

REFERENCE TITLE: security guards; aggravated assault

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2864

Introduced by
Representative Carter N

AN ACT

AMENDING SECTION 13-1204, ARIZONA REVISED STATUTES, AS AMENDED BY 2024 PROPOSITION 311, SECTION 3; AMENDING SECTION 13-1204, ARIZONA REVISED STATUTES, AS AMENDED BY 2024 PROPOSITION 311, SECTION 4; RELATING TO ASSAULT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1204, Arizona Revised Statutes, as amended by
3 2024 proposition 311, section 3, is amended to read:

4 13-1204. Aggravated assault; classification; definitions

5 A. Until January 1, 2033, a person commits aggravated assault if
6 the person commits assault as prescribed by section 13-1203 under any of
7 the following circumstances:

8 1. If the person causes serious physical injury to another.

9 2. If the person uses a deadly weapon or dangerous instrument.

10 3. If the person commits the assault by any means of force that
11 causes temporary but substantial disfigurement, temporary but substantial
12 loss or impairment of any body organ or part or a fracture of any body
13 part.

14 4. If the person commits the assault while the victim is bound or
15 otherwise physically restrained or while the victim's capacity to resist
16 is substantially impaired.

17 5. If the person commits the assault after entering the private
18 home of another with the intent to commit the assault.

19 6. If the person is eighteen years of age or older and commits the
20 assault on a minor under fifteen years of age.

21 7. If the person commits assault as prescribed by section 13-1203,
22 subsection A, paragraph 1 or 3 and the person is in violation of an order
23 of protection issued against the person pursuant to section 13-3602 or
24 13-3624.

25 8. If the person commits the assault knowing or having reason to
26 know that the victim is any of the following:

27 (a) A first responder or a person summoned and directed by the
28 first responder.

29 (b) A constable or a person summoned and directed by the constable
30 while engaged in the execution of any official duties or if the assault
31 results from the execution of the constable's official duties.

32 (c) A teacher or other person employed by any school and the
33 teacher or other employee is on the grounds of a school or grounds
34 adjacent to the school or is in any part of a building or vehicle used for
35 school purposes, any teacher or school nurse visiting a private home in
36 the course of the teacher's or nurse's professional duties or any teacher
37 engaged in any authorized and organized classroom activity held on other
38 than school grounds.

39 (d) A health care worker while engaged in the health care worker's
40 work duties or a health care practitioner who is certified or licensed
41 pursuant to title 32, chapter 13, 14, 15, 17 or 25, or a person summoned
42 and directed by the licensed health care practitioner while engaged in the
43 person's professional duties. This subdivision does not apply if the
44 person who commits the assault does not have the ability to form the

culpable mental state because of a mental disability or because the person is seriously mentally ill, as defined in section 36-550.

(e) A prosecutor while engaged in the execution of any official duties or if the assault results from the execution of the prosecutor's official duties.

(f) A code enforcement officer as defined in section 39-123 while engaged in the execution of any official duties or if the assault results from the execution of the code enforcement officer's official duties.

(g) A state or municipal park ranger while engaged in the execution of any official duties or if the assault results from the execution of the park ranger's official duties.

(h) A public defender while engaged in the execution of any official duties or if the assault results from the execution of the public defender's official duties.

(i) A judicial officer while engaged in the execution of any official duties or if the assault results from the execution of the judicial officer's official duties.

(j) A SECURITY GUARD WHO IS REGISTERED PURSUANT TO TITLE 32, CHAPTER 26 WHILE ENGAGED IN THE EXECUTION OF ANY OFFICIAL DUTIES OR IF THE ASSAULT RESULTS FROM THE EXECUTION OF THE SECURITY GUARD'S OFFICIAL DUTIES.

9. If the person knowingly takes or attempts to exercise control over any of the following:

(a) A first responder's or other officer's firearm and the person knows or has reason to know that the victim is a first responder or other officer employed by one of the agencies listed in paragraph 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection.

