

REFERENCE TITLE: **criminal damage; monuments; memorials; classification**

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2032

Introduced by
Representative Kavanagh

AN ACT

AMENDING SECTIONS 13-1602 AND 13-1604, ARIZONA REVISED STATUTES; RELATING TO CRIMINAL DAMAGE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1602, Arizona Revised Statutes, is amended to
3 read:

4 13-1602. Criminal damage; classification

5 A. A person commits criminal damage by:

6 1. **INTENTIONALLY OR** recklessly defacing or damaging property of
7 another person.

8 2. **INTENTIONALLY OR** recklessly tampering with property of another
9 person so as substantially to impair its function or value.

10 3. **INTENTIONALLY OR** recklessly damaging property of a utility.

11 4. **INTENTIONALLY OR** recklessly parking any vehicle in such a manner
12 as to deprive livestock of access to the only reasonably available water.

13 5. **INTENTIONALLY OR** recklessly drawing or inscribing a message,
14 slogan, sign or symbol that is made on any public or private building,
15 structure or surface, except the ground, and that is made without
16 permission of the owner.

17 6. Intentionally tampering with utility property.

18 B. Criminal damage is punished as follows:

19 1. Criminal damage is a class 4 felony **IF THE PERSON INTENTIONALLY**
20 **DAMAGES THE PROPERTY OF ANOTHER IN AN AMOUNT OF \$10,000 OR MORE AND IS A**
21 **CLASS 5 FELONY** if the person recklessly damages property of another in an
22 amount of ~~ten thousand dollars~~ **\$10,000** or more.

23 2. Criminal damage is a class 4 felony if the person ~~recklessly~~
24 **INTENTIONALLY** damages the property of a utility in an amount of ~~five~~
25 ~~thousand dollars~~ **\$5,000** or more or if the person intentionally tampers
26 with utility property and the damage causes an imminent safety hazard to
27 any person. **CRIMINAL DAMAGE IS A CLASS 5 FELONY IF THE PERSON RECKLESSLY**
28 **DAMAGES THE PROPERTY OF A UTILITY IN AN AMOUNT OF \$5,000 OR MORE.**

29 3. Criminal damage is a class 5 felony if the person ~~recklessly~~
30 **INTENTIONALLY** damages property of another in an amount of ~~two thousand~~
31 ~~dollars~~ **\$2,000** or more but less than ~~ten thousand dollars~~ **\$10,000** or if
32 the damage is inflicted to promote, further or assist any criminal street
33 gang or criminal syndicate with the intent to intimidate and the person is
34 not subject to paragraph 1 or 2 of this subsection. **CRIMINAL DAMAGE IS A**
35 **CLASS 6 FELONY IF THE PERSON RECKLESSLY DAMAGES PROPERTY OF ANOTHER IN AN**
36 **AMOUNT OF \$2,000 OR MORE BUT LESS THAN \$10,000 OR IF THE DAMAGE IS**
37 **INFLECTED TO PROMOTE, FURTHER OR ASSIST ANY CRIMINAL STREET GANG OR**
38 **CRIMINAL SYNDICATE WITH THE INTENT TO INTIMIDATE AND THE PERSON IS NOT**
39 **SUBJECT TO PARAGRAPH 1 OR 2 OF THIS SUBSECTION.**

40 4. Criminal damage is a class 6 felony **IF THE PERSON INTENTIONALLY**
41 **DAMAGES PROPERTY OF ANOTHER IN AN AMOUNT OF \$1,000 OR MORE BUT LESS THAN**
42 **\$2,000. CRIMINAL DAMAGE IS A CLASS 1 MISDEMEANOR** if the person recklessly
43 damages property of another in an amount of ~~one thousand dollars~~ **\$1,000** or
44 more but less than ~~two thousand dollars~~ **\$2,000.**

1 5. Criminal damage is a class 1 misdemeanor IF THE PERSON
2 INTENTIONALLY DAMAGES PROPERTY OF ANOTHER IN AN AMOUNT OF MORE THAN \$250
3 BUT LESS THAN \$1,000. CRIMINAL DAMAGE IS A CLASS 2 MISDEMEANOR if the
4 person recklessly damages property of another in an amount of more than
5 ~~two hundred fifty dollars~~ \$250 but less than ~~one thousand dollars~~ \$1,000.

6 6. In all other cases criminal damage is a class ~~2~~ 3 misdemeanor.

