

House Engrossed

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 44

HOUSE BILL 2419

AN ACT

AMENDING SECTION 13-2923, ARIZONA REVISED STATUTES; RELATING TO STALKING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-2923, Arizona Revised Statutes, is amended to
3 read:

4 13-2923. Stalking; classification; exceptions; definitions

5 A. A person commits stalking if the person intentionally or knowingly
6 engages in a course of conduct that is directed toward another person and if
7 that conduct either CAUSES THE VICTIM TO:

8 ~~1. Would cause a reasonable person to fear for the person's safety or~~
9 ~~the safety of that person's immediate family member and that person in fact~~
10 ~~fears for the person's safety or the safety of that person's immediate family~~
11 ~~member.~~

12 ~~2. Would cause a reasonable person to fear death of that person or~~
13 ~~that person's immediate family member and that person in fact fears death of~~
14 ~~that person or that person's immediate family member.~~

15 1. SUFFER EMOTIONAL DISTRESS OR REASONABLY FEAR THAT EITHER:

16 (a) THE VICTIM'S PROPERTY WILL BE DAMAGED OR DESTROYED.

17 (b) ANY OF THE FOLLOWING WILL BE PHYSICALLY INJURED:

18 (i) THE VICTIM.

19 (ii) THE VICTIM'S FAMILY MEMBER, DOMESTIC ANIMAL OR LIVESTOCK.

20 (iii) A PERSON WITH WHOM THE VICTIM HAS OR HAS PREVIOUSLY HAD A
21 ROMANTIC OR SEXUAL RELATIONSHIP.

22 (iv) A PERSON WHO REGULARLY RESIDES IN THE VICTIM'S HOUSEHOLD OR HAS
23 RESIDED IN THE VICTIM'S HOUSEHOLD WITHIN THE SIX MONTHS BEFORE THE LAST
24 CONDUCT OCCURRED.

25 2. REASONABLY FEAR DEATH OR THE DEATH OF ANY OF THE FOLLOWING:

26 (a) THE VICTIM'S FAMILY MEMBER, DOMESTIC ANIMAL OR LIVESTOCK.

27 (b) A PERSON WITH WHOM THE VICTIM HAS OR HAS PREVIOUSLY HAD A ROMANTIC
28 OR SEXUAL RELATIONSHIP.

29 (c) A PERSON WHO REGULARLY RESIDES IN THE VICTIM'S HOUSEHOLD OR HAS
30 RESIDED IN THE VICTIM'S HOUSEHOLD WITHIN THE SIX MONTHS BEFORE THE LAST
31 CONDUCT OCCURRED.

32 B. THIS SECTION DOES NOT APPLY TO AN INTERACTIVE COMPUTER SERVICE, AS
33 DEFINED IN 47 UNITED STATES CODE SECTION 230(f)(2), OR TO AN INFORMATION
34 SERVICE OR TELECOMMUNICATIONS SERVICE, AS DEFINED IN 47 UNITED STATES CODE
35 SECTION 153, FOR CONTENT THAT IS PROVIDED BY ANOTHER PERSON.

36 ~~B.~~ C. Stalking under subsection A, paragraph 1 of this section is a
37 class 5 felony. Stalking under subsection A, paragraph 2 of this section is
38 a class 3 felony.

39 ~~C.~~ D. For the purposes of this section:

40 1. "Course of conduct":

41 (a) Means ~~any of the following~~ DIRECTLY OR INDIRECTLY, IN PERSON OR
42 THROUGH ONE OR MORE THIRD PERSONS OR BY ANY OTHER MEANS, TO DO ANY OF THE
43 FOLLOWING:

1 (i) ~~Maintaining~~ MAINTAIN visual or physical proximity to a specific
2 person or ~~directing~~ DIRECT verbal, written or other threats, whether express
3 or implied, to a specific person on two or more occasions over a period of
4 time, however short.

5 (ii) ~~Using~~ USE any electronic, digital or global positioning system
6 device to surveil a specific person or a specific person's internet or
7 wireless activity continuously for twelve hours or more or on two or more
8 occasions over a period of time, however short, without authorization.

9 (iii) COMMUNICATE, OR CAUSE TO BE COMMUNICATED, WORDS, IMAGES OR
10 LANGUAGE BY OR THROUGH THE USE OF ELECTRONIC MAIL OR AN ELECTRONIC
11 COMMUNICATION THAT IS DIRECTED AT A SPECIFIC PERSON WITHOUT AUTHORIZATION AND
12 WITHOUT A LEGITIMATE PURPOSE ON MORE THAN ONE OCCASION.

13 (b) Does not include constitutionally protected activity or other
14 activity authorized by law, the other person, the other person's authorized
15 representative or if the other person is a minor, the minor's parent or
16 guardian.

17 2. ~~"Immediate family member" means a spouse, parent, child or sibling~~
18 ~~or any other person who regularly resides in a person's household or resided~~
19 ~~in a person's household within the past six months.~~

20 2. "EMOTIONAL DISTRESS" MEANS SIGNIFICANT MENTAL SUFFERING OR DISTRESS
21 THAT MAY, BUT DOES NOT HAVE TO, REQUIRE MEDICAL OR OTHER PROFESSIONAL
22 TREATMENT OR COUNSELING.

APPROVED BY THE GOVERNOR MARCH 17, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 18, 2016.

Passed the House February 18, 2016

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

[Signature]
Speaker of the House

Pro Tempore

[Signature]
Chief Clerk of the House

Passed the Senate March 15, 2016

by the following vote: 28 Ayes,

0 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

16th day of March, 2016

at 4:02 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 17th day of

March

at 12:31 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 18 day of March, 2016

at 9:15 o'clock A. M.

[Signature]
Secretary of State

H.B. 2419