

Law Reference for Arizona Security Forces



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Arizona Law

(State of Arizona, 2020)

Title 32 - Professions and Occupations

Eligibility - criminal record

32-2609. Good cause exceptions for misdemeanor and felony offenses

A. If a person shows at a hearing to the board's satisfaction that the person is not awaiting trial on or has not been convicted of committing any of the offenses listed in section [41-1758.03](#), subsection B, the board may grant a good cause exception for the following:

1. A misdemeanor offense if the person completed all terms of sentencing.
2. A felony offense if ten or more years have passed since the person completed all terms of sentencing.

B. Before granting a good cause exception at a hearing the board shall consider all of the following in accordance with board rule:

1. The extent of the person's criminal record.
2. The length of time that has elapsed since the offense was committed.
3. The nature of the offense.
4. Evidence supporting any applicable mitigating circumstances.
5. Evidence supporting the degree to which the person participated in the offense.
6. Evidence supporting the extent of the person's rehabilitation, including:
 - (a) Completion of probation, parole or community supervision.
 - (b) Whether the person paid restitution or other compensation for the offense.
 - (c) Evidence of positive action to change criminal behavior, such as completion of a drug treatment program or counseling.
 - (d) Personal references attesting to the person's rehabilitation.

C. If seeking a good cause exception, at least five days before the hearing the applicant shall submit to the department any evidence the applicant will be presenting at the hearing.

Impersonating a security guard

32-2621. Necessity of security guard registration

A. No person, except a regularly commissioned peace officer, shall act, attempt to act or represent himself as a security guard unless such person is registered as a guard pursuant to this chapter and acting within the scope of his employment for an agency licensed pursuant to article 2 of this chapter.

B. The provisions of this article shall not apply to individual agency licensees or to qualifying parties, officers, directors, partners or managers of an agency licensee who are licensed pursuant to article 2 of this chapter.

Qualifications

32-2622. Qualifications of applicant for associate, security guard or armed security guard registration certificate

A. An applicant for an associate or a security guard registration certificate issued pursuant to this article shall:

1. Be at least eighteen years of age.
2. Be a citizen or legal resident of the United States who is authorized to seek employment in the United States.
3. Not have been convicted of any felony or currently be under indictment for a felony.
4. Within the five years immediately preceding the application for an associate, security guard or armed security guard registration certificate, not have been convicted of any misdemeanor act involving:
 - (a) Personal violence or force against another person or threatening to commit any act of personal violence or force against another person.
 - (b) Misconduct involving a deadly weapon as provided in section [13-3102](#).
 - (c) Dishonesty or fraud.
 - (d) Arson.
 - (e) Theft.
 - (f) Domestic violence.
 - (g) A violation of [title 13](#), chapter 34 or 34.1 or an offense that has the same elements as an offense listed in [title 13](#), chapter 34 or 34.1.
 - (h) Sexual misconduct.
5. Not be on parole, on community supervision, on work furlough, on home arrest, on release on any other basis or named in an outstanding arrest warrant.
6. Not be serving a term of probation pursuant to a conviction for any act of personal violence or domestic violence, as defined in section [13-3601](#), or an offense that has the same elements as an offense listed in section [13-3601](#).
7. Not be either of the following:
 - (a) Adjudicated mentally incompetent.

(b) Found to constitute a danger to self or others pursuant to section [36-540](#).

8. Not have a disability as defined in section [41-1461](#), unless that person is a qualified individual as defined in section [41-1461](#).

9. Not have been convicted of acting or attempting to act as an associate, security guard or armed security guard without a license if a license was required.

10. Not be a registered sex offender.

B. An applicant for an armed security guard registration certificate issued pursuant to this chapter shall:

1. Meet the requirements of subsection A of this section.

2. Except as provided in section [32-2624](#), successfully complete all background screening and training requirements.

3. Not be a prohibited possessor as defined in section [13-3101](#) or as described in [18 United States Code section 922](#).

4. Not have been discharged from the armed services of the United States under other than honorable conditions.

5. Not have been convicted of any crime involving domestic violence as defined in section [13-3601](#).

Authority

[32-2634](#). *Authority; limitations*

A person employed as a security guard or armed security guard shall not possess the authority of a regularly commissioned police or peace officer. Any duties performed by a security guard or armed security guard shall be performed in the capacity of a private citizen.

Uniform Regulations

[32-2635](#). *Uniform and insignia*

A. The particular type of uniform and insignia for a security guard or an armed security guard shall be subject to approval according to rules adopted by the department and shall be such that it will not deceive or confuse the public or be identical with that of any law enforcement officer of the federal government, this state or any political subdivision of this state. Shoulder identification patches shall be worn on all uniform jackets, coats and shirts and shall include the name of the agency licensee. Shoulder identification patches or emblems shall not be less than two inches by three inches in size.

B. No badge or shield shall be worn or carried by a security guard, an armed security guard or an employee or registrant of any patrol service agency or private security guard agency, unless previously approved by the director.

Disciplinary Action

32-2636. Grounds for disciplinary action; emergency summary suspension; judicial review

A. The following constitute grounds for disciplinary action against a licensee or registrant, or if the licensee is other than an individual, against its qualifying party or any of its associates, directors or managers:

1. Using any letterhead, advertisement or other printed matter to represent, or in any other manner representing, that the licensee, registrant or qualifying party or its associate, director or manager is an instrumentality of the federal government or any state or political subdivision of a state.
2. Using a name that is different from that under which the licensee, registrant or qualifying party or its associate, director or manager is currently licensed or registered for any advertisement, solicitation or contract to secure business under this chapter unless the name is an authorized fictitious name.
3. Falsifying fingerprints, photographs or other documents while operating pursuant to this chapter.
4. Impersonating, or permitting or aiding and abetting an employee to impersonate, a law enforcement officer or employee of the United States or any state or political subdivision of a state.
5. Knowingly violating, or advising, encouraging or assisting in the violation of, any statute, court order, warrant or injunction in the course of business as a licensee or registrant under this chapter.
6. Committing or knowingly permitting any employee to commit any violation of this chapter or rules adopted pursuant to this chapter.
7. Committing an act of misconduct involving a weapon pursuant to section [13-3102](#).
8. Conviction of a felony.
9. Conviction of any act of personal violence or force against any person or conviction of threatening to commit any act of personal violence or force against any person.
10. Fraud or wilful misrepresentation in applying for an original license or registration or the renewal of an existing license or registration.
11. Soliciting business for an attorney in return for compensation.
12. Conviction of any act constituting fraud.
13. Being on parole, on community supervision, on work furlough, on home arrest, on release on any other basis or named in an outstanding arrest warrant.
14. Serving a term of probation pursuant to a conviction for any act of personal violence or domestic violence as defined in section 13-3601 or an offense that has the same elements as a domestic violence offense listed in section 13-3601, subsection A.
15. Wilfully failing or refusing to render client services or a report as agreed between the parties and for which compensation has been paid or tendered pursuant to the agreement of the parties.

16. The unauthorized release of information acquired on behalf of a client by a licensee, associate or registrant as a result of activities regulated under this chapter.

17. Failing or refusing to cooperate with or refusing access to an authorized representative of the department engaged in an official investigation pursuant to this chapter.

18. Employing or contracting with any unregistered or improperly registered person or unlicensed or improperly licensed person or agency to conduct activities regulated under this chapter if the licensure or registration status was known or could have been ascertained by reasonable inquiry.

19. Permitting, authorizing, aiding or in any way assisting a registered employee to conduct services as described in this chapter on an independent contractor basis and not under the authority of the licensed agency.

20. Failing to maintain in full force and effect workers' compensation insurance, if applicable, or liability insurance as prescribed by section [32-2613](#), subsection C.

21. Conducting security guard services regulated by this chapter on an expired, revoked or suspended license or registration.

22. Accepting employment, contracting or in any way engaging in employment that has an adverse impact on security guard services being conducted on behalf of clients.

23. Advertising in a false, deceptive or misleading manner.

24. Failing to display on request the identification card issued by the department pursuant to section [32-2624](#).

25. Committing any act of unprofessional conduct.

26. Being arrested for any offense listed in this chapter that would disqualify the licensee, registrant or qualifying party or any of its associates, directors or managers from obtaining a license or registration.

27. Failing to maintain all qualifications as prescribed by sections [32-2612](#) and [32-2622](#), as applicable.

B. An officer, director, associate, partner, qualifying party, employee or manager of the holder of an agency license issued pursuant to this chapter who is found in violation of this chapter shall be denied the privilege of operating under such a license. The remaining officers, directors, associates, partners, employees or managers of such licensee who are innocent of such violations may carry on the business.

C. Any person aggrieved by a decision of the director may request a hearing pursuant to [title 41](#), chapter 6, article 10. Except as provided in section [41-1092.08](#), subsection H, final decisions of the director are subject to judicial review pursuant to [title 12](#), chapter 7, article 6.

D. On completion of an investigation, the director:

1. May dismiss the case.

2. May take emergency action.

3. May issue a letter of concern, if applicable.

4. May forward the findings to the board for review and possible disciplinary action.

5. Shall place all records, evidence, findings and conclusions and any other information pertinent to the investigation in the public records section of the file maintained at the department.

6. May suspend the license or registration of a person who is arrested for an offense that is listed in this chapter and that would disqualify the person from obtaining a license or registration.

E. A letter of concern is a public document and may be used in future disciplinary actions against a licensee or registrant.

F. If the department finds, based on its investigation, that the public health, safety or welfare requires emergency action, the director may order a summary suspension of a license or registration pending proceedings for revocation or other action. If the director issues this order, the department shall serve the licensee or registrant with a written notice of complaint and formal hearing, setting forth the charges made against the licensee or registrant and the licensee's or registrant's right to a formal hearing before the board pursuant to [title 41](#), chapter 6, article 10.

G. If the department finds, based on its investigation, that a violation of subsection A of this section occurred, a hearing by the board may be scheduled pursuant to [title 41](#), chapter 6, article 10. Notice of the hearing shall be sent by certified mail, return receipt requested, to the licensee's or registrant's last known address in the department's files.

H. Based on information the board receives during a hearing pursuant to [title 41](#), chapter 6, article 10, it may recommend to the director that the director:

1. Dismiss the complaint if the board believes it is without merit.

2. Fix a period and terms of probation best adapted to protect the public health and safety and to rehabilitate or educate the licensee or registrant.

3. Suspend the license or registration for a period of not more than twelve months.

4. Revoke the license or registration.

I. The director shall review the records of a finding by the board involving a disciplinary action and may affirm, reverse, adopt, modify, supplement, amend or reject the recommendation of the board. On a finding by the board and review and concurrence by the director that a licensee or registrant committed a violation of subsection A of this section, the probation, suspension or revocation applies to all licenses or registrations held by a licensee or registrant under chapter 24 of [this title](#) and this chapter.

32-2637. Violations; classification

Any person who violates any of the provisions of this chapter is guilty of a class 1 misdemeanor.

32-2638. Disclosure of information to law enforcement officer or county attorney

Any licensee or registrant under this chapter shall, upon demand, divulge to any law enforcement officer or county attorney any information he may acquire as to any criminal offense.

32-2639. Authority to investigate complaint; filing and response to complaints; retention of records

A. The department may investigate any licensee, registrant, associate, employee or person if that licensee, registrant, associate, employee or person advertises as providing or performs services that require licensure or registration under this chapter.

B. The department shall investigate whether a licensee or registrant is engaged in activities that do not comply with or are prohibited by this chapter.

C. The department shall enforce this chapter without regard to the place or location in which a violation may have occurred.

D. On the complaint of any person or on its own initiative, the department may investigate any suspected violation of this chapter or the business and business methods of any licensee, registrant or employee of a licensee or applicant for licensure or registration under this chapter.

E. A complaint filed against any licensee, associate, registrant or employee of a licensee must be in writing, on a form prescribed by the department and filed with the department.

F. In any investigation by the department, each licensee, associate, registrant, applicant, agency or employee, on request of the department, shall provide records and truthfully respond to questions concerning activities regulated under this chapter. The licensee shall maintain these records for five years at the licensee's principal place of business or at another location for a person whose license has been terminated, canceled or revoked. At the department's request, the licensee shall make the records available immediately to the department during normal business hours or at another time acceptable to the parties, unless the department grants an extension. The licensee shall provide copies of any records requested by the department.

32-2641. Grounds for refusal to issue a security guard identification card or registration certificate; judicial review; good cause exceptions

A. Except as provided in subsection F of this section, the department may deny the issuance of an identification card to an applicant for a security guard registration certificate, an armed security guard registration certificate, a security guard training instructor registration certificate or a firearms safety training instructor registration certificate if the applicant:

1. Does not meet the requirements prescribed in section [32-2622](#) for the appropriate type of certificate.
2. Has committed any act that would be grounds for the suspension or revocation of a security guard registration pursuant to this chapter.
3. Has knowingly made any statement that is false in the application.

B. If the director determines that an applicant's criminal history contains open arrest information, the director shall:

1. Issue a notice to the applicant allowing forty-five days for the applicant to provide documentation concerning the disposition of the arrest or arrests.

2. Send to the applicant at the applicant's last known residential address sufficient information to assist the applicant in complying with the director's request under paragraph 1 of this subsection.

C. The denial of the issuance of a registration certificate under this article shall be in writing and shall describe the basis for the denial. The denial notice shall inform the applicant that if the applicant desires a hearing by the board to contest the denial the applicant shall submit the request in writing to the department within thirty calendar days after service of the denial notice. Service is complete on the mailing of the denial to the address listed on the application.

D. Except as provided in section [41-1092.08](#), subsection H, final decisions of the director are subject to judicial review pursuant to [title 12](#), chapter 7, article 6.

E. If an applicant is denied a registration certificate, the applicant may petition the board for a good cause exception.

F. If the board granted an applicant for a security guard registration certificate, an armed security guard registration certificate, a security guard training instructor registration certificate or a firearms safety training instructor registration certificate a good cause exception pursuant to section [32-2609](#), the department may not deny the person's renewal application based on factors already reviewed by the board when granting the good cause exception.

[32-2642. Notice of arrest](#)

Within forty-eight hours after being arrested, a security guard, an armed security guard, a security guard training instructor or a firearms safety training instructor shall notify the person's employer of the arrest. Within twenty-four hours after receiving notice of the arrest, the employer shall notify the department of the arrest.

[Title 13 - Criminal Code](#)

[Criminal Liability](#)

[13-201. Requirements for criminal liability](#)

The minimum requirement for criminal liability is the performance by a person of conduct which includes a voluntary act or the omission to perform a duty imposed by law which the person is physically capable of performing.

[13-204. Effect of ignorance or mistake upon criminal liability](#)

A. Ignorance or a mistaken belief as to a matter of fact does not relieve a person of criminal liability unless:

1. It negates the culpable mental state required for commission of the offense; or
2. It supports a defense of justification as defined in chapter 4 of [this title](#).

B. Ignorance or mistake as to a matter of law does not relieve a person of criminal responsibility.

13-303. Criminal liability based upon conduct of another

A. A person is criminally accountable for the conduct of another if:

1. The person is made accountable for such conduct by the statute defining the offense; or
2. Acting with the culpable mental state sufficient for the commission of the offense, such person causes another person, whether or not such other person is capable of forming the culpable mental state, to engage in such conduct; or
3. The person is an accomplice of such other person in the commission of an offense including any offense that is a natural and probable or reasonably foreseeable consequence of the offense for which the person was an accomplice.

B. If causing a particular result is an element of an offense, a person who acts with the kind of culpability with respect to the result that is sufficient for the commission of the offense is guilty of that offense if:

1. The person solicits or commands another person to engage in the conduct causing such result; or
2. The person aids, counsels, agrees to aid or attempts to aid another person in planning or engaging in the conduct causing such result.

13-302. Criminal liability based upon conduct

A person may be guilty of an offense committed by such person's own conduct or by the conduct of another for which such person is criminally accountable as provided in this chapter, or both. In any prosecution, testimony of an accomplice need not be corroborated.

13-413. No civil liability for justified conduct

No person in this state shall be subject to civil liability for engaging in conduct otherwise justified pursuant to the provisions of this chapter.

Justification – Use Of Force

13-401. Unavailability of justification defense; justification as defense

A. Even though a person is justified under this chapter in threatening or using physical force or deadly physical force against another, if in doing so such person recklessly injures or kills an innocent third person, the justification afforded by this chapter is unavailable in a prosecution for the reckless injury or killing of the innocent third person.

B. Except as provided in subsection A, justification, as defined in this chapter, is a defense in any prosecution for an offense pursuant to this title.

13-402. Justification; execution of public duty

A. Unless inconsistent with the other sections of this chapter defining justifiable use of physical force or deadly physical force or with some other superseding provision of law, conduct which would otherwise constitute an offense is justifiable when it is required or authorized by law.

B. The justification afforded by subsection A also applies if:

1. A reasonable person would believe such conduct is required or authorized by the judgment or direction of a competent court or tribunal or in the lawful execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process; or
2. A reasonable person would believe such conduct is required or authorized to assist a peace officer in the performance of such officer's duties, notwithstanding that the officer exceeded the officer's legal authority.

13-403. Justification; use of physical force

The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:

1. A parent or guardian and a teacher or other person entrusted with the care and supervision of a minor or incompetent person may use reasonable and appropriate physical force upon the minor or incompetent person when and to the extent reasonably necessary and appropriate to maintain discipline.
2. A superintendent or other entrusted official of a jail, prison or correctional institution may use physical force for the preservation of peace, to maintain order or discipline, or to prevent the commission of any felony or misdemeanor.
3. A person responsible for the maintenance of order in a place where others are assembled or on a common motor carrier of passengers, or a person acting under his direction, may use physical force if and to the extent that a reasonable person would believe it necessary to maintain order, but such person may use deadly physical force only if reasonably necessary to prevent death or serious physical injury.
4. A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical injury upon himself may use physical force upon that person to the extent reasonably necessary to thwart the result.
5. A duly licensed physician or a registered nurse or a person acting under his direction, or any other person who renders emergency care at the scene of an emergency occurrence, may use reasonable physical force for the purpose of administering a recognized and lawful form of treatment which is reasonably adapted to promoting the physical or mental health of the patient if:
 - (a) The treatment is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of his parent, guardian or other person entrusted with his care and supervision except as otherwise provided by law; or
 - (b) The treatment is administered in an emergency when the person administering such treatment reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.
6. A person may otherwise use physical force upon another person as further provided in this chapter.

13-404. Justification; self-defense

A. Except as provided in subsection B of this section, a person is justified in threatening or using physical force against another when and to the extent a reasonable person would believe that physical force is immediately necessary to protect himself against the other's use or attempted use of unlawful physical force.

