

# Arizona Peace Officer Standards and Training

## Basic Curriculum Model Lesson Plan

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**LESSON TITLE: SUBSTANTIVE CRIMINAL LAW 2.11**

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SUBJECT:	Substantive Criminal Law, Chapter 29 Public Order Offenses.
AZ POST DESIGNATION:	2.11.29
HOURS:	1.75
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, will:
2.11.29.1	Identify examples of the following public nuisance crimes:
A.	Disorderly conduct (A.R.S. §13-2904).
B.	Obstructing a public thoroughfare (A.R.S. §13-2906).
C.	Criminal nuisance (A.R.S. §13-2908).
D.	Loitering (A.R.S. §13-2905).
E.	Unlawful assembly (A.R.S. §13-2902); Unlawful protest activities (A.R.S. §13-2930).
F.	Riot (A.R.S. §13-2903).
G.	False reporting (A.R.S. §13-2907).
H.	Disobedience to a dispersal order (A.R.S. §13-2904(A)(5)).
J.	Use of telephone to terrify, intimidate, etc. (A.R.S. §13-2916).
K.	Cruelty to animals (A.R.S. §13-2910).
N.	Harassment (A.R.S. §13-2921).
O.	Aggravated harassment (A.R.S. §13-2921.01).
P.	Stalking (A.R.S. §13-2923).

DATE FIRST PREPARED: November 2000

PREPARED BY: SME Committee

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AZ POST – APPROVAL:	Mandy Faust	DATE: April 2021
AZ POST - APPROVAL:	Lori Wait	DATE: October 2021

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.

DATE RELEASED TO THE SHARE FILE: May 28, 2022

**I. INTRODUCTION**

A. Instructor – (self) introduction.

***INSTRUCTOR NOTE:*** Use if taught as a “stand alone” lesson plan

B. Preview of performance objectives.

**II. 13-2902 – UNLAWFUL ASSEMBLY**

**P.O. 2.11.29.1E**

A. A person commits an unlawful assembly by:

1. Assembling with two (2) or more other persons with the intent to engage in conduct constituting a riot as defined in A.R.S. §13-2903; or
2. Being present at an assembly of two (2) or more other persons who are engaged in or who have the readily-apparent intent to engage in conduct constituting a riot and knowingly remaining there and refusing to obey an official order to disperse.

B. This is a misdemeanor.

**III. 13-2903 – RIOT**

**P.O. 2.11.29.1F**

A. A person commits a riot if, with two (2) or more other persons acting together, such person recklessly uses force or violence (or threatens to use force or violence) if such threat is accompanied by immediate power of execution, which disturbs the public peace.

B. This is a felony.

**IV. 13-2904 – DISORDERLY CONDUCT**

**P.O. 2.11.29.1A**

A. A person commits disorderly conduct if, with intent to disturb the peace or quiet of a neighborhood, family or person, or with knowledge of doing so, such person:

1. Engages in fighting or violent or seriously disruptive behavior; or
2. Makes an unreasonable noise; or
3. Uses abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person; or
4. Makes any protracted commotion, utterance or display with the intent to prevent the transaction of the business of a lawful meeting, gathering or procession; or
5. Refuses to obey a lawful order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or

6.           Recklessly handles, displays or discharges a deadly weapon or dangerous instrument.
- B.           Violation of A. 1-5. is a misdemeanor, violation of A. 6. is a felony.
- C.           By reading this statute, you can well see why they call it the "catch-all" statute.
1.           Many officers operated with the philosophy that if you cannot figure out what to arrest someone for, just look in this statute and he/she has probably violated at least one (1) of the subsections.
  2.           However, there is a real problem with this apparent ease of application – overuse and misuse.
  3.           As with any other statute, you must be able to show the elements in your report and you should refrain from utilizing disorderly conduct as the "catch-all."
  4.           Many very good statutes and ordinances have been lost to us because of officer misuse.
  5.           As with any other statute, you have to have the elements and probable cause before you can be arrested for a violation of this crime.
  6.           When enforcing Disorderly Conduct, officers must be aware of an individual's 1st Amendment rights. The enforcement of this statute often has 1st Amendment implications that may authorize conduct that might otherwise meet the elements of this statute.
- D.           Note that in order to use this statute we must be able to show that the suspect committed an act "with intent to disturb the peace or quiet of a neighborhood, family or person, or with knowledge of doing so." **INSTRUCTOR NOTE:** *Prosise v. Kottke, June 2020. Disorderly conduct is sometimes used as a catch all especially under the seriously disruptive behavior prong, however; you must be able to prove each element and if you list a victim, you must be able to prove they were disturbed.*
1.           This element must be articulated in your report before you are arrested for this offense.
  2.           The good thing is that it is usually very easy to show:
    - a.           Do neighbors look out their windows or actually come outside to see what is going on?
    - b.           Does a person tell you that the suspect was loud or that he/she was disturbing them?

