

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

HOUSE BILL 2054

AN ACT

AMENDING SECTION 13-1204, ARIZONA REVISED STATUTES; RELATING TO ASSAULT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1204, Arizona Revised Statutes, is amended to
3 read:

4 13-1204. Aggravated assault; classification

5 A. A person commits aggravated assault if the person commits assault
6 as defined in section 13-1203 under any of the following circumstances:

7 1. If the person causes serious physical injury to another.

8 2. If the person uses a deadly weapon or dangerous instrument.

9 3. If the person commits the assault after entering the private home
10 of another with the intent to commit the assault.

11 4. If the person is eighteen years of age or more and commits the
12 assault upon a child the age of fifteen years or under.

13 5. If the person commits the assault knowing or having reason to know
14 that the victim is a peace officer, or a person summoned and directed by the
15 officer while engaged in the execution of any official duties.

16 6. If the person commits the assault knowing or having reason to know
17 THAT the victim is a teacher or other person employed by any school and the
18 teacher or other employee is upon the grounds of a school or grounds adjacent
19 to the school or is in any part of a building or vehicle used for school
20 purposes, or any teacher or school nurse visiting a private home in the
21 course of the teacher's or nurse's professional duties, or any teacher
22 engaged in any authorized and organized classroom activity held on other
23 than school grounds.

24 7. If the person meets both of the following conditions:

25 (a) Is imprisoned or otherwise subject to the custody of any of the
26 following:

27 (i) The state department of corrections.

28 (ii) The department of juvenile corrections.

29 (iii) A law enforcement agency.

30 (iv) A county or city jail or an adult or juvenile detention facility
31 of a city or county.

32 (v) Any other entity that is contracting with the state department of
33 corrections, the department of juvenile corrections, a law enforcement
34 agency, another state, any private correctional facility, a county, a city or
35 the federal bureau of prisons or other federal agency that has responsibility
36 for sentenced or unsentenced prisoners.

37 (b) Commits an assault knowing or having reason to know that the
38 victim is acting in an official capacity as an employee of any of the
39 entities prescribed by subdivision (a) of this paragraph.

40 8. If the person commits the assault while the victim is bound or
41 otherwise physically restrained or while the victim's capacity to resist is
42 substantially impaired.

43 9. If the person commits the assault knowing or having reason to know
44 that the victim is a fire fighter, fire investigator, fire inspector,
45 emergency medical technician or paramedic engaged in the execution of any

1 official duties, or a person summoned and directed by such individual while
2 engaged in the execution of any official duties.

3 10. If the person commits the assault knowing or having reason to know
4 that the victim is a licensed health care practitioner who is certified or
5 licensed pursuant to title 32, chapter 13, 15, 17 or 25, or a person summoned
6 and directed by the licensed health care practitioner while engaged in the
7 person's professional duties. The provisions of this paragraph do not apply
8 if the person who commits the assault is seriously mentally ill, as defined
9 in section 36-550 or is afflicted with Alzheimer's disease or related
10 dementia.

11 11. If the person commits assault by any means of force which causes
12 temporary but substantial disfigurement, temporary but substantial loss or
13 impairment of any body organ or part, or a fracture of any body part.

14 12. If the person commits assault as prescribed by section 13-1203,
15 subsection A, paragraph 1 or 3 and the person is in violation of an order of
16 protection issued against the person pursuant to section 13-3602 or 13-3624.

17 13. IF THE PERSON COMMITS THE ASSAULT KNOWING OR HAVING REASON TO KNOW
18 THAT THE VICTIM IS ANY OPERATOR OR DRIVER OF A TRANSPORTATION PROVIDER WHO IS
19 ENGAGED IN PERFORMING ANY DUTIES ON A BUS, STREETCAR OR ANY OTHER VEHICLE
20 THAT IS USED TO TRANSPORT PERSONS FOR HIRE.

21 B. Except pursuant to subsection C of this section, aggravated assault
22 pursuant to subsection A, paragraph 1 or 2 of this section is a class 3
23 felony except if the victim is under fifteen years of age in which case it is
24 a class 2 felony punishable pursuant to section 13-604.01. Aggravated
25 assault pursuant to subsection A, paragraph 11 of this section is a class 4
26 felony. Aggravated assault pursuant to subsection A, paragraph 7 of this
27 section is a class 5 felony. Aggravated assault pursuant to subsection A,
28 paragraph 3, 4, 5, 6, 8, 9, 10, ~~12~~ OR 13 of this section is a class 6
29 felony.

30 C. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of
31 this section committed on a peace officer while the officer is engaged in the
32 execution of any official duties is a class 2 felony. Aggravated assault
33 pursuant to subsection A, paragraph 11 of this section committed on a peace
34 officer while the officer is engaged in the execution of any official duties
35 is a class 3 felony. Aggravated assault pursuant to subsection A, paragraph
36 5 of this section resulting in any physical injury to a peace officer while
37 the officer is engaged in the execution of any official duties is a class 5
38 felony.