

State of Arizona
 House of Representatives
 Forty-second Legislature
 Second Regular Session
 1996

FILED

Jane Dee Hull
 Secretary of State

CHAPTER 32

HOUSE BILL 2005

AN ACT

AMENDING SECTION 13-1204, ARIZONA REVISED STATUTES; RELATING TO ASSAULT.

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

2 Section 1. Section 13-1204, Arizona Revised Statutes, is amended to
 3 read:

4 13-1204. Aggravated assault; classification

5 A. A person commits aggravated assault if ~~such~~ THE person commits
 6 assault as defined in section 13-1203 under any of the following
 7 circumstances:

8 1. If ~~such~~ THE person causes serious physical injury to another.

9 2. If ~~such~~ THE person uses a deadly weapon or dangerous instrument.

10 3. If ~~such~~ THE person commits the assault after entering the private
 11 home of another with the intent to commit the assault.

12 4. If ~~such~~ THE person is eighteen years of age or more and commits the
 13 assault upon a child the age of fifteen years or under.

14 5. If ~~such~~ THE person commits the assault knowing or having reason to
 15 know that the victim is a peace officer, or a person summoned and directed
 16 by ~~such~~ THE officer while engaged in the execution of any official duties.

17 6. If ~~such~~ THE person commits the assault knowing or having reason to
 18 know the victim is a teacher or other person employed by any school and ~~such~~
 19 THE teacher or other employee is upon the grounds of a school or grounds
 20 adjacent to ~~such~~ THE school or is in any part of a building or vehicle used
 21 for school purposes, or any teacher or school nurse visiting a private home
 22 in the course of ~~his~~ THE TEACHER'S OR NURSE'S professional duties, or any
 23 teacher engaged in any authorized and organized classroom activity held on
 24 other than school grounds.

1 ~~7. If such person is imprisoned in the custody of the state department~~
2 ~~of corrections, a law enforcement agency, county or city jail, or adult or~~
3 ~~juvenile detention facility of a city or county or any other entity~~
4 ~~contracting with the state department of corrections, a law enforcement~~
5 ~~agency, a county, a city or the federal bureau of prisons, or other federal~~
6 ~~agency that has responsibility for sentenced or unsentenced prisoners, or~~
7 ~~subject to the custody of personnel from such department, agency, jail,~~
8 ~~entity or detention facility and commits the assault knowing or having reason~~
9 ~~to know the victim is an employee of such department, agency, jail, entity~~
10 ~~or detention facility acting in an official capacity.~~

11 7. IF THE PERSON MEETS BOTH OF THE FOLLOWING CONDITIONS:

12 (a) IS IMPRISONED OR OTHERWISE SUBJECT TO THE CUSTODY OF ANY OF THE
13 FOLLOWING:

14 (i) THE STATE DEPARTMENT OF CORRECTIONS.

15 (ii) THE DEPARTMENT OF JUVENILE CORRECTIONS.

16 (iii) A LAW ENFORCEMENT AGENCY.

17 (iv) A COUNTY OR CITY JAIL OR AN ADULT OR JUVENILE DETENTION FACILITY
18 OF A CITY OR COUNTY.

19 (v) ANY OTHER ENTITY THAT IS CONTRACTING WITH THE STATE DEPARTMENT OF
20 CORRECTIONS, THE DEPARTMENT OF JUVENILE CORRECTIONS, A LAW ENFORCEMENT
21 AGENCY, ANOTHER STATE, ANY PRIVATE CORRECTIONAL FACILITY, A COUNTY, A CITY
22 OR THE FEDERAL BUREAU OF PRISONS OR OTHER FEDERAL AGENCY THAT HAS
23 RESPONSIBILITY FOR SENTENCED OR UNSENTENCED PRISONERS.

24 (b) COMMITS AN ASSAULT KNOWING OR HAVING REASON TO KNOW THAT THE
25 VICTIM IS ACTING IN AN OFFICIAL CAPACITY AS AN EMPLOYEE OF ANY OF THE
26 ENTITIES PRESCRIBED BY SUBDIVISION (a) OF THIS PARAGRAPH.

27 8. If ~~such~~ THE person commits the assault while the victim is bound
28 or otherwise physically restrained or while the victim's capacity to resist
29 is substantially impaired.

30 9. If ~~such~~ THE person commits the assault knowing or having reason to
31 know that the victim is a fire fighter, fire investigator, fire inspector,
32 emergency medical technician or paramedic engaged in the execution of any
33 official duties, or a person summoned and directed by such individual while
34 engaged in the execution of any official duties.

35 10. If ~~such~~ THE person commits the assault knowing or having reason to
36 know that the victim is a licensed health care practitioner who is certified
37 or licensed pursuant to title 32, chapter 13, 15, 17 or 25, or a person
38 summoned and directed by ~~such~~ THE licensed health care practitioner while
39 engaged in ~~his~~ THE PERSON'S professional duties. The provisions of this
40 paragraph do not apply if the person who commits the assault is seriously
41 mentally ill, as defined in section 36-550 or is afflicted with Alzheimer's
42 disease or related dementia.

1 11. If ~~such~~ THE person commits assault by any means of force which
2 causes temporary but substantial disfigurement, temporary but substantial
3 loss or impairment of any body organ or part, or a fracture of any body part.

4 B. Except pursuant to subsection C of this section, aggravated assault
5 pursuant to subsection A, paragraph 1 or 2 of this section is a class 3
6 felony except if the victim is under fifteen years of age in which case it
7 is a class 2 felony punishable pursuant to section 13-604.01. Aggravated
8 assault pursuant to subsection A, paragraph 11 of this section is a class 4
9 felony. Aggravated assault pursuant to subsection A, paragraph 7 of this
10 section is a class 5 felony. Aggravated assault pursuant to subsection A,
11 paragraph 3, 4, 5, 6, 8, 9 or 10 of this section is a class 6 felony.

12 C. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of
13 this section committed on a peace officer while the officer is engaged in the
14 execution of any official duties is a class 2 felony. Aggravated assault
15 pursuant to subsection A, paragraph 11 of this section committed on a peace
16 officer while the officer is engaged in the execution of any official duties
17 is a class 3 felony. Aggravated assault pursuant to subsection A, paragraph
18 5 of this section resulting in any physical injury to a peace officer while
19 the officer is engaged in the execution of any official duties is a class 5
20 felony.

21 Sec. 2. Emergency

22 This act is an emergency measure that is necessary to preserve the
23 public peace, health or safety and is operative immediately as provided by
24 law.

APPROVED BY THE GOVERNOR MARCH 25, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 25, 1996