



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: JUD DP 7-0-0-0 | 3rd Read 26-0-4-0

House: JUD DP 9-0-0-0 | 3rd Read DP 51-8-1-0

SB 1436: offenses; lifetime injunction

Sponsor: Senator Bolick, LD 2

Transmitted to the Governor

Overview

Expands to the list of felony offenses in which a prosecutor or victim may file a petition requesting lifetime injunction.

History

Current law allows a prosecutor or the victim of a dangerous felony offense, serious offense, violent or aggravated felony or a sex offense to file a petition requesting a lifetime injunction. The lifetime injunction is effective immediately and served to the defendant at the time of sentencing. A lifetime injunction does not expire and is valid for the defendant's natural lifetime unless any of the following occurs:

- 1) the victim has died;
- 2) the conviction has been dismissed, overturned, expunged or the defendant has been pardoned;
- 3) the victim submits a written request to the court requesting early expiration, which the court may host a hearing to verify ([A.R.S. § 13-719](#)).

Dangerous offense is defined as an offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person. Examples of *serious offenses* include any dangerous crime against children, armed robbery, first degree murder and kidnapping. Examples of *violent or aggravated felonies* include terrorism, child sex trafficking, arson of an occupied structure and drive by shootings (A.R.S. §§ [13-105](#), [13-706](#)).

Under [A.R.S. § 13-1204](#), subsection B, a person commits *aggravated assault* if the person commits assault by either intentionally, knowingly or recklessly causing any physical injury to another person, intentionally placing another person in reasonable apprehension of imminent physical injury or knowingly touching another person with the intent to injure the person, and both of the following occur:

- 1) the person intentionally or knowingly impedes the normal breathing or circulation of blood of another person by applying pressure to the throat or neck or by obstructing the nose and mouth either manually or through an instrument;
- 2) any of the circumstances relating to *domestic violence* that are set forth in [A.R.S. § 13-3601](#), subsection A, paragraphs 1 through 6 exist.

Domestic violence refers to a specified list of offenses in which any of the following circumstances apply:

- 1) the relationship between the victim and the defendant is one of marriage, former marriage or of persons residing or having resided in the same household;

- 2) the victim and the defendant have a child in common;
- 3) the victim or the defendant is pregnant by the other party;
- 4) the victim is related to the defendant or the defendant's spouse by blood or court order;
- 5) the victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant; or
- 6) the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship ([A.R.S. § 13-3601](#)).

Voyeurism is outlined in [A.R.S. § 13-1424](#) as knowingly invading the privacy of another person without the person knowing for the purpose of sexual stimulation. A person's privacy is invaded if both of the following apply:

- 1) the person has a reasonable expectation that the person will not be photographed, videotaped, filmed, digitally recorded or otherwise viewed or recorded; and
- 2) the person is photographed, videotaped, filmed, digitally recorded or otherwise viewed, with or without a device, while engaging in specified conduct.

Stalking is prescribed in [A.R.S. § 13-2923](#) as intentionally or knowingly engaging in a course of conduct that is directed toward another person and the conduct causes the victim to either:

- 1) suffer emotional distress or reasonably fear that the victim's property will be damaged or destroyed or that the victim or specified ties to the victim will be physically injured;
- 2) reasonably fear death or the death of specified ties to the victim ().

Provisions

1. Adds the following felony offenses to the list of offenses in [A.R.S. § 13-719](#) for which a victim or prosecutor may request a lifetime injunction:
 - a) aggravated assault involving strangulation or domestic violence as prescribed in [A.R.S. § 13-1204](#), subsection B;
 - b) voyeurism as prescribed in [A.R.S. § 13-1424](#);
 - c) stalking as prescribed in [A.R.S. § 13-2923](#). (Sec. 1)

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