

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 47

# **SENATE BILL 1084**

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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; definition

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

8 1. If the person causes serious physical injury to another.

9 2. If the person uses a deadly weapon or dangerous instrument.

10 3. IF THE PERSON COMMITS THE ASSAULT BY ANY MEANS OF FORCE THAT CAUSES  
11 TEMPORARY BUT SUBSTANTIAL DISFIGUREMENT, TEMPORARY BUT SUBSTANTIAL LOSS OR  
12 IMPAIRMENT OF ANY BODY ORGAN OR PART OR A FRACTURE OF ANY BODY PART.

13 4. IF THE PERSON COMMITS THE ASSAULT WHILE THE VICTIM IS BOUND OR  
14 OTHERWISE PHYSICALLY RESTRAINED OR WHILE THE VICTIM'S CAPACITY TO RESIST IS  
15 SUBSTANTIALLY IMPAIRED.

16 ~~3-~~ 5. If the person commits the assault after entering the private  
17 home of another with the intent to commit the assault.

18 ~~4-~~ 6. If the person is eighteen years of age or older and commits the  
19 assault ~~upon~~ ON a child ~~the age of~~ WHO IS fifteen years OF AGE or under.

20 7. IF THE PERSON COMMITS ASSAULT AS PRESCRIBED BY SECTION 13-1203,  
21 SUBSECTION A, PARAGRAPH 1 OR 3 AND THE PERSON IS IN VIOLATION OF AN ORDER OF  
22 PROTECTION ISSUED AGAINST THE PERSON PURSUANT TO SECTION 13-3602 OR 13-3624.

23 ~~5-~~ 8. If the person commits the assault knowing or having reason to  
24 know that the victim is ANY OF THE FOLLOWING:

25 (a) A peace officer, or a person summoned and directed by the officer  
26 while engaged in the execution of any official duties.

27 (b) A FIRE FIGHTER, FIRE INVESTIGATOR, FIRE INSPECTOR, EMERGENCY  
28 MEDICAL TECHNICIAN OR PARAMEDIC ENGAGED IN THE EXECUTION OF ANY OFFICIAL  
29 DUTIES, OR A PERSON SUMMONED AND DIRECTED BY SUCH INDIVIDUAL WHILE ENGAGED IN  
30 THE EXECUTION OF ANY OFFICIAL DUTIES.

31 (c) A TEACHER OR OTHER PERSON EMPLOYED BY ANY SCHOOL AND THE TEACHER  
32 OR OTHER EMPLOYEE IS ON THE GROUNDS OF A SCHOOL OR GROUNDS ADJACENT TO THE  
33 SCHOOL OR IS IN ANY PART OF A BUILDING OR VEHICLE USED FOR SCHOOL PURPOSES,  
34 ANY TEACHER OR SCHOOL NURSE VISITING A PRIVATE HOME IN THE COURSE OF THE  
35 TEACHER'S OR NURSE'S PROFESSIONAL DUTIES OR ANY TEACHER ENGAGED IN ANY  
36 AUTHORIZED AND ORGANIZED CLASSROOM ACTIVITY HELD ON OTHER THAN SCHOOL  
37 GROUNDS.

38 (d) A LICENSED HEALTH CARE PRACTITIONER WHO IS CERTIFIED OR LICENSED  
39 PURSUANT TO TITLE 32, CHAPTER 13, 15, 17 OR 25, OR A PERSON SUMMONED AND  
40 DIRECTED BY THE LICENSED HEALTH CARE PRACTITIONER WHILE ENGAGED IN THE  
41 PERSON'S PROFESSIONAL DUTIES. THIS SUBDIVISION DOES NOT APPLY IF THE PERSON  
42 WHO COMMITS THE ASSAULT IS SERIOUSLY MENTALLY ILL, AS DEFINED IN SECTION  
43 36-550, OR IS AFFLICTED WITH ALZHEIMER'S DISEASE OR RELATED DEMENTIA.

44 (e) A PROSECUTOR.