B. The threat or use of physical force against another is not justified:

1. In response to verbal provocation alone; or

2. To resist an arrest that the person knows or should know is being made by a peace officer or by a person acting in a peace officer's presence and at his direction, whether the arrest is lawful or unlawful, unless the physical force used by the peace officer exceeds that allowed by law; or

3. If the person provoked the other's use or attempted use of unlawful physical force, unless:

(a) The person withdraws from the encounter or clearly communicates to the other his intent to do so reasonably believing he cannot safely withdraw from the encounter; and

(b) The other nevertheless continues or attempts to use unlawful physical force against the person.

13-405. Justification; use of deadly physical force

A. A person is justified in threatening or using deadly physical force against another:

1. If such person would be justified in threatening or using physical force against the other under section [13-404](#), and

2. When and to the degree a reasonable person would believe that deadly physical force is immediately necessary to protect himself against the other's use or attempted use of unlawful deadly physical force.

B. A person has no duty to retreat before threatening or using deadly physical force pursuant to this section if the person is in a place where the person may legally be and is not engaged in an unlawful act.

13-406. Justification; defense of a third person

A person is justified in threatening or using physical force or deadly physical force against another to protect a third person if, under the circumstances as a reasonable person would believe them to be, such person would be justified under section [13-404](#) or [13-405](#) in threatening or using physical force or deadly physical force to protect himself against the unlawful physical force or deadly physical force a reasonable person would believe is threatening the third person he seeks to protect.

13-407. Justification; use of physical force in defense of premises

A. A person or his agent in lawful possession or control of premises is justified in threatening to use deadly physical force or in threatening or using physical force against another when and to the extent that a reasonable person would believe it immediately necessary to prevent or terminate the commission or attempted commission of a criminal trespass by the other person in or upon the premises.

B. A person may use deadly physical force under subsection A only in the defense of himself or third persons as described in sections [13-405](#) and [13-406](#).

C. In this section, "premises" means any real property and any structure, movable or immovable, permanent or temporary, adapted for both human residence and lodging whether occupied or not.

13-408. Justification; use of physical force in defense of property

A person is justified in using physical force against another when and to the extent that a reasonable person would believe it necessary to prevent what a reasonable person would believe is an attempt or commission by the other person of theft or criminal damage involving tangible movable property under his possession or control, but such person may use deadly physical force under these circumstances as provided in sections [13-405](#), [13-406](#) and [13-411](#).

13-409. Justification; use of physical force in law enforcement

A person is justified in threatening or using physical force against another if in making or assisting in making an arrest or detention or in preventing or assisting in preventing the escape after arrest or detention of that other person, such person uses or threatens to use physical force and all of the following exist:

1. A reasonable person would believe that such force is immediately necessary to effect the arrest or detention or prevent the escape.
2. Such person makes known the purpose of the arrest or detention or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested or detained.
3. A reasonable person would believe the arrest or detention to be lawful.

13-410. Justification; use of deadly physical force in law enforcement

A. The threatened use of deadly physical force by a person against another is justified pursuant to section [13-409](#) only if a reasonable person effecting the arrest or preventing the escape would believe the suspect or escapee is:

1. Actually resisting the discharge of a legal duty with deadly physical force or with the apparent capacity to use deadly physical force; or
2. A felon who has escaped from lawful confinement; or
3. A felon who is fleeing from justice or resisting arrest with physical force.

B. The use of deadly physical force by a person other than a peace officer against another is justified pursuant to section [13-409](#) only if a reasonable person effecting the arrest or preventing the escape would believe the suspect or escapee is actually resisting the discharge of a legal duty with physical force or with the apparent capacity to use deadly physical force.

C. The use of deadly force by a peace officer against another is justified pursuant to section [13-409](#) only when the peace officer reasonably believes that it is necessary:

1. To defend himself or a third person from what the peace officer reasonably believes to be the use or imminent use of deadly physical force.
2. To effect an arrest or prevent the escape from custody of a person whom the peace officer reasonably believes:

(a) Has committed, attempted to commit, is committing or is attempting to commit a felony involving the use or a threatened use of a deadly weapon.

(b) Is attempting to escape by use of a deadly weapon.

(c) Through past or present conduct of the person which is known by the peace officer that the person is likely to endanger human life or inflict serious bodily injury to another unless apprehended without delay.

(d) Is necessary to lawfully suppress a riot if the person or another person participating in the riot is armed with a deadly weapon.

D. Notwithstanding any other provisions of this chapter, a peace officer is justified in threatening to use deadly physical force when and to the extent a reasonable officer believes it necessary to protect himself against another's potential use of physical force or deadly physical force.

13-411. Justification; use of force in crime prevention; applicability

A. A person is justified in threatening or using both physical force and deadly physical force against another if and to the extent the person reasonably believes that physical force or deadly physical force is immediately necessary to prevent the other's commission of arson of an occupied structure under section [13-1704](#), burglary in the second or first degree under section [13-1507](#) or [13-1508](#), kidnapping under section [13-1304](#), manslaughter under section [13-1103](#), second or first degree murder under section [13-1104](#) or [13-1105](#), sexual conduct with a minor under section [13-1405](#), sexual assault under section [13-1406](#), child molestation under section [13-1410](#), armed robbery under section [13-1904](#) or aggravated assault under section [13-1204](#), subsection A, paragraphs 1 and 2.

B. There is no duty to retreat before threatening or using physical force or deadly physical force justified by subsection A of this section.

C. A person is presumed to be acting reasonably for the purposes of this section if the person is acting to prevent what the person reasonably believes is the imminent or actual commission of any of the offenses listed in subsection A of this section.

D. This section includes the use or threatened use of physical force or deadly physical force in a person's home, residence, place of business, land the person owns or leases, conveyance of any kind, or any other place in this state where a person has a right to be.

13-412. Duress

A. Conduct which would otherwise constitute an offense is justified if a reasonable person would believe that he was compelled to engage in the proscribed conduct by the threat or use of immediate physical force against his person or the person of another which resulted or could result in serious physical injury which a reasonable person in the situation would not have resisted.

B. The defense provided by subsection A is unavailable if the person intentionally, knowingly or recklessly placed himself in a situation in which it was probable that he would be subjected to duress.

C. The defense provided by subsection A is unavailable for offenses involving homicide or serious physical injury.

13-414. Justification; use of reasonable and necessary means

A correctional officer as defined in section [41-1661](#) may use all reasonable and necessary means including deadly force to prevent the attempt of a prisoner sentenced to the custody of the state department of corrections to:

1. Escape from custody or from a correctional facility.
2. Take another person as a hostage.
3. Cause serious bodily harm to another person.

13-416. Justification; use of reasonable and necessary means; definition

A. A security officer who is employed by a private contractor may use all reasonable and necessary means, including deadly force, to prevent a prisoner in the custody of the private contractor from the following:

1. Escaping from the custody of a law enforcement officer, an authorized custodial agent or a correctional facility.
2. Taking another person as a hostage or causing death or serious bodily harm to another person.

B. Security officers who are described in subsection A and who are employed by private prisons in this state shall meet or exceed the minimal training standards established by the American correctional association.

C. For the purposes of this section, "private contractor" means a person that contracts with any governmental entity to provide detention or incarceration services for prisoners.

13-417. Necessity defense

A. Conduct that would otherwise constitute an offense is justified if a reasonable person was compelled to engage in the proscribed conduct and the person had no reasonable alternative to avoid imminent public or private injury greater than the injury that might reasonably result from the person's own conduct.

B. An accused person may not assert the defense under subsection A if the person intentionally, knowingly or recklessly placed himself in the situation in which it was probable that the person would have to engage in the proscribed conduct.

C. An accused person may not assert the defense under subsection A for offenses involving homicide or serious physical injury.

13-418. Justification; use of force in defense of residential structure or occupied vehicles; definitions

A. Notwithstanding any other provision of this chapter, a person is justified in threatening to use or using physical force or deadly physical force against another person if the person reasonably believes himself or another person to be in imminent peril of death or serious physical injury and the person against whom the physical force or deadly physical force is threatened or used was in the process of unlawfully or forcefully entering, or had unlawfully or forcefully entered, a residential structure or occupied vehicle, or had removed or was attempting to remove another person against the other person's will from the residential structure or occupied vehicle.

B. A person has no duty to retreat before threatening or using physical force or deadly physical force pursuant to this section.

C. For the purposes of this section:

1. "Residential structure" has the same meaning prescribed in section [13-1501](#).

2. "Vehicle" means a conveyance of any kind, whether or not motorized, that is designed to transport persons or property.

13-419. Presumptions; defense of a residential structure or occupied vehicle; exceptions; definitions

A. A person is presumed to reasonably believe that the threat or use of physical force or deadly force is immediately necessary for the purposes of sections [13-404](#) through [13-408](#), section [13-418](#) and section [13-421](#) if the person knows or has reason to believe that the person against whom physical force or deadly force is threatened or used is unlawfully or forcefully entering or has unlawfully or forcefully entered and is present in the person's residential structure or occupied vehicle.

B. For the purposes of sections [13-404](#) through [13-408](#), section [13-418](#) and section [13-421](#), a person who is unlawfully or forcefully entering or who has unlawfully or forcefully entered and is present in a residential structure or occupied vehicle is presumed to pose an imminent threat of unlawful deadly harm to any person who is in the residential structure or occupied vehicle.

C. The presumptions in subsections A and B of this section do not apply if:

1. The person against whom physical force or deadly physical force was threatened or used has the right to be in or is a lawful resident of the residential structure or occupied vehicle, including an owner, lessee, invitee or titleholder, and an order of protection or injunction against harassment has not been filed against that person.

2. The person against whom physical force or deadly physical force was threatened or used is the parent or grandparent, or has legal custody or guardianship, of a child or grandchild sought to be removed from the residential structure or occupied vehicle.

3. The person who threatens or uses physical force or deadly physical force is engaged in an unlawful activity or is using the residential structure or occupied vehicle to further an unlawful activity.

4. The person against whom physical force or deadly physical force was threatened or used is a law enforcement officer who enters or attempts to enter a residential structure or occupied vehicle in the performance of official duties.

D. For the purposes of this section:

1. "Residential structure" has the same meaning prescribed in section [13-1501](#).

2. "Vehicle" means a conveyance of any kind, whether or not motorized, that is designed to transport persons or property.

13-421. Justification; defensive display of a firearm; definition

A. The defensive display of a firearm by a person against another is justified when and to the extent a reasonable person would believe that physical force is immediately necessary to protect himself against the use or attempted use of unlawful physical force or deadly physical force.

B. This section does not apply to a person who:

1. Intentionally provokes another person to use or attempt to use unlawful physical force.
2. Uses a firearm during the commission of a serious offense as defined in section [13-706](#) or violent crime as defined in section [13-901.03](#).

C. This section does not require the defensive display of a firearm before the use of physical force or the threat of physical force by a person who is otherwise justified in the use or threatened use of physical force.

D. For the purposes of this section, "defensive display of a firearm" includes:

1. Verbally informing another person that the person possesses or has available a firearm.
2. Exposing or displaying a firearm in a manner that a reasonable person would understand was meant to protect the person against another's use or attempted use of unlawful physical force or deadly physical force.
3. Placing the person's hand on a firearm while the firearm is contained in a pocket, purse or other means of containment or transport.

Arrest

LIABILITY WARNING: Security Guards may risk being charged with and or civilly liable for false arrest, false or unlawful imprisonment or wrongful detention when executing a citizen's arrest, should the arrest be determined to be unlawful. Shopkeepers privilege offers defense in shoplifting situations.

13-3881. Arrest; how made; force and restraint

A. An arrest is made by an actual restraint of the person to be arrested, or by his submission to the custody of the person making the arrest.

B. No unnecessary or unreasonable force shall be used in making an arrest, and the person arrested shall not be subjected to any greater restraint than necessary for his detention.

13-3882. Time of making arrest

An arrest may be made on any day and at any time of the day or night.

13-3884. Arrest by private person

A private person may make an arrest:

1. When the person to be arrested has in his presence committed a misdemeanor amounting to a breach of the peace, or a felony.
2. When a felony has been in fact committed and he has reasonable ground to believe that the person to be arrested has committed it.

13-3889. Method of arrest by private person

A private person when making an arrest shall inform the person to be arrested of the intention to arrest him and the cause of the arrest, unless he is then engaged in the commission of an offense, or is pursued immediately after its commission or after an escape, or flees or forcibly resists before the person making the arrest has opportunity so to inform him, or when the giving of such information will imperil the arrest.

13-3892. Right of private person to break into building

A private person, in order to make an arrest where a felony was committed in his presence, as authorized in section [13-3884](#), may break open a door or window of any building in which the person to be arrested is or is reasonably believed to be, if he is refused admittance after he has announced his purpose.

13-3893. Right to break door or window to effect release

When an officer or private person has entered a building in accordance with the provisions of section [13-3891](#) or [13-3892](#), he may break open a door or window of the building, if detained therein, when necessary for the purpose of liberating himself.

13-3893. Right to break door or window to effect release

When an officer or private person has entered a building in accordance with the provisions of section [13-3891](#) or [13-3892](#), he may break open a door or window of the building, if detained therein, when necessary for the purpose of liberating himself.

13-3894. Right to break into building in order to effect release of person making arrest detained therein

A peace officer or a private person may break open a door or window of any building when necessary for the purpose of liberating a person who entered the building in accordance with the provisions of section [13-3891](#) or [13-3892](#) and is detained therein.

13-3895. Weapons to be taken from person arrested

Any person making a lawful arrest may take from the person arrested all weapons which he may have about his person and shall deliver them to the magistrate before whom he is taken.

13-3900. Duty of private person after making arrest

A private person who has made an arrest shall without unnecessary delay take the person arrested before the nearest or most accessible magistrate in the county in which the arrest was made, or deliver him to a peace officer, who shall without unnecessary delay take him before such magistrate. The private person or officer so taking the person arrested before the magistrate shall make before the magistrate a complaint, which shall set forth the facts showing the offense for which the person was arrested. If, however, the officer cannot make the complaint, the private person who delivered the person arrested to the officer shall accompany the officer before the magistrate and shall make to the magistrate the complaint against the person arrested.

Nuclear Facility Security

13-4902. Criminal trespass on commercial nuclear generating station; classification

A. A person commits criminal trespass on a commercial nuclear generating station by knowingly either:

1. Entering or remaining unlawfully in or on a commercial nuclear generating station.
2. Entering or remaining unlawfully within a structure or fenced yard of a commercial nuclear generating station.

B. Criminal trespass on a commercial nuclear generating station is a class 4 felony.

13-4903. Use of force; armed nuclear security guards

A. An armed nuclear security guard is justified in using physical force against another person at a commercial nuclear generating station or structure or fenced yard of a commercial nuclear generating station if the armed nuclear security guard reasonably believes that such force is necessary to prevent or terminate the commission or attempted commission of criminal damage under section [13-1602](#), subsection A, paragraph 3 and subsection B, paragraph 1 or 2, misconduct involving weapons under section [13-3102](#), subsection A, paragraph 13 or criminal trespass on a commercial nuclear generating station under section [13-4902](#).

B. Notwithstanding sections [13-403](#), [13-404](#), [13-405](#), [13-406](#), [13-408](#), [13-409](#), [13-410](#) and [13-411](#), an armed nuclear security guard is justified in using physical force up to and including deadly physical force against another person at a commercial nuclear generating station or structure or fenced yard of a commercial nuclear generating station if the armed nuclear security guard reasonably believes that such force is necessary to:

1. Prevent the commission of manslaughter under section [13-1103](#), second or first degree murder under section [13-1104](#) or [13-1105](#), aggravated assault under section [13-1204](#), subsection A, paragraph 1 or 2, kidnapping under section [13-1304](#), burglary in the second or first degree under section [13-1507](#) or [13-1508](#), arson of a structure or property under section [13-1703](#), arson of an occupied structure under section [13-1704](#), armed robbery under section [13-1904](#) or an act of terrorism under section [13-2308.01](#).

2. Defend oneself or a third person from the use or imminent use of deadly physical force.

C. Notwithstanding any other provision of this chapter, an armed nuclear security guard is justified in threatening to use physical or deadly physical force if and to the extent a reasonable armed nuclear security guard believes it necessary to protect oneself or others against another person's potential use of physical force or deadly physical force.

D. An armed nuclear security guard is not subject to civil liability for engaging in conduct that is otherwise justified pursuant to this chapter.

13-4904. Detention authority; armed nuclear security guards

A. An armed nuclear security guard, with reasonable belief, may detain in or on a commercial nuclear generating station or a structure or fenced yard of a commercial nuclear generating station in a reasonable manner and for a reasonable time any person who is suspected of committing or attempting to commit manslaughter under section [13-1103](#), second or first degree murder under section [13-1104](#) or [13-1105](#), aggravated assault under section [13-1204](#), subsection A, paragraph 1 or 2, kidnapping under section [13-1304](#), burglary in the second or first degree under section [13-1507](#) or [13-1508](#), criminal damage under section [13-1602](#), subsection A, paragraph 3 and subsection B, paragraph 1 or 2, arson of a structure or property under section [13-1703](#), arson of an occupied structure under section [13-1704](#), armed robbery under section [13-1904](#), an act of terrorism under section [13-2308.01](#), misconduct involving weapons under section [13-3102](#), subsection A, paragraph 13 or criminal trespass on a commercial nuclear generating station under section [13-4902](#) for the purpose of summoning a law enforcement officer.

B. Reasonable belief of an armed nuclear security guard is a defense to a civil or criminal action against an armed nuclear security guard for false arrest, false or unlawful imprisonment or wrongful detention.

Homicide

13-1102. Negligent homicide; classification

A. A person commits negligent homicide if with criminal negligence the person causes the death of another person, including an unborn child.

B. An offense under this section applies to an unborn child in the womb at any stage of its development. A person may not be prosecuted under this section if any of the following applies:

1. The person was performing an abortion for which the consent of the pregnant woman, or a person authorized by law to act on the pregnant woman's behalf, has been obtained or for which the consent was implied or authorized by law.
2. The person was performing medical treatment on the pregnant woman or the pregnant woman's unborn child.
3. The person was the unborn child's mother.

