

House Engrossed

aggravated assault; transit; airport; rail

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 257

HOUSE BILL 2742

AN ACT

AMENDING SECTIONS 13-1203 AND 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 13-1203, Arizona Revised Statutes, is amended to
3 read:

4 13-1203. Assault; classification

5 A. A person commits assault by:

6 1. Intentionally, knowingly or recklessly causing any physical
7 injury to another person; or

8 2. Intentionally placing another person in reasonable apprehension
9 of imminent physical injury; or

10 3. Knowingly touching another person with the intent to injure,
11 insult or provoke such person.

12 B. Assault committed intentionally or knowingly pursuant to
13 subsection A, paragraph 1 is a class 1 misdemeanor. Assault committed
14 recklessly pursuant to subsection A, paragraph 1 ~~or assault pursuant to~~
15 ~~subsection A, paragraph 2~~ is a class 2 misdemeanor. Assault committed
16 pursuant to subsection A, paragraph 2 OR 3 is a class 3 misdemeanor.

17 Sec. 2. Section 13-1204, Arizona Revised Statutes, is amended to
18 read:

19 13-1204. Aggravated assault; classification; definitions

20 A. A person commits aggravated assault if the person commits
21 assault as prescribed by section 13-1203 under any of the following
22 circumstances:

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

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

25 3. If the person commits the assault by any means of force that
26 causes temporary but substantial disfigurement, temporary but substantial
27 loss or impairment of any body organ or part or a fracture of any body
28 part.

29 4. If the person commits the assault while the victim is bound or
30 otherwise physically restrained or while the victim's capacity to resist
31 is substantially impaired.

32 5. If the person commits the assault after entering the private
33 home of another with the intent to commit the assault.

34 6. If the person is eighteen years of age or older and commits the
35 assault on a minor under fifteen years of age.

36 7. If the person commits assault as prescribed by section 13-1203,
37 subsection A, paragraph 1 or 3 and the person is in violation of an order
38 of protection issued against the person pursuant to section 13-3602 or
39 13-3624.

40 8. If the person commits the assault knowing or having reason to
41 know that the victim is any of the following:

42 (a) A peace officer or a person summoned and directed by the
43 officer.

1 (b) A constable or a person summoned and directed by the constable
2 while engaged in the execution of any official duties or if the assault
3 results from the execution of the constable's official duties.

4 (c) A firefighter, fire investigator, fire inspector, emergency
5 medical technician or paramedic engaged in the execution of any official
6 duties or a person summoned and directed by such individual while engaged
7 in the execution of any official duties or if the assault results from the
8 execution of the official duties of the firefighter, fire investigator,
9 fire inspector, emergency medical technician or paramedic.

10 (d) A teacher or other person employed by any school and the
11 teacher or other employee is on the grounds of a school or grounds
12 adjacent to the school or is in any part of a building or vehicle used for
13 school purposes, any teacher or school nurse visiting a private home in
14 the course of the teacher's or nurse's professional duties or any teacher
15 engaged in any authorized and organized classroom activity held on other
16 than school grounds.

17 (e) A health care worker while engaged in the health care worker's
18 work duties or a health care practitioner who is certified or licensed
19 pursuant to title 32, chapter 13, 14, 15, 17 or 25, or a person summoned
20 and directed by the licensed health care practitioner while engaged in the
21 person's professional duties. This subdivision does not apply if the
22 person who commits the assault does not have the ability to form the
23 culpable mental state because of a mental disability or because the person
24 is seriously mentally ill, as defined in section 36-550.

25 (f) A prosecutor while engaged in the execution of any official
26 duties or if the assault results from the execution of the prosecutor's
27 official duties.

28 (g) A code enforcement officer as defined in section 39-123 while
29 engaged in the execution of any official duties or if the assault results
30 from the execution of the code enforcement officer's official duties.

31 (h) A state or municipal park ranger while engaged in the execution
32 of any official duties or if the assault results from the execution of the
33 park ranger's official duties.

34 (i) A public defender while engaged in the execution of any
35 official duties or if the assault results from the execution of the public
36 defender's official duties.

37 (j) A judicial officer while engaged in the execution of any
38 official duties or if the assault results from the execution of the
39 judicial officer's official duties.

40 (k) An employee of a law enforcement agency, other than a peace
41 officer, while engaged in the execution of any official duties.

42 (l) A PUBLIC TRANSIT EMPLOYEE WHO PERFORMS DUTIES ON AND OFF A
43 VEHICLE WHILE ENGAGED IN TRANSFERRING MEMBERS OF THE COMMUNITY TO AND FROM
44 DESTINATIONS IN A BUS, VAN OR SHUTTLE.

1 (m) AN AIRPORT EMPLOYEE WHO INTERACTS WITH THE PUBLIC WHILE ENGAGED
2 IN THE AIRPORT EMPLOYEE'S WORK DUTIES.

3 (n) A RAILWAY WORKER WHILE ENGAGED IN OPERATING A TRAIN, LIGHT RAIL
4 OR PASSENGER RAIL OR PERFORMING TRACK MAINTENANCE.

5 9. If the person knowingly takes or attempts to exercise control
6 over any of the following:

7 (a) A peace officer's or other officer's firearm and the person
8 knows or has reason to know that the victim is a peace officer or other
9 officer employed by one of the agencies listed in paragraph 10,
10 subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection.

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

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
18 has reason to know that the victim is a peace officer or other officer
19 employed by one of the agencies listed in paragraph 10, subdivision (a),
20 item (i), (ii), (iii), (iv) or (v) of this subsection. For the purposes
21 of this subdivision, "implement" means an object that is designed for or
22 that is capable of restraining or injuring an individual. Implement does
23 not include handcuffs.