- c. Also keep in mind that if a person is not "at peace" already, their peace cannot be "disturbed."
- E. Courts have consistently held that the person being disturbed by the commotion or noise cannot be the investigating officer.
  - 1. Arrests of this sort are usually "contempt of cop" arrests.
  - 2. However, the off-duty officer who is out with the family can be the victim just as anyone.
- F. Keep in mind that A. 6. is found under Disorderly Conduct and is not, under the circumstances described, considered a weapons violation as it sounds like it might be.

**V. 13-2905 – LOITERING**

**P.O. 2.11.29.1D**

- A. A person commits this offense if such person intentionally:
  - 1. Is present in a public place and in an offensive manner or in a manner likely to disturb the public peace, solicits another person to engage in any sexual offense.  
***INSTRUCTOR NOTE:*** Discuss how *Baldwin v. State of Arizona* changed the statute. Simply loitering for the purpose of soliciting money is not illegal. May have aggressive solicitation under ARS or city/town codes.
    - a. Specific prostitution offenses are described in Title 13, Chapter 32.
    - b. This could be used where we have a person soliciting others to commit sexual acts with him/her.
  - 2. Is present in a transportation facility and after a reasonable request to cease or unless specifically authorized to do so, solicits or engages in any business, trade or commercial transaction involving the sale of merchandise or services.
    - a. This would cover the person who decides to go to the Greyhound depot and peddle his/ her wares.
    - b. This person must be given a reasonable request to cease his/her activity and then agree not to come back.
  - 3. Is present in a public place, unless specifically authorized by law, to gamble with any cards, dice or similar gambling devices.
  - 4. Is present in or about a school, college or university building or grounds after a reasonable request to leave and:
    - a. S/he does not have any reason for being there; or

- b. S/he has no relationship involving custody of, or responsibility for, a pupil or student; or
- c. S/he has no other legitimate reason for being there; or
- d. S/he has no written permission to be there from anyone authorized to grant permission.
- e. Except as provided in section 13-3969, subsection A, solicits bail bond business inside a court building or immediately around or near the entrance of a county or city jail. For the purposes of this paragraph, "solicit" includes handing out business cards or any printed material or displaying any electronic devices related to bail bonds, verbally asking a person if the person needs a bail bond and recruiting another person to solicit bail bond business.

B. Loitering is always considered a misdemeanor.

**VI. 13-2906 – OBSTRUCTING A HIGHWAY OR OTHER PUBLIC THOROUGHFARE P.O. 2.11.29.1B**

A. A person commits this offense if, the person alone or with other persons does either of the following:

- 1. Having no legal privilege to do so, recklessly interferes with the passage of any highway or public thoroughfare by creating an unreasonable inconvenience or hazard.
- 2. Intentionally activates a pedestrian signal on a highway or public thoroughfare if the person's reason for activating the signal is not to cross the highway or public thoroughfare, but to do both of the following: **INSTRUCTOR NOTE:** Discuss the *Phoenix case*. Check with your agency to see if policy allows for the enforcement of this section or statute.
  - a. Stop the passage of traffic on the highway or public thoroughfare.
  - b. Solicit a driver for a donation or business.

B. Examples of this would be strikers blocking a street, side-walk or driveway or a homeowner blocking a sidewalk with stones, etc.

C. This is a misdemeanor.

**VII. 13-2907 – FALSE REPORTING P.O. 2.11.29.1G**

A. A person commits false reporting by initiating or circulating a report of a bombing, fire, offense

or other emergency knowing that the report is false and intending:

1. That it will cause action of any sort by an official or volunteer agency organized to deal with emergencies; or
  2. That it will place a person in fear of imminent serious physical injury; or
  3. That it will prevent or interrupt the occupation of any building, room, place of assembly, public place or means of transportation.
- B. This statute is aimed directly at persons who make bomb threats or false alarms.
- C. Note, however, that this will also cover the person who becomes intoxicated and forgets where he/she parked his/ her car and knowingly makes a false theft report to the police hoping they will help find his/her missing car.
- D. False reporting is a misdemeanor, except that a second or subsequent violation is a felony.

