



ARIZONA STATE SENATE

Fifty-Seventh Legislature, Second Regular Session

FACT SHEET FOR S.B. 1635

unlawful alert; arrests

Purpose

Establishes the criminal classification of *unlawful alerting of another person to avoid arrest*, which a person commits by knowingly communicating information to another person with intent to hinder, delay or prevent the lawful arrest of the other person.

Background

A person commits *hindering prosecution* if the person renders assistance to another person with intent to hinder the apprehension, prosecution, conviction or punishment of the other person. Acts that constitute *hindering prosecution* include: 1) harboring or concealing the other person; 2) warning the other person of impending discovery apprehension, prosecution or conviction; 3) providing the other person with money, transportation, a weapon, a disguise or other similar means of avoiding discovery and apprehension; 4) preventing or obstructing an act that might aid in the discovery or apprehension of a person by means of force, deception or intimidation; 5) suppressing evidence that might aid in discovery or apprehension by an act of concealment, alteration or destruction; or 6) concealing the identity of the person. *Hindering prosecution* in the first degree is a class 5 felony, or a class 3 felony if the offense involves terrorism, murder or intent to promote or assist a criminal street gang. *Hindering prosecution* in the second degree is a class 1 misdemeanor if the offense is a misdemeanor or a petty offense (A.R.S. §§ [13-2510](#); [13-2511](#); and [13-2512](#)).

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

Provisions

1. Establishes the criminal classification of *unlawful alerting of another person to avoid arrest* if the person, with intent to hinder, delay or prevent the lawful arrest of the other person, knowingly communicates information to the other person that alerts them of a real-time, imminent or ongoing effort by law enforcement to execute an arrest of the other person
2. Classifies *unlawful alerting of another person to avoid arrest* as a class 1 misdemeanor.
3. Specifies that this criminal classification does not apply to:
 - a) an attorney who provides lawful legal advice to the attorney's client;
 - b) a person who provides information in response to a lawful request by a local, state or federal peace officer;
 - c) a person's communication that is made without knowledge that the person warned is the subject of an arrest; and
 - d) a person's communication that is made without the intent to hinder, delay or prevent the lawful arrest of another person.

FACT SHEET

S.B. 1635

Page 2

4. Allows the Attorney General or the appropriate county attorney to prosecute violations.
5. Defines *communicates* as an electronic communication, a gesture, verbal statements, signals or the use of amplified sound bells, whistles or similar devices used for intentional signaling, written messages and any other method of conveying information.
6. Defines *imminent or ongoing effort to arrest* as a law enforcement activity that occurs contemporaneously with or immediately preceding an attempt to take a person into custody, including surveillance, approach, pursuit or execution of an arrest warrant.
7. Defines *intentional signaling* as a deliberate use of sound, light, movement or other conduct that is made for the purpose of conveying a warning to or alerting another person.
8. Defines *law enforcement officer* and *lawful arrest*.
9. Contains a severability clause.
10. Becomes effective on the general effective date.

Prepared by Senate Research

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