



Bill Number: H.B. 2124

Kerr Floor Amendment

Reference to: House Engrossed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

- 1. Removes the ability for the Attorney General to bring an action in Superior Court to abate, enjoin and prevent an activity described as a public nuisance.**

KERR FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2124
(Reference to House engrossed bill)

1 Page 2, after line 25, insert:

2 "Sec. 3. Section 13-2917, Arizona Revised Statutes, is amended to
3 read:

4 13-2917. Public nuisance; abatement; classification

5 A. It is a public nuisance, and is no less a nuisance because the
6 extent of the annoyance or damage inflicted is unequal, for anything:

7 1. To be injurious to health, indecent, offensive to the senses or
8 an obstruction to the free use of property that interferes with the
9 comfortable enjoyment of life or property by an entire community or
10 neighborhood or by a considerable number of persons.

11 2. To unlawfully obstruct the free passage or use, in the customary
12 manner, of any navigable lake, river, bay, stream, canal or basin, or any
13 public park, square, street or highway.

14 B. It is a public nuisance for any person to sell, offer to sell,
15 transfer, trade or disseminate any OBSCENE item ~~which is obscene~~ as defined
16 in section 13-3501, within two thousand feet, measured in a straight line,
17 of the nearest boundary line of any of the following:

18 1. Any building used as a private or public elementary or high
19 school.

20 2. Any public park.

21 3. Any residence district as defined in section 28-101.

1 C. The county attorney, ~~the attorney general~~ or the city attorney
2 may bring an action in superior court to abate, enjoin and prevent the
3 activity described in subsections A and B of this section.

4 D. Any person who knowingly maintains or commits a public nuisance
5 or who knowingly fails or refuses to perform any legal duty relating to the
6 removal of a public nuisance is guilty of a class 2 misdemeanor."

7 Amend title to conform

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