

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

# 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)

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

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

4 13-2916. Use of an electronic or digital device to terrify,  
5 intimidate, threaten, harass, annoy or offend;  
6 classification; definition

7 A. It is unlawful for any person, with intent to terrify, intimidate,  
8 threaten, harass, annoy or offend, to use ~~a telephone~~ ANY ELECTRONIC OR  
9 DIGITAL DEVICE and use any obscene, lewd or profane language or suggest any  
10 lewd or lascivious act, or threaten to inflict physical harm to the person or  
11 property of any person. It is also unlawful to otherwise disturb by repeated  
12 anonymous ~~telephone calls~~ ELECTRONIC OR DIGITAL COMMUNICATIONS the peace,  
13 quiet or right of privacy of any person at the place where the ~~telephone call~~  
14 ~~or calls~~ COMMUNICATIONS were received.

15 B. Any offense committed by use of ~~a telephone~~ AN ELECTRONIC OR  
16 DIGITAL DEVICE as set forth in this section is deemed to have been committed  
17 at either the place where the ~~telephone call or calls~~ COMMUNICATIONS  
18 originated or at the place where the ~~telephone call or calls~~ COMMUNICATIONS  
19 were received.

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

22 D. FOR THE PURPOSES OF THIS SECTION, "ELECTRONIC OR DIGITAL DEVICE"  
23 INCLUDES ANY WIRED OR WIRELESS COMMUNICATION DEVICE AND MULTIMEDIA STORAGE  
24 DEVICE.

25 Sec. 2. Section 13-2923, Arizona Revised Statutes, is amended to read:  
26 13-2923. Stalking; classification; definitions

27 A. A person commits stalking if the person intentionally or knowingly  
28 engages in a course of conduct that is directed toward another person and if  
29 that conduct either:

30 1. Would cause a reasonable person to fear for the person's safety or  
31 the safety of that person's immediate family member and that person in fact  
32 fears for ~~their~~ THE PERSON'S safety or the safety of that person's immediate  
33 family member.

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

37 B. Stalking under subsection A, paragraph 1 of this section is a class  
38 5 felony. Stalking under subsection A, paragraph 2 OF THIS SECTION is a  
39 class 3 felony.

40 C. For the purposes of this section:

41 1. "Course of conduct":

42 (a) Means ANY OF THE FOLLOWING:

43 (i) Maintaining visual or physical proximity to a specific person or  
44 directing verbal, written or other threats, whether express or implied, to a

1 specific person on two or more occasions over a period of time, however  
2 short. ~~, but~~

3 (ii) USING ANY ELECTRONIC, DIGITAL OR GLOBAL POSITIONING SYSTEM DEVICE  
4 TO SURVEIL A SPECIFIC PERSON OR A SPECIFIC PERSON'S INTERNET OR WIRELESS  
5 ACTIVITY CONTINUOUSLY FOR TWELVE HOURS OR MORE OR ON TWO OR MORE OCCASIONS  
6 OVER A PERIOD OF TIME, HOWEVER SHORT.

7 (b) Does not include constitutionally protected activity OR OTHER  
8 ACTIVITY AUTHORIZED BY LAW, THE OTHER PERSON, THE OTHER PERSON'S AUTHORIZED  
9 REPRESENTATIVE OR IF THE OTHER PERSON IS A MINOR, THE MINOR'S PARENT OR  
10 GUARDIAN.

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