

AZ JUDICIAL CONFERENCE

*Beyond Sticks &
Stones (ARLFP 77)*



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BEYOND STICKS & STONES:

Words (and Actions) Can Hurt Me

Evaluating Non-Physical Acts of Domestic Violence in Family Court Cases

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THE STATUTORY FRAMEWORK

A.R.S. § 25-403.03 — What Family Judges Must Consider

Joint Legal Decision-Making

Before awarding joint legal decision-making, the court **MUST** consider:

- Whether there has been domestic violence, including acts that may not involve physical contact
- Whether a parent has perpetrated an act of domestic violence against the other parent, a child, or a third party
- The safety and well-being of the child and victim parent
- Whether a perpetrator can make decisions cooperatively without resorting to coercive control

Parenting Time

Even where joint decision-making is denied, the court **MUST** consider:

- Whether parenting time could be used as further opportunity for coercive control
- Conditions, restrictions, or supervised parenting time to protect the child and victim parent
- Acts of domestic violence, including non-physical coercion, abuse of authority, or intimidation
- The impact of domestic violence on the child's best interests

Key Point: Domestic violence under A.R.S. § 25-403.03 encompasses far more than physical contact.

CORE PRINCIPLE

"Domestic violence in Arizona is not contact-dependent."

Many domestic violence qualifying offenses under Arizona law can be committed *without* any physical touching of the victim.

Threats & Fear

Restraint & Control

Surveillance

Coercive Control

Property Destruction

Court-Order Violations

CRIMES AGAINST THE PERSON

Non-Contact Forms — No Physical Touching Required

Endangerment A.R.S. § 13-1201

Requires only that the defendant disregarded a substantial risk of imminent death or physical injury—creating that risk is sufficient. No touching needed. (*State v. Doss*, 192 Ariz. 408)

Threatening or Intimidating A.R.S. § 13-1202

Threats by word or conduct to cause physical injury or property damage. A reasonable person standard applies. No need to show ability, intent to carry out, or actual fear in victim. (*In re Kyle M.*, 200 Ariz. 447; *In re Ryan A.*, 202 Ariz. 19)

Assault (Apprehension) A.R.S. § 13-1203(A)(2)

Intentionally placing another in reasonable apprehension of imminent physical injury. No contact required. Indirect force (setting a process in motion) suffices. (*In re P.D.*, 216 Ariz. 336)

Sex Assault (Attempts/Threats) A.R.S. § 13-1406

Can qualify under attempt or coercive conduct without actual touching when charged as an attempt.

These offenses frequently appear in family law cases involving DV—none require proof of physical contact.

CRIMES INVOLVING LIBERTY, CUSTODY & CONTROL

Restraint-Based Offenses — Physical Touching Not Required

Unlawful Imprisonment

A.R.S. § 13-1303

- Requires knowing restraint only
- Restraint may be achieved by threats, intimidation, or blocking exits
- Physical touching is NOT required

Kidnapping

A.R.S. § 13-1304

- Requires knowing restraint plus specific intent
- Restraint may occur through deception, threats, or intimidation
- No touching required as an element

Custodial Interference

A.R.S. § 13-1302

- Relevant in family court: wrongful taking or keeping of a child
- Can occur through deceptive communications or concealment
- No physical force against the other parent required

PROPERTY & COURT-ORDER VIOLATIONS

Especially Common Post-Separation — No Physical Contact Required

§ 13-1502

§ 13-1503

§ 13-1504

Criminal Trespass (All Degrees)

Unlawful entry or remaining on property. No victim contact required. Very common post-separation DV offense, including violations of exclusion provisions in Orders of Protection.

§ 13-1602

Criminal Damage

Damage to property as a tool of intimidation or control. No touching of the victim required. Explicitly recognized in DV judicial bench materials.

§ 13-2810

Interfering with Judicial Proceedings

Includes violating an Order of Protection. Can occur through proximity, messages, or mere presence alone. No physical contact required.

§ 13-2904

Disorderly Conduct

Includes threatening, disruptive, or abusive behavior. Can be entirely verbal or situational—touching is not required.

