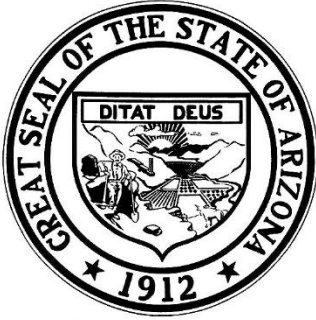


HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2611**

Gress Floor Amendment

-
- Modifies when assault committed by two or more accomplices is considered aggravated.

Amendment explanation prepared by Nathan M
Phone Number x3646
nm
2/26/2025

GRESS FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2611
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 13-1204, Arizona Revised Statutes, as amended by
3 2024 proposition 311, section 3, is amended to read:

4 13-1204. Aggravated assault; classification; definitions

5 A. Until January 1, 2033, a person commits aggravated assault if
6 the person commits assault as prescribed by section 13-1203 under any of
7 the following circumstances:

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

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

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

14 4. If the person commits the assault while the victim is bound or
15 otherwise physically restrained or while the victim's capacity to resist
16 is substantially impaired.

17 5. If the person commits the assault after entering the private
18 home of another with the intent to commit the assault.

19 6. If the person is eighteen years of age or older and commits the
20 assault on a minor under fifteen years of age.

21 7. If the person commits assault as prescribed by section 13-1203,
22 subsection A, paragraph 1 or 3 and the person is in violation of an order
23 of protection issued against the person pursuant to section 13-3602 or
24 13-3624.

25 8. If the person commits the assault knowing or having reason to
26 know that the victim is any of the following:

27 (a) A first responder or a person summoned and directed by the
28 first responder.

1 (b) A constable or a person summoned and directed by the constable
2 while engaged in the execution of any official duties or if the assault
3 results from the execution of the constable's official duties.

4 (c) A teacher or other person employed by any school and the
5 teacher or other employee is on the grounds of a school or grounds
6 adjacent to the school or is in any part of a building or vehicle used for
7 school purposes, any teacher or school nurse visiting a private home in
8 the course of the teacher's or nurse's professional duties or any teacher
9 engaged in any authorized and organized classroom activity held on other
10 than school grounds.

11 (d) A health care worker while engaged in the health care worker's
12 work duties or a health care practitioner who is certified or licensed
13 pursuant to title 32, chapter 13, 14, 15, 17 or 25, or a person summoned
14 and directed by the licensed health care practitioner while engaged in the
15 person's professional duties. This subdivision does not apply if the
16 person who commits the assault does not have the ability to form the
17 culpable mental state because of a mental disability, **DEVELOPMENTAL**
18 **DISABILITY OR COGNITIVE DISABILITY** or because the person is seriously
19 mentally ill, as defined in section 36-550 **OR 36-551**.

20 (e) A prosecutor while engaged in the execution of any official
21 duties or if the assault results from the execution of the prosecutor's
22 official duties.

23 (f) A code enforcement officer as defined in section 39-123 while
24 engaged in the execution of any official duties or if the assault results
25 from the execution of the code enforcement officer's official duties.

26 (g) A state or municipal park ranger while engaged in the execution
27 of any official duties or if the assault results from the execution of the
28 park ranger's official duties.

29 (h) A public defender while engaged in the execution of any
30 official duties or if the assault results from the execution of the public
31 defender's official duties.

32 (i) A judicial officer while engaged in the execution of any
33 official duties or if the assault results from the execution of the
34 judicial officer's official duties.

35 (j) **AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY, OTHER THAN A PEACE**
36 **OFFICER, WHILE ENGAGED IN THE EXECUTION OF ANY OFFICIAL DUTIES.**

37 (k) **A PUBLIC TRANSIT EMPLOYEE WHO PERFORMS DUTIES ON AND OFF A**
38 **VEHICLE WHILE ENGAGED IN TRANSFERRING MEMBERS OF THE COMMUNITY TO AND FROM**
39 **DESTINATIONS IN A BUS, VAN OR SHUTTLE.**

40 (l) **AN AIRPORT EMPLOYEE WHO INTERACTS WITH THE PUBLIC WHILE ENGAGED**
41 **IN THE AIRPORT EMPLOYEE'S WORK DUTIES.**

42 (m) **A RAILWAY WORKER WHILE ENGAGED IN OPERATING A TRAIN, LIGHT RAIL**
43 **OR PASSENGER RAIL OR PERFORMING TRACK MAINTENANCE.**

44 9. If the person knowingly takes or attempts to exercise control
45 over any of the following:

46 (a) A first responder's or other officer's firearm and the person
47 knows or has reason to know that the victim is a first responder or other

1 officer employed by one of the agencies listed in paragraph 10,
2 subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection.

