

House Engrossed

writ of restitution; criminal trespass

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

# HOUSE BILL 2047

AN ACT

AMENDING SECTION 12-1178, ARIZONA REVISED STATUTES; RELATING TO FORCIBLE ENTRY AND DETAINER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-1178, Arizona Revised Statutes, is amended to  
3 read:

4 12-1178. Judgment; writ of restitution; limitation on  
5 issuance; criminal violation; notice

6 A. If the defendant is found guilty of forcible entry and detainer  
7 or forcible detainer, the court shall give judgment for the plaintiff for  
8 restitution of the premises, for all charges stated in the rental  
9 agreement and for damages, attorney fees, court and other costs and, at  
10 the plaintiff's option, all rent found to be due and unpaid through the  
11 periodic rental period, as described in section 33-1314, subsection C, as  
12 provided for in the rental agreement, and shall grant a writ of  
13 restitution. The person designated by the judge to prepare the judgment  
14 shall ensure that the defendant's social security number is not contained  
15 on the judgment.

16 B. If the defendant is found not guilty of forcible entry and  
17 detainer or forcible detainer, judgment shall be given for the defendant  
18 against the plaintiff for damages, attorney fees and court and other  
19 costs, and if it appears that the plaintiff has acquired possession of the  
20 premises since commencement of the action, a writ of restitution shall  
21 issue in favor of the defendant.

22 C. ~~No~~ A writ of restitution shall NOT issue until the expiration of  
23 five calendar days after the rendition of judgment. The writ of  
24 restitution shall be enforced as promptly and expeditiously as  
25 possible. The issuance or enforcement of a writ of restitution shall not  
26 be suspended, delayed or otherwise affected by the filing of a motion to  
27 set aside or vacate the judgment or similar motion unless a judge finds  
28 good cause.

29 D. A defendant who is lawfully served with a writ of restitution  
30 and who remains in or returns to the dwelling unit, as defined in section  
31 33-1310, or remains on or returns to the mobile home space, as defined in  
32 section 33-1409, or the recreational vehicle space, as defined in section  
33 33-2102, without the express permission of the owner of the property or  
34 the person with lawful control of the property commits criminal trespass  
35 in the ~~third~~ FIRST degree pursuant to section ~~13-1502~~ 13-1504.

36 E. If the defendant is found guilty of forcible entry and detainer  
37 or forcible detainer, the court shall give the defendant notice that a  
38 defendant who is lawfully served with a writ of restitution and who  
39 remains in or returns to the dwelling unit or remains on or returns to the  
40 mobile home space or the recreational vehicle space without the express  
41 permission of the owner of the property or the person with lawful control  
42 of the property commits criminal trespass in the ~~third~~ FIRST degree  
43 pursuant to section ~~13-1502~~ 13-1504.