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

25 (a) Is imprisoned or otherwise subject to the custody of any of the
26 following:

27 (i) The state department of corrections.

28 (ii) The department of juvenile corrections.

29 (iii) A law enforcement agency.

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

32 (v) Any other entity that is contracting with the state department
33 of corrections, the department of juvenile corrections, a law enforcement
34 agency, another state, any private correctional facility, a county, a city
35 or the federal bureau of prisons or other federal agency that has
36 responsibility for sentenced or unsentenced prisoners.

37 (b) Commits an assault knowing or having reason to know that the
38 victim is acting in an official capacity as an employee of any of the
39 entities listed in subdivision (a) of this paragraph.

40 11. If the person uses a simulated deadly weapon.

41 B. A person commits aggravated assault if the person commits
42 assault by either intentionally, knowingly or recklessly causing any
43 physical injury to another person, intentionally placing another person in
44 reasonable apprehension of imminent physical injury or knowingly touching

1 another person with the intent to injure the person, and both of the
2 following occur:

3 1. The person intentionally or knowingly impedes the normal
4 breathing or circulation of blood of another person by applying pressure
5 to the throat or neck or by obstructing the nose and mouth either manually
6 or through the use of an instrument.

7 2. Any of the circumstances exists that are set forth in section
8 13-3601, subsection A, paragraph 1, 2, 3, 4, 5 or 6.

9 C. A person who is convicted of intentionally or knowingly
10 committing aggravated assault on a peace officer pursuant to subsection A,
11 paragraph 1 or 2 of this section shall be sentenced to imprisonment for
12 not less than the presumptive sentence authorized under chapter 7 of this
13 title and is not eligible for suspension of sentence, commutation or
14 release on any basis until the sentence imposed is served.

15 D. If a person is convicted of committing aggravated assault on a
16 peace officer pursuant to this section and the trier of fact determines
17 that section 13-701, subsection D, paragraph 17 applies, the person shall
18 be sentenced to two years more than would otherwise be imposed for the
19 offense. The additional sentence imposed under this subsection is in
20 addition to any enhanced punishment that may be applicable under this
21 section or chapter 7 of this title. ~~And~~ THE PERSON is not eligible for
22 suspension of sentence, commutation or release from confinement on any
23 basis, except as specifically authorized by section 31-233, subsection A
24 or B, until the sentence imposed is served the person is eligible for
25 release pursuant to section 41-1604.07 or the sentence is commuted.

26 E. It is not a defense to a prosecution for assaulting a peace
27 officer or a mitigating circumstance that the peace officer was not on
28 duty or engaged in the execution of any official duties.

29 F. Except pursuant to subsections G and H of this section,
30 aggravated assault pursuant to subsection A, paragraph 1 or 2, paragraph
31 9, subdivision (a) or paragraph 11 of this section is a class 3 felony
32 except if the aggravated assault is a violation of subsection A, paragraph
33 1 or 2 of this section and the victim is under fifteen years of age it is
34 a class 2 felony punishable pursuant to section 13-705. Aggravated
35 assault pursuant to subsection A, paragraph 3 or subsection B of this
36 section is a class 4 felony. Aggravated assault pursuant to subsection A,
37 paragraph 9, subdivision (b) or paragraph 10 of this section is a class 5
38 felony. Aggravated assault pursuant to subsection A, paragraph 4, 5, 6, 7
39 or 8 or paragraph 9, subdivision (c) of this section is a class 6 felony.

40 G. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of
41 this section committed on a peace officer or an employee of a law
42 enforcement agency is a class 2 felony. Aggravated assault pursuant to
43 subsection A, paragraph 3 of this section committed on a peace officer or
44 an employee of a law enforcement agency is a class 3 felony. Aggravated
45 assault pursuant to subsection A, paragraph 8, subdivision (a) or (k) of

1 this section committed on a peace officer or an employee of a law
2 enforcement agency is a class 5 felony unless the assault results in any
3 physical injury to the peace officer or employee, in which case it is a
4 class 4 felony.

5 H. Aggravated assault pursuant to:

6 1. Subsection A, paragraph 1 or 2 of this section is a class 2
7 felony if committed on a prosecutor.

8 2. Subsection A, paragraph 3 of this section is a class 3 felony if
9 committed on a prosecutor.

10 3. Subsection A, paragraph 8, subdivision (f) of this section is a
11 class 5 felony if the assault results in physical injury to a prosecutor.

12 I. For the purposes of this section:

13 1. "Health care worker" means:

14 (a) A person who is employed by or contracted to work at a health
15 care institution that is licensed pursuant to title 36.

16 (b) A person who is employed or contracted to provide health care
17 or related services in a fieldwork setting, including:

18 (i) Home health care, home-based hospice and home-based social
19 work, unless the worker is employed or contracted by an individual who
20 privately employs, in the individual's residence, the worker to perform
21 covered services for the individual or a family member of the individual.

22 (ii) Any emergency services and transport, including the services
23 provided by firefighters and emergency responders.

24 2. "Judicial officer" means a justice of the supreme court, judge,
25 justice of the peace or magistrate or a commissioner or hearing officer of
26 a state, county or municipal court.

27 3. "Mental disability" means a disabling neurological condition, or
28 brain injury, or involuntary impairment as a result of a medication that
29 is administered by a health care provider or a medical procedure that is
30 performed at a health care treatment site.

31 4. "Prosecutor" means a county attorney, a municipal prosecutor or
32 the attorney general and includes an assistant or deputy county attorney,
33 municipal prosecutor or attorney general.

APPROVED BY THE GOVERNOR JUNE 21, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 21, 2024.