Practice Note: An Order of Protection violation—even by text message or driving past the home—qualifies as domestic violence.

HARASSMENT-TYPE & SURVEILLANCE OFFENSES

Communication and Monitoring-Based — Purely Non-Contact

§ 13-2916

Using Electronic Communications to Intimidate, Threaten, or Harass

Threatening to inflict physical harm on any person or property in any electronic communication

§ 13-2921

Harassment

Conduct that seriously alarms or harasses (e.g., messages, surveillance, or threats)

§ 13-2921.01

Aggravated Harassment

Harassment combined with a prior DV conviction or existing court order.

§ 13-2923

Stalking

Defined by a course of conduct: surveillance, following, monitoring, messaging, etc.

§ 13-3019

Surreptitious Photographing / Videotaping

Knowing recording where privacy is expected. Can include monitoring software & cameras.

Note: A pattern of messaging, monitoring, or surveillance can constitute stalking or harassment.

ANIMAL-RELATED OFFENSES & PATTERN-BASED FELONY

Coercive Control Through Animals and Repeated Conduct

Animal-Related Coercive Control

Animal Neglect or Abandonment A.R.S. § 13-2910(A)(8)

Harm to animals as a tool to control or intimidate the victim. No touching of the human victim required. The animal is the direct victim; the human victim is coerced indirectly.

Cruel Mistreatment of an Animal A.R.S. § 13-2910(A)(9)

Same coercive control analysis. Perpetrators use threats to harm—or actual harm to—animals as a mechanism to exercise power over the victim and children in the home.

Studies consistently show that animal abuse is a strong predictor of domestic violence escalation and a coercive control tactic that directly affects child safety.

Pattern-Based & Child-Related Offenses

Aggravated Domestic Violence A.R.S. § 13-3601.02

Class 5 felony based on repeated DV offenses within 7 years. Many qualifying predicate offenses are non-contact. A judge should consider the aggregate pattern, not just individual incidents.

Child or Vulnerable Adult Abuse A.R.S. § 13-3623

Includes endangerment, neglect, or permitting abuse. Touching is NOT required in multiple subsections. A child exposed to a pattern of non-physical abuse may themselves be victims.

In evaluating best interests, the court must consider the entire pattern of behavior—not just acts that result in criminal charges.

APPLYING § 25-403.03: JUDICIAL DECISION FRAMEWORK

Analytical Steps for Legal Decision-Making and Parenting Time Determinations

1

Identify All Acts

Consider ALL qualifying domestic violence acts presented in evidence, including non-physical offenses. Do not limit the inquiry to acts resulting in physical contact or criminal conviction.

2

Assess Pattern

Look for a course of conduct — threats, surveillance, harassment, control of finances, isolation, property damage, and court-order violations may together constitute a pattern of coercive control.

3

Evaluate Impact

Determine how the acts have affected the victim parent's safety, autonomy, and ability to parent. Consider the child's exposure and the child's safety and well-being.

4

Apply the Presumption

If DV is established, A.R.S. § 25-403.03 creates a rebuttable presumption against joint legal decision-making. The perpetrator bears the burden to rebut.

5

Structure Parenting Time

Even if parenting time is granted, the court must impose conditions sufficient to protect the child and victim parent from further abuse or coercive control.

See A.R.S. § 25-403.03(B): 'The court shall consider any history of domestic violence...' — this is a mandatory, not discretionary, inquiry.

