

REFERENCE TITLE: **electronic; digital devices; stalking; threatening**

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HB 2549

Introduced by
Representatives Vogt, Williams: Campbell, Fann, Farley, Gowan, Proud,
Smith D, Tovar

AN ACT

**AMENDING SECTIONS 13-2916 AND 13-2923, ARIZONA REVISED STATUTES; RELATING TO
ELECTRONIC OR DIGITAL DEVICES.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-2916, Arizona Revised Statutes, is amended to
3 read:

4 13-2916. Use of an electronic or digital device to terrify,
5 intimidate, threaten, harass, annoy or offend;
6 classification; definition

7 A. It is unlawful for any person, with intent to terrify, intimidate,
8 threaten, harass, annoy or offend, to use ~~a telephone~~ ANY ELECTRONIC OR
9 DIGITAL DEVICE and use any obscene, lewd or profane language or suggest any
10 lewd or lascivious act, or threaten to inflict physical harm to the person or
11 property of any person. It is also unlawful to otherwise disturb by repeated
12 anonymous ~~telephone calls~~ ELECTRONIC OR DIGITAL COMMUNICATIONS the peace,
13 quiet or right of privacy of any person at the place where the ~~telephone call~~
14 ~~or calls~~ COMMUNICATIONS were received.

15 B. Any offense committed by use of ~~a telephone~~ AN ELECTRONIC OR
16 DIGITAL DEVICE as set forth in this section is deemed to have been committed
17 at either the place where the ~~telephone call or calls~~ COMMUNICATIONS
18 originated or at the place where the ~~telephone call or calls~~ COMMUNICATIONS
19 were received.

20 C. Any person who violates this section is guilty of a class 1
21 misdemeanor.

22 D. FOR THE PURPOSES OF THIS SECTION, "ELECTRONIC OR DIGITAL DEVICE"
23 INCLUDES ANY WIRED OR WIRELESS COMMUNICATION DEVICE AND MULTIMEDIA STORAGE
24 DEVICE.

25 Sec. 2. Section 13-2923, Arizona Revised Statutes, is amended to read:
26 13-2923. Stalking; classification; definitions

27 A. A person commits stalking if the person intentionally or knowingly
28 engages in a course of conduct that is directed toward another person and if
29 that conduct either:

30 1. Would cause a reasonable person to fear for the person's safety or
31 the safety of that person's immediate family member and that person in fact
32 fears for ~~their~~ THE PERSON'S safety or the safety of that person's immediate
33 family member.

34 2. Would cause a reasonable person to fear death of that person or
35 that person's immediate family member and that person in fact fears death of
36 that person or that person's immediate family member.

37 B. Stalking under subsection A, paragraph 1 of this section is a class
38 5 felony. Stalking under subsection A, paragraph 2 OF THIS SECTION is a
39 class 3 felony.

40 C. For the purposes of this section:

41 1. "Course of conduct":

42 (a) Means ANY OF THE FOLLOWING:

43 (i) Maintaining visual or physical proximity to a specific person or
44 directing verbal, written or other threats, whether express or implied, to a

1 specific person on two or more occasions over a period of time, however
2 short. ~~, but~~

3 (ii) USING ANY ELECTRONIC, DIGITAL OR GLOBAL POSITIONING SYSTEM DEVICE
4 TO SURVEIL A SPECIFIC PERSON OR A SPECIFIC PERSON'S INTERNET OR WIRELESS
5 ACTIVITY.

6 (b) Does not include constitutionally protected activity.

7 2. "Immediate family member" means a spouse, parent, child or sibling
8 or any other person who regularly resides in a person's household or resided
9 in a person's household within the past six months.