

Senate Engrossed

~~interfering with law enforcement; offense~~
(now: criminal trespass; aiding peace officer)

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

SENATE BILL 1047

AN ACT

AMENDING SECTIONS 13-1502 AND 13-2403, ARIZONA REVISED STATUTES; RELATING
TO THE CRIMINAL CODE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1502, Arizona Revised Statutes, is amended to
3 read:

4 13-1502. Criminal trespass in the third degree;
5 classification

6 A. A person commits criminal trespass in the third degree by:

7 1. Knowingly entering or remaining unlawfully on any real property
8 after a reasonable request to leave by a law enforcement officer, the
9 owner or any other person having lawful control over such property, or
10 reasonable notice prohibiting entry.

11 2. Knowingly entering or remaining unlawfully on the right-of-way
12 for tracks, or the storage or switching yards or rolling stock of a
13 railroad company.

14 3. WITHOUT LAWFUL AUTHORITY, KNOWINGLY ENTERING OR REMAINING IN ANY
15 OF THE FOLLOWING LOCATIONS:

16 (a) IN AN AREA THAT LAW ENFORCEMENT DESIGNATES AS "NO TRESPASSING"
17 BY PLACING POLICE TAPE, A BARRIER OR A BARRICADE.

18 (b) AT A SITE WHERE THERE IS ACTIVE LAW ENFORCEMENT INTERVENTION
19 INTO CRIMINAL ACTIVITY AND LAW ENFORCEMENT COMMUNICATES THAT PUBLIC ACCESS
20 IS RESTRICTED, INCLUDING AT THE SITE OF A NATURAL DISASTER, A TRAFFIC
21 ACCIDENT OR ANOTHER TYPE OF ACCIDENT, A CIVIL DISTURBANCE OR AN ACTIVE LAW
22 ENFORCEMENT INVESTIGATION.

23 B. Pursuant to subsection A, paragraph 1 of this section, a request
24 to leave by a law enforcement officer acting at the request of the owner
25 of the property or any other person having lawful control over the
26 property has the same legal effect as a request made by the property owner
27 or other person having lawful control of the property.

28 C. Criminal trespass in the third degree is a class 3 misdemeanor.

29 Sec. 2. Section 13-2403, Arizona Revised Statutes, is amended to
30 read:

31 13-2403. Refusing to aid a peace officer; classification

32 A. A person commits refusing to aid a peace officer if, ~~upon~~ ON a
33 reasonable command by a person reasonably known to be a peace officer,
34 ~~such~~ THE person knowingly refuses or fails to aid ~~such~~ THE peace officer
35 ~~in~~ WITH ANY OF THE FOLLOWING:

36 1. Effectuating or securing an arrest. ~~;~~ ~~or~~

37 2. Preventing the commission by another of any offense.

38 3. REMAINING AT A REASONABLE DISTANCE, AS DETERMINED BY THE PEACE
39 OFFICER, FROM THE LOCATION WHERE THE PEACE OFFICER IS ACTIVELY INTERVENING
40 IN A DANGEROUS OR POTENTIALLY VIOLENT CRIMINAL OCCURRENCE WITH ANOTHER
41 PERSON WHO IS THREATENING OR AGITATED OR WHO APPEARS TO BE EMOTIONALLY
42 UNSTABLE.

1 B. A person who complies with this section by aiding a peace
2 officer shall not be held liable to any person for damages resulting
3 therefrom, ~~provided such~~ IF THE person acted reasonably under the
4 circumstances known to ~~him~~ THE PERSON at the time.

5 C. Refusing to aid a peace officer is a class 1 misdemeanor.