

House Engrossed

unlawful flight from law enforcement

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2374

AN ACT

AMENDING SECTIONS 5-391, 13-1105 AND 28-622.01, ARIZONA REVISED STATUTES;
AMENDING TITLE 28, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 28-622.02; AMENDING SECTION 28-4834, ARIZONA REVISED
STATUTES; RELATING TO UNLAWFUL FLIGHT FROM LAW ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 5-391, Arizona Revised Statutes, is amended to
3 read:

4 5-391. Enforcement; violation; classification

5 A. Any person who violates ~~any provision of~~ this chapter, except
6 section 5-341, subsection A, B, C or D, section 5-349, section 5-350,
7 subsection C, section 5-393, 5-395, 5-396 or 5-397 and subsection C, D, G
8 or H of this section or any rule issued thereunder, is guilty of a petty
9 offense. Any person who violates section 5-350, subsection C is guilty of
10 a class 2 misdemeanor.

11 B. All peace officers of ~~the THIS~~ state, ~~AND~~ counties, ~~and~~ cities
12 ~~AND TOWNS~~ shall enforce ~~the provisions of~~ this chapter and all laws and
13 rules relating to the operation of watercraft.

14 C. In the enforcement of this chapter, the operator of ~~the A~~
15 watercraft, on being hailed by any peace officer, shall stop immediately
16 and lay to, ~~or~~ maneuver in such a way as to ~~permit~~ ~~ALLOW~~ the peace
17 officer to come aboard or alongside. The operator may be ordered ashore
18 to correct any unlawful condition, ~~BE~~ issued a written warning or written
19 repair order or ~~BE~~ issued a citation for any violation of this chapter.

20 D. An operator of a watercraft who wilfully flees or attempts to
21 elude a pursuing ~~law enforcement~~ ~~PEACE~~ officer issuing an order pursuant
22 to subsection C of this section is guilty of a class ~~5-felony~~ ~~1~~
23 ~~MISDEMEANOR~~. The law enforcement watercraft shall be appropriately marked
24 to show that it is an official law enforcement watercraft.

25 E. In the enforcement of this chapter, sections 13-2506 and 13-3903
26 apply.

27 F. Each failure to obey an order or to comply with a warning order
28 issued under subsection C of this section shall constitute a separate
29 offense punishable as a separate violation of this chapter.

30 G. A person is guilty of a class 6 felony who knowingly removes,
31 defaces, obliterates, changes, alters or causes to be removed, defaced,
32 obliterated, changed or altered a factory, engine, serial, outdrive, lower
33 unit, power trim or hull identification number or mark on a watercraft.

34 H. A person is guilty of a class 2 misdemeanor who:

35 1. Knowingly displays or has in the person's possession a
36 fictitious, stolen, revoked or altered certificate of number, ~~department~~
37 ~~issued~~ ~~DEPARTMENT-ISSUED~~ number or annual decal.

38 2. Lends to or knowingly ~~permits~~ ~~ALLOWS~~ the use of the person's
39 certificate of number, ~~department-issued~~ ~~DEPARTMENT-ISSUED~~ number or
40 annual decal on a watercraft for which those items have not been issued.

41 I. On receipt of ~~A~~ notice of conviction of a person under
42 subsection G or H of this section, the department may revoke the numbers
43 and decals issued to the watercraft that was involved in the violation and
44 any other watercraft owned by the person convicted.

1 Sec. 2. Section 13-1105, Arizona Revised Statutes, is amended to
2 read:

3 13-1105. First degree murder; classification

4 A. A person commits first degree murder if:

5 1. Intending or knowing that the person's conduct will cause death,
6 the person causes the death of another person, including an unborn child,
7 with premeditation or, as a result of causing the death of another person
8 with premeditation, causes the death of an unborn child.

