

Arizona Peace Officer Standards and Training

Basic Curriculum Model Lesson Plan

LESSON TITLE: SUBSTANTIVE CRIMINAL LAW 2.11

SUBJECT:	Substantive Criminal Law
AZ POST DESIGNATION:	2.11 Chapter 37 – Miscellaneous Offenses
HOURS:	1
COURSE CONTENT:	An analysis of the most frequently used statutes in this chapter.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will:
2.11.37.1	Identify examples of the following property-related crimes: A. Abuse of venerated objects (A.R.S. §13-3703).
2.11.37.2	Identify the elements of the following property-related crimes: A. Defacing or damaging petroglyphs, pictographs, caves or caverns (A.R.S. §13-3702). B. Interruption of, or injury to, cable television systems (A.R.S. §13-3712).
2.11.37.3	Given a copy of A.R.S. Title 13 and a written, verbal or visual description depicting the possible commission of one (1) of the following crimes, identify if a crime occurred and, if so, the appropriate code section and crime classification: A. Adding poison or other harmful substances to food, drink or medicine (A.R.S. §13-3704).
2.11.37.4	Identify examples of the following crimes against children: A. Tattoos, brands, scarifications and piercing of minors (A.R.S. §13-3721).

DATE FIRST PREPARED: November 2000

PREPARED BY: SME Committee

REVIEWED – REVISED: SME Committee
REVIEWED – REVISED: Sgt. George Sloane, Tucson P.D.
REVIEWED – REVISED: AZ POST (Word) DATE: May 2002
REVIEWED – REVISED: SME Committee DATE: August 2002
REVIEWED – REVISED: SME Committee DATE: June 2003
REVIEWED – REVISED: SME Committee DATE: January 2009
REVIEWED – REVISED: SME Committee DATE: November 2011
REVIEWED – REVISED: SME Committee DATE: December 2016
REVIEWED – REVISED: SME Committee DATE: August 2019
REVIEWED – REVISED: SME Committee DATE: May 2021
REVIEWED – REVISED: AZPOST (DocX) DATE: January 2022
REVIEWED – REVISED: DATE:
AZ POST – APPROVAL: Steve Enteman DATE: August 2019
AZ POST – APPROVAL: Mandy Faust DATE: May 2021
AZ POST – APPROVAL: Lori Wait DATE: January 2022

INSTRUCTOR REFERENCES: A.R.S. Title 13

CLASS LEVEL: Student

TRAINING AIDS: <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY: Interactive lecture.

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 2-11 Ch 37 Miscellaneous Offenses

DATE RELEASED TO SHARE FILE: May 27, 2022

I. INTRODUCTION

- A. Instructor – (self) introduction.
- B. Preview of performance objectives. ***INSTRUCTOR NOTE:** Use if taught as a “Stand alone” lesson plan*

II. §13-3701 UNLAWFUL USE OF FOOD STAMPS

P.O.2.11.37.2A

- A. A person commits this crime if such person knowingly:
 - 1. Uses, transfers, acquires, possesses or redeems food stamps by means of a false statement or representation, material omission, impersonation or the failure to disclose a change in circumstances, by any other fraudulent device or in any other manner not authorized by law or by the state department of economic security; or
 - 2. Counterfeits, alters, uses, transfers, acquires or possesses counterfeited or altered food stamps or electronic benefit transfer cards; or
 - 3. Appropriates food stamps with which the person has been entrusted or of which the person has gained possession by virtue of a position as a public employee.
 - 4. Buys, sells, transfers, acquires or redeems food stamps, or eligible food purchased with food stamps, in exchange for cash or consideration other than eligible food.
- B. Unlawful use of food stamps under subsection A, paragraph 1 is a misdemeanor if the value of the food stamps is \$100 or less, or a felony if the value is \$100 or more. Unlawful use of food stamps under subsection A, paragraphs (2), (3), and (4) is a felony.
- C. For the purposes of this section:
 - 1. “Eligible food” means any of the following:
 - a. Any food or food product that is intended for human consumption except alcoholic beverages, tobacco and hot foods and hot food products that are prepared for immediate consumption.
 - b. Seeds and plants to grow foods for the personal consumption of an eligible household.
 - c. Meals that are prepared and delivered by an authorized meal delivery service to a household that is eligible to use coupons to purchase delivered meals or meals that are served by an authorized communal dining facility for the elderly or for a supplemental security income household, or both, to a household that is eligible to use coupons for communal dining.

- d. Meals that are prepared and served by a drug addict or alcoholic treatment and rehabilitation center to narcotic addicts or alcoholics and the children who live with the narcotic addict or alcoholic.
 - e. Meals that are prepared and served by a group living arrangement facility to residents who are blind or who have a disability.
 - f. Meals that are prepared and served by a shelter for battered women and children to the shelter's eligible residents.
 - g. Meals that are prepared for and served by an authorized public or private nonprofit establishment, including a soup kitchen or temporary shelter, that is approved by an appropriate state or local agency and that feeds homeless persons.
 - h. Meals that are prepared by a restaurant that contracts with an appropriate state agency to serve meals at low or reduced prices to homeless persons and households in which all persons are elderly or disabled.
- D. "Food stamps" includes food stamp coupons and electronically transferred supplemental nutrition assistance program benefits.

