



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
Second Regular Session

Senate: JUD DPA 7-0-1-0 | 3<sup>rd</sup> Read: 28-0-2-0  
House: JUD DPA 10-0-0-0 | 3<sup>rd</sup> Read: 36-22-2-0

## **SB1633: harassment; aggravated harassment; offense**

**Sponsor: Senator Kerr, LD 13**  
**Conference Committee**

### **Overview**

Modifies the definition of harassment and aggravated harassment.

### **History**

#### ***Harassment***

A person commits the crime of *harassment*, a class 1 misdemeanor if that person intends to harass another person while committing specified actions, such as following another person after being asked to stop or making more than one false report to law enforcement or social services.

*Harassment* is conduct that is directed at a specific person, and that would cause a reasonable person to be seriously alarmed, annoyed or harassed, and the conduct seriously alarms, annoys or harasses the person ([A.R.S. § 13-2921](#)).

*Aggravated harassment* occurs when a person commits *harassment* and either of the following apply: 1) the person is violating a served order of protection or injunction against harassment; or 2) the person has previously been convicted of a domestic violence offense ([A.R.S. § 13-2021.01](#)).

#### ***Conditions of Release***

Upon a judicial officer's order to release a defendant on bail or the defendant's own recognizance, the court may impose conditions of that person's release. These conditions may include restricting the person's travel or associates or prohibiting the person from possessing a deadly weapon, engaging in certain activities or indulging in intoxicating liquors or drugs ([A.R.S. § 13-3967](#)).

### **Provisions**

1. Specifies an individual commits harassment if by knowingly and repeatedly committing an act or acts that harass another individual or the individual knowingly commit any one of the prescribed acts in a manner that harasses. (Sec. 1)
2. Revises the definition of *harass* to include conduct directed at another person that causes humiliation or mental distress. (Sec. 1)
3. Specifies this law does not apply to peace officers and investigators acting in their official capacity during an investigation and process servers when acting within the scope of the server's official duties. (Sec. 1)
4. Modifies the definition of aggravated harassment to include a person who commits the crime of harassment while violating a court's condition of release that prohibits contact with the victim. (Sec. 2)

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

5. Specifies an order of protection or an injunction against harassment is only valid if it was lawfully issued and served or if the order of protection was issued on an emergency basis. (Sec. 2)
6. States a person who commits aggravated harassment by violating a court's imposed condition of release barring contact with a victim is guilty of a class 6 felony. (Sec. 2)
7. Specifies a person that commits a second or subsequent act of aggravated assault is guilty of a class 5 felony. (Sec. 2)
8. Makes technical and conforming changes. (Sec. 1, 2)

**Conference Committee Amendments**

1. Includes the violation of any criminal related injunction issued by the Arizona courts as aggravated harassment if the offense of harassment was also committed at the time of the offense.
2. Classifies the violation of an emergency order of protection against a victim of harassment as aggravated harassment.
3. States a person who commits the crime of harassment and has a previous conviction of domestic violence which was committed against the same victim, is guilty of aggravated harassment.