

REFERENCE TITLE: *criminal damage; fine; business victims*

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1591

Introduced by
Senator Wadsack: Representative Hernandez C

AN ACT

AMENDING SECTION 13-1602, ARIZONA REVISED STATUTES; RELATING TO 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 13-1602, Arizona Revised Statutes, is amended to
3 read:
4 13-1602. Criminal damage; classification
5 A. A person commits criminal damage by:
6 1. Recklessly defacing or damaging property of another person.
7 2. Recklessly tampering with property of another person so as
8 substantially to impair its function or value.
9 3. Recklessly damaging property of a utility.
10 4. Recklessly parking any vehicle in such a manner as to deprive
11 livestock of access to the only reasonably available water.
12 5. Recklessly drawing or inscribing a message, slogan, sign or
13 symbol that is made on any public or private building, structure or
14 surface, except the ground, and that is made without permission of the
15 owner.
16 6. Intentionally tampering with utility property.
17 B. Criminal damage is punished as follows:
18 1. Criminal damage is a class 4 felony if the person recklessly
19 damages property of another in an amount of ten thousand dollars or more.
20 2. Criminal damage is a class 4 felony if the person recklessly
21 damages the property of a utility in an amount of five thousand dollars or
22 more or if the person intentionally tampers with utility property and the
23 damage causes an imminent safety hazard to any person.
24 3. Criminal damage is a class 5 felony if the person recklessly
25 damages property of another in an amount of two thousand dollars or more
26 but less than ten thousand dollars or if the damage is inflicted to
27 promote, further or assist any criminal street gang or criminal syndicate
28 with the intent to intimidate and the person is not subject to paragraph 1
29 or 2 of this subsection.
30 4. Criminal damage is a class 6 felony if the person recklessly
31 damages property of another in an amount of one thousand dollars or more
32 but less than two thousand dollars.
33 5. Criminal damage is a class 1 misdemeanor if the person
34 recklessly damages property of another in an amount of more than two
35 hundred fifty dollars but less than one thousand dollars.
36 6. In all other cases criminal damage is a class 2 misdemeanor.
37 C. For a violation of subsection A, paragraph 5 of this section, in
38 determining the amount of damage to property, damages include reasonable
39 labor costs of any kind, reasonable material costs of any kind and any
40 reasonable costs that are attributed to equipment that is used to abate or
41 repair the damage to the property.

1 D. IN ADDITION TO ANY OTHER PENALTY PRESCRIBED BY THIS TITLE, THE
2 COURT SHALL ORDER A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION
3 TO PAY A FINE OF NOT LESS THAN \$100. A JUDGE MAY NOT SUSPEND ANY PART OR
4 ALL OF THE IMPOSITION OF ANY FINE REQUIRED BY THIS SUBSECTION. THE
5 SUPREME COURT SHALL DISTRIBUTE THE FINES COLLECTED PURSUANT TO THIS
6 SECTION TO A RETAIL BUSINESS THAT IS A VICTIM OF CRIMINAL DAMAGE WHERE IT
7 IS DETERMINED THAT THE VICTIM IS NOT LIKELY TO RECEIVE RESTITUTION FOR THE
8 DAMAGE THAT OCCURRED TO THE BUSINESS.