C. Negligent homicide is a class 4 felony.

13-1103. Manslaughter; classification

A. A person commits manslaughter by:

1. Recklessly causing the death of another person; or
2. Committing second degree murder as prescribed in section [13-1104](#), subsection A upon a sudden quarrel or heat of passion resulting from adequate provocation by the victim; or
3. Intentionally providing the physical means that another person uses to commit suicide, with the knowledge that the person intends to commit suicide; or
4. Committing second degree murder as prescribed in section [13-1104](#), subsection A, paragraph 3, while being coerced to do so by the use or threatened immediate use of unlawful deadly physical force upon such person or a third person which a reasonable person in his situation would have been unable to resist; or
5. Knowingly or recklessly causing the death of an unborn child by any physical injury to the mother.

B. An offense under subsection A, paragraph 5 of this section applies to an unborn child in the womb at any stage of its development. A person shall not be prosecuted under subsection A, paragraph 5 of this section if any of the following applies:

1. The person was performing an abortion for which the consent of the pregnant woman, or a person authorized by law to act on the pregnant woman's behalf, has been obtained or for which the consent was implied or authorized by law.
2. The person was performing medical treatment on the pregnant woman or the pregnant woman's unborn child.

3. The person was the unborn child's mother.

C. Manslaughter is a class 2 felony.

13-1104. Second degree murder; classification

A. A person commits second degree murder if without premeditation:

1. The person intentionally causes the death of another person, including an unborn child or, as a result of intentionally causing the death of another person, causes the death of an unborn child; or
2. Knowing that the person's conduct will cause death or serious physical injury, the person causes the death of another person, including an unborn child or, as a result of knowingly causing the death of another person, causes the death of an unborn child; or
3. Under circumstances manifesting extreme indifference to human life, the person recklessly engages in conduct that creates a grave risk of death and thereby causes the death of another person, including an unborn child or, as a result of recklessly causing the death of another person, causes the death of an unborn child.

B. An offense under this section applies to an unborn child in the womb at any stage of its development. A person may not be prosecuted under this section if any of the following applies:

1. The person was performing an abortion for which the consent of the pregnant woman, or a person authorized by law to act on the pregnant woman's behalf, has been obtained or for which the consent was implied or authorized by law.
2. The person was performing medical treatment on the pregnant woman or the pregnant woman's unborn child.
3. The person was the unborn child's mother.

C. Second degree murder is a class 1 felony and is punishable as provided by section [13-705](#) if the victim is under fifteen years of age or is an unborn child, section [13-706](#), subsection A or section [13-710](#).

13-1105. First degree murder; classification

A. A person commits first degree murder if:

1. Intending or knowing that the person's conduct will cause death, the person causes the death of another person, including an unborn child, with premeditation or, as a result of causing the death of another person with premeditation, causes the death of an unborn child.
2. Acting either alone or with one or more other persons the person commits or attempts to commit sexual conduct with a minor under section [13-1405](#), sexual assault under section [13-1406](#), molestation of a child under section [13-1410](#), terrorism under section [13-2308.01](#), marijuana offenses under section [13-3405](#), subsection A, paragraph 4, dangerous drug offenses under section [13-3407](#), subsection A, paragraphs 4 and 7, narcotics offenses under section [13-3408](#), subsection A, paragraph 7 that equal or exceed the statutory threshold amount for each offense or combination of offenses, involving or using minors in drug offenses

under section [13-3409](#), drive by shooting under section [13-1209](#), kidnapping under section [13-1304](#), burglary under section [13-1506](#), [13-1507](#) or [13-1508](#), arson under section [13-1703](#) or [13-1704](#), robbery under section [13-1902](#), [13-1903](#) or [13-1904](#), escape under section [13-2503](#) or [13-2504](#), child abuse under section [13-3623](#), subsection A, paragraph 1 or unlawful flight from a pursuing law enforcement vehicle under section [28-622.01](#) and, in the course of and in furtherance of the offense or immediate flight from the offense, the person or another person causes the death of any person.

3. Intending or knowing that the person's conduct will cause death to a law enforcement officer, the person causes the death of a law enforcement officer who is in the line of duty.

B. Homicide, as prescribed in subsection A, paragraph 2 of this section, requires no specific mental state other than what is required for the commission of any of the enumerated felonies.

C. An offense under subsection A, paragraph 1 of this section applies to an unborn child in the womb at any stage of its development. A person shall not be prosecuted under subsection A, paragraph 1 of this section if any of the following applies:

1. The person was performing an abortion for which the consent of the pregnant woman, or a person authorized by law to act on the pregnant woman's behalf, has been obtained or for which the consent was implied or authorized by law.
2. The person was performing medical treatment on the pregnant woman or the pregnant woman's unborn child.
3. The person was the unborn child's mother.

D. First degree murder is a class 1 felony and is punishable by death or life imprisonment as provided by sections [13-751](#) and [13-752](#).

Assault & Related Offenses

[13-1201](#). *Endangerment; classification*

A. A person commits endangerment by recklessly endangering another person with a substantial risk of imminent death or physical injury.

B. Endangerment involving a substantial risk of imminent death is a class 6 felony. In all other cases, it is a class 1 misdemeanor.

[13-1202](#). *Threatening or intimidating; classification*

A. A person commits threatening or intimidating if the person threatens or intimidates by word or conduct:

1. To cause physical injury to another person or serious damage to the property of another; or
2. To cause, or in reckless disregard to causing, serious public inconvenience including, but not limited to, evacuation of a building, place of assembly or transportation facility; or

3. To cause physical injury to another person or damage to the property of another in order to promote, further or assist in the interests of or to cause, induce or solicit another person to participate in a criminal street gang, a criminal syndicate or a racketeering enterprise.

B. Threatening or intimidating pursuant to subsection A, paragraph 1 or 2 is a class 1 misdemeanor, except that it is a class 6 felony if:

1. The offense is committed in retaliation for a victim's either reporting criminal activity or being involved in an organization, other than a law enforcement agency, that is established for the purpose of reporting or preventing criminal activity.

2. The person is a criminal street gang member.

C. Threatening or intimidating pursuant to subsection A, paragraph 3 is a class 3 felony.

13-1203. Assault; classification

A. A person commits assault by:

1. Intentionally, knowingly or recklessly causing any physical injury to another person; or

2. Intentionally placing another person in reasonable apprehension of imminent physical injury; or

3. Knowingly touching another person with the intent to injure, insult or provoke such person.

B. Assault committed intentionally or knowingly pursuant to subsection A, paragraph 1 is a class 1 misdemeanor. Assault committed recklessly pursuant to subsection A, paragraph 1 or assault pursuant to subsection A, paragraph 2 is a class 2 misdemeanor. Assault committed pursuant to subsection A, paragraph 3 is a class 3 misdemeanor.

13-1204. Aggravated assault; classification; definitions

A. A person commits aggravated assault if the person commits assault as prescribed by section [13-1203](#) under any of the following circumstances:

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

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

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

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

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

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

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

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

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

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

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

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

(e) A health care practitioner who is certified or licensed pursuant to [title 32](#), chapter 13, 15, 17 or 25, or a person summoned and directed by the licensed health care practitioner while engaged in the person's professional duties. This subdivision does not apply if the person who commits the assault is seriously mentally ill, as defined in section [36-550](#), or is afflicted with Alzheimer's disease or related dementia.

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

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

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

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

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

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

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

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

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

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

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

(i) The state department of corrections.

(ii) The department of juvenile corrections.

(iii) A law enforcement agency.

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

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

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

11. If the person uses a simulated deadly weapon.

B. A person commits aggravated assault if the person commits assault by either intentionally, knowingly or recklessly causing any physical injury to another person, intentionally placing another person in reasonable apprehension of imminent physical injury or knowingly touching another person with the intent to injure the person, and both of the following occur:

1. The person intentionally or knowingly impedes the normal breathing or circulation of blood of another person by applying pressure to the throat or neck or by obstructing the nose and mouth either manually 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 peace officer 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. 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. Except pursuant to subsections F and G 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 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. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of this section committed on a peace officer is a class 2 felony. Aggravated assault pursuant to subsection A, paragraph 3 of this section committed on a peace officer is a class 3 felony. Aggravated assault pursuant to subsection A, paragraph 8, subdivision (a) of this section committed on a peace officer is a class 5 felony unless the assault results in any physical injury to the peace officer, in which case it is a class 4 felony.

G. Aggravated assault pursuant to:

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

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

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

H. For the purposes of this section:

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

2. "Prosecutor" means a county attorney, a municipal prosecutor or the attorney general and includes an assistant or deputy county attorney, municipal prosecutor or attorney general.

13-1205. Unlawfully administering intoxicating liquors, narcotic drug or dangerous drug; classification

A. A person commits unlawfully administering intoxicating liquors, a narcotic drug or dangerous drug if, for a purpose other than lawful medical or therapeutic treatment, such person knowingly introduces or causes to

be introduced into the body of another person, without such other person's consent, intoxicating liquors, a narcotic drug or dangerous drug.

B. Unlawfully administering intoxicating liquors, a narcotic drug or dangerous drug is a class 6 felony.

C. If the victim is a minor, then the offense shall be a class 5 felony.

13-1206. Dangerous or deadly assault by prisoner or juvenile; classification

A person, while in the custody of the state department of corrections, the department of juvenile corrections, a law enforcement agency or a county or city jail, who commits an assault involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or who intentionally or knowingly inflicts serious physical injury upon another person is guilty of a class 2 felony. If the person is an adult or is a juvenile convicted as an adult pursuant to section [8-327](#) or [13-501](#) or the rules of procedure for the juvenile court, the person shall not be eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the sentence imposed by the court has been served or commuted. A sentence imposed pursuant to this section shall be consecutive to any other sentence presently being served by the convicted person.

13-1207. Prisoners who commit assault with intent to incite to riot or participate in riot; classification

A. A person, while in the custody of the state department of corrections or a county or city jail, who commits assault on another person with the intent to incite to riot or who participates in a riot is guilty of a class 2 felony.

B. A person who is convicted of a violation of this section shall not be eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the sentence imposed by the court has been served or commuted and the sentence shall be consecutive to any other sentence presently being served by the convicted person.

13-1208. Assault; vicious animals; classification; exception; definition

A. A person who intentionally or knowingly causes any dog to bite and inflict serious physical injury on a human being or otherwise cause serious physical injury to a human being is guilty of a class 3 felony, unless the person would be justified in using physical force or deadly physical force in self-defense or defense of a third person pursuant to chapter 4 of this title.

B. A person who owns a dog that the owner knows or has reason to know has a history of biting or a propensity to cause injury or to otherwise endanger the safety of human beings without provocation or that has been found to be a vicious animal by a court of competent jurisdiction and that bites, inflicts physical injury on or attacks a human being while at large is guilty of a class 5 felony.

C. A person who owns or who is responsible for the care of a dog that the owner or responsible person knows or has reason to know has a history of biting or a propensity to cause injury or to otherwise endanger the safety of human beings without provocation or that has been found to be a vicious animal by a court of competent jurisdiction and who does not take reasonable care to prohibit the dog from escaping to the outside of a residence or enclosed area, yard or structure is guilty of a class 1 misdemeanor.

D. This section does not apply to dogs that are owned or used by a law enforcement agency and that are used in the performance of police work.

E. For the purposes of this section, "reasonable care" means the degree of care that a person of ordinary prudence would exercise in the same or similar circumstances.

13-1212. Prisoner assault with bodily fluids; liability for costs; classification; definition

A. A prisoner commits prisoner assault with bodily fluids if the prisoner throws or projects any bodily fluid at or onto a correctional facility employee or private prison security officer who the prisoner knows or reasonably should know is an employee of a correctional facility or is a private prison security officer.

B. A prisoner who is convicted of a violation of this section is liable for any costs incurred by the correctional facility employee or private prison security officer, including costs incurred for medical expenses or cleaning uniforms.

C. The state department of corrections shall adopt rules for the payment of costs pursuant to subsection B. Monies in the prisoner's trust fund or retention account established by the correctional facility in which the prisoner is incarcerated may be used to pay the costs pursuant to subsection B.

D. A prisoner who violates this section is guilty of a class 6 felony and the sentence imposed for a violation of this section shall run consecutively to any sentence of imprisonment for which the prisoner was confined or to any term of community supervision, probation, parole, work furlough or other release from confinement.

E. For the purposes of this section, "bodily fluids" means saliva, blood, seminal fluid, urine or feces.

Kidnapping and Related Offenses

13-1303. Unlawful imprisonment; classification; definition

A. A person commits unlawful imprisonment by knowingly restraining another person.

B. In any prosecution for unlawful imprisonment, it is a defense that:

1. The restraint was accomplished by a peace officer or detention officer acting in good faith in the lawful performance of his duty; or

2. The defendant is a relative of the person restrained and the defendant's sole intent is to assume lawful custody of that person and the restraint was accomplished without physical injury.

C. Unlawful imprisonment is a class 6 felony unless the victim is released voluntarily by the defendant without physical injury in a safe place before arrest in which case it is a class 1 misdemeanor.

D. For the purposes of this section, "detention officer" means a person other than an elected official who is employed by a county, city or town and who is responsible for the supervision, protection, care, custody or control of inmates in a county or municipal correctional institution. Detention officer does not include counselors or secretarial, clerical or professionally trained personnel.

Note: See [13-1805. Shoplifting; detaining suspect; defense to wrongful detention; civil action by merchant; public services; classification](#)

13-1304. Kidnapping; classification; consecutive sentence

A. A person commits kidnapping by knowingly restraining another person with the intent to:

1. Hold the victim for ransom, as a shield or hostage; or
2. Hold the victim for involuntary servitude; or
3. Inflict death, physical injury or a sexual offense on the victim, or to otherwise aid in the commission of a felony; or
4. Place the victim or a third person in reasonable apprehension of imminent physical injury to the victim or the third person; or
5. Interfere with the performance of a governmental or political function; or
6. Seize or exercise control over any airplane, train, bus, ship or other vehicle.

B. Kidnapping is a class 2 felony unless the victim is released voluntarily by the defendant without physical injury in a safe place before arrest and before accomplishing any of the further enumerated offenses in subsection A of this section in which case it is a class 4 felony. If the victim is released pursuant to an agreement with the state and without any physical injury, it is a class 3 felony. If the victim is under fifteen years of age kidnapping is a class 2 felony punishable pursuant to section [13-705](#). The sentence for kidnapping of a victim under fifteen years of age shall run consecutively to any other sentence imposed on the defendant and to any undischarged term of imprisonment of the defendant.

13-1306. Unlawfully obtaining labor or services; classification

A. It is unlawful for a person to knowingly obtain the labor or services of another person by doing any of the following:

1. Causing or threatening to cause bodily injury to that person or another person.
2. Restraining or threatening to restrain that person or another person without lawful authority and against that person's will.
3. Withholding that person's governmental records, identifying information or other personal property.

B. A person who violates this section is guilty of a class 4 felony.

13-1307. Sex trafficking; classification; definitions

A. It is unlawful for a person to knowingly traffic another person who is eighteen years of age or older with either of the following:

1. The intent to cause the other person to engage in any prostitution or sexually explicit performance by deception, force or coercion.
2. The knowledge that the other person will engage in any prostitution or sexually explicit performance by deception, coercion or force.

B. A person who violates this section is guilty of a class 2 felony.

C. For the purposes of this section:

1. "Coercion" includes:

(a) Abusing or threatening to abuse the law or the legal system.

(b) Knowingly destroying, concealing, removing, confiscating, possessing or withholding another person's actual or purported passport or other immigration document, government issued identification document, government record or personal property.

(c) Extortion.

(d) Causing or threatening to cause financial harm to any person.

(e) Facilitating or controlling another person's access to a controlled substance.

2. "Force" includes causing or threatening to cause serious harm to another person or physically restraining or threatening to physically restrain another person.

3. "Sexually explicit performance" means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interest of patrons.

4. "Traffic" means to entice, recruit, harbor, provide, transport or otherwise obtain another person.

13-1308. Trafficking of persons for forced labor or services; classification; definitions

A. It is unlawful for a person to either:

1. Knowingly traffic another person with the intent to or knowledge that the other person will be subject to forced labor or services.

2. Knowingly benefit, financially or by receiving anything of value, from participation in a venture that has engaged in an act in violation of section [13-1306](#), section [13-1307](#), this section or section [13-3212](#), subsection A, paragraph 9 or 10.

B. A violation of this section is a class 2 felony.

C. For the purposes of this section:

1. "Forced labor or services":

(a) Means labor or services that are performed or provided by another person and that are obtained through a person's either:

(i) Causing or threatening to cause serious physical injury to any person.

(ii) Restraining or threatening to physically restrain another person.

(iii) Knowingly destroying, concealing, removing, confiscating, possessing or withholding another person's actual or purported passport or other immigration document, government issued identification document, government record or personal property.

(iv) Abusing or threatening to abuse the law or the legal system.

(v) Extortion.

(vi) Causing or threatening to cause financial harm to any person.

(vii) Facilitating or controlling another person's access to a controlled substance.

(b) Does not include ordinary household chores and reasonable disciplinary measures between a parent or legal guardian and the parent's or legal guardian's child.

2. "Traffic" means to entice, recruit, harbor, provide, transport or otherwise obtain another person by deception, coercion or force.

Sexual Offenses

13-1402. Indecent exposure; exception; classification

A. A person commits indecent exposure if he or she exposes his or her genitals or anus or she exposes the areola or nipple of her breast or breasts and another person is present, and the defendant is reckless about whether the other person, as a reasonable person, would be offended or alarmed by the act.

B. Indecent exposure does not include an act of breast-feeding by a mother.

C. Indecent exposure to a person who is fifteen or more years of age is a class 1 misdemeanor, except that it is a class 6 felony if the defendant has two or more prior convictions for a violation of this section or has one or more prior convictions for a violation of section [13-1406](#). Indecent exposure to a person who is under fifteen years of age is a class 6 felony.

D. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for a violation of this section or section [13-1403](#) involving indecent exposure or public sexual indecency to a minor who is under fifteen years of age is guilty of a class 3 felony and shall be sentenced to a term of imprisonment as follows:

Mitigated	Minimum	Presumptive	Maximum	Aggravated
6 years	8 years	10 years	12 years	15 years

E. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to section [13-701](#), subsections D and E.

13-1403. Public sexual indecency; public sexual indecency to a minor; classification

A. A person commits public sexual indecency by intentionally or knowingly engaging in any of the following acts, if another person is present, and the defendant is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act:

1. An act of sexual contact.
2. An act of oral sexual contact.
3. An act of sexual intercourse.
4. An act of bestiality.

B. A person commits public sexual indecency to a minor if the person intentionally or knowingly engages in any of the acts listed in subsection A of this section and such person is reckless about whether a minor who is under fifteen years of age is present.