3 (b) Any weapon other than a firearm that is being used by a first
4 responder or other officer or that the first responder or other officer is
5 attempting to use, and the person knows or has reason to know that the
6 victim is a first responder or other officer employed by one of the
7 agencies listed in paragraph 10, subdivision (a), item (i), (ii), (iii),
8 (iv) or (v) of this subsection.

9 (c) Any implement that is being used by a first responder or other
10 officer or that the first responder or other officer is attempting to use,
11 and the person knows or has reason to know that the victim is a first
12 responder or other officer employed by one of the agencies listed in
13 paragraph 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of this
14 subsection. For the purposes of this subdivision, "implement" means an
15 object that is designed for or that is capable of restraining or injuring
16 an individual. Implement does not include handcuffs.

17 10. If the person meets both of the following conditions:

18 (a) Is imprisoned or otherwise subject to the custody of any of the
19 following:

20 (i) The state department of corrections.

21 (ii) The department of juvenile corrections.

22 (iii) A law enforcement agency.

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

25 (v) Any other entity that is contracting with the state department
26 of corrections, the department of juvenile corrections, a law enforcement
27 agency, another state, any private correctional facility, a county, a city
28 or the federal bureau of prisons or other federal agency that has
29 responsibility for sentenced or unsentenced prisoners.

30 (b) Commits an assault knowing or having reason to know that the
31 victim is acting in an official capacity as an employee of any of the
32 entities listed in subdivision (a) of this paragraph.

33 11. If the person uses a simulated deadly weapon.

34 12. IF THE PERSON IS AIDED BY TWO OR MORE ACCOMPLICES WHO ~~[ARE~~
35 ~~ACTUALLY PRESENT]~~[AID IN COMMITTING THE ASSAULT AND THE ASSAULT IS
36 DIRECTED AT A SINGLE PERSON].

37 B. Until January 1, 2033, a person commits aggravated assault if
38 the person commits assault by either intentionally, knowingly or
39 recklessly causing any physical injury to another person, intentionally
40 placing another person in reasonable apprehension of imminent physical
41 injury or knowingly touching another person with the intent to injure the
42 person, and both of the following occur:

43 1. The person intentionally or knowingly impedes the normal
44 breathing or circulation of blood of another person by applying pressure
45 to the throat or neck or by obstructing the nose and mouth either manually
46 or through the use of an instrument.

2. Any of the circumstances exists that are set forth in section 13-3601, subsection A, paragraph 1, 2, 3, 4, 5 or 6.

C. A person who is convicted of intentionally or knowingly committing aggravated assault on a first responder pursuant to subsection A, paragraph 1 or 2 of this section shall be sentenced to imprisonment for not less than the presumptive sentence authorized under chapter 7 of this title and is not eligible for suspension of sentence, commutation or release on any basis until the sentence imposed is served.

D. IF A PERSON IS CONVICTED OF COMMITTING AGGRAVATED ASSAULT ON A PEACE OFFICER PURSUANT TO THIS SECTION AND THE TRIER OF FACT DETERMINES THAT SECTION 13-701, SUBSECTION D, PARAGRAPH 17 APPLIES, THE PERSON SHALL BE SENTENCED TO TWO YEARS MORE THAN WOULD OTHERWISE BE IMPOSED FOR THE OFFENSE. THE ADDITIONAL SENTENCE IMPOSED UNDER THIS SUBSECTION IS IN ADDITION TO ANY ENHANCED PUNISHMENT THAT MAY BE APPLICABLE UNDER THIS SECTION OR CHAPTER 7 OF THIS TITLE. THE PERSON IS NOT ELIGIBLE FOR SUSPENSION OF SENTENCE, COMMUTATION OR RELEASE FROM CONFINEMENT ON ANY BASIS, EXCEPT AS SPECIFICALLY AUTHORIZED BY SECTION 31-233, SUBSECTION A OR B, UNTIL THE SENTENCE IMPOSED IS SERVED THE PERSON IS ELIGIBLE FOR RELEASE PURSUANT TO SECTION 41-1604.07 OR THE SENTENCE IS COMMUTED.

