

REFERENCE TITLE: **unlawful flight from law enforcement**

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

## **HB 2374**

Introduced by  
Representatives Diaz: Biasiucci, Bliss, Carbone, Chaplik, Livingston,  
Parker B, Peña, Willoughby; Senator Bolick

### **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 **PURSUIING 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 PURSUIING 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 PURSUIING LAW ENFORCEMENT VEHICLE IF THE PERSON COMMITS UNLAWFUL**  
28 **FLIGHT FROM A PURSUIING 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 PURSUIING 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.