

REFERENCE TITLE: attorney general; nuisance action; defamation

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

HB 2169

Introduced by
Representative Diaz

AN ACT

AMENDING SECTION 13-2917, ARIZONA REVISED STATUTES; RELATING TO OFFENSES
AGAINST PUBLIC ORDER.

(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; attorney general
5 actions; liability for defamation; classification

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

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

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

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

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

21 2. Any public park.

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

23 C. The county attorney, the attorney general or the city attorney
24 may bring an action in superior court to abate, enjoin and prevent the
25 activity described in subsections A and B of this section.

26 D. IF THE ATTORNEY GENERAL BRINGS AN ACTION TO ABATE, ENJOIN AND
27 PREVENT A PUBLIC NUISANCE AND THE COURT FINDS THAT THERE IS NO REASONABLE
28 BASIS FOR THE ACTION, THE ATTORNEY GENERAL IS LIABLE FOR DEFAMATION PER SE
29 IF THE ATTORNEY GENERAL KNEW OR SHOULD HAVE KNOWN THAT THE ACTION LACKED A
30 SUFFICIENT LEGAL OR FACTUAL BASIS, AND IF THE ATTORNEY GENERAL PUBLICIZED
31 THE FILING OF THE ACTION, DAMAGES AND ACTUAL MALICE ARE PRESUMED.

32 ~~D.~~ E. Any person who knowingly maintains or commits a public
33 nuisance or who knowingly fails or refuses to perform any legal duty
34 relating to the removal of a public nuisance is guilty of a class 2
35 misdemeanor.