~~D.~~ E. It is not a defense to a prosecution for assaulting a peace officer or a mitigating circumstance that the peace officer was not on duty or engaged in the execution of any official duties.

~~E.~~ F. Except pursuant to subsections ~~F~~ and G, H AND I of this section, aggravated assault pursuant to subsection A, paragraph 1 or 2, paragraph 9, subdivision (a) or paragraph 11 of this section is a class 3 felony except if the aggravated assault is a violation of subsection A, paragraph 1 or 2 of this section and the victim is under fifteen years of age it is a class 2 felony punishable pursuant to section 13-705. Aggravated assault pursuant to subsection A, paragraph 3 OR 12 or subsection B of this section is a class 4 felony. Aggravated assault pursuant to subsection A, paragraph 9, subdivision (b) or paragraph 10 of this section is a class 5 felony. Aggravated assault pursuant to subsection A, paragraph 4, 5, 6, 7 or 8 or paragraph 9, subdivision (c) of this section is a class 6 felony.

~~F.~~ G. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of this section committed on a first responder is a class 2 felony. Aggravated assault pursuant to subsection A, paragraph 3 of this section committed on a first responder is a class 3 felony. Aggravated assault pursuant to subsection A, paragraph 8, subdivision (a) of this section committed on a first responder is a class 4 felony unless the assault results in any physical injury to the first responder, in which case it is a class 3 felony.

H. AGGRAVATED ASSAULT PURSUANT TO SUBSECTION A, PARAGRAPH 1 OR 2 OF THIS SECTION COMMITTED ON AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY IS A CLASS 2 FELONY. AGGRAVATED ASSAULT PURSUANT TO SUBSECTION A, PARAGRAPH 3 OF THIS SECTION COMMITTED ON AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY IS A CLASS 3 FELONY. AGGRAVATED ASSAULT PURSUANT TO SUBSECTION A, PARAGRAPH 8,

1 SUBDIVISION (j) OF THIS SECTION COMMITTED ON AN EMPLOYEE OF A LAW
2 ENFORCEMENT AGENCY IS A CLASS 5 FELONY UNLESS THE ASSAULT RESULTS IN ANY
3 PHYSICAL INJURY TO THE EMPLOYEE, IN WHICH CASE IT IS A CLASS 4 FELONY.

4 ~~G.~~ I. Aggravated assault pursuant to:

5 1. Subsection A, paragraph 1 or 2 of this section is a class 2
6 felony if committed on a prosecutor.

7 2. Subsection A, paragraph 3 of this section is a class 3 felony if
8 committed on a prosecutor.

9 3. Subsection A, paragraph 8, subdivision (e) of this section is a
10 class 5 felony if the assault results in physical injury to a prosecutor.

11 ~~H.~~ J. For the purposes of this section:

12 1. "First responder" means:

13 (a) A peace officer.

14 (b) A firefighter, a fire marshal, a fire inspector, an emergency
15 medical care technician or a paramedic who is engaged in the execution of
16 any official duties.

17 (c) A tribal police officer.

18 2. "Health care worker" means:

19 (a) A person who is employed by or contracted to work at a health
20 care institution that is licensed pursuant to title 36.

21 (b) A person who is employed or contracted to provide health care
22 or related services in a fieldwork setting, including:

23 (i) Home health care, home-based hospice and home-based social
24 work, unless the worker is employed or contracted by an individual who
25 privately employs, in the individual's residence, the worker to perform
26 covered services for the individual or a family member of the individual.

27 (ii) Any emergency services and transport, including the services
28 provided by firefighters and emergency responders.

29 3. "Judicial officer" means a justice of the supreme court, judge,
30 justice of the peace or magistrate or a commissioner or hearing officer of
31 a state, county or municipal court.

32 4. "Mental disability" means a disabling neurological condition, or
33 brain injury, or involuntary impairment as a result of a medication that
34 is administered by a health care provider or a medical procedure that is
35 performed at a health care treatment site.

36 5. "Prosecutor" means a county attorney, a municipal prosecutor or
37 the attorney general and includes an assistant or deputy county attorney,
38 municipal prosecutor or attorney general.

