



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR H.B. 2309

violent; disorderly assembly; public order

Purpose

Establishes the criminal offense of *violent or disorderly assembly* and increases, to a class 6 felony, specified criminal offenses that take place while committing violent or disorderly assembly.

Background

A person commits *riot* if, with two or more other persons acting together, the person recklessly uses force or violence or threatens to use force or violence, if such threat is accompanied by immediate power of execution, which disturbs the public peace. Riot is a class 5 felony ([A.R.S. § 13-2903](#)).

A person commits *unlawful assembly* by: 1) assembling with two or more other persons with the intent to engage in conduct constituting a riot; or 2) being present at an assembly of two or more other persons who are engaged in or who have the readily apparent intent to engage in conduct constituting a riot and knowingly remaining there and refusing to obey an official order to disperse. Unlawful assembly is a class 1 misdemeanor ([A.R.S. § 13-2902](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Establishes, as a class 6 felony, the criminal offense of violent or disorderly assembly.
2. Provides that a person commits violent or disorderly assembly if, with seven or more other persons acting together, the person with the intent to engage in conduct constituting a riot or an unlawful assembly, causes damage to property or injury to another person.
3. Classifies, as a class 6 felony and an aggravated assault, an assault on a peace officer in the course of committing violent or disorderly assembly and stipulates the offender:
 - a) must serve at least six months in jail for a conviction; and
 - b) is ineligible for probation or suspension of execution of sentence until the entire sentence is served.
4. Classifies, as a class 6 felony and an aggravated assault, an assault using fireworks or permissible consumer fireworks in the course of committing violent or disorderly assembly.

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5. Increases, from a class 1 misdemeanor to a class 6 felony, the offense of aiming a laser pointer at a peace officer if the offense occurs in the course of committing violent or disorderly assembly.
6. Increases, from a class 1 misdemeanor to a class 6 felony, the offense of criminal damage if the criminal damage occurs in the course of committing violent or disorderly assembly.
7. Increases, from a class 1 misdemeanor to a class 6 felony, the offense of obstructing a highway after receiving a verbal warning if the obstruction occurs in the course of committing violent or disorderly assembly.
8. Increases, from a class 3 misdemeanor to a class 6 felony, the offense of obstructing a highway, as outlined, if the obstruction occurs in the course of committing violent or disorderly assembly.
9. Increases, from a class 2 misdemeanor to a class 6 felony, the offense of public nuisance if the person commits the offense in the course of committing violent or disorderly assembly.
10. Increases, from a class 2 misdemeanor to a class 6 felony, the offense of abuse of venerated objects if the abuse occurs in the course of committing violent or disorderly assembly.
11. Makes technical and conforming changes.
12. Becomes effective on the general effective date.

House Action

MAPS	2/15/21	DP	8-6-0-0
3 rd Read	3/3/21		31-27-2

Prepared by Senate Research
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JA/gs