

Senate Engrossed

homeless encampment; removal

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

SENATE BILL 1413

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-500.49; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA
REVISED STATUTES, BY ADDING SECTION 11-269.27; RELATING TO LOCAL
REGULATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes,
3 is amended by adding section 9-500.49, to read:

4 9-500.49. Homeless encampment; removal; definition

5 A. ON RECEIPT OF A REPORT OF THE EXISTENCE OF A HOMELESS
6 ENCAMPMENT, A CITY OR TOWN SHALL NOTIFY THE OWNER TO REMOVE THE OWNER'S
7 TENT, STRUCTURE OR OTHER PERSONAL PROPERTY FROM THE AREA IN WHICH THE
8 ENCAMPMENT IS LOCATED. IF REMOVAL DOES NOT OCCUR WITHIN TWENTY-FOUR HOURS
9 AFTER THE ORDER TO REMOVE THE PROPERTY, THE CITY OR TOWN SHALL CLAIM THE
10 PROPERTY AND RETAIN THE PROPERTY FOR A PERIOD OF FOURTEEN DAYS, DURING
11 WHICH THE OWNER MAY CLAIM THE OWNER'S PROPERTY. UNCLAIMED PROPERTY MAY BE
12 DISPOSED OF PURSUANT TO TITLE 44, CHAPTER 3. THE CITY OR TOWN SHALL CLEAN
13 THE AREA IN WHICH THE ENCAMPMENT WAS LOCATED.

14 B. PERSONS LIVING AT AN ENCAMPMENT THAT IS LOCATED ON PRIVATE
15 PROPERTY ARE GUILTY OF TRESPASSING AS PRESCRIBED IN TITLE 13, CHAPTER
16 15. PERSONS LIVING AT THE ENCAMPMENT WHO ARE ENGAGING IN ILLEGAL DRUG USE
17 ARE GUILTY OF THE APPROPRIATE DRUG-RELATED OFFENSE PURSUANT TO TITLE 13,
18 CHAPTER 34.

19 C. FOR THE PURPOSES OF THIS SECTION, "HOMELESS ENCAMPMENT" MEANS
20 ONE OR MORE TENTS, STRUCTURES OR ASSEMBLIES OF CAMPING EQUIPMENT OR OTHER
21 STRUCTURES WHERE ONE OR MORE PERSONS ARE KNOWINGLY, INTELLIGENTLY AND
22 REGULARLY USING THE AREA AS AN INDEFINITE PLACE OF DOMICILE OR RESIDENCE.

23 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes,
24 is amended by adding section 11-269.27, to read:

25 11-269.27. Homeless encampment; removal; definition

26 A. ON RECEIPT OF A REPORT OF THE EXISTENCE OF A HOMELESS
27 ENCAMPMENT, A COUNTY SHALL NOTIFY THE OWNER TO REMOVE THE OWNER'S TENT,
28 STRUCTURE OR OTHER PERSONAL PROPERTY FROM THE AREA IN WHICH THE ENCAMPMENT
29 IS LOCATED. IF REMOVAL DOES NOT OCCUR WITHIN TWENTY-FOUR HOURS AFTER THE
30 ORDER TO REMOVE THE PROPERTY, THE COUNTY SHALL CLAIM THE PROPERTY AND
31 RETAIN THE PROPERTY FOR A PERIOD OF FOURTEEN DAYS, DURING WHICH THE OWNER
32 MAY CLAIM THE OWNER'S PROPERTY. UNCLAIMED PROPERTY MAY BE DISPOSED OF
33 PURSUANT TO TITLE 44, CHAPTER 3. THE COUNTY SHALL CLEAN THE AREA IN WHICH
34 THE ENCAMPMENT WAS LOCATED.

35 B. PERSONS LIVING AT AN ENCAMPMENT THAT IS LOCATED ON PRIVATE
36 PROPERTY ARE GUILTY OF TRESPASSING AS PRESCRIBED IN TITLE 13, CHAPTER
37 15. PERSONS LIVING AT THE ENCAMPMENT WHO ARE ENGAGING IN ILLEGAL DRUG USE
38 ARE GUILTY OF THE APPROPRIATE DRUG-RELATED OFFENSE PURSUANT TO TITLE 13,
39 CHAPTER 34.

40 C. FOR THE PURPOSES OF THIS SECTION, "HOMELESS ENCAMPMENT" MEANS
41 ONE OR MORE TENTS, STRUCTURES OR ASSEMBLIES OF CAMPING EQUIPMENT OR OTHER
42 STRUCTURES WHERE ONE OR MORE PERSONS ARE KNOWINGLY, INTELLIGENTLY AND
43 REGULARLY USING THE AREA AS AN INDEFINITE PLACE OF DOMICILE OR RESIDENCE.