



HOUSE OF REPRESENTATIVES

SB 1094

aggressive solicitation; offense

Sponsor: Senator Kavanagh

DP Committee on Judiciary

DPA Caucus and COW

X House Engrossed

OVERVIEW

SB 1094 revises the offense of loitering by removing a provision making it unlawful for persons to beg in a public place and prescribes the offense of aggressive solicitation.

HISTORY

Arizona Revised Statutes § 13-2905 was added by Laws 1977, Chapter 142, § 91. The law specifies that a person commits loitering if intentionally: 1) is present in a public place and in an offensive manner or in a manner likely to disturb the public peace solicits another person to engage in any sexual offense; 2) is present in a transportation facility and after a reasonable request to cease or unless specifically authorized to do so solicits or engages in any business, trade or commercial transactions involving the sale of merchandise or services; 3) is present in a public place to beg, unless specifically authorized by law; 4) is present in a public place, unless specifically authorized by law, to gamble with any cards, dice or other similar gambling devices; 5) is present in or about a school, college or university building or grounds after a reasonable request to leave and either does not have any reason or relationship involving custody of or responsibility for a pupil or student or any other specific legitimate reason for being there or does not have written permission to be there from anyone authorized to grant permission; 6) except as provided in section 13-3969, subsection A, solicits bail bond business inside a court building or immediately around or near the entrance of a county or city jail.

PROVISIONS

1. Revises the offense of loitering by removing a provision making it unlawful for persons to be in a public place.
2. Prescribes the offense of aggressive solicitation by making it unlawful for a person to solicit any money or other thing of value or solicit the sale of goods or services:
 - a. Within 15 feet of any bank entrance or exit or any automated teller machine if the person does not have permission of the property owner to be on the property where the ATM is located.
 - b. In a public area by:
 - i. Intentionally, knowingly or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent.
 - ii. Approaching or following the person being solicited in a manner that is intended or likely to cause a reasonable person to fear imminent bodily harm to oneself or another or damage to or loss of property or that is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

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- iii. Continuing to solicit the person after the person being solicited has clearly communicated a request that the solicitation stop.
 - iv. Intentionally, knowingly or recklessly obstructing the safe or free passage of the person being solicited or requiring the person to take evasive action to avoid physical contact with the person making the solicitation. This subdivision does not apply to acts that are authorized as an exercise of one's constitutional right to picket or protest.
 - v. Intentionally, knowingly or recklessly using obscene or abusive language or gestures that are intended or likely to cause a reasonable person to fear imminent bodily harm or that are reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.
3. Prescribes a petty offense for the offense of aggressive solicitation.
4. Defines *automated teller machine, bank, public area* and *solicit*.