**VIII. 13-2907.01 – FALSE REPORTING TO A LAW ENFORCEMENT AGENCY**

- A. It is unlawful for a person to knowingly make to a law enforcement agency (of either this state or a political subdivision of this state) a false, fraudulent or unfounded report or statement or to knowingly misrepresent a fact for the purpose of interfering with the orderly operation of a law enforcement agency or misleading a police officer.
- B. This statute makes it unlawful for a person to give a police officer false information.
- C. However, courts have consistently held that in order for this statute to apply, the officer must be conducting a bona fide investigation and that the false information could have misled the officer in the performance of his/her duties.
- D. For example, this would not apply if the officer just decides to make a contact and talk to a person in a park, who is doing nothing illegal, and the person gives the officer a false name.
- E. However, if the person in the park was violating a park regulation and the officer contacted him/her to enforce the statute and then the person gave the officer a false name, then there would be a violation of A.R.S. §13-2907.01.
- F. This is a misdemeanor.

**IX. 13-2907.02 – FALSE REPORTING OF CHILD ABUSE OR NEGLECT**

- A. A person who knowingly and intentionally makes a false report of child abuse or neglect knowing that the report is false or a person who coerces another person to make a false report of child abuse or neglect knowing the report is false is guilty of a misdemeanor.

**X. 13-2907.03 – FALSE REPORTING OF SEXUAL ASSAULT INVOLVING A SPOUSE**

- A. A person who intentionally makes a false report of sexual assault involving a spouse knowing the report is false or a person who coerces another person to make a false report of sexual assault involving a spouse knowing the report is false is guilty of a misdemeanor.

**XI. 13-2907.04 – FALSE REPORTING OF VULNERABLE ADULT ABUSE**

- A. A person who intentionally makes a false report of vulnerable adult abuse or neglect to a law enforcement agency or to another person who is required by law to report the information to a law enforcement agency is guilty of a misdemeanor.

**XII. 13-2908 – CRIMINAL NUISANCE**

**P.O. 2.11.29.1C**

- A. A person commits criminal nuisance.
1. If, by conduct either unlawful in itself or unreasonable under the circumstances, such person recklessly creates or maintains a condition which endangers the safety or health of others.
  2. By knowingly conducting or maintaining any premise, place or resort where persons gather for the purposes of engaging in unlawful conduct.
- B. The offense of "nuisance" in some phrases at least, resembles disorderly conduct in its requirement that the proscribed conduct annoy, alarm or inconvenience the public. Generally speaking, however, disorderly conduct relates to a specific act(s) of brief duration while nuisance involves the creation or maintenance of a continuing condition.
- C. This is a misdemeanor.

**XIII. 13-2910 – CRUELTY TO ANIMALS – §13-2910 (13-2910.01 THROUGH 13-2910.06)**

**P.O. 2.11.29.1K**

- A. A person commits cruelty to animals if such person does any of the following: ***INSTRUCTOR NOTE: It is a misdemeanor to interfere with a service animal or to discriminate in public places against individuals with disabilities who use service animals. A.R.S. 11-1024.***
1. Intentionally, knowingly or recklessly subjects any animal, under such person's custody or control, to cruel neglect or abandonment.
  2. Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.
  3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.
  4. Recklessly subjects any animal to cruel mistreatment.



5. Intentionally, knowingly or recklessly kills any animal, under the custody or control of another person, without either legal privilege or consent of the owner.
  6. Recklessly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
  7. Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
  8. Intentionally or knowingly subjects any animal, under the person's custody or control, to cruel neglect or abandonment that results in serious physical injury to the animal.
  9. Intentionally or knowingly subjects any animal to cruel mistreatment.
  10. Intentionally or knowingly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
  11. Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury or death of the animal is likely to result.
  12. Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
  13. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal.
  14. Intentionally or knowingly subjects a domestic animal to cruel mistreatment.
  15. Intentionally or knowingly kills a domestic animal without either legal privilege or consent of the domestic animal's owner or handler.
    - a. "Domestic animal" means a mammal, not regulated by title 3, that is kept primarily as a pet or companion or that is bred to be a pet or companion.
- B. It is a defense to subsection A of this section if any person exposes poison to be taken by a dog which has killed or wounded livestock, or poison to be taken by predatory animals on premises owned, leased or controlled by him/ her for the purpose of the protection of such person or his/her livestock or poultry and the treated property is kept posted by the person who authorized or performed the treatment until such poison has been removed, and such poison is removed by the person exposing the poison after the threat to such person, his/her livestock or poultry has ceased to exist.
1. The posting required shall be in such a manner as to provide adequate warning to persons who enter the property by the point(s) of normal entry.

