



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: JUD DPA 4-3-0-0 | 3rd Read 16-12-2-0

House: GOV DP 5-4-0-0

SB 1413: homeless encampment; removal

Sponsor: Senator Wadsack, LD 17

House Engrossed

Overview

Outlines requirements for a county, city or town upon the report of the existence of a homeless encampment.

History

Criminal trespass in the third degree is a class 3 misdemeanor and is committed knowingly:

- 1) Entering or remaining unlawfully on any real property after a reasonable request to leave by a law enforcement officer, the owner or reasonable notice prohibiting entry; or
- 2) Knowingly entering or remaining unlawfully on the right-of-way for tracks, or the storage or switching yards or rolling stock of a railroad company ([A.R.S. § 13-1502](#)).

Criminal trespass in the second degree is a class 2 misdemeanor and is committed by knowingly entering or remaining unlawfully in or on any nonresidential structure or in any fenced commercial yard ([A.R.S. § 13-1503](#)).

Criminal trespass in the first degree is a class 1 misdemeanor, class 6 felony or class 5 felony depending on the severity of the offense, and is committed by knowingly entering or remaining unlawfully in a residential structure or yard or other property ([A.R.S. § 13-1504](#)).

Provisions

1. Requires a county, city or town, upon the report of the existence of a homeless encampment, to notify the owner to remove the owner's tent, structure or other personal property from the area. (Sec. 1)
2. Requires the county, city or town to claim and retain the property for 14 days if the owner does not remove the tent, or other structure, within 24 hours. (Sec. 1)
3. States the owner may claim their property within 14 days. (Sec. 1)
4. Stipulates all unclaimed property may be disposed of according to the Arizona Unclaimed Property Act. (Sec. 1)
5. Requires the county, city or town to clean the area in which the encampment was located. (Sec. 1)
6. Classifies persons living in an encampment on private property as guilty of trespassing. (Sec. 1)
7. Classifies persons living in an encampment who are using illegal drugs as guilty of the appropriate drug-related offense. (Sec. 1)
8. Defines *Homeless Encampment*. (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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