

REFERENCE TITLE: criminal damage; monuments; memorials; statues

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1009

Introduced by
Senator Kavanagh

AN ACT

AMENDING SECTION 13-1604, ARIZONA REVISED STATUTES; RELATING TO AGGRAVATED
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 13-1604, Arizona Revised Statutes, is amended to
3 read:

4 13-1604. Aggravated criminal damage; classification

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

7 1. Defacing, damaging or in any way changing the appearance of any
8 building, structure, personal property or place used for worship or any
9 religious purpose.

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

12 3. Defacing, damaging or tampering with **A PUBLIC OR PRIVATE**
13 **MONUMENT, MEMORIAL OR STATUE**, any cemetery, mortuary or personal property
14 of the cemetery or mortuary or **ANY** other facility used for the purpose of
15 burial or memorializing the dead.

16 4. Defacing, damaging or tampering with any utility or agricultural
17 infrastructure or property, construction site or existing structure for
18 the purpose of obtaining nonferrous metals.

19 ~~B.~~ B. In determining the amount of damage to property, damages
20 include the cost of repair or replacement of the property that was
21 damaged, the cost of the loss of crops and livestock, reasonable labor
22 costs of any kind, reasonable material costs of any kind and any
23 reasonable costs that are attributed to equipment that is used to abate or
24 repair the damage to the property.

25 ~~B.~~ C. Aggravated criminal damage is punishable as follows:

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

30 (a) Resulting from actions described in subsection A, paragraph 1,
31 2 or 3 of this section is a class 4 felony.

32 (b) Resulting from actions described in subsection A, paragraph 4
33 of this section is a class 3 felony.

34 2. If the person intentionally or recklessly damages property of
35 another in an amount of ~~one thousand five hundred dollars~~ **\$1,500** or more
36 but less than ~~ten thousand dollars~~ **\$10,000**, aggravated criminal damage:

37 (a) Resulting from actions described in subsection A, paragraph 1,
38 2 or 3 of this section is a class 5 felony.

39 (b) Resulting from actions described in subsection A, paragraph 4
40 of this section is a class 4 felony.

41 3. In all other cases aggravated criminal damage is:

42 (a) A class 6 felony if it results from actions described in
43 subsection A, paragraph 1, 2 or 3 of this section.

44 (b) A class 5 felony if it results from actions described in
45 subsection A, paragraph 4 of this section.