1           ~~6.~~ 9. If the person knowingly takes or attempts to exercise control  
2 over ANY OF THE FOLLOWING:

3           (a) A peace officer's or other officer's firearm and the person knows  
4 or has reason to know that the victim is a peace officer or other officer  
5 employed by one of the agencies listed in paragraph 10, subdivision (a), item  
6 (i), (ii), (iii), (iv) or (v) of this subsection and is engaged in the  
7 execution of any official duties.

8           ~~7. If the person knowingly takes or attempts to exercise control over~~

9           (b) Any weapon other than a firearm that is being used by a peace  
10 officer or other officer or that the officer is attempting to use, and the  
11 person knows or has reason to know that the victim is a peace officer or  
12 other officer employed by one of the agencies listed in paragraph 10,  
13 subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection and is  
14 engaged in the execution of any official duties.

15           ~~8. If the person knowingly takes or attempts to exercise control over~~

16           (c) Any implement that is being used by a peace officer or other  
17 officer or that the officer is attempting to use, and the person knows or has  
18 reason to know that the victim is a peace officer or other officer employed  
19 by one of the agencies listed in paragraph 10, subdivision (a), item (i),  
20 (ii), (iii), (iv) or (v) of this subsection and is engaged in the execution  
21 of any official duties. For the purposes of this paragraph, "implement"  
22 means an object that is designed for or that is capable of restraining or  
23 injuring an individual. Implement does not include handcuffs.

24           ~~9. If the person commits the assault knowing or having reason to know~~  
25 ~~the victim is a teacher or other person employed by any school and the~~  
26 ~~teacher or other employee is upon the grounds of a school or grounds adjacent~~  
27 ~~to the school or is in any part of a building or vehicle used for school~~  
28 ~~purposes, any teacher or school nurse visiting a private home in the course~~  
29 ~~of the teacher's or nurse's professional duties or any teacher engaged in any~~  
30 ~~authorized and organized classroom activity held on other than school~~  
31 ~~grounds.~~

32           10. If the person meets both of the following conditions:

33           (a) Is imprisoned or otherwise subject to the custody of any of the  
34 following:

35           (i) The state department of corrections.

36           (ii) The department of juvenile corrections.

37           (iii) A law enforcement agency.

38           (iv) A county or city jail or an adult or juvenile detention facility  
39 of a city or county.

40           (v) Any other entity that is contracting with the state department of  
41 corrections, the department of juvenile corrections, a law enforcement  
42 agency, another state, any private correctional facility, a county, a city or  
43 the federal bureau of prisons or other federal agency that has responsibility  
44 for sentenced or unsentenced prisoners.

1 (b) Commits an assault knowing or having reason to know that the  
2 victim is acting in an official capacity as an employee of any of the  
3 entities prescribed by LISTED IN subdivision (a) of this paragraph.

4 ~~11. If the person commits the assault while the victim is bound or~~  
5 ~~otherwise physically restrained or while the victim's capacity to resist is~~  
6 ~~substantially impaired.~~

7 ~~12. If the person commits the assault knowing or having reason to know~~  
8 ~~that the victim is a fire fighter, fire investigator, fire inspector,~~  
9 ~~emergency medical technician or paramedic engaged in the execution of any~~  
10 ~~official duties, or a person summoned and directed by such individual while~~  
11 ~~engaged in the execution of any official duties.~~

12 ~~13. If the person commits the assault knowing or having reason to know~~  
13 ~~that the victim is a licensed health care practitioner who is certified or~~  
14 ~~licensed pursuant to title 32, chapter 13, 15, 17 or 25, or a person summoned~~  
15 ~~and directed by the licensed health care practitioner while engaged in the~~  
16 ~~person's professional duties. The provisions of this paragraph do not apply~~  
17 ~~if the person who commits the assault is seriously mentally ill, as defined~~  
18 ~~in section 36-550, or is afflicted with Alzheimer's disease or related~~  
19 ~~dementia.~~

20 ~~14. If the person commits assault by any means of force which causes~~  
21 ~~temporary but substantial disfigurement, temporary but substantial loss or~~  
22 ~~impairment of any body organ or part or a fracture of any body part.~~

