

House Engrossed Senate Bill

FILED

**MICHELE REAGAN
SECRETARY OF STATE**

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

CHAPTER 146

SENATE BILL 1094

AN ACT

AMENDING SECTION 13-2905, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-2914; RELATING TO OFFENSES AGAINST PUBLIC ORDER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-2905, Arizona Revised Statutes, is amended to
3 read:

4 13-2905. Loitering; classification

5 A. A person commits loitering if such person intentionally:

6 1. Is present in a public place and in an offensive manner or in a
7 manner likely to disturb the public peace solicits another person to engage
8 in any sexual offense.

9 2. Is present in a transportation facility and after a reasonable
10 request to cease or unless specifically authorized to do so solicits or
11 engages in any business, trade or commercial transactions involving the sale
12 of merchandise or services.

13 ~~3. Is present in a public place to beg, unless specifically authorized~~
14 ~~by law.~~

15 ~~4.~~ 3. Is present in a public place, unless specifically authorized by
16 law, to gamble with any cards, dice or other similar gambling devices.

17 ~~5.~~ 4. Is present in or about a school, college or university building
18 or grounds after a reasonable request to leave and either does not have any
19 reason or relationship involving custody of or responsibility for a pupil or
20 student or any other specific legitimate reason for being there or does not
21 have written permission to be there from anyone authorized to grant
22 permission.

23 ~~6.~~ 5. Except as provided in section 13-3969, subsection A, solicits
24 bail bond business inside a court building or immediately around or near the
25 entrance of a county or city jail. For the purposes of this paragraph,
26 "solicit" includes handing out business cards or any printed material or
27 displaying any electronic devices related to bail bonds, verbally asking a
28 person if the person needs a bail bond and recruiting another person to
29 solicit bail bond business.

30 B. Loitering under subsection A, paragraph ~~5~~ 4 is a class 1
31 misdemeanor. Loitering under subsection A, paragraphs 1, 2, ~~3~~, ~~4~~ and ~~6~~ 5 is
32 a class 3 misdemeanor.

33 Sec. 2. Title 13, chapter 29, Arizona Revised Statutes, is amended by
34 adding section 13-2914, to read:

35 13-2914. Aggressive solicitation; classification; definitions

36 A. IT IS UNLAWFUL FOR A PERSON TO SOLICIT ANY MONEY OR OTHER THING OF
37 VALUE OR SOLICIT THE SALE OF GOODS OR SERVICES:

38 1. WITHIN FIFTEEN FEET OF ANY BANK ENTRANCE OR EXIT OR ANY AUTOMATED
39 TELLER MACHINE IF THE PERSON DOES NOT HAVE PERMISSION TO BE THERE FROM THE
40 BANK OR THE OWNER OF THE PROPERTY ON WHICH THE AUTOMATED TELLER MACHINE IS
41 LOCATED.

42 2. IN A PUBLIC AREA BY:

43 (a) INTENTIONALLY, KNOWINGLY OR RECKLESSLY MAKING ANY PHYSICAL CONTACT
44 WITH OR TOUCHING ANOTHER PERSON IN THE COURSE OF THE SOLICITATION WITHOUT THE
45 PERSON'S CONSENT.

1 (b) APPROACHING OR FOLLOWING THE PERSON BEING SOLICITED IN A MANNER
2 THAT IS INTENDED OR IS LIKELY TO CAUSE A REASONABLE PERSON TO FEAR IMMINENT
3 BODILY HARM TO ONESELF OR ANOTHER OR DAMAGE TO OR LOSS OF PROPERTY OR THAT IS
4 REASONABLY LIKELY TO INTIMIDATE THE PERSON BEING SOLICITED INTO RESPONDING
5 AFFIRMATIVELY TO THE SOLICITATION.

6 (c) CONTINUING TO SOLICIT THE PERSON AFTER THE PERSON BEING SOLICITED
7 HAS CLEARLY COMMUNICATED A REQUEST THAT THE SOLICITATION STOP.

8 (d) INTENTIONALLY, KNOWINGLY OR RECKLESSLY OBSTRUCTING THE SAFE OR
9 FREE PASSAGE OF THE PERSON BEING SOLICITED OR REQUIRING THE PERSON TO TAKE
10 EVASIVE ACTION TO AVOID PHYSICAL CONTACT WITH THE PERSON MAKING THE
11 SOLICITATION. THIS SUBDIVISION DOES NOT APPLY TO ACTS THAT ARE AUTHORIZED AS
12 AN EXERCISE OF ONE'S CONSTITUTIONAL RIGHT TO PICKET OR PROTEST.

13 (e) INTENTIONALLY, KNOWINGLY OR RECKLESSLY USING OBSCENE OR ABUSIVE
14 LANGUAGE OR GESTURES THAT ARE INTENDED OR LIKELY TO CAUSE A REASONABLE PERSON
15 TO FEAR IMMINENT BODILY HARM OR THAT ARE REASONABLY LIKELY TO INTIMIDATE THE
16 PERSON BEING SOLICITED INTO RESPONDING AFFIRMATIVELY TO THE SOLICITATION.

17 B. A VIOLATION OF THIS SECTION IS A PETTY OFFENSE.

18 C. FOR THE PURPOSES OF THIS SECTION:

19 1. "AUTOMATED TELLER MACHINE" HAS THE SAME MEANING PRESCRIBED IN
20 SECTION 6-101.

21 2. "BANK" MEANS A BANK, CREDIT UNION OR OTHER SIMILAR FINANCIAL
22 INSTITUTION.

23 3. "PUBLIC AREA" MEANS AN AREA THAT THE PUBLIC OR A SUBSTANTIAL GROUP
24 OF PERSONS HAS ACCESS TO AND INCLUDES ALLEYS, BRIDGES, BUILDINGS, DRIVEWAYS,
25 PARKING LOTS, PARKS, PLAYGROUNDS, PLAZAS, SIDEWALKS AND STREETS OPEN TO THE
26 GENERAL PUBLIC, AND THE DOORWAYS AND ENTRANCES TO BUILDINGS AND DWELLINGS AND
27 THE GROUNDS ENCLOSING THEM.

28 4. "SOLICIT" MEANS USING ANY MEANS OF COMMUNICATION, INCLUDING BY
29 SPOKEN, WRITTEN OR PRINTED WORD, TO REQUEST AN IMMEDIATE DONATION OR EXCHANGE
30 OF MONEY OR OTHER THING OF VALUE FROM ANOTHER PERSON REGARDLESS OF THE
31 SOLICITOR'S PURPOSE OR INTENDED USE OF THE MONEY OR OTHER THING OF VALUE.

APPROVED BY THE GOVERNOR APRIL 1, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 2, 2015.

Passed the House March 24, 2015,

Passed the Senate March 4, 2015,

by the following vote: 33 Ayes,

by the following vote: 19 Ayes,

24 Nays, 3 Not Voting

10 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Assistant Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor.~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

S.B. 1094

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate March 24, 20 15

by the following vote: 18 Ayes,

10 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

26th day of March, 20 15

at 4:28 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 1st day of

April

at 2:44 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 2 day of April, 20 15

at 9:00 o'clock A M.

[Signature]
Secretary of State