



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

VETOED

AMENDED

FACT SHEET FOR S.B. 1413

homeless encampment; removal

Purpose

Requires a county, city or town, upon notice of the existence of a homeless encampment, to notify the owner to remove the structure from the location. States that persons who violate this prohibition are guilty of criminal trespassing or drug offenses as prescribed.

Background

The Arizona Criminal Code includes three classifications of criminal trespassing. *Criminal trespass in the third degree* is a class 3 misdemeanor and is committed by knowingly: 1) entering or remaining unlawfully on any real property after a reasonable request to leave by a law enforcement officer, the owner or any other person having lawful control over the property, or reasonable notice prohibiting entry; or 2) knowingly entering or remaining unlawfully on the right-of-way for tracks, or the storage or switching yards or rolling stock of a railroad company. *Criminal trespass in the second degree* is a class 2 misdemeanor and is committed by knowingly entering or remaining unlawfully in or on any nonresidential structure or in any fenced commercial yard (A.R.S. §§ [13-1502](#) and [13-1503](#)).

A person commits *criminal trespass in the first degree* by knowingly entering or remaining unlawfully in a residential structure or yard or other property as outlined. *Criminal trespass in the first degree* is a class 1 misdemeanor, class 6 felony or class 5 felony depending on the outlined conduct in which a person knowingly engages ([A.R.S. § 13-1504](#)).

The Arizona Criminal Code also outlines penalties for drug offenses ([A.R.S. Title 13, Chapter 34](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires a county, city or town, on receipt of a report of the existence of a homeless encampment, to notify the owner to remove the owner's tent, structure or other personal property from the area in which the encampment is located.
2. Requires a city or town to claim and retain the property for 14 days if the owner does not remove their property within 24 hours of receiving the removal notice, during which time the owner can claim their property.

3. Allows property unclaimed after 14 days to be disposed of and requires the city, town or county to clean the area in which the encampment was located.
4. Specifies that persons living at the encampment are guilty of criminal trespassing if the encampment is on private property.
5. Specifies that persons living at the encampment who are engaged in illegal drug use are guilty of appropriate drug offenses.
6. Defines *homeless encampment* as one or more tents, structures or assemblies of camping equipment or other structures where one or more persons are knowingly, intelligently and regularly using the area as an indefinite place of domicile or residence.
7. Becomes effective on the general effective date.

Amendments Adopted in Committee

1. Requires a city, town or county to provide a 24 hour removal notice to a homeless encampment, rather than immediately remove the encampment.
2. Requires a city, town or county to claim and retain property for 14 days if an encampment is not timely removed, during which the property can be claimed, and after which the property may be disposed of.
3. Specifies that persons living at an encampment are guilty of criminal trespassing or drug offenses as outlined, rather than requiring said persons to be charged with these crimes.
4. Modifies the definition of *homeless encampment*.

Governor's Veto Message

The Governor indicates in her [veto message](#) that S.B. 1413 does not address the root causes of why people become and remain unsheltered and effectively criminalizes experiencing homelessness.

Senate Action

JUD 2/16/23 DPA 4-3-0
3rd Read 3/1/23 16-12-2

House Action

GOV 3/29/23 DP 5-4-0-0
3rd Read 5/15/23 31-27-1-0-1

Vetoed by the Governor 6/5/23

Prepared by Senate Research

June 6, 2023

LB/sr