2. The warning notice, which is posted, shall be of such size that it is readable at a distance of 50 feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning."
- C. Does not apply to:
1. The taking of wildlife and activities pursuant to Title 17.
  2. Activities pursuant to Title 3.
  3. Activities regulated by the Arizona Game and Fish (AG&F) Department or the Arizona Department of Agriculture.
- D. A peace officer, animal control enforcement agent or animal control enforcement deputy may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in subsection A.
- E. Subsection A, paragraphs 1-7 and 12, are misdemeanors; paragraphs 8-11 and 13, are felonies.

**XIII. Animal fighting. A.R.S. §13-2910.01**

- A. A person commits animal fighting by knowingly:
1. Owning, possessing, keeping or training any animal, if the person knows or has reason to know, that the animal will engage in an exhibition of fighting with another animal.
  2. For amusement or gain, causing any animal to fight with another animal or causing any animals to injure each other.
  3. Permitting any act in violation of paragraph 1 or 2 to be done on any premises under the person's charge or control.
- B. This section does not:
1. Prohibit or restrict activities permitted by or pursuant to title 3.
  2. Apply to animals that are trained to protect livestock from predation and that engage in actions to protect livestock.
- C. Animal fighting is a felony.

**XIV. Presence at an animal fight. A.R.S. §13-2910.02**

- A. Any person who is knowingly present at any place or building where preparations are being made for an exhibition of the fighting of animals or is present at such exhibition, is guilty of a

felony.

**XV. Cockfighting. A.R.S. §13-2910.03**

- A. Prohibits knowingly owning, possessing, keeping or training any cock for cockfighting; for amusement or gain; causing any cock to fight or injure another cock; or permitting any of these activities on any premises under a person's charge or control. This ~~is a~~ violation is a felony.

**XVI. Presence at a cockfight. A.R.S. §13-2910.04**

- A. Being present at a cockfight is a misdemeanor.

**XVII. Exempt activities. A.R.S. §13-2910.05**

- A. Activity involving the possession, training, exhibition or use of an animal in the otherwise lawful pursuits of hunting, farming, rodeos, shows and security services shall be exempt from the provisions of A.R.S. §§13-2910.01 through 13-2910.04.

**XVII. Defense to cruelty to animals and bird fighting. A.R.S. §13-2910.06**

- A. It is a defense to A.R.S. §§13-2910, 13-2910.01 through 13-2910.04 that the activity charged involves the possession, training, exhibition or use of a bird or animal in the otherwise lawful sports of falconry, animal hunting, rodeos, ranching or the training or use of hunting dogs.

**XVIII. 13-2910.10-ownership, possession, purchase, sale, transfer or manufacture of animal fighting paraphernalia: classification: definition.**

- A. It is unlawful for a person to knowingly own, possess, purchase, sell, transfer or manufacture animal fighting paraphernalia for the purpose of engaging in, promoting or facilitating animal fighting pursuant to section 13-2910.01 or cockfighting pursuant to section 13-2910.03.
- B. A person who violates this section is guilty of a class 1 misdemeanor.
- C. For the purposes of this section, "animal fighting paraphernalia":
1. Means equipment, products, implements or materials of any kind that are used, intended for use or designed solely for use in animal fighting or cockfighting or training, preparing, conditioning or furthering animal fighting or cockfighting.
  2. Includes breaking sticks, cat mills, treadmills, fighting pits, spring poles, gaffs, slashers, and heels and other sharp implements that are designed to be attached in place of the natural spur of a cock or game fowl.

