

HOUSE BILL 2549

AN ACT

amending sections 13-2916 and 13-2923, Arizona Revised Statutes; relating to electronic or digital devices.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 13-2916, Arizona Revised Statutes, is amended to read:

13-2916. Use of an electronic or digital device to terrify, intimidate, threaten, harass, annoy or offend; classification; definition

A. It is unlawful for any person, with intent to terrify, intimidate, threaten, harass, annoy or

offend, to use a telephone any electronic or digital device and use any obscene, lewd or profane

language or suggest any lewd or lascivious act, or threaten to inflict physical harm to the person

or property of any person. It is also unlawful to otherwise disturb by repeated anonymous telephone calls electronic or digital communications the peace, quiet or right of privacy of any

person at the place where the telephone call or calls communications were received.

B. Any offense committed by use of a telephone an electronic or digital device as set forth in

this section is deemed to have been committed at either the place where the telephone call or

calls communications originated or at the place where the telephone call or calls communications

were received.

C. Any person who violates this section is guilty of a class 1 misdemeanor.

D. For the purposes of this section, "electronic or digital device" includes any wired or wireless

communication device and multimedia storage device.

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

13-2923. Stalking; classification; definitions

A. A person commits stalking if the person intentionally or knowingly engages in a course of

conduct that is directed toward another person and if that conduct either:

1. Would cause a reasonable person to fear for the person's safety or the safety of that person's

immediate family member and that person in fact fears for their the person's safety or the safety

of that person's immediate family member.

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

B. Stalking under subsection A, paragraph 1 of this section is a class 5 felony. Stalking under subsection A, paragraph 2 of this section is a class 3 felony.

C. For the purposes of this section:

1. "Course of conduct":

(a) Means any of the following:

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

(ii) Using any electronic, digital or global positioning system device to surveil a specific person or a specific person's internet or wireless activity continuously for twelve hours or more or on two or more occasions over a period of time, however short.

(b) Does not include constitutionally protected activity or other activity authorized by law.

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