39 Sec. 2. Section 13-1204, Arizona Revised Statutes, as amended by
40 2024 proposition 311, section 4, is amended to read:

41 13-1204. Aggravated assault; classification; definitions

42 A. Beginning from and after December 31, 2032, a person commits
43 aggravated assault if the person commits assault as prescribed by section
44 13-1203 under any of the following circumstances:

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

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

1 3. If the person commits the assault by any means of force that
2 causes temporary but substantial disfigurement, temporary but substantial
3 loss or impairment of any body organ or part or a fracture of any body
4 part.

5 4. If the person commits the assault while the victim is bound or
6 otherwise physically restrained or while the victim's capacity to resist
7 is substantially impaired.

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

10 6. If the person is eighteen years of age or older and commits the
11 assault on a minor under fifteen years of age.

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

16 8. If the person commits the assault knowing or having reason to
17 know that the victim is any of the following:

18 (a) A peace officer or a person summoned and directed by the
19 officer.

20 (b) A constable or a person summoned and directed by the constable
21 while engaged in the execution of any official duties or if the assault
22 results from the execution of the constable's official duties.

23 (c) A firefighter, fire investigator, fire inspector, emergency
24 medical technician or paramedic engaged in the execution of any official
25 duties or a person summoned and directed by such individual while engaged
26 in the execution of any official duties or if the assault results from the
27 execution of the official duties of the firefighter, fire investigator,
28 fire inspector, emergency medical technician or paramedic.

29 (d) A teacher or other person employed by any school and the
30 teacher or other employee is on the grounds of a school or grounds
31 adjacent to the school or is in any part of a building or vehicle used for
32 school purposes, any teacher or school nurse visiting a private home in
33 the course of the teacher's or nurse's professional duties or any teacher
34 engaged in any authorized and organized classroom activity held on other
35 than school grounds.

36 (e) A health care worker while engaged in the health care worker's
37 work duties or a health care practitioner who is certified or licensed
38 pursuant to title 32, chapter 13, 14, 15, 17 or 25, or a person summoned
39 and directed by the licensed health care practitioner while engaged in the
40 person's professional duties. This subdivision does not apply if the
41 person who commits the assault does not have the ability to form the
42 culpable mental state because of a mental disability, **DEVELOPMENTAL**
43 **DISABILITY OR COGNITIVE DISABILITY** or because the person is seriously
44 mentally ill, as defined in section 36-550.

45 (f) A prosecutor while engaged in the execution of any official
46 duties or if the assault results from the execution of the prosecutor's
47 official duties.

1 (g) A code enforcement officer as defined in section 39-123 while
2 engaged in the execution of any official duties or if the assault results
3 from the execution of the code enforcement officer's official duties.

4 (h) A state or municipal park ranger while engaged in the execution
5 of any official duties or if the assault results from the execution of the
6 park ranger's official duties.

7 (i) A public defender while engaged in the execution of any
8 official duties or if the assault results from the execution of the public
9 defender's official duties.

10 (j) A judicial officer while engaged in the execution of any
11 official duties or if the assault results from the execution of the
12 judicial officer's official duties.

13 (k) AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY, OTHER THAN A PEACE
14 OFFICER, WHILE ENGAGED IN THE EXECUTION OF ANY OFFICIAL DUTIES.

15 (l) A PUBLIC TRANSIT EMPLOYEE WHO PERFORMS DUTIES ON AND OFF A
16 VEHICLE WHILE ENGAGED IN TRANSFERRING MEMBERS OF THE COMMUNITY TO AND FROM
17 DESTINATIONS IN A BUS, VAN OR SHUTTLE.

18 (m) AN AIRPORT EMPLOYEE WHO INTERACTS WITH THE PUBLIC WHILE ENGAGED
19 IN THE AIRPORT EMPLOYEE'S WORK DUTIES.

20 (n) A RAILWAY WORKER WHILE ENGAGED IN OPERATING A TRAIN, LIGHT RAIL
21 OR PASSENGER RAIL OR PERFORMING TRACK MAINTENANCE.

22 9. If the person knowingly takes or attempts to exercise control
23 over any of the following:

24 (a) A peace officer's or other officer's firearm and the person
25 knows or has reason to know that the victim is a peace officer or other
26 officer employed by one of the agencies listed in paragraph 10,
27 subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection.

