



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
First Regular Session

Senate: JUD DP 4-3-0-0 | 3<sup>rd</sup> Read DP 16-12-2-0-0  
House: JUD DP 5-3-0-0-0 | 3<sup>rd</sup> Read DP 31-26-3-0-0

## **SB 1009: criminal damage; monuments; memorials; statues**

**Sponsor: Senator Kavanagh, LD 3**

**Transmitted to the Governor**

### **Overview**

Includes a public or private monument, memorial or statue in existing aggravated criminal damage statute relating to facilities used for the purpose of burial or memorializing the dead.

### **History**

The criminal code currently prescribes multiple forms of *aggravated criminal damage*. One such form is intentionally or recklessly, and without the express permission of the owner, defacing, damaging or tampering with any cemetery, mortuary or personal property of the cemetery or mortuary or other facility used for the purpose of burial or memorializing the dead. This particular offense carries the following sentencing classifications:

- 1) If the offense causes damage to the property of another in an amount of \$10,000 or more, a class 4 felony;
- 2) If the offense causes damage to the property of another in an amount of \$1,500 or more but less than \$10,000, a class 5 felony; and
- 3) In all other cases, a class 6 felony ([A.R.S. § 13-1604](#)).

Class 4-6 felonies carry the following prison sentence ranges:

- 1) Class 4: 1.5 years (minimum), 2.5 years (presumptive) and 3 years (maximum);
- 2) Class 5: 0.75 years (minimum), 1.5 years (presumptive) and 2 years (maximum); and
- 3) Class 6: 0.5 years (minimum), 1 year (presumptive) and 1.5 years (maximum) ([A.R.S. § 13-702](#)).

All felony offenders may also be ordered to pay a fine an amount fixed by the court of no more than \$150,000 ([A.R.S. § 13-801](#)).

*Damaging, defacing* and *tamper* are defined in [A.R.S. § 13-1601](#). The *culpable mental states* applicable throughout the criminal code, which include *intentionally* and *recklessly*, are defined in [A.R.S. § 13-105](#).

### **Provisions**

1. Changes existing form of aggravated criminal damage involving facilities used for the purpose of burial or memorializing the dead to provide that a person can commit the offense by defacing, damaging or tampering with a public or private monument, memorial or statue. (Sec. 1)
2. Makes technical and conforming changes. (Sec. 1)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note