

House Engrossed

criminal damage; trespassing; critical facilities

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2212

AN ACT

AMENDING SECTION 13-1604, ARIZONA REVISED STATUTES; RELATING TO CRIMINAL PENALTIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-1604, Arizona Revised Statutes, is amended to
3 read:
4 13-1604. Aggravated criminal damage; classification
5 A. A person commits aggravated criminal damage by intentionally or
6 recklessly without the express permission of the owner:
7 1. Defacing, damaging or in any way changing the appearance of any
8 building, structure, personal property or place used for worship or any
9 religious purpose.
10 2. Defacing or damaging any building, structure or place used as a
11 school or as an educational facility.
12 3. Defacing, damaging or tampering with any cemetery, mortuary or
13 personal property of the cemetery or mortuary or other facility used for
14 the purpose of burial or memorializing the dead.
15 4. Defacing, damaging or tampering with any utility or agricultural
16 infrastructure or property, construction site or existing structure for
17 the purpose of obtaining nonferrous metals **OR INTERFERING WITH OR**
18 **OTHERWISE PREVENTING THE PERFORMANCE OF A NORMAL FUNCTION OF ANY UTILITY**
19 **INFRASTRUCTURE OR PROPERTY OR THE INTENDED COURSE OR PATH OF ANY UTILITY**
20 **SERVICE.**
21 B. Aggravated criminal damage is punishable as follows:
22 1. If the person intentionally or recklessly does any act described
23 in subsection A of this section that causes damage to the property of
24 another in an amount of ~~ten thousand dollars~~ **\$10,000** or more, aggravated
25 criminal damage:
26 (a) Resulting from actions described in subsection A, paragraph 1,
27 2 or 3 of this section is a class 4 felony.
28 (b) Resulting from actions described in subsection A, paragraph 4
29 of this section is a class 3 felony.
30 2. If the person intentionally or recklessly damages property of
31 another in an amount of ~~one thousand five hundred dollars~~ **\$1,500** or more
32 but less than ~~ten thousand dollars~~ **\$10,000**, aggravated criminal damage:
33 (a) Resulting from actions described in subsection A, paragraph 1,
34 2 or 3 of this section is a class 5 felony.
35 (b) Resulting from actions described in subsection A, paragraph 4
36 of this section is a class 4 felony.
37 3. In all other cases aggravated criminal damage is:
38 (a) A class 6 felony if it results from actions described in
39 subsection A, paragraph 1, 2 or 3 of this section.
40 (b) A class 5 felony if it results from actions described in
41 subsection A, paragraph 4 of this section.

1 C. In determining the amount of damage to property, damages include
2 the cost of repair or replacement of the property that was damaged, **THE**
3 **COST OF THE LOSS OF THE UTILITY SERVICE**, the cost of the loss of crops and
4 livestock, reasonable labor costs of any kind, reasonable material costs
5 of any kind and any reasonable costs that are attributed to equipment that
6 is used to abate or repair the damage to the property.