QUICK REFERENCE: NON-CONTACT DV OFFENSES

Arizona Revised Statutes — Domestic Violence Without Physical Contact

Category	Offense	A.R.S. §	Physical Contact Required?
Crimes vs. Person	Endangerment	13-1201	NO
Crimes vs. Person	Threatening / Intimidating	13-1202	NO
Crimes vs. Person	Sexual Assault (Attempt)	13-1406	NO
Liberty & Control	Unlawful Imprisonment	13-1303	NO
Liberty & Control	Kidnapping	13-1304	NO
Liberty & Control	Custodial Interference	13-1302	NO
Property / Court	Criminal Trespass	13-1502/03/04	NO
Property / Court	Criminal Damage	13-1602	NO
Property / Court	Interfering w/ Judicial Proceedings	13-2810	NO
Property / Court	Disorderly Conduct	13-2904	NO
Harassment / Surveillance	Telephone Harassment	13-2916	NO
Harassment / Surveillance	Harassment / Agg. Harassment	13-2921/13-2921.01	NO
Harassment / Surveillance	Stalking	13-2923	NO
Harassment / Surveillance	Surreptitious Recording	13-3019	NO
Animal / Child	Animal Neglect / Cruelty	13-2910(A)(8)/(9)	NO
Animal / Child	Child / Vulnerable Adult Abuse	13-3623	NO (multiple subsections)
Pattern Felony	Aggravated Domestic Violence	13-3601.02	NO

KEY TAKEAWAYS

01

Domestic violence is NOT limited to physical contact. Arizona law recognizes a broad range of non-contact offenses as qualifying DV acts under A.R.S. § 25-403.03.

02

The inquiry under § 25-403.03 is mandatory. Courts must consider any history of domestic violence—including non-physical acts—before awarding joint legal decision-making or unsupervised parenting time.

03

Patterns matter as much as individual incidents. A course of threatening messages, surveillance, property destruction, or court-order violations may collectively establish coercive control.

04

Once domestic violence is established, a rebuttable presumption arises against joint legal decision-making. The burden shifts to the perpetrator to demonstrate that an award of joint decision-making is in the child's best interests.

05

Conditions on parenting time are a judicial tool. Courts may impose supervision, restrictions on communication, or other conditions to protect the child and victim parent from further abuse.

ARIZONA DOMESTIC VIOLENCE OFFENSES NOT INVOLVING ACTUAL PHYSICAL TOUCHING

Crimes Against the Person (Non-Contact Forms)

Endangerment – A.R.S. § 13-1201

Endangerment requires proof of the following:

1. A person disregarded a substantial risk that [his/her] conduct would cause [imminent death/physical injury], **and**
2. A person's conduct did in fact create a substantial risk of [imminent death/physical injury].

The victim must be placed in actual substantial risk of imminent death in order for a defendant to be found guilty of endangerment involving the substantial risk of imminent death. *State v. Doss*, 192 Ariz. 408 (App. 1998).

Threatening or Intimidating – A.R.S. § 13-1202

Threatening or intimidating requires proof that a person threatened or intimidated by word or conduct:

- to cause physical injury to another person; **or**
- to cause serious damage to the property of another person; **or**
- 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**
- to cause physical injury to another person or damage to the property of another person 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.

Must show a **reasonable person** would foresee that the words would be taken as a serious expression of intent to inflict bodily harm; **do not have to show** that a person had the ability to carry out the threat or that a person had the intent to carry out the threat. *In re Kyle M.*, 200 Ariz. 447 (App. 2001).

Do not have to show that the victim was in fact in fear; the subjective fear of the victim is not necessary for a person to be guilty of threatening or intimidating. *In re Ryan A.*, 202 Ariz. 19 (App. 2002).

Assault (Apprehension Form) – A.R.S. § 13-1203(A)(2)

Assault requires the proof that a person intentionally put another person in reasonable apprehension of imminent physical injury.

Crimes Involving Liberty, Custody, or Control

Custodial Interference – A.R.S. § 13-1302

Custodial interference requires proof that a person;

1. [took] [enticed] [kept] from lawful custody any [child] [incompetent person] entrusted by authority of law to the custody of another person or institution; **or** before a court order determining custodial rights denying that parent access to any child, [took] [enticed] [withheld] any child from the other parent; **or** had joint legal custody of the child and [took] [enticed] [withheld] the child from the physical custody of the other custodian; **or** intentionally failed or refused to return [or impeded the return] of the child to the lawful custodian at the time a person’s access rights outside this state had expired; **and**
2. knew or had reason to know that a person had no legal right to do so.

It is not a crime if a person is the child’s parent and both of the following are found:

1. Defendant had filed an emergency petition regarding custodial rights with the superior court and had received a hearing date from the court; **and**
2. Defendant had a good faith and reasonable belief that the child would be in immediate danger if the child was left with the other parent.

