

REFERENCE TITLE: harassment; aggravated harassment; offense

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

SB 1633

Introduced by
Senator Kerr

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
32 misdemeanor. Harassment under subsection B is a class 5 felony.

33 D. This section does not apply to an otherwise lawful
34 demonstration, assembly or picketing.

35 E. For the purposes of this section, ~~"harassment"~~ "HARASS" means
36 conduct that is directed at a specific person and that would cause a
37 reasonable person to be seriously alarmed, annoyed, HUMILIATED or ~~harassed~~
38 MENTALLY DISTRESSED and the conduct in fact seriously alarms, annoys,
39 HUMILIATES or ~~harasses~~ MENTALLY DISTRESSES the person.

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

42 13-2921.01. Aggravated harassment; classification; definition

43 A. A person commits aggravated harassment if the person commits
44 harassment as provided in section 13-2921 and any of the following
45 applies:

1 1. A court has issued an order of protection or an injunction
2 ~~against harassment~~ against the person and in favor of the victim ~~of~~
3 ~~harassment~~ and the order or injunction ~~has been served and~~ is still valid.

4 2. The person has previously been convicted of an offense included
5 in section 13-3601.

6 B. The victim of any previous offense shall be the same as in the
7 present offense.

8 C. A person who violates subsection A, paragraph 1 of this section
9 is guilty of a class 6 felony. A person who commits a second or
10 subsequent violation of subsection A, paragraph 1 of this section is
11 guilty of a class 5 felony. A person who violates subsection A, paragraph
12 2 of this section is guilty of a class 5 felony.

13 D. For the purposes of this section, "convicted" means a person who
14 was convicted of an offense included in section 13-3601 or who was
15 adjudicated delinquent for conduct that would constitute a historical
16 prior felony conviction if the juvenile had been tried as an adult for an
17 offense included in section 13-3601.

18 Sec. 3. Legislative intent

19 The legislature intends that the amendments to section 13-2921,
20 Arizona Revised Statutes, as amended by this act, clarify the elements
21 that are necessary to commit the crime of harassment.