7 C. For a violation of subsection A, paragraph 5 of this section, in
8 determining the amount of damage to property, damages include reasonable
9 labor costs of any kind, reasonable material costs of any kind and any
10 reasonable costs that are attributed to equipment that is used to abate or
11 repair the damage to the property.

12 Sec. 2. Section 13-1604, Arizona Revised Statutes, is amended to
13 read:

14 13-1604. Aggravated criminal damage; classification

15 A. A person commits aggravated criminal damage by intentionally or
16 recklessly without the express permission of the owner:

17 1. Defacing, damaging or in any way changing the appearance of any
18 building, structure, personal property or place used for worship or any
19 religious purpose.

20 2. Defacing or damaging any building, structure or place used as a
21 school or as an educational facility.

22 3. Defacing, damaging or tampering with A PUBLIC OR PRIVATE
23 MONUMENT, MEMORIAL OR STATUE, any cemetery, mortuary or personal property
24 of the cemetery or mortuary or ANY other facility used ~~for the purpose of~~
25 ~~burial~~ TO BURY or ~~memorializing~~ MEMORIALIZE the dead.

26 4. Defacing, damaging or tampering with any utility or agricultural
27 infrastructure or property, construction site or existing structure ~~for~~
28 ~~the purpose of obtaining~~ TO OBTAIN nonferrous metals.

29 B. Aggravated criminal damage is punishable as follows:

30 1. If the person intentionally or recklessly does any act described
31 in subsection A of this section that causes damage to the property of
32 another in an amount of ~~ten thousand dollars~~ \$10,000 or more, aggravated
33 criminal damage:

34 (a) Resulting from:

35 (i) ~~actions~~ AN INTENTIONAL ACT described in subsection A, paragraph
36 1, 2 or 3 of this section is a class 4 felony.

37 (ii) A RECKLESS ACT DESCRIBED IN SUBSECTION A, PARAGRAPH 1, 2 OR 3
38 OF THIS SECTION IS A CLASS 5 FELONY.

39 (b) Resulting from:

40 (i) ~~actions~~ AN INTENTIONAL ACT described in subsection A, paragraph
41 4 of this section is a class 3 felony.

42 (ii) A RECKLESS ACT DESCRIBED IN SUBSECTION A, PARAGRAPH 4 OF THIS
43 SECTION IS A CLASS 4 FELONY.

1 2. If the person intentionally or recklessly damages property of
2 another in an amount of ~~one thousand five hundred dollars~~ \$1,500 or more
3 but less than ~~ten thousand dollars~~ \$10,000, aggravated criminal damage:
4 (a) Resulting from:
5 (i) ~~actions~~ AN INTENTIONAL ACT described in subsection A, paragraph
6 1, 2 or 3 of this section is a class 5 felony.
7 (ii) A RECKLESS ACT DESCRIBED IN SUBSECTION A, PARAGRAPH 1, 2 OR 3
8 OF THIS SECTION IS A CLASS 6 FELONY.
9 (b) Resulting from:
10 (i) ~~actions~~ AN INTENTIONAL ACT described in subsection A, paragraph
11 4 of this section is a class 4 felony.
12 (ii) A RECKLESS ACT DESCRIBED IN SUBSECTION A, PARAGRAPH 4 OF THIS
13 SECTION IS A CLASS 5 FELONY.
14 3. In all other cases aggravated criminal damage is:
15 (a) A class 6 felony if it results from ~~actions~~ AN INTENTIONAL ACT
16 described in subsection A, paragraph 1, 2 or 3 of this section AND A CLASS
17 1 MISDEMEANOR IF IT RESULTS FROM A RECKLESS ACT DESCRIBED IN SUBSECTION A,
18 PARAGRAPH 1, 2 OR 3 OF THIS SECTION.
19 (b) A class 5 felony if it results from ~~actions~~ AN INTENTIONAL ACT
20 described in subsection A, paragraph 4 of this section AND A CLASS 6
21 FELONY IF IT RESULTS FROM A RECKLESS ACT DESCRIBED IN SUBSECTION A,
22 PARAGRAPH 4 OF THIS SECTION.
23 C. In determining the amount of damage to property, damages include
24 the cost of repair or replacement of the property that was damaged, the
25 cost of the loss of crops and livestock, reasonable labor costs of any
26 kind, reasonable material costs of any kind and any reasonable costs that
27 are attributed to equipment that is used to abate or repair the damage to
28 the property.