“**Out of wedlock**” children are assumed to be in the custody of the mother until paternity and custody are determined by a court. A.R.S. § 13-1302(B). A.R.S. § 13-1302(B) making the mother of child born out of wedlock legal custodian until paternity is established is substantially related to important state interest and, therefore, is not a gender-based equal protection violation nor does the statute violate due process. *State v. Bean*, 174 Ariz. 544 (App. 1992).

Defense to Custodial Interference - A.R.S. § 13-1302(C)

It is a defense to custodial interference if a person proves the following had occurred:

1. A person had begun the process to obtain an order of protection or filed a petition for custody within a reasonable period of time after taking the child and the order of protection or petition states a person’s belief that the child was at risk if left with the other parent; **and**
 2. A person is the child’s parent, had the right of custody and, **before the events giving rise to the charge of custodial interference**, a person either:
 - a. had a good faith and reasonable belief that the taking, enticing or withholding was necessary to protect the child from immediate danger; **or**
 - b. was a victim of domestic violence by the other parent and had a good faith and reasonable belief that the child would be in immediate danger if the child was left with the other parent.
-

Unlawful Imprisonment – A.R.S. § 13-1303

Unlawful imprisonment requires proof that a person knowingly restrained another person.

“**Restrain**” means to restrict a person’s movements without consent, without legal authority, and in a manner that interferes substantially with such person’s liberty, by either moving such person from one place to another or by confining such person. Restraint is without consent if it is accomplished by [(physical force) (intimidation) (or) (deception)] [any means including acquiescence of the victim if the victim is a child less than eighteen years old or an incompetent person and victim’s lawful custodian has not acquiesced in the movement or confinement.]

Unlawful Imprisonment Defense - A.R.S. §§ 13-1301(1) and 13-1303(B)(2)

It is a defense unlawful imprisonment if the following existed:

1. A person was a relative of the person restrained; **and**
2. A person’s sole intent was to take lawful custody of the person restrained; **and**
3. The restraint was accomplished without physical injury to the victim.

“**Relative**” means a parent or stepparent, ancestor, descendant, sibling, uncle or aunt, including an adoptive relative of the same degree through marriage or adoption, or a spouse.

Kidnapping – A.R.S. § 13-1304

Kidnapping requires proof that a person knowingly restrained another person with the intent to:

- hold the person (for ransom) (as a shield) (or) (as a hostage) **or**
- inflict (death) (physical injury) (or) (a sexual offense) on the person **or**
- aid in the commission of a felony **or**
- place the victim or a third person in reasonable fear of imminent physical injury to the victim or such third person **or**
- seize or exercise control over any vehicle.

“**Restrain**” means to restrict a person’s movements without consent, without legal authority, and in a manner that interferes substantially with such person’s liberty, by either moving such person from one place to another or by confining such person. Restraint is without consent if it is accomplished by [(physical force) (intimidation) (or) (deception)] [any means including acquiescence of the victim if the victim is a child less than eighteen years old or an incompetent person and victim’s lawful custodian has not acquiesced in the movement or confinement.]

Property-Related and Court-Order Violations

Criminal Trespass (All Degrees) – A.R.S. §§ 13-1502, 1503, 1504

Criminal trespass in the first degree requires proof that a person:

- knowingly entered or remained unlawfully in or on a residential structure or in a fenced residential yard, **or**
 - knowingly entered a residential yard and, without lawful authority, looked into the residential structure in reckless disregard of infringing on the inhabitant’s right of privacy, **or**
 - knowingly entered or remained unlawfully on the property of another and burned, defaced, mutilated, or otherwise desecrated a religious symbol or other religious property of another without the express permission of the owner of the property.
-

Criminal Damage – A.R.S. § 13-1602

Criminal damage requires proof that a person recklessly, and without express permission,

- defaced or damaged property of another person **or**
 - tampered with property of another person so as substantially to impair its function or value **or**
 - drew or inscribed a message, slogan, sign, or symbol that is made on any public or private building, structure, or surface, except the ground.
-

Interfering with Judicial Proceedings – A.R.S. § 13-2810

Interfering with judicial proceedings requires proof that a person knowingly disobeyed or resisted the lawful order, process, or other mandate of a court.

