

REFERENCE TITLE: public nuisance; immunity; domestic violence

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

SB 1295

Introduced by
Senators Marsh: Alston, Burch, Fernandez, Gabaldón, Gonzales, Hernandez,
Mendez, Sundareshan, Terán; Representative Terech

AN ACT

AMENDING SECTION 13-2917, ARIZONA REVISED STATUTES; RELATING TO OFFENSES
AGAINST PUBLIC ORDER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-2917, Arizona Revised Statutes, is amended to
3 read:

4 13-2917. Public nuisance; abatement; immunity; classification

5 A. It is a public nuisance, and is no less a nuisance because the
6 extent of the annoyance or damage inflicted is unequal, for anything:

7 1. To be injurious to health, indecent, offensive to the senses or
8 an obstruction to the free use of property that interferes with the
9 comfortable enjoyment of life or property by an entire community or
10 neighborhood or by a considerable number of persons.

11 2. To unlawfully obstruct the free passage or use, in the customary
12 manner, of any navigable lake, river, bay, stream, canal or basin, or any
13 public park, square, street or highway.

14 B. It is a public nuisance for any person to sell, offer to sell,
15 transfer, trade or disseminate any OBSCENE item ~~which is obscene~~ as
16 defined in section 13-3501, within two thousand feet, measured in a
17 straight line, of the nearest boundary line of any of the following:

18 1. Any building used as a private or public elementary or high
19 school.

20 2. Any public park.

21 3. Any residence district as defined in section 28-101.

22 C. The county attorney, the attorney general or the city attorney
23 may bring an action in superior court to abate, enjoin and prevent the
24 activity described in subsections A and B of this section.

25 D. THIS SECTION DOES NOT APPLY TO A PERSON WHO, IN THE COURSE OF
26 COMMITTING THE PUBLIC NUISANCE, IS, HAS BEEN OR IS ABOUT TO BECOME A
27 VICTIM OF A DOMESTIC VIOLENCE OFFENSE PURSUANT TO SECTION 13-3601.

28 ~~D~~. E. Any person who knowingly maintains or commits a public
29 nuisance or who knowingly fails or refuses to perform any legal duty
30 relating to the removal of a public nuisance is guilty of a class 2
31 misdemeanor.