**XVIII. 13-2911 – INTERFERENCE WITH, OR DISRUPTION OF, AN EDUCATIONAL INSTITUTION**

- A. A person commits interference with or disruption of an educational institution by doing any of

the following:

1. Intentionally, knowingly or recklessly interfering with or disrupting the normal operations of an educational institution by either:
  - a. Threatening to cause physical injury to any employee or student of an educational institution or any person on the property of an educational institution.
  - b. Threatening to cause damage to any educational institution, the property of any educational institution or the property of any employee or student of an educational institution.
2. Intentionally or knowingly entering or remaining on the property of any educational institution for the purpose of interfering with the lawful use of the property or in any manner as to deny or interfere with the lawful use of the property by others.
3. Intentionally or knowingly refusing to obey a lawful order given pursuant to subsection C of this section.
  - a. The chief administrative officer of an educational institution or an officer or employee designated by the chief administrative officer to maintain order may order a person to leave the property of the educational institution.
  - b. Interference with, or disruption of, an educational institution pursuant to subsection A, paragraph 1, of this section is a felony. Interference with, or disruption of, an educational institution pursuant to subsection A, paragraph 2 or 3, of this section is a misdemeanor.

**XIX. AGGRESSIVE SOLICITATION ARS-2914**

**P.O. 2.11.29.1J**

- A. It is unlawful for a person to solicit any money or other thing of value or solicit the sale of goods or services:
  1. Within fifteen feet of any bank entrance or exit or any automated teller machine if the person does not have permission to be there from the bank or the owner of the property on which the automated teller machine is located.
  2. In a public area by:
    - a. Intentionally, knowingly or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent.
    - b. Approaching or following the person being solicited in a manner that is

intended or is likely to cause a reasonable person to fear imminent bodily harm to oneself or another or damage to or loss of property or that is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

- c. Continuing to solicit the person after the person being solicited has clearly communicated a request that the solicitation stop.
- d. Intentionally, knowingly or recklessly obstructing the safe or free passage of the person being solicited or requiring the person to take evasive action to avoid physical contact with the person making the solicitation. This subdivision does not apply to acts that are authorized as an exercise of one's constitutional right to picket or protest.
- e. Intentionally, knowingly or recklessly using obscene or abusive language or gestures that are intended or likely to cause a reasonable person to fear imminent bodily harm or that are reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

B. A violation of this section is a petty offense.

C. For the purposes of this section:

- 1. "Automated teller machine" has the same meaning prescribed in section 6 101.
- 2. "Bank" means a bank, credit union or other similar financial institution.
- 3. "Public area" means an area that the public or a substantial group of persons has access to and includes alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks and streets open to the general public, and the doorways and entrances to buildings and dwellings and the grounds enclosing them.
- 4. "Solicit" means using any means of communication, including by spoken, written or printed word, to request an immediate donation or exchange of money or other thing of value from another person regardless of the solicitor's purpose or intended use of the money or other thing of value.

**XX. USE OF A TELEPHONE ELECTRONIC COMMUNICATION TO TERRIFY, INTIMIDATE, THREATEN, HARASS, ANNOY OR OFFEND. ARS 13-2916**

A. It shall be unlawful for any person with the intent to terrify, intimidate, threaten or harass a specific person or persons, to do any of the following:

- 1. Direct any obscene, lewd or profane language or suggest any lewd or lascivious act to the person in an electronic communication.

2. Threaten to inflict physical harm to any person or property in any electronic communication.
  3. Otherwise disturb by repeated anonymous, unwanted or unsolicited electronic communications the peace, quiet or right of privacy of the person at the place where the communications were received.
  4. Without the persons' consent and for the purpose of imminently causing the person unwanted physical contact, injury or harassment by a third party, use an electronic communication device to electronically distribute, publish, email, hyperlink or make available for downloading the person's personal identifying information, including a digital image of the person, and the use does in fact incite or produce that unwanted physical contact, injury or harassment. This paragraph also applies to a person who intends to terrify, intimidate, threaten or harass an immediate family member of the person whose personal identifying information is used.
- B. This offense shall be deemed to have been committed at either the place where the calls were received or where they originated.
- C. This is a misdemeanor.
- D. For purposes of this section, "electronic communication" means a wire line, cable, wireless or cellular telephone call, a text message, an instant message or electronic mail.

**XIV. 13-2921 – HARASSMENT**

**P.O. 2.11.29.1N**

- A. A person commits harassment if, with the intent to harass or knowingly and willfully, that the person is harassing another person, the person:
1. Anonymously or otherwise contacts, communicates or causes a communication with another person by verbal, electronic, mechanical, telegraphic, tele-phonic or written means in a manner that harasses.
  2. Continues to follow another person in or about a public place for no legitimate purpose after being asked to desist.
  3. Repeatedly commits an act(s) that harasses another person.
  4. Surveils, or causes another person to surveil, a person for no legitimate purpose.
  5. On more than one (1) occasion makes a false report to law enforcement or a credit or social service agency.
  6. Interferes with the delivery of any public or regulated utility to a person.