III. §13-3702 – DEFACING OR DAMAGING PETROGLYPHS, PICTOGRAPHS, CAVES OR CAVERNS

- A. A person commits this crime if such person knowingly, without the prior written permission of the owner:
- 1. Breaks, breaks off, cracks, carves upon, writes or otherwise marks upon or in any manner destroys mutilates, injures, defaces, removes, displaces, mars or harms petroglyphs, pictographs or any natural material found in any cave or cavern; or
 - 2. Kills, harms or disturbs plant or animal life found in the above, except for safety reasons; or
 - 3. Disturbs or alters the natural condition of the above-mentioned artifacts, cave or cavern or takes into a cave or cavern any aerosol or other type of container containing paints, dyes or other coloring agents; or
 - 4. Breaks, forces, tampers with, removes or otherwise disturbs a lock, gate, door or other structure or obstruction designed to prevent entrance to a cave or cavern whether or not entrance is gained.
- B. This is a misdemeanor.

IV. §13-3703 – ABUSE OF VENERATED OBJECTS

P. O. 2.11.37.1A

- A. A person commits this crime by intentionally:
- B. Desecrating any public monument, memorial or property of a public park; or
 - 1. In any manner likely to provoke immediate physical retaliation:
 - a. Exhibiting, displaying or placing (or causing to be placed) any word, figure, mark, picture, design, drawing or advertisement of any nature upon a flag exposing (or causing to be exposed) to public view a flag upon which there is printed, painted, or otherwise produced, or to which there is attached, appended or annexed any word, etc; or
 - b. Exposing to public view, manufacturing, selling, offering or giving or possession for any purpose, any article of merchandise or receptacle for holding or carrying merchandise upon or to which there is printed, painted, placed or attached any flag in order to advertise, call attention to, decorate, mark or distinguish the article or substance; or
 - c. Casting contempt upon, mutilating, defacing, defiling, burning, trampling or otherwise dishonoring or causing dishonor upon a flag. ***INSTRUCTOR NOTE: It has been defended FEDERALLY that the 1st Amendment protects burning of the flag.***
- C. This does not apply to acts permitted by the United States or the military or to newspapers, periodicals, books, pamphlets, circulars, certificates, etc.
 - 1. "Flag" means any emblem, banner or other symbol, of any size, composed of any substance or represented on any substance that evidently purports to be the flag of the United States or of the State of Arizona.
 - 2. "Desecrate" means defacing, damaging, polluting or otherwise doing a physical act in a manner likely to provoke immediate physical retaliation.
- D. This is a misdemeanor.

V. §13-3704 – ADDING POISON OR OTHER HARMFUL SUBSTANCE TO FOOD, DRINK OR MEDICINE

P. O. 2.11.37.3A

- A. A person commits adding poison or another harmful substance to water, food, drink or medicine if the person intends to harm another human being and the person knowingly:
 - 1. Introduces, adds or mingles any poison, bacterium, virus or chemical compound into any spring, well or reservoir of water to be taken by a human being.
 - 2. Introduces, adds or mingles any poison, bacterium, virus or chemical compound with

any water, food, drink, medicine or other product to be taken by a human being or applied to the body.

3. Places a needle, razor blade or any other harmful object or substance in any water, food, drink or medicine to be taken by a human being.

B. This is a felony.

VI. §13-3708 – SALE OR TRANSFER OF MOTOR VEHICLE SUBJECT TO RESTITUTION LIEN

- A. It is a misdemeanor to sell or lease a car that is subject to a restitution lien without disclosing the existence of the lien.

VII. §13-3712 – INTERRUPTION OF, OR INJURY TO, CABLE TELEVISION SYSTEM P. O. 2.11.37.2B

- A. Any person who, without the consent of the owner, knowingly tampers with, removes or injures any cable, wire, microwave or other component of a licensed cable television system or knowingly interrupts the service of such a system without consent is guilty of a misdemeanor.

VIII. §13-3720 – DROPPING OBJECTS FROM OVERPASS

- A. A person on an overpass who with criminal negligence drops, throws, shoots or otherwise propels an object at, or on, the lower-level street or highway or at, or on, a motor vehicle that is standing (or being operated) on the lower street or highway is guilty of a misdemeanor.

IX. §13-3721 – TATTOOS, PIERCINGS; MINORS P. O. 2.11.37.4A

A. It is unlawful for a person:

1. To intentionally brand, scar, implant, mutilate, tattoo or pierce the body of a person who is under 18 years of age without the physical presence of the parent or guardian of the person requesting the brand, scar, tattoo, implant, mutilation or piercing.
2. Who tattoos or pierces the body of another person, to use a needle or any substance (that will leave color under the skin) more than once or to use a needle that is not sterilized with equipment used by state licensed medical facilities pursuant to Title 36, Chapter 4.
3. To engage in the business of tattooing, branding, scarifying, implanting, mutilating or body piercing out of a home or an impermanent structure, including a tent, trailer, trunk or other impermanent structure.
4. Who is not licensed pursuant to Title 32 to administer anesthesia during the course of any procedure involving the branding, scarifying, tattooing, implanting, mutilating or piercing of the body by another person.

- B. Subsection A, paragraph 1, does not apply to the ear piercing of a person who has written or verbal permission from a parent or guardian or to procedures that are prescribed by a health-care provider who is licensed pursuant to Title 32.
- C. It is a defense to a prosecution for a violation of subsection A, paragraph 1, that the person requested age identification and relied in good faith on the accuracy of the information contained in the identification.
- D. This is a felony.

X. §13-3728. UNLAWFUL PURCHASE OR SALE OF USED CATALYTIC CONVERTER;

- A. It is unlawful for a person to purchase or sell a used catalytic converter unless the purchase or sale is in the ordinary course of business by a commercial motor vehicle parts or repair business in connection with the sale or installation of a new catalytic converter.
- B. This section does not apply to an automotive recycler as defined and licensed pursuant to title 28, chapter 10 or a scrap metal dealer as defined in section §44-1641.
- C. A violation of this section is a misdemeanor.

XI. CONCLUSION

- A. Review of performance objectives.
- B. Final questions and answers.
- C. Instructor closing comment(s).