C. Public sexual indecency is a class 1 misdemeanor. Public sexual indecency to a minor is a class 5 felony.

D. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for a violation of this section or section [13-1402](#) involving indecent exposure or public sexual indecency to a minor who is under fifteen years of age shall be sentenced to a term of imprisonment as follows:

Mitigated	Minimum	Presumptive	Maximum	Aggravated
6 years	8 years	10 years	12 years	15 years

E. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to section [13-701](#), subsections D and E.

13-1404. Sexual abuse; classification

A. A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast.

B. It is not a defense to a prosecution for a violation of this section that the other person consented if the other person was fifteen, sixteen or seventeen years of age and the defendant was in a position of trust.

C. Sexual abuse is a class 5 felony unless the victim is under fifteen years of age in which case sexual abuse is a class 3 felony punishable pursuant to section [13-705](#).

13-1405. Sexual conduct with a minor; classification

A. A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age.

B. Sexual conduct with a minor who is under fifteen years of age is a class 2 felony and is punishable pursuant to section [13-705](#). Sexual conduct with a minor who is at least fifteen years of age is a class 6 felony. Sexual conduct with a minor who is at least fifteen years of age is a class 2 felony if the person is or was in a position of trust and the convicted person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section [31-233](#), subsection A or B until the sentence imposed has been served or commuted.

13-1406. Sexual assault; classification; increased punishment

A. A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.

B. Sexual assault is a class 2 felony, and the person convicted shall be sentenced pursuant to this section and the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section [31-233](#), subsection A or B until the sentence imposed by the court has been served or commuted. If the victim is under fifteen years of age, sexual assault is punishable pursuant to section [13-705](#). The presumptive term may be aggravated or mitigated within the range under this section pursuant to section [13-701](#), subsections C, D and E. If the sexual assault involved the intentional or knowing administration of flunitrazepam, gamma hydroxy butyrate or ketamine hydrochloride without the victim's knowledge, the presumptive, minimum and maximum sentence for the offense shall be increased by three years. The additional sentence imposed pursuant to this subsection is in addition to any enhanced sentence that may be applicable. The term for a first offense is as follows:

Minimum	Presumptive	Maximum
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5.25 years	7 years	14 years
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The term for a defendant who has one historical prior felony conviction is as follows:

Minimum	Presumptive	Maximum
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7 years	10.5 years	21 years
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The term for a defendant who has two or more historical prior felony convictions is as follows:

Minimum	Presumptive	Maximum
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14 years	15.75 years	28 years
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C. The sentence imposed on a person for a sexual assault shall be consecutive to any other sexual assault sentence imposed on the person at any time.

D. Notwithstanding section [13-703](#), section [13-704](#), section [13-705](#), section [13-706](#), subsection A and section [13-708](#), subsection D, if the sexual assault involved the intentional or knowing infliction of serious physical injury, the person may be sentenced to life imprisonment and is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section [31-233](#), subsection A or B until at least twenty-five years have been served or the sentence is commuted. If the person was at least eighteen years of age and the victim was twelve years of age or younger, the person shall be sentenced pursuant to section [13-705](#).

13-1410. Molestation of a child; classification

A. A person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child who is under fifteen years of age.

B. Molestation of a child is a class 2 felony that is punishable pursuant to section [13-705](#).

13-1411. Bestiality; classification; definition

A. A person commits bestiality by knowingly doing either of the following:

1. Engaging in oral sexual contact, sexual contact or sexual intercourse with an animal.
2. Causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal.

B. In addition to any other penalty imposed for a violation of subsection A of this section, the court may order that the convicted person do any of the following:

1. Undergo a psychological assessment and participate in appropriate counseling at the convicted person's own expense.
2. Reimburse an animal shelter as defined in section [11-1022](#) for any reasonable costs incurred for the care and maintenance of any animal that was taken to the animal shelter as a result of conduct proscribed by subsection A of this section.

C. This section does not apply to:

1. Accepted veterinary medical practices performed by a licensed veterinarian or veterinary technician.
2. Insemination of animals by the same species, bred for commercial purposes.
3. Accepted animal husbandry practices that provide necessary care for animals bred for commercial purposes.

D. Bestiality is a class 6 felony, except that bestiality pursuant to subsection A, paragraph 2 of this section is a class 3 felony punishable pursuant to section [13-705](#) if the other person is a minor under fifteen years of age.

E. For the purposes of this section, "animal" means a nonhuman mammal, bird, reptile or amphibian, either dead or alive.

13-1419. Unlawful sexual conduct; correctional facilities; classification; definition

A. A person commits unlawful sexual conduct by intentionally or knowingly engaging in any act of a sexual nature with an offender who is in the custody of the state department of corrections, the department of juvenile corrections, a private prison facility, a juvenile detention facility or a city or county jail or with an offender who is under the supervision of either department or a city or county. For the purposes of this subsection, "person" means a person who:

1. Is employed by the state department of corrections or the department of juvenile corrections.
2. Is employed by a private prison facility, a juvenile detention facility or a city or county jail.

3. Contracts to provide services with the state department of corrections, the department of juvenile corrections, a private prison facility, a juvenile detention facility or a city or county jail.

4. Is an official visitor, volunteer or agency representative of the state department of corrections, the department of juvenile corrections, a private prison facility, a juvenile detention facility or a city or county jail.

B. This section does not apply to a person who is employed by the state department of corrections, a private prison facility or a city or county jail or who contracts to provide services with the state department of corrections, a private prison facility or a city or county jail or an offender who is on release status if the person was lawfully married to the prisoner or offender on release status before the prisoner or offender was sentenced to the state department of corrections or was incarcerated in a city or county jail.

C. Unlawful sexual conduct with an offender who is under fifteen years of age is a class 2 felony. Unlawful sexual conduct with an offender who is between fifteen and seventeen years of age is a class 3 felony. All other unlawful sexual conduct is a class 5 felony.

D. For the purposes of this section, "any act of a sexual nature":

1. Includes the following:

(a) Any completed, attempted, threatened or requested touching of the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks with the intent to arouse or gratify sexual desire.

(b) Any act of exposing the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks with the intent to arouse or gratify sexual desire.

(c) Any act of photographing, videotaping, filming, digitally recording or otherwise viewing, with or without a device, a prisoner or offender with the intent to arouse or gratify sexual desire, either:

(i) While the prisoner or offender is in a state of undress or partial dress.

(ii) While the prisoner or offender is urinating or defecating.

2. Does not include an act done pursuant to a bona fide medical exam or lawful internal search.

13-1424. Voyeurism; classification

A. It is unlawful to knowingly invade the privacy of another person without the knowledge of the other person for the purpose of sexual stimulation.

B. It is unlawful for a person to disclose, display, distribute or publish a photograph, videotape, film or digital recording that is made in violation of subsection A of this section without the consent or knowledge of the person depicted.

C. For the purposes of this section, a person's privacy is invaded if both of the following apply:

1. The person has a reasonable expectation that the person will not be photographed, videotaped, filmed, digitally recorded or otherwise viewed or recorded.

2. The person is photographed, videotaped, filmed, digitally recorded or otherwise viewed, with or without a device, either:

(a) While the person is in a state of undress or partial dress.

(b) While the person is engaged in sexual intercourse or sexual contact.

(c) While the person is urinating or defecating.

(d) In a manner that directly or indirectly captures or allows the viewing of the person's genitalia, buttock or female breast, whether clothed or unclothed, that is not otherwise visible to the public.

D. This section does not apply to any of the following:

1. Photographing, videotaping, filming or digitally recording for security purposes if notice of the use of the photographing, videotaping, filming or digital recording equipment is clearly posted in the location and the location is one in which the person has a reasonable expectation of privacy.

2. Photographing, videotaping, filming or digitally recording by correctional officials for security reasons or in connection with the investigation of alleged misconduct of persons on the premises of a jail or prison.

3. Photographing, videotaping, filming or digitally recording by law enforcement officers pursuant to an investigation, which is otherwise lawful.

4. The use of a child monitoring device as defined in section [13-3001](#).

E. A violation of subsection A or B of this section is a class 5 felony, except that a violation of subsection B of this section is a class 4 felony if the person depicted is recognizable.

13-1425. Unlawful disclosure of images depicting states of nudity or specific sexual activities; classification; definitions

A. It is unlawful for a person to intentionally disclose an image of another person who is identifiable from the image itself or from information displayed in connection with the image if all of the following apply:

1. The person in the image is depicted in a state of nudity or is engaged in specific sexual activities.

2. The depicted person has a reasonable expectation of privacy. Evidence that a person has sent an image to another person using an electronic device does not, on its own, remove the person's reasonable expectation of privacy for that image.

3. The image is disclosed with the intent to harm, harass, intimidate, threaten or coerce the depicted person.

B. This section does not apply to any of the following:

1. The reporting of unlawful conduct.

2. Lawful and common practices of law enforcement, criminal reporting, legal proceedings or medical treatment.

3. Images involving voluntary exposure in a public or commercial setting.

4. An interactive computer service, as defined in [47 United States Code section 230\(f\)\(2\)](#), or an information service, as defined [in 47 United States Code section 153](#), with regard to content wholly provided by another party.

5. Any disclosure that is made with the consent of the person who is depicted in the image.

C. A violation of this section is a class 5 felony, except that a violation of this section is a:

1. Class 4 felony if the image is disclosed by electronic means.

2. Class 1 misdemeanor if a person threatens to disclose but does not disclose an image that if disclosed would be a violation of this section.

D. For the purposes of this section:

1. "Disclose" means display, distribute, publish, advertise or offer.

2. "Disclosed by electronic means" means delivery to an e-mail address, mobile device, tablet or other electronic device and includes disclosure on a website.

3. "Harm" means physical injury, financial injury or serious emotional distress.

4. "Image" means a photograph, videotape, film or digital recording.

5. "Reasonable expectation of privacy" means the person exhibits an actual expectation of privacy and the expectation is reasonable.

6. "Specific sexual activities" has the same meaning prescribed in section [11-811](#), subsection D, paragraph 18, subdivisions (a) and (b).

7. "State of nudity" has the same meaning prescribed in section [11-811](#), subsection D, paragraph 14, subdivision (a).

13-1428. Sexual extortion; classification; definition

A. A person commits sexual extortion by knowingly communicating a threat with the intent to coerce another person to do any of the following:

1. Engage in sexual contact or sexual intercourse.

2. Allow the other person's genitals, anus or female breast to be photographed, filmed, videotaped or digitally recorded.

3. Exhibit the other person's genitals, anus or female breast.

B. Sexual extortion is a class 3 felony unless the victim is under fifteen years of age in which case sexual extortion is a class 2 felony punishable pursuant to section [13-705](#).

C. For the purposes of this section, "communicating a threat" means a threat to do any of the following:

1. Damage the property of the other person.

2. Harm the reputation of the other person.

3. Produce or distribute a photograph, film, videotape or digital recording that depicts the other person engaging in sexual contact or sexual intercourse or the exhibition of the other person's genitals, anus or female breast.

Criminal Trespass & Burglary

13-1502. Criminal trespass in the third degree; classification

A. A person commits criminal trespass in the third degree by:

1. Knowingly entering or remaining unlawfully on any real property after a reasonable request to leave by a law enforcement officer, the owner or any other person having lawful control over such property, or reasonable notice prohibiting entry.

2. Knowingly entering or remaining unlawfully on the right-of-way for tracks, or the storage or switching yards or rolling stock of a railroad company.

B. Pursuant to subsection A, paragraph 1 of this section, a request to leave by a law enforcement officer acting at the request of the owner of the property or any other person having lawful control over the property has the same legal effect as a request made by the property owner or other person having lawful control of the property.

C. Criminal trespass in the third degree is a class 3 misdemeanor.

13-1503. Criminal trespass in the second degree; classification

A. A person commits criminal trespass in the second degree by knowingly entering or remaining unlawfully in or on any nonresidential structure or in any fenced commercial yard.

B. Criminal trespass in the second degree is a class 2 misdemeanor.

13-1504. Criminal trespass in the first degree; classification

A. A person commits criminal trespass in the first degree by knowingly:

1. Entering or remaining unlawfully in or on a residential structure.

2. Entering or remaining unlawfully in a fenced residential yard.

3. Entering any residential yard and, without lawful authority, looking into the residential structure thereon in reckless disregard of infringing on the inhabitant's right of privacy.

4. Entering unlawfully on real property that is subject to a valid mineral claim or lease with the intent to hold, work, take or explore for minerals on the claim or lease.

5. Entering or remaining unlawfully on the property of another and burning, defacing, mutilating or otherwise desecrating a religious symbol or other religious property of another without the express permission of the owner of the property.

6. Entering or remaining unlawfully in or on a critical public service facility.

B. Criminal trespass in the first degree under subsection A, paragraph 6 of this section is a class 5 felony. Criminal trespass in the first degree under subsection A, paragraph 1 or 5 of this section is a class 6 felony. Criminal trespass in the first degree under subsection A, paragraph 2, 3 or 4 of this section is a class 1 misdemeanor.

13-1505. Possession of burglary tools; master key; manipulation key; classification

A. A person commits possession of burglary tools by:

1. Possessing any explosive, tool, instrument or other article adapted or commonly used for committing any form of burglary as defined in sections [13-1506](#), [13-1507](#) and [13-1508](#) and intending to use or permit the use of such an item in the commission of a burglary.

2. Buying, selling, transferring, possessing or using a motor vehicle manipulation key or master key.

B. Subsection A, paragraph 2 of this section does not apply to a person who either:

1. Uses a master key in the course of the person's lawful business or occupation, including licensed vehicle dealers and manufacturers, key manufacturers who are engaged in the business of designing, making, altering, duplicating or repairing locks or keys, locksmiths, loan institutions that finance vehicles and law enforcement.

2. Transfers, possesses or uses no more than one manipulation key, unless the manipulation key is transferred, possessed or used with the intent to commit any theft or felony.

C. Possession of burglary tools is a class 6 felony.

13-1506. Burglary in the third degree; classification

A. A person commits burglary in the third degree by:

1. Entering or remaining unlawfully in or on a nonresidential structure or in a fenced commercial or residential yard with the intent to commit any theft or any felony therein.

2. Making entry into any part of a motor vehicle by means of a manipulation key or master key, with the intent to commit any theft or felony in the motor vehicle.

B. Burglary in the third degree is a class 4 felony.

13-1507. Burglary in the second degree; classification

A. A person commits burglary in the second degree by entering or remaining unlawfully in or on a residential structure with the intent to commit any theft or any felony therein.

B. Burglary in the second degree is a class 3 felony.

13-1508. Burglary in the first degree; classification

A. A person commits burglary in the first degree if such person or an accomplice violates the provisions of either section [13-1506](#) or , [13-1507](#) and knowingly possesses explosives, a deadly weapon or a dangerous instrument in the course of committing any theft or any felony.

B. Burglary in the first degree of a nonresidential structure or a fenced commercial or residential yard is a class 3 felony. It is a class 2 felony if committed in a residential structure.

Criminal Damage

13-1602. Criminal damage; classification

A. A person commits criminal damage by:

1. Recklessly defacing or damaging property of another person.
2. Recklessly tampering with property of another person so as substantially to impair its function or value.
3. Recklessly damaging property of a utility.
4. Recklessly parking any vehicle in such a manner as to deprive livestock of access to the only reasonably available water.
5. Recklessly drawing or inscribing a message, slogan, sign or symbol that is made on any public or private building, structure or surface, except the ground, and that is made without permission of the owner.
6. Intentionally tampering with utility property.

B. Criminal damage is punished as follows:

1. Criminal damage is a class 4 felony if the person recklessly damages property of another in an amount of ten thousand dollars or more.
2. Criminal damage is a class 4 felony if the person recklessly damages the property of a utility in an amount of five thousand dollars or more or if the person intentionally tampers with utility property and the damage causes an imminent safety hazard to any person.
3. Criminal damage is a class 5 felony if the person recklessly damages property of another in an amount of two thousand dollars or more but less than ten thousand dollars or if the damage is inflicted to promote, further or assist any criminal street gang or criminal syndicate with the intent to intimidate and the person is not subject to paragraph 1 or 2 of this subsection.

4. Criminal damage is a class 6 felony if the person recklessly damages property of another in an amount of one thousand dollars or more but less than two thousand dollars.

5. Criminal damage is a class 1 misdemeanor if the person recklessly damages property of another in an amount of more than two hundred fifty dollars but less than one thousand dollars.

6. In all other cases criminal damage is a class 2 misdemeanor.

C. For a violation of subsection A, paragraph 5 of this section, in determining the amount of damage to property, damages include reasonable labor costs of any kind, reasonable material costs of any kind and any reasonable costs that are attributed to equipment that is used to abate or repair the damage to the property.

13-1604. Aggravated criminal damage; classification

A. A person commits aggravated criminal damage by intentionally or recklessly without the express permission of the owner:

1. Defacing, damaging or in any way changing the appearance of any building, structure, personal property or place used for worship or any religious purpose.
2. Defacing or damaging any building, structure or place used as a school or as an educational facility.
3. Defacing, damaging or tampering with any cemetery, mortuary or personal property of the cemetery or mortuary or other facility used for the purpose of burial or memorializing the dead.
4. Defacing, damaging or tampering with any utility or agricultural infrastructure or property, construction site or existing structure for the purpose of obtaining nonferrous metals.

B. Aggravated criminal damage is punishable as follows:

1. If the person intentionally or recklessly does any act described in subsection A of this section that causes damage to the property of another in an amount of ten thousand dollars or more, aggravated criminal damage:

- (a) Resulting from actions described in subsection A, paragraph 1, 2 or 3 of this section is a class 4 felony.
- (b) Resulting from actions described in subsection A, paragraph 4 of this section is a class 3 felony.

2. If the person intentionally or recklessly damages property of another in an amount of one thousand five hundred dollars or more but less than ten thousand dollars, aggravated criminal damage:

- (a) Resulting from actions described in subsection A, paragraph 1, 2 or 3 of this section is a class 5 felony.
- (b) Resulting from actions described in subsection A, paragraph 4 of this section is a class 4 felony.

3. In all other cases aggravated criminal damage is:

- (a) A class 6 felony if it results from actions described in subsection A, paragraph 1, 2 or 3 of this section.

(b) A class 5 felony if it results from actions described in subsection A, paragraph 4 of this section.

C. In determining the amount of damage to property, damages include the cost of repair or replacement of the property that was damaged, the cost of the loss of crops and livestock, reasonable labor costs of any kind, reasonable material costs of any kind and any reasonable costs that are attributed to equipment that is used to abate or repair the damage to the property.

