 3 of this section is a class 3 felony if
9 committed on a prosecutor.

10 3. Subsection A, paragraph 8, subdivision (f) of this section is a
11 class 5 felony if the assault results in physical injury to a prosecutor.

12 G. For the purposes of this section: ~~;~~

13 1. "JUDICIAL OFFICER" MEANS A JUSTICE OF THE SUPREME COURT, JUDGE,
14 JUSTICE OF THE PEACE, MAGISTRATE OR A COMMISSIONER OR HEARING OFFICER OF A
15 STATE, COUNTY OR MUNICIPAL COURT.

16 2. "Prosecutor" means a county attorney, a municipal prosecutor or the
17 attorney general and includes an assistant or deputy county attorney,
18 municipal prosecutor or attorney general.

APPROVED BY THE GOVERNOR MARCH 30, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2015.