

Senate Engrossed House Bill

electronic communications; personal information; harassment

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 295

HOUSE BILL 2502

AN ACT

AMENDING SECTION 13-2916, ARIZONA REVISED STATUTES; RELATING TO OFFENSES
AGAINST PUBLIC ORDER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-2916, Arizona Revised Statutes, is amended to
3 read:

4 13-2916. Use of an electronic communication to terrify,
5 intimidate, threaten or harass; unlawful use of
6 electronic communication device; applicability;
7 classification; definitions

8 A. It is unlawful for any person, with intent to terrify,
9 intimidate, threaten or harass a specific person or persons, to do any of
10 the following:

11 1. Direct any obscene, lewd or profane language or suggest any lewd
12 or lascivious act to the person in an electronic communication.

13 2. Threaten to inflict physical harm to any person or property in
14 any electronic communication.

15 3. Otherwise disturb by repeated anonymous, unwanted or unsolicited
16 electronic communications the peace, quiet or right of privacy of the
17 person at the place where the communications were received.

18 4. WITHOUT THE PERSON'S CONSENT AND FOR THE PURPOSE OF IMMINENTLY
19 CAUSING THE PERSON UNWANTED PHYSICAL CONTACT, INJURY OR HARASSMENT BY A
20 THIRD PARTY, USE AN ELECTRONIC COMMUNICATION DEVICE TO ELECTRONICALLY
21 DISTRIBUTE, PUBLISH, EMAIL, HYPERLINK OR MAKE AVAILABLE FOR DOWNLOADING
22 THE PERSON'S PERSONAL IDENTIFYING INFORMATION, INCLUDING A DIGITAL IMAGE
23 OF THE PERSON, AND THE USE DOES IN FACT INCITE OR PRODUCE THAT UNWANTED
24 PHYSICAL CONTACT, INJURY OR HARASSMENT. THIS PARAGRAPH ALSO APPLIES TO A
25 PERSON WHO INTENDS TO TERRIFY, INTIMIDATE, THREATEN OR HARASS AN IMMEDIATE
26 FAMILY MEMBER OF THE PERSON WHOSE PERSONAL IDENTIFYING INFORMATION IS
27 USED.

28 B. Any offense committed by use of an electronic communication ~~as~~
29 ~~set forth~~ in VIOLATION OF this section is deemed to have been committed at
30 either the place where the communications originated or at the place where
31 the communications were received.

32 C. This section does not apply to:

33 1. Constitutionally protected speech or activity or to any other
34 activity authorized by law.

35 2. AN INTERACTIVE COMPUTER SERVICE, AS DEFINED IN 47 UNITED STATES
36 CODE SECTION 230(f)(2), OR TO AN INFORMATION SERVICE OR TELECOMMUNICATIONS
37 SERVICE, AS DEFINED IN 47 UNITED STATES CODE SECTION 153, FOR CONTENT THAT
38 IS PROVIDED BY ANOTHER PERSON.

39 D. Any person who violates this section is guilty of a class 1
40 misdemeanor.

41 E. For the purposes of this section: ~~;~~

42 1. "Electronic communication" means a wire line, cable, wireless or
43 cellular telephone call, a text message, an instant message or electronic
44 mail.

1 2. "ELECTRONIC COMMUNICATION DEVICE" INCLUDES A TELEPHONE, MOBILE
2 TELEPHONE, COMPUTER, INTERNET WEBSITE, INTERNET TELEPHONE, HYBRID
3 CELLULAR, INTERNET OR WIRELESS DEVICE, PERSONAL DIGITAL ASSISTANT, VIDEO
4 RECORDER, FAX MACHINE OR PAGER.

5 3. "HARASSMENT" MEANS A KNOWING AND WILFUL COURSE OF CONDUCT THAT
6 IS DIRECTED AT A SPECIFIC PERSON, THAT A REASONABLE PERSON WOULD CONSIDER
7 AS SERIOUSLY ALARMING, SERIOUSLY DISRUPTIVE, SERIOUSLY TORMENTING OR
8 SERIOUSLY TERRORIZING THE PERSON AND THAT SERVES NO LEGITIMATE PURPOSE.

9 4. "PERSONAL IDENTIFYING INFORMATION":

10 (a) MEANS INFORMATION THAT WOULD ALLOW THE IDENTIFIED PERSON TO BE
11 LOCATED, CONTACTED OR HARASSED.

12 (b) INCLUDES THE PERSON'S HOME ADDRESS, WORK ADDRESS, PHONE NUMBER,
13 EMAIL ADDRESS OR OTHER CONTACT INFORMATION THAT WOULD ALLOW THE IDENTIFIED
14 PERSON TO BE LOCATED, CONTACTED OR HARASSED.

APPROVED BY THE GOVERNOR APRIL 28, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2021.