Arson

13-1702. Reckless burning; classification

A. A person commits reckless burning by recklessly causing a fire or explosion which results in damage to an occupied structure, a structure, wildland or property.

B. Reckless burning is a class 1 misdemeanor.

13-1703. Arson of a structure or property; classification

A. A person commits arson of a structure or property by knowingly and unlawfully damaging a structure or property by knowingly causing a fire or explosion.

B. Arson of a structure is a class 4 felony. Arson of property is a class 4 felony if the property had a value of more than one thousand dollars. Arson of property is a class 5 felony if the property had a value of more than one hundred dollars but not more than one thousand dollars. Arson of property is a class 1 misdemeanor if the property had a value of one hundred dollars or less.

13-1704. Arson of an occupied structure; classification

A. A person commits arson of an occupied structure by knowingly and unlawfully damaging an occupied structure by knowingly causing a fire or explosion.

B. Arson of an occupied structure is a class 2 felony.

13-1707. Unlawful cross burning; classification

A. It is unlawful for a person to burn or cause to be burned a cross on the property of another person without that person's permission or on a highway or any other public place with the intent to intimidate any person or group of persons. The intent to intimidate may not be inferred solely from the act of burning a cross, but shall be proven by independent evidence.

B. A person who violates this section is guilty of a class 1 misdemeanor.

13-1708. Unlawful symbol burning; classification

A. It is unlawful for a person to burn or cause to be burned any symbol not addressed by section [13-1707](#) on the property of another person without that person's permission or on a highway or any other public place with the intent to intimidate any person or group of persons. The intent to intimidate may not be inferred solely from the act of burning the symbol, but shall be proven by independent evidence.

B. A person who violates this section is guilty of a class 1 misdemeanor.

Theft

13-1802. Theft; classification; definitions

A. A person commits theft if, without lawful authority, the person knowingly:

1. Controls property of another with the intent to deprive the other person of such property; or
2. Converts for an unauthorized term or use services or property of another entrusted to the defendant or placed in the defendant's possession for a limited, authorized term or use; or
3. Obtains services or property of another by means of any material misrepresentation with intent to deprive the other person of such property or services; or
4. Comes into control of lost, mislaid or misdelivered property of another under circumstances providing means of inquiry as to the true owner and appropriates such property to the person's own or another's use without reasonable efforts to notify the true owner; or
5. Controls property of another knowing or having reason to know that the property was stolen; or
6. Obtains services known to the defendant to be available only for compensation without paying or an agreement to pay the compensation or diverts another's services to the person's own or another's benefit without authority to do so; or
7. Controls the ferrous metal or nonferrous metal of another with the intent to deprive the other person of the metal; or
8. Controls the ferrous metal or nonferrous metal of another knowing or having reason to know that the metal was stolen; or
9. Purchases within the scope of the ordinary course of business the ferrous metal or nonferrous metal of another person knowing that the metal was stolen.

B. A person commits theft if, without lawful authority, the person knowingly takes control, title, use or management of a vulnerable adult's property while acting in a position of trust and confidence and with the intent to deprive the vulnerable adult of the property. Proof that a person took control, title, use or management of a vulnerable adult's property without adequate consideration to the vulnerable adult may give rise to an inference that the person intended to deprive the vulnerable adult of the property.

C. It is an affirmative defense to any prosecution under subsection B of this section that either:

1. The property was given as a gift consistent with a pattern of gift giving to the person that existed before the adult became vulnerable.
2. The property was given as a gift consistent with a pattern of gift giving to a class of individuals that existed before the adult became vulnerable.
3. The superior court approved the transaction before the transaction occurred.

D. The inferences set forth in section [13-2305](#) apply to any prosecution under subsection A, paragraph 5 of this section.

E. At the conclusion of any grand jury proceeding, hearing or trial, the court shall preserve any trade secret that is admitted in evidence or any portion of a transcript that contains information relating to the trade secret pursuant to section [44-405](#).

F. Subsection B of this section does not apply to an agent who is acting within the scope of the agent's duties as or on behalf of a health care institution that is licensed pursuant to [title 36](#), chapter 4 and that provides services to the vulnerable adult.

G. Theft of property or services with a value of twenty-five thousand dollars or more is a class 2 felony. Theft of property or services with a value of four thousand dollars or more but less than twenty-five thousand dollars is a class 3 felony. Theft of property or services with a value of three thousand dollars or more but less than four thousand dollars is a class 4 felony, except that theft of any vehicle engine or transmission is a class 4 felony regardless of value. Theft of property or services with a value of two thousand dollars or more but less than three thousand dollars is a class 5 felony. Theft of property or services with a value of one thousand dollars or more but less than two thousand dollars is a class 6 felony. Theft of any property or services valued at less than one thousand dollars is a class 1 misdemeanor, unless the property is taken from the person of another, is a firearm or is an animal taken for the purpose of animal fighting in violation of section [13-2910.01](#), in which case the theft is a class 6 felony.

H. A person who is convicted of a violation of subsection A, paragraph 1 or 3 of this section that involved property with a value of one hundred thousand dollars or more is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except pursuant to section [31-233](#), subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section [41-1604.07](#) or the sentence is commuted.

I. For the purposes of this section, the value of ferrous metal or nonferrous metal includes the amount of any damage to the property of another caused as a result of the theft of the metal.

J. In an action for theft of ferrous metal or nonferrous metal:

1. Unless satisfactorily explained or acquired in the ordinary course of business by an automotive recycler that is licensed pursuant to [title 28](#), chapter 10 or by a scrap metal dealer as defined in section [44-1641](#), proof of possession of scrap metal that was recently stolen may give rise to an inference that the person in possession of the scrap metal was aware of the risk that it had been stolen or in some way participated in its theft.

2. Unless satisfactorily explained or sold in the ordinary course of business by an automotive recycler that is licensed pursuant to [title 28](#), chapter 10 or by a scrap metal dealer as defined in section [44-1641](#), proof of the sale of stolen scrap metal at a price substantially below its fair market value may give rise to an inference that the person selling the scrap metal was aware of the risk that it had been stolen.

K. For the purposes of this section:

1. "Adequate consideration" means the property was given to the person as payment for bona fide goods or services provided by the person and the payment was at a rate that was customary for similar goods or services in the community that the vulnerable adult resided in at the time of the transaction.

2. "Ferrous metal" has the same meaning prescribed in section [44-1641](#).
3. "Pattern of gift giving" means two or more gifts that are the same or similar in type and monetary value.
4. "Position of trust and confidence" has the same meaning prescribed in section [46-456](#).
5. "Property" includes all forms of real property and personal property.
6. "Vulnerable adult" has the same meaning prescribed in section [46-451](#).

13-1805. Shoplifting; detaining suspect; defense to wrongful detention; civil action by merchant; public services; classification

A. A person commits shoplifting if, while in an establishment in which merchandise is displayed for sale, the person knowingly obtains such goods of another with the intent to deprive that person of such goods by:

1. Removing any of the goods from the immediate display or from any other place within the establishment without paying the purchase price; or
2. Charging the purchase price of the goods to a fictitious person or any person without that person's authority; or
3. Paying less than the purchase price of the goods by some trick or artifice such as altering, removing, substituting or otherwise disfiguring any label, price tag or marking; or
4. Transferring the goods from one container to another; or
5. Concealment.

B. A person is presumed to have the necessary culpable mental state pursuant to subsection A of this section if the person does either of the following:

1. Knowingly conceals on himself or another person unpurchased merchandise of any mercantile establishment while within the mercantile establishment.
2. Uses an artifice, instrument, container, device or other article to facilitate the shoplifting.

C. A merchant, or a merchant's agent or employee, with reasonable cause, may detain on the premises in a reasonable manner and for a reasonable time any person who is suspected of shoplifting as prescribed in subsection A of this section for questioning or summoning a law enforcement officer.

D. Reasonable cause is a defense to a civil or criminal action against a peace officer, a merchant or an agent or employee of the merchant for false arrest, false or unlawful imprisonment or wrongful detention.

E. If a minor engages in conduct that violates subsection A of this section, notwithstanding the fact that the minor may not be held responsible because of the person's minority, any merchant who is injured by the shoplifting of the minor may bring a civil action against the parent or legal guardian of the minor under either section [12-661](#) or [12-692](#).

F. Any merchant who is injured by the shoplifting of an adult or emancipated minor in violation of subsection A of this section may bring a civil action against the adult or emancipated minor pursuant to section [12-691](#).

G. In imposing sentence on a person who is convicted of violating this section, the court may require any person to perform public services designated by the court in addition to or in lieu of any fine that the court might impose.

H. Shoplifting property with a value of two thousand dollars or more, shoplifting property during any continuing criminal episode or shoplifting property if done to promote, further or assist any criminal street gang or criminal syndicate is a class 5 felony. Shoplifting property with a value of one thousand dollars or more but less than two thousand dollars is a class 6 felony. Shoplifting property valued at less than one thousand dollars is a class 1 misdemeanor, unless the property is a firearm in which case the shoplifting is a class 6 felony. For the purposes of this subsection, "continuing criminal episode" means theft of property with a value of one thousand five hundred dollars or more if committed during at least three separate incidences within a period of ninety consecutive days.

I. A person who in the course of shoplifting uses an artifice, instrument, container, device or other article with the intent to facilitate shoplifting or who commits shoplifting and who has previously committed or been convicted within the past five years of two or more offenses involving burglary, shoplifting, robbery, organized retail theft or theft is guilty of a class 4 felony.

13-1816. Unlawful use, possession or removal of theft detection shielding devices; classification; definition

A. A person commits unlawful use of a theft detection shielding device if the person knowingly manufacturers, sells, offers for sale or distributes in any way a laminated or coated bag or device unique to and marketed for shielding and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

B. A person commits unlawful possession of a theft detection shielding device if, with the intent to commit theft or shoplifting, the person knowingly possesses any laminated or coated bag or device unique to and marketed for shielding and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

C. A person commits unlawful possession of a theft detection device remover if the person knowingly possesses any tool or device that is designed to allow the removal of any theft detection device from any merchandise and the person intended to use the tool to remove any theft detection device from any merchandise without the permission of the merchant or person who owns or holds the merchandise.

D. A person commits unlawful removal of a theft detection device if the person intentionally removes the device from merchandise before purchasing that merchandise.

E. A violation of this section is a class 6 felony.

F. For the purposes of this section, "merchant" means a person who offers for sale or exchange at least six like items of new and unused personal property in this state.

13-1817. Unlawful possession, use or alteration of a retail sales receipt or universal product code label; classification; definition

A. It is unlawful for a person to intentionally cheat or defraud a merchant by doing any of the following:

1. Possessing at least fifteen fraudulent retail sales receipts or universal product code labels or possessing a device that manufactures fraudulent retail sales receipts or universal product code labels.

2. Possessing, using, uttering, transferring, making, altering, counterfeiting or reproducing a retail sales receipt or a universal product code label.

B. A violation of subsection A, paragraph 1 is a class 5 felony. A violation of subsection A, paragraph 2 is a class 6 felony and, in addition to any other fine authorized by law, the court may impose a fine of not more than three times the value represented on the retail sales receipt or the retail price represented by the original universal product code label.

C. For the purposes of this section, "merchant" means a person who offers for sale or exchange at least six like items of new and unused personal property in this state.

Robbery

13-1902. Robbery; classification

A. A person commits robbery if in the course of taking any property of another from his person or immediate presence and against his will, such person threatens or uses force against any person with intent either to coerce surrender of property or to prevent resistance to such person taking or retaining property.

B. Robbery is a class 4 felony.

13-1903. Aggravated robbery; classification

A. A person commits aggravated robbery if in the course of committing robbery as defined in section [13-1902](#), such person is aided by one or more accomplices actually present.

B. Aggravated robbery is a class 3 felony.

13-1904. Armed robbery; classification

A. A person commits armed robbery if, in the course of committing robbery as defined in section [13-1902](#), such person or an accomplice:

1. Is armed with a deadly weapon or a simulated deadly weapon; or
2. Uses or threatens to use a deadly weapon or dangerous instrument or a simulated deadly weapon.

B. Armed robbery is a class 2 felony.

Forgery & Related Offenses

13-2002. Forgery; classification

A. A person commits forgery if, with intent to defraud, the person:

1. Falsely makes, completes or alters a written instrument; or
2. Knowingly possesses a forged instrument; or
3. Offers or presents, whether accepted or not, a forged instrument or one that contains false information.

B. The possession of five or more forged instruments may give rise to an inference that the instruments are possessed with an intent to defraud.

C. Forgery is a class 4 felony, except that if the forged instrument is used in connection with the purchase, lease or renting of a dwelling that is used as a drop house, it is a class 3 felony. For the purposes of this subsection, "drop house" means property that is used to facilitate smuggling pursuant to section [13-2319](#).

13-2007. Unlawful use of slugs; classification

A. A person commits unlawful use of slugs if:

1. With intent to defraud the supplier of property or a service sold or offered by means of a coin machine, such person inserts, deposits or otherwise uses a slug in such machine; or

2. Such person makes, possesses, offers for sale or disposes of a slug with intent to enable a person to use it fraudulently in a coin machine.

B. Unlawful use of slugs is a class 2 misdemeanor.

13-2008. Taking identity of another person or entity; classification

A. A person commits taking the identity of another person or entity if the person knowingly takes, purchases, manufactures, records, possesses or uses any personal identifying information or entity identifying information of another person or entity, including a real or fictitious person or entity, without the consent of that other person or entity, with the intent to obtain or use the other person's or entity's identity for any unlawful purpose or to cause loss to a person or entity whether or not the person or entity actually suffers any economic loss as a result of the offense, or with the intent to obtain or continue employment.

B. On the request of a person or entity, a peace officer in any jurisdiction in which an element of an offense under this section is committed, a result of an offense under this section occurs or the person or entity whose identity is taken or accepted resides or is located shall take a report. The peace officer may provide a copy of the report to any other law enforcement agency that is located in a jurisdiction in which a violation of this section occurred.

C. If a defendant is alleged to have committed multiple violations of this section within the same county, the prosecutor may file a complaint charging all of the violations and any related charges under other sections that have not been previously filed in any precinct in which a violation is alleged to have occurred. If a defendant is alleged to have committed multiple violations of this section within the state, the prosecutor may file a complaint charging all of the violations and any related charges under other sections that have not been previously filed in any county in which a violation is alleged to have occurred.

D. This section does not apply to a violation of section [4-241](#) by a person who is under twenty-one years of age.

E. Taking the identity of another person or entity is a class 4 felony.

13-2009. Aggravated taking identity of another person or entity; knowingly accepting the identity of another person; classification

A. A person commits aggravated taking the identity of another person or entity if the person knowingly takes, purchases, manufactures, records, possesses or uses any personal identifying information or entity identifying information of either:

1. Three or more other persons or entities, including real or fictitious persons or entities, without the consent of the other persons or entities, with the intent to obtain or use the other persons' or entities' identities for any unlawful purpose or to cause loss to the persons or entities whether or not the persons or entities actually suffer any economic loss.
2. Another person or entity, including a real or fictitious person or entity, without the consent of that other person or entity, with the intent to obtain or use the other person's or entity's identity for any unlawful purpose and causes another person or entity to suffer an economic loss of one thousand dollars or more.
3. Another person, including a real or fictitious person, with the intent to obtain employment.

B. A person commits knowingly accepting the identity of another person if the person, in hiring an employee, knowingly does both of the following:

1. Accepts any personal identifying information of another person from an individual and knows that the individual is not the actual person identified by that information.
2. Uses that identity information for the purpose of determining whether the individual who presented that identity information has the legal right or authorization under federal law to work in the United States as described and determined under the processes and procedures under [8 United States Code section 1324a](#).

C. In an action for aggravated taking the identity of another person or entity under subsection A, paragraph 1 of this section, proof of possession out of the regular course of business of the personal identifying information or entity identifying information of three or more other persons or entities may give rise to an inference that the personal identifying information or entity identifying information of the three or more other persons or entities was possessed for an unlawful purpose.

D. This section does not apply to a violation of section [4-241](#) by a person who is under twenty-one years of age.

E. Aggravated taking the identity of another person or entity or knowingly accepting the identity of another person is a class 3 felony.

13-2011. Admission tickets; fraudulent creation or possession; classification

A. It is unlawful for a person, with intent to defraud, to forge, alter or possess any ticket, token or paper that is designed for admission to or for the rendering of services by any sports, amusement, concert or other facility that offers services to the general public.

B. A person who violates this section is guilty of a class 1 misdemeanor.

Obstruction Of Public Administration

13-2403. Refusing to aid a peace officer; classification

A. A person commits refusing to aid a peace officer if, upon a reasonable command by a person reasonably known to be a peace officer, such person knowingly refuses or fails to aid such peace officer in:

1. Effectuating or securing an arrest; or
2. Preventing the commission by another of any offense.

B. A person who complies with this section by aiding a peace officer shall not be held liable to any person for damages resulting therefrom, provided such person acted reasonably under the circumstances known to him at the time.

C. Refusing to aid a peace officer is a class 1 misdemeanor.

13-2404. Refusing to assist in fire control; classification

A. A person commits refusing to assist in fire control if:

1. Upon a reasonable command by a person reasonably known to be a fireman, such person knowingly refuses to aid in extinguishing a fire or in protecting property at the scene of a fire; or

2. Upon command by a person reasonably known to be a fireman or peace officer, such person knowingly disobeys an order or regulation relating to the conduct of persons in the vicinity of a fire.

B. In this section, "fireman" means any officer of the fire department, the state forester or his deputies or any other person vested by law with the duty to extinguish fires.

C. A person who complies with this section by assisting in fire control shall not be held liable to any person for damages resulting therefrom, if such person acted reasonably under the circumstances known to him at the time.

D. Refusing to assist in fire control is a class 1 misdemeanor.

13-2406. Impersonating a public servant; classification; definition

A. A person commits impersonating a public servant if such person pretends to be a public servant and engages in any conduct with the intent to induce another to submit to his pretended official authority or to rely on his pretended official acts.

B. It is no defense to a prosecution under this section that the office the person pretended to hold did not in fact exist or that the pretended office did not in fact possess the authority claimed for it.

C. Impersonating a public servant is a class 1 misdemeanor.

D. For the purposes of this section, "public servant" includes a notary public.

13-2407. Tampering with a public record; classification

A. A person commits tampering with a public record if, with the intent to defraud or deceive, such person knowingly:

1. Makes or completes a written instrument, knowing that it has been falsely made, which purports to be a public record or true copy thereof or alters or makes a false entry in a written instrument which is a public record or a true copy of a public record; or
2. Presents or uses a written instrument which is or purports to be a public record or a copy of such public record, knowing that it has been falsely made, completed or altered or that a false entry has been made, with intent that it be taken as genuine; or
3. Records, registers or files or offers for recordation, registration or filing in a governmental office or agency a written statement which has been falsely made, completed or altered or in which a false entry has been made or which contains a false statement or false information; or
4. Destroys, mutilates, conceals, removes or otherwise impairs the availability of any public record; or
5. Refuses to deliver a public record in such person's possession upon proper request of a public servant entitled to receive such record for examination or other purposes.