(b) Any weapon other than a firearm that is being used by a first responder or other officer or that the first responder or other officer is attempting to use, and the person knows or has reason to know that the victim is a first responder or other officer employed by one of the agencies listed in paragraph 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection.

(c) Any implement that is being used by a first responder or other officer or that the first responder or other officer is attempting to use, and the person knows or has reason to know that the victim is a first responder or other officer employed by one of the agencies listed in paragraph 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection. For the purposes of this subdivision, "implement" means an object that is designed for or that is capable of restraining or injuring an individual. Implement does not include handcuffs.

10. If the person meets both of the following conditions:

(a) Is imprisoned or otherwise subject to the custody of any of the following:

(i) The state department of corrections.

1 (ii) The department of juvenile corrections.

2 (iii) A law enforcement agency.

3 (iv) A county or city jail or an adult or juvenile detention
4 facility of a city or county.

5 (v) Any other entity that is contracting with the state department
6 of corrections, the department of juvenile corrections, a law enforcement
7 agency, another state, any private correctional facility, a county, a city
8 or the federal bureau of prisons or other federal agency that has
9 responsibility for sentenced or unsentenced prisoners.

10 (b) Commits an assault knowing or having reason to know that the
11 victim is acting in an official capacity as an employee of any of the
12 entities listed in subdivision (a) of this paragraph.

13 11. If the person uses a simulated deadly weapon.

14 B. Until January 1, 2033, a person commits aggravated assault if
15 the person commits assault by either intentionally, knowingly or
16 recklessly causing any physical injury to another person, intentionally
17 placing another person in reasonable apprehension of imminent physical
18 injury or knowingly touching another person with the intent to injure the
19 person, and both of the following occur:

20 1. The person intentionally or knowingly impedes the normal
21 breathing or circulation of blood of another person by applying pressure
22 to the throat or neck or by obstructing the nose and mouth either manually
23 or through the use of an instrument.

24 2. Any of the circumstances exists that are set forth in section
25 13-3601, subsection A, paragraph 1, 2, 3, 4, 5 or 6.

26 C. A person who is convicted of intentionally or knowingly
27 committing aggravated assault on a first responder pursuant to subsection
28 A, paragraph 1 or 2 of this section shall be sentenced to imprisonment for
29 not less than the presumptive sentence authorized under chapter 7 of this
30 title and is not eligible for suspension of sentence, commutation or
31 release on any basis until the sentence imposed is served.

32 D. It is not a defense to a prosecution for assaulting a peace
33 officer or a mitigating circumstance that the peace officer was not on
34 duty or engaged in the execution of any official duties.

35 E. Except pursuant to subsections F and G of this section,
36 aggravated assault pursuant to subsection A, paragraph 1 or 2, paragraph
37 9, subdivision (a) or paragraph 11 of this section is a class 3 felony
38 except if the aggravated assault is a violation of subsection A, paragraph
39 1 or 2 of this section and the victim is under fifteen years of age it is
40 a class 2 felony punishable pursuant to section 13-705. Aggravated
41 assault pursuant to subsection A, paragraph 3 or subsection B of this
42 section is a class 4 felony. Aggravated assault pursuant to subsection A,
43 paragraph 9, subdivision (b) or paragraph 10 of this section is a class 5
44 felony. Aggravated assault pursuant to subsection A, paragraph 4, 5, 6, 7
45 or 8 or paragraph 9, subdivision (c) of this section is a class 6 felony.

1 F. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of
2 this section committed on a first responder is a class 2 felony.
3 Aggravated assault pursuant to subsection A, paragraph 3 of this section
4 committed on a first responder is a class 3 felony. Aggravated assault
5 pursuant to subsection A, paragraph 8, subdivision (a) of this section
6 committed on a first responder is a class 4 felony unless the assault
7 results in any physical injury to the first responder, in which case it is
8 a class 3 felony.

