

REFERENCE TITLE: homelessness rights; criminal liability

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2568

Introduced by
Representatives Salman: Aguilar, Austin, Bravo, Cano, Contreras L, De Los Santos, Gutierrez, Hernandez A, Hernandez C, Hernandez L, Hernandez M, Longdon, Mathis, Ortiz, Pawlik, Quiñonez, Sandoval, Seaman, Stahl Hamilton, Sun, Travers, Tsosie, Senators Alston, Diaz, Epstein, Fernandez, Gabaldón, Hernandez, Mendez, Miranda, Terán

AN ACT

AMENDING TITLE 1, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; AMENDING TITLE 13, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-207; RELATING TO HOMELESS PERSONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 1, Arizona Revised Statutes, is amended by adding
3 chapter 9, to read:

4 CHAPTER 9

5 HOMELESSNESS RIGHTS

6 ARTICLE 1. HOMELESS PERSONS' BILL OF RIGHTS

7 1-901. Homeless persons' bill of rights; attorney fees and
8 costs

9 A. A PERSON'S RIGHTS, PRIVILEGES OR ACCESS TO PUBLIC SERVICES MAY
10 NOT BE DENIED OR ABRIDGED SOLELY BECAUSE THE PERSON IS HOMELESS. A
11 HOMELESS PERSON HAS THE SAME RIGHTS AND PRIVILEGES AS ANY OTHER RESIDENT
12 OF THIS STATE. A PERSON EXPERIENCING HOMELESSNESS:

13 1. HAS THE RIGHT TO USE AND MOVE FREELY IN PUBLIC SPACES,
14 INCLUDING, PUBLIC SIDEWALKS, PUBLIC PARKS, PUBLIC TRANSPORTATION AND
15 PUBLIC BUILDINGS IN THE SAME MANNER AS ANY OTHER PERSON AND WITHOUT
16 DISCRIMINATION ON THE BASIS OF THE PERSON'S HOUSING STATUS.

17 2. HAS THE RIGHT TO EQUAL TREATMENT BY ALL STATE AND MUNICIPAL
18 AGENCIES WITHOUT DISCRIMINATION ON THE BASIS OF HOUSING STATUS.

19 3. HAS THE RIGHT NOT TO FACE DISCRIMINATION WHILE SEEKING OR
20 MAINTAINING EMPLOYMENT DUE TO THE PERSON'S LACK OF PERMANENT MAILING
21 ADDRESS OR THE PERSON'S MAILING ADDRESS BEING THAT OF A SHELTER OR SOCIAL
22 SERVICE PROVIDER.

23 4. HAS THE RIGHT TO EMERGENCY MEDICAL CARE THAT IS FREE FROM
24 DISCRIMINATION BASED ON THE PERSON'S HOUSING STATUS.

25 5. HAS THE RIGHT TO VOTE, REGISTER TO VOTE AND RECEIVE
26 DOCUMENTATION THAT IS NECESSARY TO PROVE IDENTITY FOR VOTING WITHOUT
27 DISCRIMINATION DUE TO THE PERSON'S HOUSING STATUS.

28 6. HAS THE RIGHT TO BOTH OF THE FOLLOWING:

29 (a) PROTECTION FROM THE PERSON'S RECORDS AND INFORMATION THAT IS
30 PROVIDED TO HOMELESS SHELTERS AND SERVICE PROVIDERS FROM BEING DISCLOSED
31 TO STATE, MUNICIPAL AND PRIVATE ENTITIES WITHOUT APPROPRIATE LEGAL
32 AUTHORITY.

33 (b) CONFIDENTIALITY OF PERSONAL RECORDS AND INFORMATION IN
34 ACCORDANCE WITH ALL LIMITATIONS ON DISCLOSURE THAT ARE ESTABLISHED BY THE
35 FEDERAL HOMELESS MANAGEMENT INFORMATION SYSTEMS, THE FEDERAL HEALTH
36 INSURANCE PORTABILITY AND ACCOUNTABILITY ACT AND THE FEDERAL VIOLENCE
37 AGAINST WOMEN ACT.

38 7. HAS THE RIGHT TO A REASONABLE EXPECTATION OF PRIVACY IN THE
39 PERSON'S PERSONAL PROPERTY TO THE SAME EXTENT AS PERSONAL PROPERTY IN A
40 PERMANENT RESIDENCE.

41 8. HAS THE RIGHT TO ENTER A HOMELESS SHELTER WHILE POSSESSING A
42 SERVICE ANIMAL AS DEFINED IN THE AMERICANS WITH DISABILITY ACT AS DEFINED
43 IN SECTION 41-1492.

1 B. IN ANY CIVIL ACTION THAT ALLEGES A VIOLATION OF THIS SECTION,
2 THE COURT MAY AWARD APPROPRIATE INJUNCTIVE AND DECLARATORY RELIEF, ACTUAL
3 DAMAGES AND REASONABLE ATTORNEY FEES AND COSTS TO A PREVAILING PLAINTIFF.

4 Sec. 2. Title 13, chapter 2, Arizona Revised Statutes, is amended
5 by adding section 13-207, to read:

6 13-207. Criminal liability for sitting, sleeping or lying
7 outside on public property while homeless

8 NOTWITHSTANDING ANY OTHER LAW, A PERSON IS NOT CRIMINALLY LIABLE AND
9 MAY NOT BE CHARGED WITH OR CONVICTED OF AN OFFENSE THAT PROHIBITS THE
10 PERSON FROM SITTING, LYING OR SLEEPING IN OR ON PUBLIC PROPERTY IF, AT THE
11 TIME OF THE ACT, BOTH OF THE FOLLOWING APPLY:

12 1. THE PERSON IS HOMELESS.

13 2. THERE IS NO SPACE AVAILABLE FOR THE PERSON TO SLEEP IN A
14 HOMELESS SHELTER.