B. In this section "public record" means all official books, papers, written instruments or records created, issued, received or kept by any governmental office or agency or required by law to be kept by others for the information of the government.

C. Tampering with a public record is a class 6 felony.

13-2411. Impersonating a peace officer; classification; definition

A. A person commits impersonating a peace officer if the person, without lawful authority, pretends to be a peace officer and engages in any conduct with the intent to induce another to submit to the person's pretended authority or to rely on the person's pretended acts.

B. It is not a defense to a prosecution under this section that the law enforcement agency the person pretended to represent did not in fact exist or that the law enforcement agency the person pretended to represent did not in fact possess the authority claimed for it.

C. Impersonating a peace officer is a class 6 felony, except that impersonating a peace officer during the commission of any of the following felonies is a class 4 felony:

1. Negligent homicide.
2. Manslaughter.
3. First degree murder.
4. Second degree murder.

5. Assault.
6. Aggravated assault.
7. Sexual assault.
8. Violent sexual assault.
9. Sexual abuse.
10. Unlawfully administering intoxicating liquors, narcotic drugs or dangerous drugs.
11. Attack by a person's vicious animal as prescribed in section 13-1208.
12. Drive by shooting.
13. Discharging a firearm at a structure.
14. Aggravated criminal damage.
15. Theft.
16. Theft by extortion.
17. Theft of a credit card or obtaining a credit card by fraudulent means.
18. Misconduct involving weapons.
19. Misconduct involving explosives.
20. Depositing explosives.
21. Procuring or placing persons in a house of prostitution.
22. Dangerous crimes against children as prescribed in section [13-705](#).
23. Burglary.
24. Arson.
25. Kidnapping.
26. Robbery.

D. For the purposes of this section, "peace officer" has the same meaning prescribed in section [1-215](#) and includes any federal law enforcement officer or agent who has the power to make arrests pursuant to federal law.

Perjury

13-2702. Perjury; classification

A. A person commits perjury by making either:

1. A false sworn statement in regard to a material issue, believing it to be false.
2. A false unsworn declaration, certificate, verification or statement in regard to a material issue that the person subscribes as true under penalty of perjury, believing it to be false.

B. Perjury is a class 4 felony.

13-2703. False swearing; classification

A. A person commits false swearing by making a false sworn statement, believing it to be false.

B. False swearing is a class 6 felony.

13-2704. Unsworn falsification; classification

A. A person commits unsworn falsification by knowingly:

1. Making any statement that he believes to be false, in regard to a material issue, to a public servant in connection with an application for any benefit, privilege or license.
2. Making any statement that he believes to be false in regard to a material issue to a public servant in connection with any official proceeding as defined in section [13-2801](#).

B. Unsworn falsification pursuant to paragraph 1, subsection A, is a class 2 misdemeanor. Unsworn falsification pursuant to subsection A, paragraph 2 is a class 1 misdemeanor.

Offenses Against Public Order

13-2902. Unlawful assembly; classification

A. A person commits unlawful assembly by:

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

B. Unlawful assembly is a class 1 misdemeanor.

13-2903. Riot; classification

A. A person commits riot if, with two 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. Riot is a class 5 felony.

13-2904. Disorderly conduct; classification

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, violent or seriously disruptive behavior; or
2. Makes 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, a hazard or any other emergency; or
6. Recklessly handles, displays or discharges a deadly weapon or dangerous instrument.

B. Disorderly conduct under subsection A, paragraph 6 is a class 6 felony. Disorderly conduct under subsection A, paragraph 1, 2, 3, 4 or 5 is a class 1 misdemeanor.

13-2905. Loitering; classification

A. A person commits loitering 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.
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 transactions involving the sale of merchandise or services.
3. Is present in a public place, unless specifically authorized by law, to gamble with any cards, dice or other similar gambling devices.
4. Is present in or about a school, college or university building or grounds after a reasonable request to leave and either does not have any reason or relationship involving custody of or responsibility for a pupil or student or any other specific legitimate reason for being there or does not have written permission to be there from anyone authorized to grant permission.
5. 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 under subsection A, paragraph 4 is a class 1 misdemeanor. Loitering under subsection A, paragraphs 1, 2, 3 and 5 is a class 3 misdemeanor.

13-2906. Obstructing a highway or other public thoroughfare; classification; definition

A. A person commits obstructing a highway or other public thoroughfare if the person, alone or with other persons, does any 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:

(a) Stop the passage of traffic on the highway or public thoroughfare.

(b) Solicit a driver for a donation or business.

3. After receiving a verbal warning to desist, intentionally interferes with passage on a highway or other public thoroughfare or entrance into a public forum that results in preventing other persons from gaining access to a governmental meeting, a governmental hearing or a political campaign event.

B. Obstructing a highway or other public thoroughfare under subsection A, paragraph 3 of this section is a class 1 misdemeanor. Obstructing a highway or other public thoroughfare under subsection A, paragraph 1 or 2 of this section is a class 3 misdemeanor.

C. For the purposes of this section, "public forum" has the same meaning prescribed in section [15-1861](#).

13-2908. Criminal nuisance; classification

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 premises, place or resort where persons gather for purposes of engaging in unlawful conduct.

B. Criminal nuisance is a class 3 misdemeanor.

13-2909. Residential picketing; classification

A. A person commits residential picketing if, with intent to harass, annoy or alarm another person, such person intentionally engages in picketing or otherwise demonstrates before or about the residence or dwelling place of an individual, other than a residence or dwelling place also used as the principal place of business of such individual.

B. Residential picketing is a class 3 misdemeanor.

13-2910. Cruelty to animals; interference with working or service animal; classification; definitions

A. A person commits cruelty to animals if the person does any of the following:

1. Intentionally, knowingly or recklessly subjects any animal under the 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, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
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 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.
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.
16. Intentionally or knowingly harasses a working animal that is in a law enforcement vehicle or trailer without either legal privilege or consent of the owner.

B. It is a defense to subsection A of this section if:

1. Any person exposes poison to be taken by a dog that has killed or wounded livestock or poison to be taken by predatory animals on premises owned, leased or controlled by the person for the purpose of protecting the person or the person's livestock or poultry, the treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed and the poison is removed by the person exposing the poison after the threat to the person or the person's livestock or poultry has ceased to exist. The posting required shall provide adequate warning to persons who enter the property by the point or points of normal entry. The warning notice that is posted shall be readable at a distance of fifty feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning".

2. Any person uses poisons in and immediately around buildings owned, leased or controlled by the person for the purpose of controlling wild and domestic rodents as otherwise allowed by the laws of the state, excluding any fur-bearing animals as defined in section [17-101](#).

C. This section does not prohibit or restrict:

1. The taking of wildlife or other activities permitted by or pursuant to [title 17](#).

2. Activities permitted by or pursuant to [title 3](#).

3. Activities regulated by the Arizona game and fish 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, paragraph 7 of this section.

E. A person who is convicted of a violation of subsection A, paragraph 6 or 10 of this section is liable as follows:

1. If the working or service animal was killed or disabled, to the owner or agency that owns the working or service animal and that employs the handler or to the owner or handler for the replacement and training costs of the working or service animal and for any veterinary bills.

2. To the owner or agency that owns a working or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.

3. To the owner for the owner's contractual losses with the agency.

F. An incorporated city or town or a county may adopt an ordinance with misdemeanor provisions at least as stringent as the misdemeanor provisions of this section, except that any ordinance adopted shall not prohibit or restrict any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock or is permitted by or pursuant to title 3.

G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7, 12 or 16 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is guilty of a

class 6 felony. A person who violates subsection A, paragraph 14 or 15 of this section is guilty of a class 5 felony.

13-2914. Aggressive solicitation; classification; definitions

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.

13-2921. Harassment; classification; definition

A. A person commits harassment if, with intent to harass or with knowledge 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, telephonic 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 or acts that harass another person.
4. Surveils or causes another person to surveil a person for no legitimate purpose.
5. On more than one occasion makes a false report to a law enforcement, 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 nonconsensual 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 of the lien or is not issued by a governmental entity or political subdivision or agency pursuant to its statutory authority, a validly licensed utility or water delivery company, a mechanics' lien claimant or an entity created under covenants, conditions, restrictions or declarations affecting real property.

C. Harassment under subsection A is a class 1 misdemeanor. Harassment under subsection B is a class 5 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 that is directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms, annoys or harasses the person.

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:

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:

(i) The victim.

(ii) The victim's family member, domestic animal or livestock.

(iii) A person with whom the victim has or has previously had a romantic or sexual relationship.

(iv) 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 [in 47 United States Code section 153](#), for content that is provided by another person.

C. Stalking under subsection A, paragraph 1 of this section is a class 5 felony. Stalking under subsection A, paragraph 2 of this section is a class 3 felony.

Weapons & Explosives

13-3102. Misconduct involving weapons; defenses; classification; definitions

A. A person commits misconduct involving weapons by knowingly:

1. Carrying a deadly weapon except a pocket knife concealed on his person or within his immediate control in or on a means of transportation:

(a) In the furtherance of a serious offense as defined in section [13-706](#), a violent crime as defined in section [13-901.03](#) or any other felony offense; or

(b) When contacted by a law enforcement officer and failing to accurately answer the officer if the officer asks whether the person is carrying a concealed deadly weapon; or

2. Carrying a deadly weapon except a pocket knife concealed on his person or concealed within his immediate control in or on a means of transportation if the person is under twenty-one years of age; or

3. Manufacturing, possessing, transporting, selling or transferring a prohibited weapon, except that if the violation involves dry ice, a person commits misconduct involving weapons by knowingly possessing the dry ice with the intent to cause injury to or death of another person or to cause damage to the property of another person; or

4. Possessing a deadly weapon or prohibited weapon if such person is a prohibited possessor; or

5. Selling or transferring a deadly weapon to a prohibited possessor; or

6. Defacing a deadly weapon; or

7. Possessing a defaced deadly weapon knowing the deadly weapon was defaced; or
8. Using or possessing a deadly weapon during the commission of any felony offense included in chapter 34 of [this title](#); or
9. Discharging a firearm at an occupied structure in order to assist, promote or further the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise; or
10. Unless specifically authorized by law, entering any public establishment or attending any public event and carrying a deadly weapon on his person after a reasonable request by the operator of the establishment or the sponsor of the event or the sponsor's agent to remove his weapon and place it in the custody of the operator of the establishment or the sponsor of the event for temporary and secure storage of the weapon pursuant to section [13-3102.01](#); or
11. Unless specifically authorized by law, entering an election polling place on the day of any election carrying a deadly weapon; or
12. Possessing a deadly weapon on school grounds; or
13. Unless specifically authorized by law, entering a nuclear or hydroelectric generating station carrying a deadly weapon on his person or within the immediate control of any person; or
14. Supplying, selling or giving possession or control of a firearm to another person if the person knows or has reason to know that the other person would use the firearm in the commission of any felony; or
15. Using, possessing or exercising control over a deadly weapon in furtherance of any act of terrorism as defined in section [13-2301](#) or possessing or exercising control over a deadly weapon knowing or having reason to know that it will be used to facilitate any act of terrorism as defined in section [13-2301](#); or
16. Trafficking in weapons or explosives for financial gain in order to assist, promote or further the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise.

B. Subsection A, paragraph 2 of this section shall not apply to:

1. A person in his dwelling, on his business premises or on real property owned or leased by that person or that person's parent, grandparent or legal guardian.
2. A member of the sheriff's volunteer posse or reserve organization who has received and passed firearms training that is approved by the Arizona peace officer standards and training board and who is authorized by the sheriff to carry a concealed weapon pursuant to section [11-441](#).
3. A firearm that is carried in:
 - (a) A manner where any portion of the firearm or holster in which the firearm is carried is visible.
 - (b) A holster that is wholly or partially visible.

(c) A scabbard or case designed for carrying weapons that is wholly or partially visible.

(d) Luggage.

(e) A case, holster, scabbard, pack or luggage that is carried within a means of transportation or within a storage compartment, map pocket, trunk or glove compartment of a means of transportation.

C. Subsection A, paragraphs 2, 3, 7, 10, 11, 12 and 13 of this section shall not apply to:

1. A peace officer or any person summoned by any peace officer to assist and while actually assisting in the performance of official duties; or
2. A member of the military forces of the United States or of any state of the United States in the performance of official duties; or
3. A warden, deputy warden, community correctional officer, detention officer, special investigator or correctional officer of the state department of corrections or the department of juvenile corrections; or
4. A person specifically licensed, authorized or permitted pursuant to a statute of this state or of the United States.

D. Subsection A, paragraph 10 of this section does not apply to an elected or appointed judicial officer in the court facility where the judicial officer works if the judicial officer has demonstrated competence with a firearm as prescribed in section [13-3112](#), subsection N, except that the judicial officer shall comply with any rule or policy adopted by the presiding judge of the superior court while in the court facility. For the purposes of this subsection, appointed judicial officer does not include a hearing officer or a judicial officer pro tempore who is not a full-time officer.

E. Subsection A, paragraphs 3 and 7 of this section shall not apply to:

1. The possessing, transporting, selling or transferring of weapons by a museum as a part of its collection or an educational institution for educational purposes or by an authorized employee of such museum or institution, if:

(a) Such museum or institution is operated by the United States or this state or a political subdivision of this state, or by an organization described in [26 United States Code section 170\(c\)](#) as a recipient of a charitable contribution; and

(b) Reasonable precautions are taken with respect to theft or misuse of such material.

2. The regular and lawful transporting as merchandise; or

3. Acquisition by a person by operation of law such as by gift, devise or descent or in a fiduciary capacity as a recipient of the property or former property of an insolvent, incapacitated or deceased person.

F. Subsection A, paragraph 3 of this section shall not apply to the merchandise of an authorized manufacturer of or dealer in prohibited weapons, when such material is intended to be manufactured, possessed,

transported, sold or transferred solely for or to a dealer, a regularly constituted or appointed state, county or municipal police department or police officer, a detention facility, the military service of this or another state or the United States, a museum or educational institution or a person specifically licensed or permitted pursuant to federal or state law.

G. Subsection A, paragraph 10 of this section shall not apply to shooting ranges or shooting events, hunting areas or similar locations or activities.

H. Subsection A, paragraph 12 of this section shall not apply to a weapon if such weapon is possessed for the purposes of preparing for, conducting or participating in hunter or firearm safety courses.

I. Subsection A, paragraph 12 of this section shall not apply to the possession of a:

1. Firearm that is not loaded and that is carried within a means of transportation under the control of an adult provided that if the adult leaves the means of transportation the firearm shall not be visible from the outside of the means of transportation and the means of transportation shall be locked.

2. Firearm for use on the school grounds in a program approved by a school.

3. Firearm by a person who possesses a certificate of firearms proficiency pursuant to section [13-3112](#), subsection T and who is authorized to carry a concealed firearm pursuant to the [law enforcement officers safety act of 2004 \(P.L. 108-277; 118 Stat. 865; 18 United States Code sections 926B and 926C\)](#).

J. Subsection A, paragraphs 2, 3, 7 and 13 of this section shall not apply to commercial nuclear generating station armed nuclear security guards during the performance of official duties or during any security training exercises sponsored by the commercial nuclear generating station or local, state or federal authorities.

K. The operator of the establishment or the sponsor of the event or the employee of the operator or sponsor or the agent of the sponsor, including a public entity or public employee, is not liable for acts or omissions pursuant to subsection A, paragraph 10 of this section unless the operator, sponsor, employee or agent intended to cause injury or was grossly negligent.

L. If a law enforcement officer contacts a person who is in possession of a firearm, the law enforcement officer may take temporary custody of the firearm for the duration of that contact.

M. Misconduct involving weapons under subsection A, paragraph 15 of this section is a class 2 felony. Misconduct involving weapons under subsection A, paragraph 9, 14 or 16 of this section is a class 3 felony. Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or 13 of this section is a class 4 felony. Misconduct involving weapons under subsection A, paragraph 12 of this section is a class 1 misdemeanor unless the violation occurs in connection with conduct that violates section [13-2308](#), subsection A, paragraph 5, section [13-2312](#), subsection C, section [13-3409](#) or section [13-3411](#), in which case the offense is a class 6 felony. Misconduct involving weapons under subsection A, paragraph 1, subdivision (a) of this section or subsection A, paragraph 5, 6 or 7 of this section is a class 6 felony. Misconduct involving weapons under subsection A, paragraph 1, subdivision (b) of this section or subsection A, paragraph 10 or 11 of this section is a class 1 misdemeanor. Misconduct involving weapons under subsection A, paragraph 2 of this section is a class 3 misdemeanor.

13-3102.01. Storage of deadly weapons; definitions

A. If an operator of a public establishment or a sponsor of a public event requests that a person carrying a deadly weapon remove the weapon, the operator or sponsor shall provide temporary and secure storage. The storage shall be readily accessible on entry into the establishment or event and allow for the immediate retrieval of the weapon on exit from the establishment or event.

B. This section does not apply to the licensed premises of any public establishment or public event with a license issued pursuant to title 4.

C. The operator of the establishment or the sponsor of the event or the employee of the operator or sponsor or the agent of the sponsor, including a public entity or public employee, is not liable for acts or omissions pursuant to this section unless the operator, sponsor, employee or agent intended to cause injury or was grossly negligent.

D. For the purposes of this section, "public establishment" and "public event" have the same meanings prescribed in section [13-3102](#).

13-3107. Unlawful discharge of firearms; exceptions; classification; definitions

A. A person who with criminal negligence discharges a firearm within or into the limits of any municipality is guilty of a class 6 felony.

B. Notwithstanding the fact that the offense involves the discharge of a deadly weapon, unless a dangerous offense is alleged and proven pursuant to section [13-704](#), subsection L, section [13-604](#) applies to this offense.

C. This section does not apply if the firearm is discharged:

1. As allowed pursuant to chapter 4 of this title.

2. On a properly supervised range.

3. To lawfully take wildlife during an open season established by the Arizona game and fish commission and subject to the limitations prescribed by [title 17](#) and Arizona game and fish commission rules and orders. This paragraph does not prevent a city, town or county from adopting an ordinance or rule restricting the discharge of a firearm within one-fourth mile of an occupied structure without the consent of the owner or occupant of the structure. For the purposes of this paragraph:

(a) "Occupied structure" means any building in which, at the time of the firearm's discharge, a reasonable person from the location where a firearm is discharged would expect a person to be present.