Disorderly Conduct – A.R.S. § 13-2904

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:

- Engages in fighting, violent or seriously disruptive behavior; **or**
- Makes unreasonable noise; **or**
- Uses abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person; **or**
- Recklessly handles, displays or discharges a deadly weapon or dangerous instrument.

“**Deadly weapon**” means anything designed for lethal use, including a firearm.

“**Dangerous instrument**” means anything that under the circumstances in which it is used, attempted to be used or threatened to be used is capable of creating a substantial risk of causing death or serious physical injury.

Harassment-Type and Related Offenses

Harassment – A.R.S. § 13-2921

A person commits harassment if the person knowingly and repeatedly commits an act or acts that harass another person or the person knowingly commits any one of the following acts in a manner that harasses:

- Contacts or causes a communication with another person by verbal, electronic, mechanical, telegraphic, telephonic or written means.
- Continues to follow another person in or about a public place after being asked by that person to desist.
- Surveils or causes a person to surveil another person.
- Makes a false report to a law enforcement, credit or social service agency against another person.
- Interferes with the delivery of any public or regulated utility to another person.

“**Harass**” means conduct that is directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed, humiliated or mentally distressed and the conduct in fact seriously alarms, annoys, humiliates or mentally distresses the person.

Aggravated Harassment – A.R.S. § 13-2921.01

Aggravated harassment requires proof that a person, [with intent to harass] [knowing that a person was harassing another person]:

1. [anonymously or otherwise communicated or caused a communication with another person by verbal, electronic, mechanical, telegraphic, telephonic or written means in a manner that harassed;]
[continued to follow another person in or about a public place for no legitimate purpose after being asked to desist;]
[repeatedly committed an act or acts that harassed another person;]
[surveilled or caused another person to surveil a person for no legitimate purpose;] [on more than one occasion made a false report to a law enforcement, credit or social service agency;]
[interfered with the delivery of any public or regulated utility to a person;] **and**
2. [The harassment was done after a court had issued an (order of protection) (injunction against harassment) against a person in the harassment victim’s favor and the (order of protection) (injunction against harassment) had been served and was still valid;]
[A person has been previously convicted of the offense of (*insert previous conviction of domestic violence here*);]
and
3. The victim of the previously convicted offense was the same person alleged to have been harassed in this case.

“**Harassment**” means conduct directed at a specific person which would cause a reasonable person to be seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms, annoys or harasses the person.

“**Convicted**” means a person who was convicted of an offense including domestic violence, or who was adjudicated delinquent for conduct that would constitute a historical prior felony conviction if the juvenile had been tried as an adult for the offense of domestic violence.

Preventing Use of Telephone in Emergency – A.R.S. § 13-2915(A)(3)

Preventing use of a telephone in an emergency requires proof a person intentionally prevented or interfered with the use of a telephone by another person in an emergency situation.

“**Emergency situation**” means a situation in which *both* of the following apply:

- (a) Human health, life or safety is in jeopardy and the prompt summoning of aid is essential *and*
- (b) It is reasonable to believe that a domestic violence offense pursuant to § 13-3601 is being, has been or is about to be committed.

Unlawful Distribution of Images – A.R.S. § 13-1425

Unlawful distribution of images requires proof a person intentionally disclosed 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, *and*
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. Unless the realistic pictorial representation is created or modified by the depicted person, this paragraph does not apply to an image that is a realistic pictorial representation, *and*
3. The image is disclosed with the intent to harm, harass, intimidate, threaten or coerce the depicted person.

“**Disclose**” means display, distribute, publish, advertise or offer.

“**Disclosed by electronic means**” means delivery to an email address, mobile device, tablet or other electronic device and includes disclosure on a website.

“**Harm**” means physical injury, financial injury or serious emotional distress.

“**Image**” means a photograph, videotape, film, digital recording or realistic pictorial representation.

“**Realistic pictorial representation**”:

- a) Means an image that is created or modified to reasonably appear to be an actual image of an identifiable person depicted in a state of nudity or engaged in specific sexual activities that did not actually occur.
- b) Does not include an image made in the public interest, including scientific or educational activities, a newsworthy event or an issue of public concern.

