



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1024

public rights-of-way; unlawful acts

Purpose

Prohibits a person from erecting or maintaining any full or partial enclosure for habitation in a public street, highway, sidewalk or other right-of-way.

Background

A person commits *loitering* by: 1) soliciting another person to engage in any sexual offense in public; 2) soliciting or engaging in any business involving sale of merchandise or services in a transportation facility after a reasonable request to cease; 3) gambling in a public place unless authorized by law; 4) being present in or about a school, college or university after a reasonable request to leave, and if the person is without a legitimate reason, responsibility or written permission to be there; or 5) soliciting bail bond business inside a court building or immediately around or near the entrance of a county or city jail ([A.R.S. § 13-2905](#)).

Phoenix City Code prohibits any person from using a public street, highway, alley, lane, parkway, sidewalk or other right-of-way for lying, sleeping or otherwise remaining in a sitting position thereon, whether such right-of-way has been dedicated to the public in fee or by easement, except in the case of a physical emergency or the administration of medical assistance ([P.C.C. § 23-48.01](#)).

A class 1 misdemeanor carries a sentence of imprisonment not to exceed six months and a fine not to exceed \$2,500, as determined by the court (A.R.S. §§ [13-707](#) and [13-802](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a person from erecting or maintaining any full or partial enclosure for habitation, including a tent, tarp, box or similar object, in a public street, highway, alley, lane, parkway, sidewalk or other right-of-way, whether dedicated to the public in fee or by easement.
2. Classifies a violation as a civil traffic violation.
3. Specifies that this prohibition does not apply to commercial motor vehicles.
4. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Prohibits a person from erecting or maintaining a full or partial enclosure for habitation on a public right-of-way, rather than prohibiting a person from lying, sleeping or sitting on a public right-of-way.

2. Specifies that this prohibition does not apply to commercial motor vehicles.
3. Makes conforming changes.

Amendments Adopted by Committee of the Whole

1. Modifies the penalty for *unlawful use of a public right-of-way* from a class 1 misdemeanor to a civil traffic violation.
2. Makes technical and conforming changes.

Senate Action

MAPS 2/8/23 DPA 4-3-0

Prepared by Senate Research

February 21, 2023

ZD/sr