9 G. Aggravated assault pursuant to:

10 1. Subsection A, paragraph 1 or 2 of this section is a class 2
11 felony if committed on a prosecutor.

12 2. Subsection A, paragraph 3 of this section is a class 3 felony if
13 committed on a prosecutor.

14 3. Subsection A, paragraph 8, subdivision (e) of this section is a
15 class 5 felony if the assault results in physical injury to a prosecutor.

16 H. For the purposes of this section:

17 1. "First responder" means:

18 (a) A peace officer.

19 (b) A firefighter, a fire marshal, a fire inspector, an emergency
20 medical care technician or a paramedic who is engaged in the execution of
21 any official duties.

22 (c) A tribal police officer.

23 2. "Health care worker" means:

24 (a) A person who is employed by or contracted to work at a health
25 care institution that is licensed pursuant to title 36.

26 (b) A person who is employed or contracted to provide health care
27 or related services in a fieldwork setting, including:

28 (i) Home health care, home-based hospice and home-based social
29 work, unless the worker is employed or contracted by an individual who
30 privately employs, in the individual's residence, the worker to perform
31 covered services for the individual or a family member of the individual.

32 (ii) Any emergency services and transport, including the services
33 provided by firefighters and emergency responders.

34 3. "Judicial officer" means a justice of the supreme court, judge,
35 justice of the peace or magistrate or a commissioner or hearing officer of
36 a state, county or municipal court.

37 4. "Mental disability" means a disabling neurological condition, or
38 brain injury, or involuntary impairment as a result of a medication that
39 is administered by a health care provider or a medical procedure that is
40 performed at a health care treatment site.

41 5. "Prosecutor" means a county attorney, a municipal prosecutor or
42 the attorney general and includes an assistant or deputy county attorney,
43 municipal prosecutor or attorney general.

1 Sec. 2. Section 13-1204, Arizona Revised Statutes, as amended by
2 2024 proposition 311, section 4, is amended to read:

3 13-1204. Aggravated assault; classification; definitions

4 A. Beginning from and after December 31, 2032, a person commits
5 aggravated assault if the person commits assault as prescribed by section
6 13-1203 under any of the following circumstances:

7 1. If the person causes serious physical injury to another.

8 2. If the person uses a deadly weapon or dangerous instrument.

9 3. If the person commits the assault by any means of force that
10 causes temporary but substantial disfigurement, temporary but substantial
11 loss or impairment of any body organ or part or a fracture of any body
12 part.

13 4. If the person commits the assault while the victim is bound or
14 otherwise physically restrained or while the victim's capacity to resist
15 is substantially impaired.

16 5. If the person commits the assault after entering the private
17 home of another with the intent to commit the assault.

18 6. If the person is eighteen years of age or older and commits the
19 assault on a minor under fifteen years of age.

20 7. If the person commits assault as prescribed by section 13-1203,
21 subsection A, paragraph 1 or 3 and the person is in violation of an order
22 of protection issued against the person pursuant to section 13-3602 or
23 13-3624.

24 8. If the person commits the assault knowing or having reason to
25 know that the victim is any of the following:

26 (a) A peace officer or a person summoned and directed by the
27 officer.

28 (b) A constable or a person summoned and directed by the constable
29 while engaged in the execution of any official duties or if the assault
30 results from the execution of the constable's official duties.

31 (c) A firefighter, fire investigator, fire inspector, emergency
32 medical technician or paramedic engaged in the execution of any official
33 duties or a person summoned and directed by such individual while engaged
34 in the execution of any official duties or if the assault results from the
35 execution of the official duties of the firefighter, fire investigator,
36 fire inspector, emergency medical technician or paramedic.

