Senate Engrossed

criminal damage; monuments; memorials; statues

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1009

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-1604, Arizona Revised Statutes, is amended to read:

13-1604. Aggravated criminal damage; classification
A. A person commits aggravated criminal damage by intentionally or recklessly without the express permission of the owner:
1. Defacing, damaging or in any way changing the appearance of any building, structure, personal property or place used for worship or any religious purpose.
2. Defacing or damaging any building, structure or place used as a school or as an educational facility.
3. Defacing, damaging or tampering with a public or private monument, memorial or statue, any cemetery, mortuary or personal property of the cemetery or mortuary or any other facility used for the purpose of burial or memorializing the dead.
4. Defacing, damaging or tampering with any utility or agricultural infrastructure or property, construction site or existing structure for the purpose of obtaining nonferrous metals.

B. In determining the amount of damage to property, damages include the cost of repair or replacement of the property that was damaged, the cost of the loss of crops and livestock, reasonable labor costs of any kind, reasonable material costs of any kind and any reasonable costs that are attributed to equipment that is used to abate or repair the damage to the property.

C. Aggravated criminal damage is punishable as follows:
1. If the person intentionally or recklessly does any act described in subsection A of this section that causes damage to the property of another in an amount of ten thousand dollars $10,000 or more, aggravated criminal damage:
   (a) Resulting from actions described in subsection A, paragraph 1, 2 or 3 of this section is a class 4 felony.
   (b) Resulting from actions described in subsection A, paragraph 4 of this section is a class 3 felony.
2. If the person intentionally or recklessly damages property of another in an amount of one thousand five hundred dollars $1,500 or more but less than ten thousand dollars $10,000, aggravated criminal damage:
   (a) Resulting from actions described in subsection A, paragraph 1, 2 or 3 of this section is a class 5 felony.
   (b) Resulting from actions described in subsection A, paragraph 4 of this section is a class 4 felony.
3. In all other cases aggravated criminal damage is:
   (a) A class 6 felony if it results from actions described in subsection A, paragraph 1, 2 or 3 of this section.
   (b) A class 5 felony if it results from actions described in subsection A, paragraph 4 of this section.