

REFERENCE TITLE: public nuisance action; consent requirement

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

HB 2168

Introduced by
Representative Diaz

AN ACT

AMENDING SECTION 13-2917, ARIZONA REVISED STATUTES; RELATING TO NUISANCE ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-2917, Arizona Revised Statutes, is amended to
3 read:

4 13-2917. Public nuisance; abatement; classification

5 A. It is a public nuisance, and is no less a nuisance because the
6 extent of the annoyance or damage inflicted is unequal, for anything:

7 1. To be injurious to health, indecent, offensive to the senses or
8 an obstruction to the free use of property that interferes with the
9 comfortable enjoyment of life or property by an entire community or
10 neighborhood or by a considerable number of persons.

11 2. To unlawfully obstruct the free passage or use, in the customary
12 manner, of any navigable lake, river, bay, stream, canal or basin, or any
13 public park, square, street or highway.

14 B. It is a public nuisance for any person to sell, offer to sell,
15 transfer, trade or disseminate any OBSCENE item ~~which is obscene~~ as
16 defined in section 13-3501, within two thousand feet, measured in a
17 straight line, of the nearest boundary line of any of the following:

18 1. Any building used as a private or public elementary or high
19 school.

20 2. Any public park.

21 3. Any residence district as defined in section 28-101.

22 C. THE ATTORNEY GENERAL WITH THE CONSENT OF THE BOARD OF
23 SUPERVISORS, the county attorney, ~~the attorney general~~ or the city
24 attorney may bring an action in superior court to abate, enjoin and
25 prevent the activity described in subsections A and B of this section.

26 D. Any person who knowingly maintains or commits a public nuisance
27 or who knowingly fails or refuses to perform any legal duty relating to
28 the removal of a public nuisance is guilty of a class 2 misdemeanor.