

REFERENCE TITLE: criminal trespass; day laborers

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2412

Introduced by
Representative Kavanagh, Senator Harper

AN ACT

AMENDING SECTION 13-1504, ARIZONA REVISED STATUTES; RELATING TO CRIMINAL TRESPASS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-1504, Arizona Revised Statutes, is amended to
3 read:
4 13-1504. Criminal trespass in the first degree; classification;
5 definitions
6 A. A person commits criminal trespass in the first degree by
7 knowingly:
8 1. Entering or remaining unlawfully in or on a residential structure.
9 2. Entering or remaining unlawfully in a fenced residential yard.
10 3. Entering any residential yard and, without lawful authority,
11 looking into the residential structure thereon in reckless disregard of
12 infringing on the inhabitant's right of privacy.
13 4. Entering unlawfully on real property that is subject to a valid
14 mineral claim or lease with the intent to hold, work, take or explore for
15 minerals on the claim or lease.
16 5. Entering or remaining unlawfully on the property of another and
17 burning, defacing, mutilating or otherwise desecrating a religious symbol or
18 other religious property of another without the express permission of the
19 owner of the property.
20 6. Entering or remaining unlawfully in or on a critical public service
21 facility.
22 7. STANDING OR REMAINING ON ANY PUBLIC HIGHWAY OR PUBLIC STREET OR ANY
23 PROPERTY ADJACENT TO ANY PUBLIC HIGHWAY OR PUBLIC STREET AND DISRUPTING
24 VEHICLE OR PEDESTRIAN TRAFFIC FOR THE PURPOSE OF SOLICITING DAY LABOR
25 EMPLOYMENT.
26 8. STANDING OR REMAINING UNLAWFULLY ON ANY PRIVATE PROPERTY AFTER A
27 REASONABLE REQUEST TO LEAVE BY THE OWNER OR ANY OTHER PERSON HAVING LAWFUL
28 CONTROL OVER THE PROPERTY, OR REASONABLE NOTICE PROHIBITING ENTRY, FOR THE
29 PURPOSE OF SOLICITING DAY LABOR EMPLOYMENT.
30 B. Criminal trespass in the first degree under subsection A, paragraph
31 1, 5 or 6 is a class 6 felony. Criminal trespass in the first degree under
32 subsection A, paragraph 2, 3, ~~or~~ 4, 7 OR 8 is a class 1 misdemeanor.
33 C. FOR THE PURPOSES OF THIS SECTION:
34 1. "DAY LABOR EMPLOYMENT" MEANS EMPLOYMENT TO WHICH ALL OF THE
35 FOLLOWING APPLY:
36 (a) THE INITIAL EMPLOYMENT OFFER OCCURS AT AN UNCONTROLLED LOCATION.
37 (b) PROMPTLY OR SHORTLY AFTER THE EMPLOYMENT OFFER IS MADE, THE
38 EMPLOYER, DIRECTLY OR THROUGH AN AGENT, TRANSPORTS THE EMPLOYEE FROM THE
39 UNCONTROLLED LOCATION TO A DIFFERENT LOCATION WHERE THE EMPLOYEE WILL WORK OR
40 OTHERWISE DIRECTS THE EMPLOYEE TO THAT LOCATION.
41 (c) THE DURATION OF THE EMPLOYMENT DOES NOT EXCEED TWO DAYS. ANY
42 OFFER OF EMPLOYMENT THAT SATISFIES SUBDIVISIONS (a) AND (b) OF THIS PARAGRAPH
43 IS PRESUMED TO BE FOR TWO DAYS OR LESS. THE PRESUMPTION MAY BE REBUTTED BY
44 PRESENTING EVIDENCE OF A WRITTEN EMPLOYMENT CONTRACT FOR A PERIOD OF THREE OR
45 MORE DAYS.

1 2. "SOLICITING" MEANS VERBAL OR NONVERBAL COMMUNICATION BY A GESTURE
2 OR A NOD THAT WOULD INDICATE TO A REASONABLE PERSON THAT A PERSON IS WILLING
3 TO EMPLOY OR TO BE EMPLOYED.
4 3. "UNCONTROLLED LOCATION" MEANS ALL LOCATIONS BUT DOES NOT INCLUDE
5 EITHER:
6 (a) PROPERTY THAT IS OWNED, RENTED OR OTHERWISE CONTROLLED BY THE
7 EMPLOYER.
8 (b) PROPERTY WHERE THE EMPLOYER SERVES AS A CONTRACTOR OR
9 SUBCONTRACTOR IF ANY WORK OFFER MADE BY THE EMPLOYER OR AN AGENT OF THE
10 EMPLOYER IS FOR WORK AT THAT PROPERTY.