

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (i) The state department of corrections.

(ii) The department of juvenile corrections.

(iii) A law enforcement agency.

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

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

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

11. If the person uses a simulated deadly weapon.

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

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

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

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

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

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