(b) "Take" has the same meaning prescribed in section [17-101](#).

4. For the control of nuisance wildlife by permit from the Arizona game and fish department or the United States fish and wildlife service.

5. By special permit of the chief of police of the municipality.

6. As required by an animal control officer in the performance of duties as specified in section [9-499.04](#).

7. Using blanks.

8. More than one mile from any occupied structure as defined in section [13-3101](#).

9. In self-defense or defense of another person against an animal attack if a reasonable person would believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person.

D. For the purposes of this section:

1. "Municipality" means any city or town and includes any property that is fully enclosed within the city or town.

2. "Properly supervised range" means a range that is any of the following:

(a) Operated by a club affiliated with the national rifle association of America, the amateur trapshooting association, the national skeet association or any other nationally recognized shooting organization, or by any public or private school.

(b) Approved by any agency of the federal government, this state or a county or city within which the range is located.

(c) Operated with adult supervision for shooting air or carbon dioxide gas operated guns, or for shooting in underground ranges on private or public property.

13-3116. Misconduct involving body armor; classification; definition

A. A person commits misconduct involving body armor by knowingly wearing or otherwise using body armor during the commission of any felony offense.

B. Misconduct involving body armor is a class 4 felony.

C. For purposes of this section, "body armor" means any clothing or equipment designed in whole or in part to minimize the risk of injury from a deadly weapon.

Title 28 – Transportation

Special Restrictions on Lamps

28-947. Special restrictions on lamps

A. A person shall direct a lighted lamp or illuminating device on a motor vehicle, other than a head lamp, spot lamp, auxiliary lamp or flashing front direction signal, that projects a beam of light of an intensity greater than three hundred candlepower so that no part of the beam strikes the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

B. A person shall not drive or move a vehicle or equipment on a highway with a lamp or device on the vehicle that is capable of displaying a red or red and blue light or lens visible from directly in front of the center of the vehicle. Lights visible from the front of a vehicle shall be amber or white. This section does not apply to either of the following:

1. An authorized emergency vehicle or a vehicle on which a red or red and blue light or lens visible from the front is expressly authorized or required by this chapter.

2. An emergency vehicle that is solely used for hobby or display purposes and that has been issued a historic vehicle license plate pursuant to section [28-2484](#) if either of the following applies:

(a) The lights are covered and are not activated while a person is transporting or driving the vehicle to or from a parade, authorized assemblage of historic vehicles or test.

(b) The lights are activated only in a parade, for an authorized assemblage of historic vehicles or for testing purposes.

C. Except as provided in subsection D or E of this section, flashing lights on motor vehicles are prohibited except either:

1. On authorized emergency vehicles, school buses or snow removal equipment.

2. As warning lights on disabled or parked vehicles.

3. On a vehicle as a means for indicating a right or left turn.

D. A vehicle may have lamps that may be used to warn the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing. The vehicle may display these lamps as a warning in addition to any other warning signals required by this article. The lamps used to display the warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights or any shade of color between white and amber. The lamps used to display the warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable and shall show simultaneously flashing amber or red lights or any shade of color between amber and red. These warning lights shall be visible from a distance of at least one thousand five hundred feet under normal atmospheric conditions at night.

E. A person may equip a motorcycle with a means of modulating the intensity of a head lamp beam between the higher and lower brightness at a rate of two hundred to two hundred eighty cycles per minute. A person shall not modulate the head lamp beam during the hours of darkness as prescribed in section [28-922](#).

Arizona Administrative Code

Title 13. Public Safety, Chapter 6. Department Of Public Safety

Security Guards

(Authority: A.R.S. § [32-2402](#)(C) et seq.)

R13-6-101. Definitions

In addition to the definitions in A.R.S. § [32-2601](#), the following definitions apply to this Chapter: “Branch office” means a location other than the principal place of business shown on a qualifying party’s agency license at which the qualifying party conducts the business of private security guard service. “Branch office certificate” means a document issued by the Department to a qualifying party that authorizes the qualifying party to conduct the business of private security guard service in this state at a location other than the

principal place of business shown on the qualifying party's agency license. "Classifiable fingerprints" means fingerprint impressions that meet the criteria of the Federal Bureau of Investigation as contained in [Form FD-258 \(5-11-99\)](#), published by the U.S. Government Printing Office. This form is incorporated by reference and available from the Department and the FBI (Attn: Logistical Support Unit, CJIS Division, [1000 Custer Hollow Road, Clarksburg, WV 26306](#)) or online at www.bookstore.gpo.gov. The material incorporated by reference contains no future editions or amendments. "Corporation" or "domestic corporation" has the same meaning as prescribed in [A.R.S. § 10-140](#). "Foreign corporation" means a for-profit corporation that is incorporated under a law other than the law of Arizona. "Limited liability company" means the same as corporation. "Partnership" means an association of two or more individuals who are co-owners of a for-profit business organized [under A.R.S. Title 29](#), Partnership. "Probation" means a period during which an agency or individual who has violated [A.R.S. Title 32](#), Chapter 26, is allowed to demonstrate compliance with licensure requirements to avoid having the Department take an administrative action such as suspension or revocation. "Prohibited possessor" has the same meaning as prescribed in [A.R.S. § 13-3101\(A\)\(6\)](#). "Resident manager" means an individual who meets all requirements for an agency license, is a full-time legal resident of Arizona, and is designated by a qualifying party who lives outside of Arizona to manage the agency of the qualifying party. "Restructure" means to change the name or business form of a licensed agency. "Sole proprietorship" means a business operated for profit by one owner.

R13-6-102. General License Requirements

- A. The qualifying party for an agency license and the resident manager, if the agency will have a resident manager, shall meet the requirements under [A.R.S. § 32-2612](#) and submit the application required under [R13-6-201](#).
- B. Each partner, officer, director, member, and manager of an agency, except the qualifying party and resident manager, shall meet the requirements under [A.R.S. § 32-2622](#) and submit the application required under [R13-6-301](#).
- C. An applicant for a security guard or armed security guard registration certificate shall meet the requirements under [A.R.S. § 32-2622](#) and submit the application required under [R13-6-301](#).
- D. An applicant for a firearms-safety training instructor certificate shall meet the requirements under [R13-6-701](#) and submit the application required under [R13-6-702](#).
- E. An application form may be obtained in person at the Phoenix Licensing Unit office, by mailing a request to the Arizona DPS Licensing Unit, by telephone, or online at www.azdps.gov/license.
- F. A completed application form may be presented in person at the Phoenix Licensing Unit office or by mail to the Arizona DPS Licensing Unit.
- G. A blank application form may be duplicated to provide a copy to multiple individuals.

R13-6-103. Fees

- A. Under the authority provided by [A.R.S. § 32-2607](#), the Department establishes and shall collect the following fees:
 - 1. Original agency license application, \$500;
 - 2. Agency license, \$500;
 - 3. Application for renewal of an agency license, \$500;
 - 4. Agency restructure, \$100;
 - 5. Penalty for late application for renewal of an agency license, \$100;
 - 6. Resident manager license application, \$50;
 - 7. Resident manager license renewal application, \$50;
 - 8. Penalty for late application for renewal of resident manager license, \$10;

9. Associate or security guard registration certificate, \$50;
10. Associate or security guard registration certificate renewal, \$50;
11. Armed security guard registration certificate, \$100;
12. Armed security guard registration certificate renewal, \$100;
13. Upgrade from security guard to armed security guard registration certificate, \$50; 14. Replacement identification card, \$10;
15. Armed security guard additional employer registration, \$10;
16. Firearms-safety instructor certificate, \$50;
17. Firearms-safety instructor certificate renewal, \$50; and
18. Fingerprint and digital photo fee (optional), \$15.

B. In addition to the fees in subsections (A)(1), (A)(3), (A)(6), (A)(7), and (A)(9) through (A)(12), and (A)(16) and (A)(17), the Department shall collect a fee in the amount necessary to cover the cost of non-criminal justice fingerprint processing for a criminal history record check under [A.R.S. § 41-1750\(J\)](#).

C. If applicable equipment and personnel are available, and if an applicant makes a request, Department personnel shall take the applicant's photograph and fingerprints upon submission of an application and payment of the fee listed in subsection (A)(18).

D. A person shall pay a fee by cash, cashier's check, certified check, or money order made payable to the Arizona Department of Public Safety. Upon request, the Department shall accept another means of payment that the Department determines is in the state's interest. All fees are non-refundable except if [A.R.S. § 41-1077](#) applies.

R13-6-104. Identification Cards

A. The Department shall provide an identification card to the following licensees and certificate holders:

1. Qualifying party,
2. Resident manager,
3. Associate,
4. Security guard, and
5. Armed security guard.

B. The Department shall ensure that an identification card includes the following information about the licensee or certificate holder:

1. Name,
2. Photograph,
3. Physical description,
4. Date of birth,
5. License or registration certificate number, and
6. License or registration certificate expiration date.

C. A licensee or certificate holder shall not assign or transfer an identification card. An identification card is valid only during the effective dates of the license or certificate under which the card is issued.

D. An armed security guard employed by more than one licensee shall pay the fee required under [R13-6-103\(A\)\(15\)](#) and obtain an identification card for each license under which the armed security guard is employed.

E. If an identification card is lost or stolen, the holder of the card shall notify the Department immediately in writing. The Department shall issue a duplicate identification card upon submission of the fee required under [R13-6-103\(A\)\(14\)](#).

F. A security guard shall have the security guard's identification card in the security guard's possession and display it when requested by the Department or any peace officer.

R13-6-105. Time-frames for Making License and Registration Determinations

A. For the purpose of [A.R.S. § 41-1072](#), the Department establishes the following time-frames for every license issued under this Chapter:

1. Administrative completeness review time-frame: five days;
2. Substantive review time-frame: 10 days; and
3. Overall time-frame: 15 days.

B. An administratively complete application consists of all the information and documents listed in:

1. [R13-6-201](#) for an agency or resident manager license;
2. [R13-6-301](#) for a security guard, armed security guard, or associate registration certificate; and
3. [R13-6-702](#) for a firearms-safety instructor certificate.

C. The administrative completeness review time-frame listed in subsection (A)(1) begins on the date the Department receives an application.

1. If the application is not administratively complete when received, the Department shall send a notice of deficiency to the applicant. The Department shall include in the deficiency notice a list of the documents and information needed to complete the application.
2. Within 45 days from the date of the deficiency notice, the applicant shall submit to the Department the missing documents and information. The time-frame for the Department to finish the administrative completeness review is suspended from the date of the deficiency notice until the date the Department receives the missing documents and information.
3. The Department and applicant may agree in writing to extend the 45-day period in subsection (C)(2) upon written request by the applicant before the end of the period.
4. If the applicant fails to provide the missing documents and information within the time provided, the Department shall close the applicant's file. If an individual whose file is closed wants to be considered further for licensing, the individual shall submit a new application under [R13-6-201](#), [R13-6-301](#), or [R13-6-702](#).

D. The substantive review time-frame listed in subsection (A)(2) begins on the date the Department determines an application is administratively complete.

1. During the substantive review time-frame, the Department may make one comprehensive written request for additional information. The Department and applicant may agree in writing to allow the Department to make a supplemental request for additional information.
2. The applicant shall submit to the Department the additional information within 45 days from the date of the Department's comprehensive request. The time-frame for the Department to complete the substantive review of the application is suspended from the date of the comprehensive request for additional information until the Department receives the additional information.
3. The Department and applicant may agree in writing to extend the 45-day period in subsection (D)(2) upon written request by the applicant before the end of the period.
4. If the applicant fails to provide the additional information within the time provided, the Department shall close the applicant's file. If an individual whose file is closed wants to be considered further for licensing, the individual shall submit a new application under [R13-6-201](#), [R13-6-301](#), or [R13-6-702](#).
5. When the substantive review is complete, the Department shall inform the applicant in writing of its decision whether to grant or deny a license to the applicant.
 - a. The Department shall deny a license if it determines that the applicant does not meet all substantive criteria required by statute and rule. An applicant who is denied a license may appeal the Department's decision under [A.R.S. Title 41](#), Chapter 6, Article 10.
 - b. The Department shall grant a license if it determines that the applicant meets all substantive criteria required by statute and rule.

Article 2. Agency Licenses

R13-2-201. Application for an Agency License

A. The individual who will be the qualifying party of an agency shall submit an application for an agency license. The qualifying party shall ensure that the application consists of:

1. A complete application form that provides the following information about the applicant:
 - a. Full name;
 - b. Home address;
 - c. Mailing address if different from the home address;
 - d. Home and business telephone numbers;
 - e. Height, weight, hair and eye colors, sex, and date and place of birth;
 - f. Social Security number; and
 - g. Any other name by which the applicant has ever been known;
2. Properly completed fingerprint card with classifiable fingerprints of the qualifying party;
3. Fees prescribed in [R13-6-103](#);
4. Legible, notarized copy of a government-issued photo identification document for the qualifying party, such as a state identification card or motor vehicle driver license;
5. Two color photographs of the qualifying party suitable for use in making an identification card such as passport photos or 1" x 1 1/4" facial photos;
6. Exact details as to the character and nature of the qualifying party's required experience under [A.R.S. § 32-2612](#);
7. Proof of U.S. citizenship or legal resident status with authorization to seek employment by providing one document from List A on U.S. Department of Justice Form I-9 or one document from both Lists B and C. The Department shall return original documents to the applicant;
8. The following information about the agency:
 - a. The name under which the agency will do business and if required under [R13-6-207](#), a copy of the trade name registration provided by the Arizona Secretary of State's Office;
 - b. The principal business address;
 - c. The principal business mailing address if different from the principal business address; and
 - d. A brief statement describing the nature of the business in which the agency will engage;
9. If the business form is not a sole proprietorship:
 - a. Partnership agreement, articles of organization, or articles of incorporation; and b. From each partner, officer, director, and member of the agency, an application for registration certificate as described in [R13-6-301](#);
10. If the agency is a foreign corporation, evidence of Arizona Corporation Commission approval to transact business in Arizona;
11. If the agency will maintain a branch office, the notice required under [R13-6-204](#) to obtain a branch office certificate; and
12. The following information required for approval of uniforms, badges, patches, and insignia under [A.R.S. § 32- 2635](#):
 - a. Color photographs showing the front, back, and both sides of all uniforms;
 - b. A full-size color copy or example of the agency patch;
 - c. A full-size color copy of the agency badge or, if no badge will be used, a written statement of this fact;
 - d. Color photographs showing the front, back, and both sides of agency vehicles; e. Close-up color photograph of insignia on agency vehicles; and
 - f. Color photographs showing the front and back of any light bar on agency vehicles.

B. The applicant shall sign the completed application form before a notary public, authorize the Department to obtain information about the applicant from any person or entity, and certify that all information provided is true and correct.

C. If an agency will have a resident manager, the resident manager shall use the application form described under this Section and provide the information required under subsections (A)(1) through (A)(7).

R13-6-202. Issuance of an Agency License

A. The Department shall notify an applicant when the agency license is ready for issuance. The applicant has 90 days from the date of notification to:

1. Pay applicable license fees;
2. Provide a certificate of liability insurance showing at least \$100,000 coverage for any one person and \$300,000 coverage for any one event and naming the Department as the certificate holder; and
3. If the agency will have employees, provide a certificate of workers' compensation insurance that names the Department as the certificate holder.

B. If an applicant does not provide the required information within 90 days, the Department shall deny the applicant a license and the application fee is forfeited.

C. An applicant for an agency license or renewal may request to pick up the license at the Department's office in Phoenix. If no request is made, the Department shall send the license to the mailing address of the applicant.

D. The Department shall ensure that an agency license contains the name and street address of the licensed business and the number of the license.

E. The qualifying party shall post the agency license in a conspicuous place in the principal business office.

F. The qualifying party shall not assign or transfer the agency license.

G. The qualifying party shall notify the Department in writing within 15 business days of any change of address of the principal office.

H. If the qualifying party surrenders the agency license before the expiration date, the Department shall not refund any portion of the license fee.

R13-6-203. Agency License Renewal

A. An agency license expires on the date specified on the license. A qualifying party may submit a renewal application to the Department up to 60 days before the expiration date.

B. The qualifying party shall provide the information required under [R13-6-201](#) with the renewal application.

C. If the qualifying party fails to submit a renewal application before the expiration date, the qualifying party and each partner, member, officer, director, resident manager, and employee shall cease performing private security guard services subject to regulation by [A.R.S. Title 32](#), Chapter 26.

D. The Department shall not renew an agency license if a renewal application is filed more than 90 days after the expiration date on the agency license. If more than 90 days elapse after the expiration date on the agency license, the former qualifying party may resume providing security guard services only by obtaining a new license under [R13-6-201](#).

R13-6-204. Branch Office Certificate

A. A qualifying party shall not operate a branch office unless the qualifying party obtains a branch office certificate. To obtain a branch office certificate, the qualifying party shall provide written notice of the branch office address to the Department.

B. The Department shall ensure that a branch office certificate contains the agency name, license number, expiration date, and address of the branch office.

- C. A branch office certificate expires on the date the agency license expires and is renewed when the agency license is renewed.
- D. The qualifying party shall post the branch office certificate in a conspicuous place in the branch office.
- E. The qualifying party shall notify the Department in writing within 15 business days of any change of address for the branch office.

R13-6-205. Change of Qualifying Party

- A. Within 15 business days after the qualifying party leaves an agency, each partner, member, officer, director, resident manager, and employee of the agency shall cease performing private security guard services subject to regulation by [A.R.S. Title 32](#), Chapter 26, unless the requirement in subsection (B) is met.
- B. Before the agency may resume performing private security guard services, an individual who meets the requirements of a qualifying party shall submit an application for a new agency license under [R13-6-201](#).