- B. A person commits harassment against a public officer or employee if the person, with intent to harass, files a non-consensual lien against any public officer or employee that is not accompanied by an order or a judgment from a court of competent jurisdiction authorizing the filing; or not issued by a governmental entity or political subdivision or agency pursuant to its statutory authority.
- C. Harassment under subsection A is a misdemeanor.  
  
Harassment under subsection B is a felony.
- D. This section does not apply to an otherwise lawful demonstration, assembly or picketing.
- E. For the purposes of this section, "harassment" means conduct directed at a specific person which would cause a reasonable person to be seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms, annoys or harasses the person.

**XV. 13-2921.01 – AGGRAVATED HARASSMENT**

**P.O. 2.11.29.10**

- A. A person commits aggravated harassment if the person commits harassment as provided in A.R.S. §13-2921 and any of the following applies:
  - 1. A court has issued an Order of Protection or an injunction against harassment against the person and in favor of a victim of harassment and the Order or Injunction has been served and is still valid.
  - 2. The person has previously been convicted of an offense included in A.R.S. §13-3601.
- B. The victim of any previous offense shall be the same as in the present offense.
- C. A person who violates subsection A, paragraph 1, is guilty of a felony.
- D. A person who commits a second or subsequent violation of subsection A, paragraph 1, is guilty of a felony.
- E. For purposes of this statute, "convicted" includes a conviction for an offense included in A.R.S. §13-3601, or who was adjudicated delinquent for conduct that would constitute a historical prior felony conviction if the juvenile had been convicted as an adult under A.R.S. §13-3601.

**P.O. 2.11.29.1P**

**XVI. 13-2923 – STALKING; CLASSIFICATION; EXCEPTIONS; DEFINITIONS**

- A. A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct causes the victim to:  
**INSTRUCTOR NOTE: 3 categories of victims. Emotional distress, Fear of injury, Fear of death.**
  - 1. Suffer emotional distress or reasonably fear that either:

- a. The victim's property will be damaged or destroyed.
- b. Any of the following will be physically injured:
  - c. The victim.
  - d. The victim's family member, domestic animal or livestock.
  - e. A person with whom the victim has or has previously had a romantic or sexual relationship.
  - f. A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.
2. Reasonably fear death or the death of any of the following:
  - a. The victim's family member, domestic animal or livestock.
  - b. A person with whom the victim has or has previously had a romantic or sexual relationship.
  - c. A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.
- B. This section does not apply to an interactive computer service, as defined in 47 United States Code section 230(f)(2), or to an information service or telecommunications service, as defined in 47 United States Code section 153, for content that is provided by another person.
- C. Stalking is a felony.
- D. For the purposes of this section:
  1. "Course of conduct":
    - a. Means directly or indirectly, in person or through one or more third persons or by any other means, to do any of the following:
    - b. Maintain visual or physical proximity to a specific person or direct verbal, written or other threats, whether expressed or implied, to a specific person on two or more occasions over a period of time, however short.
    - c. Use any electronic, digital or global positioning system device to surveil a specific person or a specific person's internet or wireless activity



continuously for twelve hours or more or on two or more occasions over a period of time, however short, without authorization.

- d. Communicate, or cause to be communicated, on more than one occasion words, images or language by or through the use of electronic mail or an electronic communication that is directed at a specific person without authorization and without a legitimate purpose.
- 2. Does not include constitutionally protected activity or other activity authorized by law, the other person, the other person's authorized representative or if the other person is a minor, the minor's parent or guardian.
- 3. "Emotional distress" means significant mental suffering or distress that may, but does not have to require medical or professional treatment or counseling.

**XVII. 13-2904(A) (5) – DISOBEDIENCE TO A DISPERSAL ORDER**

**P.O. 2.11.29.1H**

- A. A person refuses to obey a lawful order to disperse issued to maintain public safety:
  - 1. In dangerous proximity to a fire,
  - 2. A hazard,
  - 3. Or any other emergency.
- B. This violation is a misdemeanor.

**XVIII. 13-2930 – UNLAWFUL FUNERAL OR BURIAL PROTEST ACTIVITIES**

- A. It is a misdemeanor to picket or engage in "other protest activities" (defined as any action that is disruptive or that is undertaken to disrupt or disturb a funeral or burial service) within 300 feet of a funeral during or an hour before or after a funeral.

**XIX. CONCLUSION**

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