28 (b) Any weapon other than a firearm that is being used by a peace
29 officer or other officer or that the officer is attempting to use, and the
30 person knows or has reason to know that the victim is a peace officer or
31 other officer employed by one of the agencies listed in paragraph 10,
32 subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection.

33 (c) Any implement that is being used by a peace officer or other
34 officer or that the officer is attempting to use, and the person knows or
35 has reason to know that the victim is a peace officer or other officer
36 employed by one of the agencies listed in paragraph 10, subdivision (a),
37 item (i), (ii), (iii), (iv) or (v) of this subsection. For the purposes
38 of this subdivision, "implement" means an object that is designed for or
39 that is capable of restraining or injuring an individual. Implement does
40 not include handcuffs.

41 10. If the person meets both of the following conditions:

42 (a) Is imprisoned or otherwise subject to the custody of any of the
43 following:

44 (i) The state department of corrections.

45 (ii) The department of juvenile corrections.

46 (iii) A law enforcement agency.

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

3 (v) Any other entity that is contracting with the state department
4 of corrections, the department of juvenile corrections, a law enforcement
5 agency, another state, any private correctional facility, a county, a city
6 or the federal bureau of prisons or other federal agency that has
7 responsibility for sentenced or unsentenced prisoners.

8 (b) Commits an assault knowing or having reason to know that the
9 victim is acting in an official capacity as an employee of any of the
10 entities listed in subdivision (a) of this paragraph.

11 11. If the person uses a simulated deadly weapon.

12 12. IF THE PERSON IS AIDED BY TWO OR MORE ACCOMPLICES ~~[WHO ARE~~
13 ~~ACTUALLY PRESENT]~~ [AID IN COMMITTING THE ASSAULT AND THE ASSAULT IS
14 DIRECTED AT A SINGLE PERSON].

15 B. Beginning from and after December 31, 2032, a person commits
16 aggravated assault if the person commits assault by either intentionally,
17 knowingly or recklessly causing any physical injury to another person,
18 intentionally placing another person in reasonable apprehension of
19 imminent physical injury or knowingly touching another person with the
20 intent to injure the person, and both of the following occur:

21 1. The person intentionally or knowingly impedes the normal
22 breathing or circulation of blood of another person by applying pressure
23 to the throat or neck or by obstructing the nose and mouth either manually
24 or through the use of an instrument.

25 2. Any of the circumstances exists that are set forth in section
26 13-3601, subsection A, paragraph 1, 2, 3, 4, 5 or 6.

27 C. A person who is convicted of intentionally or knowingly
28 committing aggravated assault on a peace officer pursuant to subsection A,
29 paragraph 1 or 2 of this section shall be sentenced to imprisonment for
30 not less than the presumptive sentence authorized under chapter 7 of this
31 title and is not eligible for suspension of sentence, commutation or
32 release on any basis until the sentence imposed is served.

33 D. IF A PERSON IS CONVICTED OF COMMITTING AGGRAVATED ASSAULT ON A
34 PEACE OFFICER PURSUANT TO THIS SECTION AND THE TRIER OF FACT DETERMINES
35 THAT SECTION 13-701, SUBSECTION D, PARAGRAPH 17 APPLIES, THE PERSON SHALL
36 BE SENTENCED TO TWO YEARS MORE THAN WOULD OTHERWISE BE IMPOSED FOR THE
37 OFFENSE. THE ADDITIONAL SENTENCE IMPOSED UNDER THIS SUBSECTION IS IN
38 ADDITION TO ANY ENHANCED PUNISHMENT THAT MAY BE APPLICABLE UNDER THIS
39 SECTION OR CHAPTER 7 OF THIS TITLE. THE PERSON IS NOT ELIGIBLE FOR
40 SUSPENSION OF SENTENCE, COMMUTATION OR RELEASE FROM CONFINEMENT ON ANY
41 BASIS, EXCEPT AS SPECIFICALLY AUTHORIZED BY SECTION 31-233, SUBSECTION A
42 OR B, UNTIL THE SENTENCE IMPOSED IS SERVED THE PERSON IS ELIGIBLE FOR
43 RELEASE PURSUANT TO SECTION 41-1604.07 OR THE SENTENCE IS COMMUTED.

44 ~~D.~~ E. It is not a defense to a prosecution for assaulting a peace
45 officer or a mitigating circumstance that the peace officer was not on
46 duty or engaged in the execution of any official duties.