37 (d) A teacher or other person employed by any school and the
38 teacher or other employee is on the grounds of a school or grounds
39 adjacent to the school or is in any part of a building or vehicle used for
40 school purposes, any teacher or school nurse visiting a private home in
41 the course of the teacher's or nurse's professional duties or any teacher
42 engaged in any authorized and organized classroom activity held on other
43 than school grounds.

44 (e) A health care worker while engaged in the health care worker's
45 work duties or a health care practitioner who is certified or licensed

1 pursuant to title 32, chapter 13, 14, 15, 17 or 25, or a person summoned
2 and directed by the licensed health care practitioner while engaged in the
3 person's professional duties. This subdivision does not apply if the
4 person who commits the assault does not have the ability to form the
5 culpable mental state because of a mental disability or because the person
6 is seriously mentally ill, as defined in section 36-550.

7 (f) A prosecutor while engaged in the execution of any official
8 duties or if the assault results from the execution of the prosecutor's
9 official duties.

10 (g) A code enforcement officer as defined in section 39-123 while
11 engaged in the execution of any official duties or if the assault results
12 from the execution of the code enforcement officer's official duties.

13 (h) A state or municipal park ranger while engaged in the execution
14 of any official duties or if the assault results from the execution of the
15 park ranger's official duties.

16 (i) A public defender while engaged in the execution of any
17 official duties or if the assault results from the execution of the public
18 defender's official duties.

19 (j) A judicial officer while engaged in the execution of any
20 official duties or if the assault results from the execution of the
21 judicial officer's official duties.

22 (k) A SECURITY GUARD WHO IS REGISTERED PURSUANT TO TITLE 32,
23 CHAPTER 26 WHILE ENGAGED IN THE EXECUTION OF ANY OFFICIAL DUTIES OR IF THE
24 ASSAULT RESULTS FROM THE EXECUTION OF THE SECURITY GUARD'S OFFICIAL
25 DUTIES.

26 9. If the person knowingly takes or attempts to exercise control
27 over any of the following:

28 (a) A peace officer's or other officer's firearm and the person
29 knows or has reason to know that the victim is a peace officer or other
30 officer employed by one of the agencies listed in paragraph 10,
31 subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection.

32 (b) Any weapon other than a firearm that is being used by a peace
33 officer or other officer or that the officer is attempting to use, and the
34 person knows or has reason to know that the victim is a peace officer or
35 other officer employed by one of the agencies listed in paragraph 10,
36 subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection.

37 (c) Any implement that is being used by a peace officer or other
38 officer or that the officer is attempting to use, and the person knows or
39 has reason to know that the victim is a peace officer or other officer
40 employed by one of the agencies listed in paragraph 10, subdivision (a),
41 item (i), (ii), (iii), (iv) or (v) of this subsection. For the purposes
42 of this subdivision, "implement" means an object that is designed for or
43 that is capable of restraining or injuring an individual. Implement does
44 not include handcuffs.