9 2. Acting either alone or with one or more other persons the person
10 commits or attempts to commit sexual conduct with a minor under section
11 13-1405, sexual assault under section 13-1406, molestation of a child
12 under section 13-1410, terrorism under section 13-2308.01, marijuana
13 offenses under section 13-3405, subsection A, paragraph 4, dangerous drug
14 offenses under section 13-3407, subsection A, paragraphs 4 and 7,
15 narcotics offenses under section 13-3408, subsection A, paragraph 7 that
16 equal or exceed the statutory threshold amount for each offense or
17 combination of offenses, involving or using minors in drug offenses under
18 section 13-3409, drive by shooting under section 13-1209, kidnapping under
19 section 13-1304, burglary under section 13-1506, 13-1507 or 13-1508, arson
20 under section 13-1703 or 13-1704, robbery under section 13-1902, 13-1903
21 or 13-1904, escape under section 13-2503 or 13-2504, child abuse under
22 section 13-3623, subsection A, paragraph 1, ~~or~~ unlawful flight from a
23 pursuing law enforcement vehicle under section 28-622.01 **OR AGGRAVATED**
24 **UNLAWFUL FLIGHT FROM A PURSUING LAW ENFORCEMENT VEHICLE UNDER SECTION**
25 **28-622.02** and, in the course of and in furtherance of the offense or
26 immediate flight from the offense, the person or another person causes the
27 death of any person.

28 3. Intending or knowing that the person's conduct will cause death
29 to a law enforcement officer, the person causes the death of a law
30 enforcement officer who is in the line of duty.

31 B. Homicide, as prescribed in subsection A, paragraph 2 of this
32 section, requires no specific mental state other than what is required for
33 the commission of any of the enumerated felonies.

34 C. An offense under subsection A, paragraph 1 of this section
35 applies to an unborn child in the womb at any stage of its development. A
36 person shall not be prosecuted under subsection A, paragraph 1 of this
37 section if any of the following applies:

38 1. The person was performing an abortion for which the consent of
39 the pregnant woman, or a person authorized by law to act on the pregnant
40 woman's behalf, has been obtained or for which the consent was implied or
41 authorized by law.

42 2. The person was performing medical treatment on the pregnant
43 woman or the pregnant woman's unborn child.

44 3. The person was the unborn child's mother.

1 D. First degree murder is a class 1 felony and is punishable by
2 death or life imprisonment as provided by sections 13-751 and 13-752.

3 Sec. 3. Section 28-622.01, Arizona Revised Statutes, is amended to
4 read:

5 28-622.01. Unlawful flight from pursuing law enforcement
6 vehicle; marked and unmarked vehicles;
7 violation; classification

8 A. A driver of a motor vehicle ~~who~~ COMMITS UNLAWFUL FLIGHT FROM A
9 PURSUING LAW ENFORCEMENT VEHICLE IF THE PERSON wilfully flees or attempts
10 to elude a pursuing official law enforcement vehicle ~~is guilty of a class~~
11 ~~5 felony if the law enforcement vehicle~~ THAT is either:

12 1. Being operated in the manner described in section 28-624,
13 subsection C and is appropriately marked to show that it is an official
14 law enforcement vehicle.

15 2. Unmarked and either of the following applies:

16 (a) The driver admits to knowing that the vehicle was an official
17 law enforcement vehicle.

18 (b) Evidence shows that the driver knew that the vehicle was an
19 official law enforcement vehicle.

20 B. UNLAWFUL FLIGHT FROM A PURSUING LAW ENFORCEMENT VEHICLE IS A
21 CLASS 5 FELONY.

22 Sec. 4. Title 28, chapter 3, article 2, Arizona Revised Statutes,
23 is amended by adding section 28-622.02, to read:

24 28-622.02. Aggravated unlawful flight from a pursuing law
25 enforcement vehicle; violation; classification

26 A. A DRIVER OF A MOTOR VEHICLE COMMITS AGGRAVATED UNLAWFUL FLIGHT
27 FROM A PURSUING LAW ENFORCEMENT VEHICLE IF THE PERSON COMMITS UNLAWFUL
28 FLIGHT FROM A PURSUING LAW ENFORCEMENT VEHICLE PURSUANT TO SECTION
29 28-622.01 AND THE PERSON EITHER:

30 1. DRIVES AT LEAST THIRTY-FIVE MILES PER HOUR OVER THE POSTED SPEED
31 LIMIT DURING THE PURSUIT.