23 ~~15. If the person commits assault as prescribed by section 13-1203,~~  
24 ~~subsection A, paragraph 1 or 3 and the person is in violation of an order of~~  
25 ~~protection issued against the person pursuant to section 13-3602 or 13-3624.~~

26 ~~16. If the person commits the assault knowing or having reason to know~~  
27 ~~that the victim is a prosecutor.~~

28 B. Except pursuant to subsections C and D of this section, aggravated  
29 assault pursuant to subsection A, paragraph 1, OR 2 or 6 PARAGRAPH 9,  
30 SUBDIVISION (a) of this section is a class 3 felony except if the victim is  
31 under fifteen years of age in which case it is a class 2 felony punishable  
32 pursuant to section 13-604.01. Aggravated assault pursuant to subsection A,  
33 paragraph 14 3 of this section is a class 4 felony. Aggravated assault  
34 pursuant to subsection A, paragraph 7- 9, SUBDIVISION (b) or PARAGRAPH 10 of  
35 this section is a class 5 felony. Aggravated assault pursuant to subsection  
36 A, paragraph 3, 4, 5, 6, 7, OR 8, 9, 11, 12, 13, 15 or 16 OR PARAGRAPH 9,  
37 SUBDIVISION (c) of this section is a class 6 felony.

38 C. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of  
39 this section committed on a peace officer while the officer is engaged in the  
40 execution of any official duties is a class 2 felony. Aggravated assault  
41 pursuant to subsection A, paragraph 14 3 of this section committed on a peace  
42 officer while the officer is engaged in the execution of any official duties  
43 is a class 3 felony. Aggravated assault pursuant to subsection A, paragraph  
44 5- 8, SUBDIVISION (a) of this section resulting in any physical injury to a

1 peace officer while the officer is engaged in the execution of any official  
2 duties is a class 5 felony.  
3 D. Aggravated assault pursuant to:  
4 1. Subsection A, paragraph 1 or 2 of this section is a class 2 felony  
5 if committed on a prosecutor.  
6 2. Subsection A, paragraph ~~14~~ 3 of this section is a class 3 felony if  
7 committed on a prosecutor.  
8 3. Subsection A, paragraph ~~16~~ 8, SUBDIVISION (e) of this section is a  
9 class 5 felony if the assault results in a physical injury to a prosecutor.  
10 E. For the purposes of this section, "prosecutor" means a county  
11 attorney, a municipal prosecutor or the attorney general and includes an  
12 assistant or deputy county attorney, municipal prosecutor or attorney  
13 general.

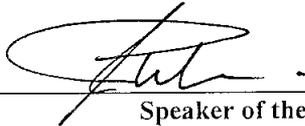
~~APPROVED BY THE GOVERNOR APRIL 16, 2007.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2007.~~

Passed the House April 9, 20 07,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting



Speaker of the House



Chief Clerk of the House

Passed the Senate February 5, 20 07,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting



President of the Senate



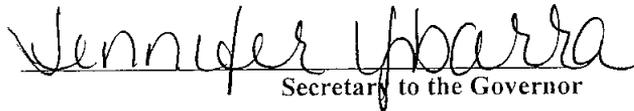
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

10th day of April, 2007

at 1:50 o'clock P. M.



Secretary to the Governor

Approved this 16 day of

April, 20 07,

at 2:00 o'clock P. M.



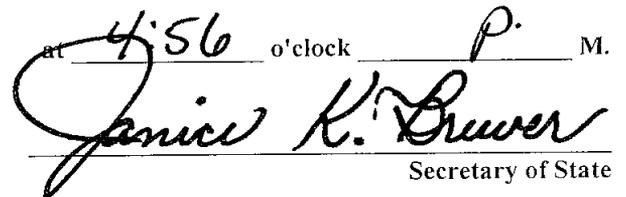
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 16 day of April, 20 07,

at 4:56 o'clock P. M.



Secretary of State

S.B. 1084