R13-6-206. Restructure of an Agency

- A. If an application for restructure is made at the time of license renewal, the Department shall waive the restructure fee in [R13-6-103](#). If an application for restructure is made at other than the time of license renewal, the agency shall pay the restructure fee.
- B. The qualifying party shall submit an application for restructure for the agency. Any new partner, officer, director, or member of the agency shall meet the requirements of [A.R.S. § 32-2622](#) and submit the application required under [R13-6-301](#).
- C. To change a sole proprietorship to a partnership, the applicant shall provide a partnership agreement with notarized signatures of the partners.
- D. To change a corporation to a partnership, the applicant shall provide documentation of dissolving the corporation and a partnership agreement with notarized signatures of the partners.
- E. To change a corporation to a sole proprietorship, the applicant shall provide documentation of dissolving the corporation.
- F. To change a sole proprietorship or partnership to a corporation, the applicant shall provide the Articles of Incorporation bearing the approval stamp of the Arizona Corporation Commission. If the change is to a foreign corporation, the applicant shall submit documentation of Arizona Corporation Commission approval for the foreign corporation to transact business in Arizona.
- G. To change a partnership to a sole proprietorship, the applicant shall provide documentation of dissolving the partnership

R13-6-207. Business Name

- A. The Department shall not grant a license to an agency with a name that includes the words "United States," "Federal," "State of Arizona," "Police," or "Bureau of Investigation," or a name that associates the business with any governmental or law enforcement agency.
- B. The Department shall not grant a license to an agency with a name that includes "corporation," "corp.," "incorporated," "Inc.," or "L.L.C." unless corporation papers are filed with the Arizona Corporation Commission or approval to operate as a foreign corporation is obtained from the Arizona Corporation Commission.
- C. The Department shall not issue a license to a corporation or limited liability company using a trade name unless the trade name is registered with the Arizona Secretary of State's Office. A sole proprietorship or partnership may, but is not required to, register a trade name.
- D. The Department shall not approve a new business name that is similar to the business name of a currently licensed agency.
- E. The qualifying party of an agency, resident manager, and agency associates and employees shall do business and present themselves under the name on the agency license.

F. A qualifying party shall do all business under the name and at the address that is on file with the Department and noted on the agency license. The qualifying party shall ensure that both the agency name and license number are listed on all letterhead and business cards and included in advertising and contracts with clients.

R13-6-301. Application for Registration Certificate

A. Before a registration certificate application is submitted, the qualifying party of the agency shall:

1. Determine that the applicant meets the requirements of [A.R.S. § 32-2622](#),
 2. Assess the accuracy of the information provided by the applicant,
 3. Verify proof of U.S citizenship or legal resident status with authorization to seek employment by examining either one document from List A on U.S. Department of Justice Form I-9 or one document from both Lists B and C, and
 4. Ensure that the application includes:
 - a. A properly completed application form that provides the following information about the applicant:
 - i. Full name;
 - ii. Home address;
 - iii. Mailing address if different from the home address;
 - iv. Home and business telephone numbers;
 - v. Social Security number; and
 - vi. Height, weight, sex, hair and eye colors, and date and place of birth;
 - b. The applicant's signature certifying that the information provided is true and correct;
 - c. Two color photographs suitable for use in making an identification card such as passport photos or 1" x 1 1/4" facial photos;
 - d. A properly completed fingerprint card with classifiable fingerprints; e. The fee required under [R13-6-103\(A\)\(9\)](#) or [\(A\)\(11\)](#);
 - f. If applicable, the training verification form described in [R13-6-601\(C\)](#); and
 - g. If applicable, the firearms-safety training verification form described in [R13-6-603\(C\)](#);
- B. An associate, security guard, or armed security guard registrant shall conduct business and be identified under the name used on the application and the registration certificate. The Department shall not approve a fictitious name for use on an associate, security guard, or armed security guard registration certificate.
- C. If an applicant for an armed security guard registration is employed by more than one agency, the applicant shall submit an application with the words "Additional Employer" written across the top of the application, submit the fee under [R13-6-103](#), and meet the requirements of this Section. The applicant's additional employer armed security guard registration certificate expires on the date specified on the applicant's initial armed security guard registration certificate.

R13-6-302. Renewal of Registration Certificate

- A. An associate, security guard, or armed security guard registration certificate expires on the date specified on the registration certificate. An associate, security guard, or armed security guard may submit a renewal application to the Department up to 60 days before the expiration date.
- B. The Department shall not renew a registration certificate unless the application is complete and contains:
1. The information required under [R13-6-301\(A\)\(4\)\(a\)](#) through [\(A\)\(4\)\(d\)](#);
 2. The fee required under [R13-6-103\(A\)\(10\)](#) or [\(A\)\(12\)](#);
 3. If applicable, the refresher training verification form described in [R13-6-602\(C\)](#); and
 4. If applicable, the refresher firearms-safety training verification form described in [R13-6-603\(C\)](#).

C. If an associate, security guard, or armed security guard fails to submit a renewal application before the expiration date, the associate, security guard, or armed security guard shall cease performing private security guard services subject to regulation by [A.R.S. Title 32](#), Chapter 26.

R13-6-303. Lost or Stolen Registration Certificate or Identification Card

If a registration certificate or identification card is lost or stolen, the registrant shall notify the Department immediately and request a new registration certificate or identification card and pay the fee under [R13-6-103\(A\)\(14\)](#).

R13-6-304. Change in Name of Registrant

A. A registrant whose name changes shall notify the Department in writing within 15 days of the name change and may request a new identification card.

B. The registrant shall include with the notice of name change a government-issued photo identification card with the new name or a certified court document recording the name change and the fee under [R13-6-103](#).

Article 4. Appeals; Complaints; Records

R13-6-401. Denial of Agency License or Registration Certificate

A. The Department shall deny an agency license or registration certificate to an applicant if the Department determines that the applicant does not meet the requirements of [A.R.S. § 32-2612](#) or [32-2622](#), or there are grounds for denial under [A.R.S. § 32-2640](#) or [32-2641](#). The Department shall send a notice of denial to the applicant at the address on file with the Department. The Department shall ensure that the notice of denial meets the requirements at [A.R.S. § 41-1092.03\(A\)](#).

B. If a request for hearing is received, the Department shall:

1. Send a notice of the date and time of the hearing to the applicant,
2. Set the hearing date at least 30 days after the date of the notice, and
3. Hold the hearing before the Board.

C. If the applicant does not appear at the scheduled hearing, the Board shall conduct the hearing in the applicant's absence.

D. Within 20 days after conclusion of the hearing, the Board shall prepare findings of fact, conclusions of law, and a recommendation for the Director.

E. Within 30 days after receiving a copy of the recommendation, the Director shall adopt the recommendation in its entirety, modify it, or decide the case upon the record and issue a final decision.

F. The Department shall send a copy of the Director's final decision to the applicant at the address on file with the Department.

G. A denied applicant shall not apply again for at least one year from the date of denial.

R13-6-402. Probation of Agency Licensee or Registrant

Upon recommendation of the Board, the Director may fix a period and terms of probation to protect the public health or safety or to rehabilitate or educate a licensee or registrant. A licensee may continue to operate and a registrant may continue to perform the duties of security guard or armed security guard during a period of probation subject to the terms established by the Director.

R13-6-403. Employee and Business Records

- A. A qualifying party shall maintain at the principal place of business, a file or record of the name, street address, title, employment date, and date of termination of each resident manager, partner, officer, director, member, security guard, and armed security guard for at least five years from the date of termination.
- B. The qualifying party shall make the files or records available for inspection by any peace officer, personnel of the Department's licensing section, or other designated representative of the Department.
- C. The qualifying party shall submit a copy of the files or records and information pertaining to the files or records to the Department upon request.

R13-6-404. Complaints

- A. A person may file with the Department a written complaint against a person regulated under this Chapter. After receiving a complaint, the Department shall investigate to determine whether the allegation, if true, amounts to a violation of statute or rule. The Department may forward a copy of the complaint to the person against whom the complaint is made and request that the person respond.
- B. At the conclusion of the investigation, the Department shall forward a copy of the complaint to the person against whom the complaint is made and the Director shall take an action listed in [A.R.S. § 32-2636](#).

Article 5. Uniforms And Vehicles

R13-6-501. Uniforms, Badges, and Insignia

- A. Uniforms are classified as either traditional or casual.
- B. A traditional uniform consists of slacks and a collared, buttoned- down, long- or short-sleeve shirt, which may be worn with or without a tie. A traditional uniform shall have:
 - 1. A patch on each shoulder of the shirt that is a minimum of two inches by three inches in size and bears the name of the agency;
 - 2. A patch or badge on the left breast of the shirt that is a minimum of 1.5 inches by two inches in size and bears the name of the agency; and
 - 3. If the patches and badge do not contain the words "Security" or "Security Guard," the words "Security" or "Security Guard" in letters that are at least 1/2 inch high and directly below each shoulder patch and the breast patch or badge.
- C. A casual uniform consists of a polo shirt or T-shirt and either shorts or pants. A casual uniform shall have:
 - 1. A patch on each shoulder of the shirt that is a minimum of two inches by three inches in size and bears the name of the agency;
 - 2. A patch or badge on the left breast of the shirt that is a minimum of 1.5 inches by two inches in size and bears the name of the agency;
 - 3. If the patches and badge do not contain the words "Security" or "Security Guard," the words "Security" or "Security Guard" in letters that are at least 1/2 inch high and directly below each shoulder patch and the breast patch or badge; and
 - 4. A patch across the back of the shirt bearing the words "Security" or "Security Guard" in letters that are at least three inches high.
- D. If a security guard wears a jacket or coat with a traditional or casual uniform, the jacket or coat shall have:
 - 1. A patch on each shoulder of the jacket or coat that is a minimum of two inches by three inches in size and bears the name of the agency;
 - 2. A patch or badge on the left breast of the jacket or coat that is a minimum of 1.5 inches by two inches in size and bears the name of the agency;

3. If the patches and badge do not contain the words "Security" or "Security Guard," the words "Security" or "Security Guard" in letters that are at least 1/2 inch high and directly below each shoulder patch and the breast patch or badge; and
4. A patch across the back of the jacket or coat bearing the words "Security" or "Security Guard" in letters that are at least three inches high.

E. The patches on a traditional or casual uniform or security guard jacket or coat may be sewed on, embroidered, or imprinted.

F. The Department shall not approve a uniform, badge, patch, or insignia that bears markings similar to the markings of a law enforcement agency of the federal or state government or a political subdivision of the state.

G. The Department shall not approve a uniform, badge, patch, or insignia that bears the words "Police," "Officer," "Patrolman," "Deputy," "Marshall," "Agent," "Sheriff," or any other word that could cause a reasonable person to confuse a security guard with law enforcement personnel.

H. The Department shall not approve a uniform that consists of the color combinations blue over blue, tan over tan, tan over brown, or black over black. The Department shall determine on an individual basis whether other color combinations may cause a reasonable person to confuse a security guard with law enforcement personnel. A security guard jacket or coat may be any color if the jacket or coat meets the requirements in this Section. I. The qualifying party shall ensure that a security guard employed by the security guard agency does not wear a uniform, badge, or patch or use an insignia that is not approved by the Department.

R13-6-502. Business Attire and Plain Clothes

A security guard who is wearing business attire or plain clothes rather than a uniform described in [R13-5-501](#) shall not display a badge.

R13-6-503. Vehicle Markings, Emblems, and Insignia

A. The qualifying party shall ensure that a vehicle under the control of a security guard agency does not bear markings similar to the vehicle markings used by a law enforcement agency of the federal or state government or a political subdivision of the state.

B. The qualifying party shall ensure that emblems, seals, and other insignia on a vehicle under the control of a security guard agency do not bear the words "Police," "Officer," "Patrolman," "Deputy," "Marshall," "Sheriff," "Agent," or any other word that could cause a reasonable person to confuse the vehicle with a law enforcement vehicle.

C. The qualifying party shall ensure that all markings, emblems, seals, and other insignia displayed on a vehicle under the control of a security guard agency have written approval from the Department before being displayed.

D. A vehicle under the control of a security guard agency is not an authorized emergency vehicle. The operator of a vehicle under the control of a security guard agency shall comply with all traffic-control laws.

E. The qualifying party shall ensure that a vehicle under the control of a security guard agency is not equipped with a siren or bell unless the vehicle is an armored car equipped with a siren as a crime alarm device.

Article 6. Training

R13-6-601. Security Guard Pre-assignment Training

A. The qualifying party of a security guard agency shall ensure that a person employed as a security guard by the agency completes eight hours of pre-assignment training before applying for and being granted a security guard registration certificate.

B. The qualifying party shall ensure that the curriculum established by the Department is used for the eight-hour pre-assignment training. The curriculum consists of:

1. Orientation,
2. Criminal law and laws of arrest,
3. Uniform and grooming,
4. Communications,
5. Use of force,
6. General security guard procedures,
7. Crime scene preservation and first response,
8. Ethics, and
9. Emergency response procedures.

C. After a security guard completes the eight-hour pre-assignment training, the qualifying party shall complete a training verification form and:

1. The security guard shall sign the form affirming completion of the training;
2. The instructor shall sign the form affirming that the security guard completed the training;
3. The qualifying party shall sign the form affirming that the security guard met the training requirements of [A.R.S. § 32-2632](#); and
4. The security guard shall submit the form with the application described under [R13-6-301](#).

R13-6-602. Security Guard Refresher Training

A. The qualifying party of a security guard agency shall ensure that a person employed as a security guard by the agency completes eight hours of refresher training before renewing the security guard's registration certificate.

B. The qualifying party shall ensure that the curriculum established by the Department is used for the eight-hour refresher training. The curriculum consists of:

1. Criminal law and laws of arrest,
2. Use of force,
3. General security guard procedures,
4. Crime scene preservation and first response,
5. Ethics, and
6. Emergency response procedures.

C. After the security guard completes the eight-hour refresher training, the qualifying party shall complete a training verification form and:

1. The security guard shall sign the form affirming completion of the refresher training;
2. The instructor shall sign the form affirming that the security guard completed the refresher training;
3. The agency qualifying party shall sign the form affirming that the security guard met the refresher training requirements of [A.R.S. § 32-2632](#); and
4. The security guard shall submit the form with the renewal application described in [R13-6-302](#).

R13-6-603. Armed Security Guard Pre-assignment and Refresher Training

A. The qualifying party of a security guard agency shall ensure that in addition to completing the pre-assignment training described in [R13-6-601](#) and refresher training described in [R13-6-602](#), a security guard who will use a firearm within the scope of the security guard's employment with the agency completes:

1. Sixteen hours of firearms-safety instruction before being assigned to a position requiring that a firearm be carried, and
2. Eight hours of refresher firearms-safety instruction before renewing the security guard's registration certificate.

B. The qualifying party shall ensure that firearms-safety training is provided by an instructor who is certified by the Department under [R13-6-702](#) and uses the curriculum established by the Department.

C. After the armed security guard completes the sixteen hours of pre-assignment firearms-safety training or the eight hours of refresher firearms-safety training, the qualifying party shall complete a training verification form and:

1. The armed security guard shall sign the form affirming completion of the firearms-safety training;
2. The instructor shall sign the form affirming that the armed security guard completed the firearms-safety training;
3. The agency qualifying party shall sign the form affirming that the armed security guard met the firearm-safety training requirements of [A.R.S. § 32-2632](#); and
4. The armed security guard shall submit the form with the application described in [R13-6-301](#) or [R13-6-302](#).

Article 7. Firearms-Safety Training

R13-6-701. Qualifications of a Firearms-safety Instructor

Only an individual who meets the following qualifications is eligible to be certified by the Department under [A.R.S. § 32-2632](#) as a firearms-safety instructor:

1. Is a resident of this state or a U.S. citizen;
2. Is at least 21 years old;
3. Is not under indictment for and has not been convicted in any jurisdiction of a felony;
4. Does not suffer from mental illness and has not been adjudicated mentally incompetent or committed to a mental institution;
5. Is not unlawfully present in the United States;
6. Is not a prohibited possessor; and
7. Possesses current evidence of completing one of the following firearms-safety training instructor programs:
 - a. Arizona Basic Police Firearms Instructor training provided by the Arizona Peace Officers Standards and Training Board;
 - b. Police Firearms Instructor Development School provided by the National Rifle Association;
 - c. Law Enforcement Security Firearms Instructor Development School provided by the National Rifle Association;
 - d. Training provided by the National Rifle Association that results in rating as one of the following:
 - i. Pistol Instructor and Personal Protection Instructor,
 - ii. Law Enforcement Tactical Handgun Instructor, or
 - iii. Law Enforcement Handgun or Shotgun Instructor; or
 - e. Firearms Instructor Training Program provided by a federal law enforcement agency.

R13-6-702. Application for Certification as a Firearms-safety Instructor

A. To be certified as a firearms-safety instructor, an individual shall provide the following to the Department:

1. A completed application form with the following information:
 - a. Full legal name;
 - b. Home address, including ZIP code and county;
 - c. Mailing address if different from the home address;
 - d. E-mail address;
 - e. Social Security number;
 - f. Driver license number or state identification card number and state of issuance;
 - g. Home, business, and mobile telephone numbers;
 - h. National origin or race, sex, height, weight, eye and hair colors, and date and place of birth; and

- i. A statement whether the individual suffers from mental illness or has been adjudicated mentally incompetent or committed to a mental institution;
2. A properly completed fingerprint card with classifiable fingerprints, unless the individual is currently registered as a firearms-safety instructor under [A.R.S. § 13-3112](#);
3. The current evidence of completion referenced in [R13-6-701](#)(7); and
4. The fees required under [R13-6-103](#).

B. If an individual is qualified under [R13-6-701](#) and complies with the requirements in this Section, the Department shall certify the individual as a firearms-safety instructor.

R13-6-703. Firearms-safety Instructor Certification Renewal

A. A certified firearms-safety instructor shall renew the instructor's certification every two years by providing the following to the Department:

1. A completed application form with the information listed in [R13-6-702](#)(A)(1);
2. A properly completed fingerprint card with classifiable fingerprints unless currently registered as a firearms safety instructor under [A.R.S. § 13-3112](#);
3. The current evidence of completion referenced in [R13-6-701](#)(7); and
4. The renewal fee required under [R13-6-103](#).

B. Upon verification that the firearms-safety instructor is qualified under [R13-6-701](#) and complied with this Section, the Department shall renew the firearms-safety instructor's certification.

R13-6-704. Requirements of a Firearms-safety Instructor

A firearms-safety instructor shall:

1. Conduct only firearms-safety training programs that are established by the Department;
2. Conduct Department-established firearms-safety training programs only in this state;
3. Maintain for five years the following firearms-safety training records regarding each individual to whom training is provided:
 - a. Name and age of the individual at the time training started;
 - b. Date and number of hours of each training session;
 - c. Location of each training session;
 - d. Name of the security guard agency or firearms safety training organization sponsoring the training session;
 - e. Title and Department-assigned number of the training program; and
 - f. Whether the individual passed, failed, or withdrew from the training program; and
4. Make the firearms-safety training records referenced in subsection (3) available for inspection upon request by the Department.