32 2. INTENTIONALLY, KNOWINGLY OR RECKLESSLY CAUSES SERIOUS PHYSICAL
33 INJURY TO OR DEATH OF ANOTHER PERSON DURING THE PURSUIT.

34 B. AGGRAVATED UNLAWFUL FLIGHT FROM A PURSUING LAW ENFORCEMENT
35 VEHICLE IS A CLASS 2 FELONY.

36 Sec. 5. Section 28-4834, Arizona Revised Statutes, is amended to
37 read:

38 28-4834. Vehicle removal

39 A. An officer who has reasonable grounds to believe that a vehicle
40 has been lost, stolen, abandoned or otherwise unclaimed may remove or
41 cause the removal of the vehicle from any street or highway or on any
42 other public, federal, state trust, national forest, state park or bureau
43 of land management land or private property. For the purposes of this
44 subsection, an officer may remove or cause the removal of a vehicle if the
45 driver of the vehicle engages in unlawful flight from a pursuing law

1 enforcement vehicle pursuant to section 28-622.01 OR AGGRAVATED UNLAWFUL
2 FLIGHT FROM A PURSUING LAW ENFORCEMENT VEHICLE PURSUANT TO SECTION
3 28-622.02, leaves the vehicle and continues to engage in unlawful flight
4 from a pursuing law enforcement vehicle pursuant to section 28-622.01 OR
5 AGGRAVATED UNLAWFUL FLIGHT FROM A PURSUING LAW ENFORCEMENT VEHICLE
6 PURSUANT TO SECTION 28-622.02 or by other means, including on foot or in
7 another vehicle.

8 B. In counties with a population of less than one million five
9 hundred thousand persons, before an officer removes or causes the removal
10 of a vehicle that is abandoned as provided in section 28-4839 from the
11 person in possession of the vehicle, the owner or lienholder of the
12 vehicle or any other person who has an interest in the vehicle shall pay
13 the person on whose property the vehicle was discovered an amount that
14 does not exceed ~~five dollars~~ \$5 for each day of storage up to a maximum of
15 ~~five hundred dollars~~ \$500 for the storage of the vehicle and the fee for
16 processing an abandoned vehicle report as prescribed by section 28-4802 if
17 the person on whose property the vehicle was discovered does both of the
18 following:

19 1. Notifies a law enforcement agency by telephone in the
20 jurisdiction where the vehicle was discovered of the presence of the
21 vehicle on the person's property within forty-eight hours after the
22 property owner discovered the vehicle.

23 2. Gives notice of abandonment of the vehicle in the manner
24 prescribed by law.

25 C. This section does not require a law enforcement agency to pay
26 any charges related to a vehicle that a law enforcement agency is required
27 or otherwise authorized by law to impound or remove.

28 D. If a person removes or causes the removal of any vehicle,
29 including an abandoned vehicle, from private property, the person shall
30 both:

31 1. Obtain written authorization from the owner or lessee of the
32 property on a form prescribed by the director.

33 2. Submit the form and the vehicle identification form to the
34 department.

35 E. An officer who is employed by a public agency or political
36 subdivision and who has removed an abandoned vehicle pursuant to this
37 section or who has removed or caused to be removed a vehicle pursuant to
38 section 28-872 shall inspect the vehicle and shall complete the vehicle
39 identification form prescribed or approved by the director. The agency or
40 political subdivision shall make an inquiry to determine whether the
41 abandoned vehicle is a stolen abandoned vehicle.

42 F. A person who has removed or caused to be removed an abandoned
43 vehicle from public land pursuant to section 28-4802 or private property
44 shall have the vehicle inspected by an officer or agent of the department
45 who shall complete the vehicle identification form prescribed by the

1 director. The officer or agent designated by the director shall make an
2 inquiry to determine whether the abandoned vehicle is a stolen abandoned
3 vehicle.

4 G. If a renter or lessee of private property parks a vehicle on the
5 private property in an area that the owner authorizes for the vehicle, a
6 person may not remove or cause the removal of the vehicle from the private
7 property unless there is evidence of abandonment. Expired registration of
8 a vehicle may be considered in determining if a vehicle is abandoned but
9 may not conclusively determine abandonment unless there is additional
10 evidence of abandonment.