



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature
First Regular Session

House: JUD DP 7-2-0-0

HB 2043: harassment; intent; defense

Sponsor: Representative Kolodin, LD 3

House Engrossed

Overview

Narrows the definition of harassment to acting *with the intent to harass another person*; and adds a defense to prosecution if the act was criticism of public officials.

History

Pursuant to [A.R.S. § 13-2921](#), the crime of harassment may be committed in various ways. First, a person commits harassment if he knowingly and repeatedly commits an act that harasses another person. Second, a person commits harassment if he knowingly commits any one of the following acts in a manner that harasses:

- 1) contacts another person by verbal, electronic, mechanical, telegraphic, telephonic or written means;
- 2) continues to follow another person in or about a public place after being asked to desist;
- 3) surveils another person;
- 4) makes a false report to a law enforcement agency, credit agency or social service agency against another person; or
- 5) interferes with the delivery of any utility to another person.

Such harassment is classified as a class 1 misdemeanor ([A.R.S. § 13-2921](#)).

A person commits harassment against a public officer or employee if he files a nonconsensual and not legally authorized lien against a public officer or employee. This is classified as a class 5 felony ([A.R.S. § 13-2921](#)).

The criminal definition of harassment does not apply to:

- 1) a lawful demonstration, assembly or picketing;
- 2) a professional investigator or peace officer acting within the scope of his duties, relating to any criminal or civil investigation; or
- 3) an authorized process server acting within his duties, relating to any judicial or administrative action or proceeding ([A.R.S. § 13-2921](#)).

Provisions

1. Modifies the definition of harassment from acting *in a manner that harasses*, to acting *with the intent to harass another person*. (Sec. 1)
2. Asserts that it is a defense to prosecution that an act directed towards a public officer or employee is not harassment if the act constitutes criticism. (Sec. 1)
3. Makes technical changes. (Sec. 1)
4. Makes conforming changes. (Sec. 1)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note