



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: JUD DP 4-3-0-0 | 3rd Read DP 16-12-2-0-0
House: JUD DP 5-3-0-0-0 | 3rd Read DP 31-26-3-0-0

SB 1009: criminal damage; monuments; memorials; statues

Sponsor: Senator Kavanagh, LD 3

Vetoed

Overview

Includes a public or private monument, memorial or statue in existing aggravated criminal damage statute relating to facilities used for the purpose of burial or memorializing the dead.

History

The criminal code currently prescribes multiple forms of *aggravated criminal damage*. One such form is intentionally or recklessly, and without the express permission of the owner, defacing, damaging or tampering with any cemetery, mortuary or personal property of the cemetery or mortuary or other facility used for the purpose of burial or memorializing the dead. This particular offense carries the following sentencing classifications:

- 1) If the offense causes damage to the property of another in an amount of \$10,000 or more, a class 4 felony;
- 2) If the offense causes damage to the property of another in an amount of \$1,500 or more but less than \$10,000, a class 5 felony; and
- 3) In all other cases, a class 6 felony ([A.R.S. § 13-1604](#)).

Class 4-6 felonies carry the following prison sentence ranges:

- 1) Class 4: 1.5 years (minimum), 2.5 years (presumptive) and 3 years (maximum);
- 2) Class 5: 0.75 years (minimum), 1.5 years (presumptive) and 2 years (maximum); and
- 3) Class 6: 0.5 years (minimum), 1 year (presumptive) and 1.5 years (maximum) ([A.R.S. § 13-702](#)).

All felony offenders may also be ordered to pay a fine an amount fixed by the court of no more than \$150,000 ([A.R.S. § 13-801](#)).

Damaging, defacing and *tamper* are defined in [A.R.S. § 13-1601](#). The *culpable mental states* applicable throughout the criminal code, which include *intentionally* and *recklessly*, are defined in [A.R.S. § 13-105](#).

Provisions

1. Changes existing form of aggravated criminal damage involving facilities used for the purpose of burial or memorializing the dead to provide that a person can commit the offense by defacing, damaging or tampering with a public or private monument, memorial or statue. (Sec. 1)
2. Makes technical and conforming changes. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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