1 ~~F.~~ F. Except pursuant to subsections ~~F~~ and G, H AND I of this
2 section, aggravated assault pursuant to subsection A, paragraph 1 or 2,
3 paragraph 9, subdivision (a) or paragraph 11 of this section is a class 3
4 felony except if the aggravated assault is a violation of subsection A,
5 paragraph 1 or 2 of this section and the victim is under fifteen years of
6 age it is a class 2 felony punishable pursuant to section 13-705.
7 Aggravated assault pursuant to subsection A, paragraph 3 OR 12 or
8 subsection B of this section is a class 4 felony. Aggravated assault
9 pursuant to subsection A, paragraph 9, subdivision (b) or paragraph 10 of
10 this section is a class 5 felony. Aggravated assault pursuant to
11 subsection A, paragraph 4, 5, 6, 7 or 8 or paragraph 9, subdivision (c) of
12 this section is a class 6 felony.

13 ~~F.~~ G. Aggravated assault pursuant to subsection A, paragraph 1 or
14 2 of this section committed on a peace officer is a class 2 felony.
15 Aggravated assault pursuant to subsection A, paragraph 3 of this section
16 committed on a peace officer is a class 3 felony. Aggravated assault
17 pursuant to subsection A, paragraph 8, subdivision (a) of this section
18 committed on a peace officer is a class 5 felony unless the assault
19 results in any physical injury to the peace officer, in which case it is a
20 class 4 felony.

21 H. AGGRAVATED ASSAULT PURSUANT TO SUBSECTION A, PARAGRAPH 1 OR 2 OF
22 THIS SECTION COMMITTED ON AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY IS A
23 CLASS 2 FELONY. AGGRAVATED ASSAULT PURSUANT TO SUBSECTION A, PARAGRAPH 3
24 OF THIS SECTION COMMITTED ON AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY IS A
25 CLASS 3 FELONY. AGGRAVATED ASSAULT PURSUANT TO SUBSECTION A, PARAGRAPH 8,
26 SUBDIVISION (j) OF THIS SECTION COMMITTED ON AN EMPLOYEE OF A LAW
27 ENFORCEMENT AGENCY IS A CLASS 5 FELONY UNLESS THE ASSAULT RESULTS IN ANY
28 PHYSICAL INJURY TO THE EMPLOYEE, IN WHICH CASE IT IS A CLASS 4 FELONY.

29 ~~G.~~ I. Aggravated assault pursuant to:
30 1. Subsection A, paragraph 1 or 2 of this section is a class 2
31 felony if committed on a prosecutor.
32 2. Subsection A, paragraph 3 of this section is a class 3 felony if
33 committed on a prosecutor.
34 3. Subsection A, paragraph 8, subdivision (f) of this section is a
35 class 5 felony if the assault results in physical injury to a prosecutor.

36 ~~H.~~ J. For the purposes of this section:
37 1. "Health care worker" means:
38 (a) A person who is employed by or contracted to work at a health
39 care institution that is licensed pursuant to title 36.
40 (b) A person who is employed or contracted to provide health care
41 or related services in a fieldwork setting, including:
42 (i) Home health care, home-based hospice and home-based social
43 work, unless the worker is employed or contracted by an individual who
44 privately employs, in the individual's residence, the worker to perform
45 covered services for the individual or a family member of the individual.
46 (ii) Any emergency services and transport, including the services
47 provided by firefighters and emergency responders.

1 2. "Judicial officer" means a justice of the supreme court, judge,
2 justice of the peace or magistrate or a commissioner or hearing officer of
3 a state, county or municipal court.
4 3. "Mental disability" means a disabling neurological condition, or
5 brain injury, or involuntary impairment as a result of a medication that
6 is administered by a health care provider or a medical procedure that is
7 performed at a health care treatment site.
8 4. "Prosecutor" means a county attorney, a municipal prosecutor or
9 the attorney general and includes an assistant or deputy county attorney,
10 municipal prosecutor or attorney general.
11 Sec. 3. Repeal
12 Section 13-1204, Arizona Revised Statutes, as amended by Laws 2024,
13 chapter 113, section 1 and chapter 257, section 2, is repealed.
14 Sec. 4. Short title
15 This act may be cited as "Preston's Law".

16 Enroll and engross to conform
17 Amend title to conform

MATT GRESS

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