

Conference Engrossed

harassment; aggravated harassment; offense

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1633

AN ACT

AMENDING SECTIONS 13-2921 AND 13-2921.01, 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 13-2921, Arizona Revised Statutes, is amended to
3 read:

4 13-2921. Harassment; classification; definition

5 A. A person commits harassment if, ~~with intent to harass or with~~
6 ~~knowledge that the person is harassing another person,~~ the person
7 KNOWINGLY AND REPEATEDLY COMMITS AN ACT OR ACTS THAT HARASS ANOTHER PERSON
8 OR THE PERSON KNOWINGLY COMMITS ANY ONE OF THE FOLLOWING ACTS IN A MANNER
9 THAT HARASSES:

10 1. ~~Anonymously or otherwise~~ Contacts, ~~communicates~~ or causes a
11 communication with another person by verbal, electronic, mechanical,
12 telegraphic, telephonic or written means ~~in a manner that harasses~~.

13 2. Continues to follow another person in or about a public place
14 ~~for no legitimate purpose~~ after being asked BY THAT PERSON to desist.

15 ~~3. Repeatedly commits an act or acts that harass another person.~~

16 ~~4.~~ 3. Surveils or causes another A person to surveil ~~a~~ ANOTHER
17 person ~~for no legitimate purpose~~.

18 ~~5.~~ 4. ~~On more than one occasion~~ Makes a false report to a law
19 enforcement, credit or social service agency AGAINST ANOTHER PERSON.

20 ~~6.~~ 5. Interferes with the delivery of any public or regulated
21 utility to ~~a~~ ANOTHER person.

22 B. A person commits harassment against a public officer or employee
23 if the person, with intent to harass, files a nonconsensual lien against
24 any public officer or employee that is not accompanied by an order or a
25 judgment from a court of competent jurisdiction authorizing the filing of
26 the lien or is not issued by a governmental entity or political
27 subdivision or agency pursuant to its statutory authority, a validly
28 licensed utility or water delivery company, a mechanics' lien claimant or
29 an entity created under covenants, conditions, restrictions or
30 declarations affecting real property.

31 C. Harassment under subsection A is a class 1 misdemeanor.
32 Harassment under subsection B is a class 5 felony.

33 D. This section does not apply to ~~an otherwise~~ ANY OF THE
34 FOLLOWING:

35 1. A lawful demonstration, assembly or picketing.

36 2. A PROFESSIONAL INVESTIGATOR OR PEACE OFFICER WHO IS LICENSED BY
37 THIS STATE AND WHO IS ACTING WITHIN THE SCOPE OF THE INVESTIGATOR'S OR
38 OFFICER'S DUTIES IN CONNECTION WITH ANY CRIMINAL OR CIVIL INVESTIGATION.

39 3. A CERTIFIED AND DULY AUTHORIZED PROCESS SERVER WHO IS ACTING
40 WITHIN THE SCOPE OF THE PROCESS SERVER'S DUTIES IN CONNECTION WITH ANY
41 JUDICIAL OR ADMINISTRATIVE ACTION OR PROCEEDING.

42 E. For the purposes of this section, ~~"harassment"~~ "HARASS" means
43 conduct that is directed at a specific person and that would cause a
44 reasonable person to be seriously alarmed, annoyed, HUMILIATED or ~~harassed~~

1 MENTALLY DISTRESSED and the conduct in fact seriously alarms, annoys,
2 HUMILIATES or ~~harasses~~ MENTALLY DISTRESSED the person.

3 Sec. 2. Section 13-2921.01, Arizona Revised Statutes, is amended to
4 read:

5 13-2921.01. Aggravated harassment; classification; definition

6 A. A person commits aggravated harassment if the person commits
7 harassment as provided in section 13-2921 and, AT THE TIME OF THE OFFENSE,
8 any of the following applies:

9 1. A court has issued ~~an order of protection or an injunction~~
10 ~~against harassment against the person and in favor of the victim of~~
11 ~~harassment and the order or injunction has been served and is still valid.~~
12 ANY OF THE FOLLOWING ORDERS IN FAVOR OF THE VICTIM OF HARASSMENT, THE
13 ORDER WAS SERVED ON THE PERSON AND THE ORDER WAS VALID AT THE TIME OF THE
14 OFFENSE:

15 (a) AN ORDER OF PROTECTION ISSUED PURSUANT TO SECTION 13-3602.

16 (b) AN INJUNCTION AGAINST HARASSMENT ISSUED PURSUANT TO SECTION
17 12-1809.

18 (c) ANY OTHER CRIMINAL-RELATED INJUNCTION ISSUED UNDER THE LAWS OF
19 THIS STATE.

20 2. A COURT HAS ISSUED AN ORDER OF PROTECTION ON AN EMERGENCY BASIS
21 PURSUANT TO SECTION 13-3624 AGAINST THE PERSON IN FAVOR OF THE VICTIM OF
22 HARASSMENT AND THE ORDER WAS STILL IN EFFECT ON THE DATE OF THE OFFENSE.

23 ~~2.~~ 3. The person has previously been convicted of an offense
24 included in section 13-3601 COMMITTED AGAINST THE VICTIM OF HARASSMENT.

25 4. A COURT HAS IMPOSED A CONDITION OF RELEASE ON THE PERSON THAT
26 PROHIBITS ANY CONTACT WITH THE VICTIM OF HARASSMENT AND THE COURT ORDER
27 WAS STILL IN EFFECT ON THE DATE OF THE OFFENSE.

28 ~~B. The victim of any previous offense shall be the same as in the~~
29 ~~present offense.~~

30 ~~C.~~ B. A person who violates subsection A, paragraph 1, 2 OR 4 of
31 this section is guilty of a class 6 felony. A person who commits a second
32 or subsequent violation of subsection A, paragraph 1, 2 OR 4 of this
33 section is guilty of a class 5 felony. A person who violates subsection
34 A, paragraph ~~2~~ 3 of this section is guilty of a class 5 felony.

35 ~~D.~~ C. For the purposes of this section, "convicted" means a person
36 who was convicted of an offense included in section 13-3601 or who was
37 adjudicated delinquent for conduct that would constitute a historical
38 prior felony conviction if the juvenile had been tried as an adult for an
39 offense included in section 13-3601.