1 10. If the person meets both of the following conditions:
2 (a) Is imprisoned or otherwise subject to the custody of any of the
3 following:
4 (i) The state department of corrections.
5 (ii) The department of juvenile corrections.
6 (iii) A law enforcement agency.
7 (iv) A county or city jail or an adult or juvenile detention
8 facility of a city or county.
9 (v) Any other entity that is contracting with the state department
10 of corrections, the department of juvenile corrections, a law enforcement
11 agency, another state, any private correctional facility, a county, a city
12 or the federal bureau of prisons or other federal agency that has
13 responsibility for sentenced or unsentenced prisoners.
14 (b) Commits an assault knowing or having reason to know that the
15 victim is acting in an official capacity as an employee of any of the
16 entities listed in subdivision (a) of this paragraph.
17 11. If the person uses a simulated deadly weapon.
18 B. Beginning from and after December 31, 2032, a person commits
19 aggravated assault if the person commits assault by either intentionally,
20 knowingly or recklessly causing any physical injury to another person,
21 intentionally placing another person in reasonable apprehension of
22 imminent physical injury or knowingly touching another person with the
23 intent to injure the person, and both of the following occur:
24 1. The person intentionally or knowingly impedes the normal
25 breathing or circulation of blood of another person by applying pressure
26 to the throat or neck or by obstructing the nose and mouth either manually
27 or through the use of an instrument.
28 2. Any of the circumstances exists that are set forth in section
29 13-3601, subsection A, paragraph 1, 2, 3, 4, 5 or 6.
30 C. A person who is convicted of intentionally or knowingly
31 committing aggravated assault on a peace officer pursuant to subsection A,
32 paragraph 1 or 2 of this section shall be sentenced to imprisonment for
33 not less than the presumptive sentence authorized under chapter 7 of this
34 title and is not eligible for suspension of sentence, commutation or
35 release on any basis until the sentence imposed is served.
36 D. It is not a defense to a prosecution for assaulting a peace
37 officer or a mitigating circumstance that the peace officer was not on
38 duty or engaged in the execution of any official duties.
39 E. Except pursuant to subsections F and G of this section,
40 aggravated assault pursuant to subsection A, paragraph 1 or 2, paragraph
41 9, subdivision (a) or paragraph 11 of this section is a class 3 felony
42 except if the aggravated assault is a violation of subsection A, paragraph
43 1 or 2 of this section and the victim is under fifteen years of age it is
44 a class 2 felony punishable pursuant to section 13-705. Aggravated assault
45 pursuant to subsection A, paragraph 3 or subsection B of this section is a

1 class 4 felony. Aggravated assault pursuant to subsection A, paragraph 9,
 2 subdivision (b) or paragraph 10 of this section is a class 5 felony.
 3 Aggravated assault pursuant to subsection A, paragraph 4, 5, 6, 7 or 8 or
 4 paragraph 9, subdivision (c) of this section is a class 6 felony.
 5 F. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of
 6 this section committed on a peace officer is a class 2 felony. Aggravated
 7 assault pursuant to subsection A, paragraph 3 of this section committed on
 8 a peace officer is a class 3 felony. Aggravated assault pursuant to
 9 subsection A, paragraph 8, subdivision (a) of this section committed on a
 10 peace officer is a class 5 felony unless the assault results in any
 11 physical injury to the peace officer, in which case it is a class 4
 12 felony.
 13 G. Aggravated assault pursuant to:
 14 1. Subsection A, paragraph 1 or 2 of this section is a class 2
 15 felony if committed on a prosecutor.
 16 2. Subsection A, paragraph 3 of this section is a class 3 felony if
 17 committed on a prosecutor.
 18 3. Subsection A, paragraph 8, subdivision (f) of this section is a
 19 class 5 felony if the assault results in physical injury to a prosecutor.
 20 H. For the purposes of this section:
 21 1. "Health care worker" means:
 22 (a) A person who is employed by or contracted to work at a health
 23 care institution that is licensed pursuant to title 36.
 24 (b) A person who is employed or contracted to provide health care
 25 or related services in a fieldwork setting, including:
 26 (i) Home health care, home-based hospice and home-based social
 27 work, unless the worker is employed or contracted by an individual who
 28 privately employs, in the individual's residence, the worker to perform
 29 covered services for the individual or a family member of the individual.
 30 (ii) Any emergency services and transport, including the services
 31 provided by firefighters and emergency responders.
 32 2. "Judicial officer" means a justice of the supreme court, judge,
 33 justice of the peace or magistrate or a commissioner or hearing officer of
 34 a state, county or municipal court.
 35 3. "Mental disability" means a disabling neurological condition, or
 36 brain injury, or involuntary impairment as a result of a medication that
 37 is administered by a health care provider or a medical procedure that is
 38 performed at a health care treatment site.
 39 4. "Prosecutor" means a county attorney, a municipal prosecutor or
 40 the attorney general and includes an assistant or deputy county attorney,
 41 municipal prosecutor or attorney general.