

REFERENCE TITLE: **stalking; offense; definitions**

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

# **HB 2419**

Introduced by  
Representative Farnsworth E

**AN ACT**

**AMENDING SECTION 13-2923, ARIZONA REVISED STATUTES; RELATING TO STALKING.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 13-2923, Arizona Revised Statutes, is amended to  
3 read:  
4 13-2923. Stalking; classification; definitions  
5 A. A person commits stalking if the person intentionally or knowingly  
6 engages in a course of conduct that is directed toward another person and if  
7 that conduct ~~either~~ CAUSES THE VICTIM TO:  
8 ~~1. Would cause a reasonable person to fear for the person's safety or~~  
9 ~~the safety of that person's immediate family member and that person in fact~~  
10 ~~fears for the person's safety or the safety of that person's immediate family~~  
11 ~~member.~~  
12 ~~2. Would cause a reasonable person to fear death of that person or~~  
13 ~~that person's immediate family member and that person in fact fears death of~~  
14 ~~that person or that person's immediate family member.~~  
15 1. SUFFER EMOTIONAL DISTRESS OR REASONABLY FEAR THAT EITHER:  
16 (a) THE VICTIM'S PROPERTY WILL BE DAMAGED OR DESTROYED.  
17 (b) ANY OF THE FOLLOWING WILL BE PHYSICALLY INJURED:  
18 (i) THE VICTIM.  
19 (ii) THE VICTIM'S FAMILY MEMBER, DOMESTIC ANIMAL OR LIVESTOCK.  
20 (iii) A PERSON WITH WHOM THE VICTIM HAS OR HAS PREVIOUSLY HAD A  
21 ROMANTIC OR SEXUAL RELATIONSHIP.  
22 (iv) A PERSON WHO REGULARLY RESIDES IN THE VICTIM'S HOUSEHOLD OR HAS  
23 RESIDED IN THE VICTIM'S HOUSEHOLD WITHIN THE SIX MONTHS BEFORE THE LAST  
24 CONDUCT OCCURRED.  
25 2. REASONABLY FEAR DEATH OR THE DEATH OF ANY OF THE FOLLOWING:  
26 (a) THE VICTIM'S FAMILY MEMBER, DOMESTIC ANIMAL OR LIVESTOCK.  
27 (b) A PERSON WITH WHOM THE VICTIM HAS OR HAS PREVIOUSLY HAD A ROMANTIC  
28 OR SEXUAL RELATIONSHIP.  
29 (c) A PERSON WHO REGULARLY RESIDES IN THE VICTIM'S HOUSEHOLD OR HAS  
30 RESIDED IN THE VICTIM'S HOUSEHOLD WITHIN THE SIX MONTHS BEFORE THE LAST  
31 CONDUCT OCCURRED.  
32 B. Stalking under subsection A, paragraph 1 of this section is a class  
33 5 felony. Stalking under subsection A, paragraph 2 of this section is a  
34 class 3 felony.  
35 C. For the purposes of this section:  
36 1. "Course of conduct":  
37 (a) Means ~~any of the following~~ DIRECTLY OR INDIRECTLY, IN PERSON OR  
38 THROUGH ONE OR MORE THIRD PERSONS OR BY ANY OTHER MEANS, TO DO ANY OF THE  
39 FOLLOWING ON MORE THAN ONE OCCASION:  
40 (i) ~~Maintaining~~ MAINTAIN visual or physical proximity to a specific  
41 person or ~~directing~~ DIRECT verbal, written or other threats, whether express  
42 or implied, to a specific person ~~on two or more occasions~~ over a period of  
43 time, however short.  
44 (ii) ~~Using~~ USE any electronic, digital or global positioning system  
45 device to surveil a specific person or a specific person's internet or

1 wireless activity continuously for twelve hours or more or on two or more  
2 occasions over a period of time, however short, without authorization.

3 (iii) COMMUNICATE, OR CAUSE TO BE COMMUNICATED, WORDS, IMAGES OR  
4 LANGUAGE BY OR THROUGH THE USE OF ELECTRONIC MAIL OR AN ELECTRONIC  
5 COMMUNICATION THAT IS DIRECTED AT A SPECIFIC PERSON WITHOUT AUTHORIZATION AND  
6 WITHOUT A LEGITIMATE PURPOSE.

7 (b) Does not include constitutionally protected activity or other  
8 activity authorized by law, the other person, the other person's authorized  
9 representative or if the other person is a minor, the minor's parent or  
10 guardian.

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

14 2. "EMOTIONAL DISTRESS" MEANS SIGNIFICANT MENTAL SUFFERING OR DISTRESS  
15 THAT MAY, BUT DOES NOT HAVE TO, REQUIRE MEDICAL OR OTHER PROFESSIONAL  
16 TREATMENT OR COUNSELING.