



**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.

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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