“**Reasonable expectation of privacy**” means the person exhibits an actual expectation of privacy and the expectation is reasonable.

“**Specific sexual activities**” has the same meaning prescribed in § 11-811, subsection E, paragraph 18, subdivisions (a) and (b).

“**State of nudity**” has the same meaning prescribed in § 11-811, subsection E, paragraph 14, subdivision (a).

Use of Electronic Coms to Terrify, Intimidate, Threaten or Harass – A.R.S. § 13-2916

Use of electronic communications to terrify, intimidate, threaten, or harass requires proof a person knowingly terrified, intimidated, threatened or harassed a specific person or persons by doing any of the following:

- Directing any obscene, lewd or profane language or suggesting any lewd or lascivious act to the person in an electronic communication, **or**
- Threatening to inflict physical harm on any person or to property in any electronic communication, **or**
- Otherwise disturbing by repeated anonymous, unwanted or unsolicited electronic communications the peace, quiet or right of privacy of the person at the place where the communications were received, **or**
- Without the person's consent and for the purpose of imminently causing the person unwanted physical contact, injury or harassment by a third party, use an electronic communication device to electronically distribute, publish, email, hyperlink or make available for downloading the person's personal identifying information, including a digital image of the person, and the use does in fact incite or produce that unwanted physical contact, injury or harassment. This paragraph also applies to a person who intends to terrify, intimidate, threaten or harass an immediate family member of the person whose personal identifying information is used.

“**Electronic communication**” means a social media post, a wire line, cable, wireless or cellular telephone call, a text message, an instant message or electronic mail.

“**Electronic communication device**” includes a telephone, mobile telephone, computer, internet website, internet telephone, hybrid cellular, internet or wireless device, personal digital assistant, video recorder, fax machine or pager.

“**Harassment**” means a knowing and wilful course of conduct that is directed at a specific person, that a reasonable person would consider as seriously alarming, seriously disruptive, seriously tormenting or seriously terrorizing the person and that serves no legitimate purpose.

“**Personal identifying information**”:

- (a) Means information that would allow the identified person to be located, contacted or harassed.
- (b) Includes the person's home address, work address, phone number, email address or other contact information that would allow the identified person to be located, contacted or harassed.

“**Social media post**” means a social media communication that is knowingly intended to communicate to a specific person or persons in violation of subsection A of this section.

Stalking – A.R.S. § 13-2923

Stalking requires proof that a person:

1. knowingly or intentionally engaged in a **course of conduct** that was directed toward another person; **and**
2. that conduct caused the victim to (any one of the following):
 - suffer emotional distress or reasonably fear that the victim's property will be damaged or destroyed
 - suffer emotional distress or reasonably fear that the victim will be physically injured
 - suffer emotional distress or reasonably fear that the victim's family member will be physically injured
 - suffer emotional distress or reasonably fear that the victim's domestic animal or livestock will be physically injured
 - suffer emotional distress or reasonably fear that a person with whom the victim has or has previously had a romantic or sexual relationship will be physically injured
 - suffer emotional distress or reasonably fear that 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 will be physically injured
 - reasonably fear death
 - reasonably fear the death of the victim's family member
 - reasonably fear the death of the victim's domestic animal
 - reasonably fear the death of the victim's livestock
 - reasonably fear the death of a person with whom the victim has or has previously had a romantic or sexual relationship
 - reasonably fear the death of 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.

“**Course of conduct**” means directly or indirectly, in person or through one or more third persons or by any other means, to do any of the following

- Maintain visual or physical proximity** to a specific person or directing verbal, written or other threats, whether express or implied, to a specific person on two or more occasions over a period of time, however short.
- Use any **electronic, digital or global positioning system device to surveil** a specific person or a specific person's internet or wireless activity continuously for twelve hours or more or on two or more occasions over a period of time, however short, without authorization.
- Communicate, or cause to be communicated, words, images or language by or through the use of electronic mail or an electronic communication that is directed at a specific person without authorization and without a legitimate purpose on more than one occasion.

Course of conduct does not include constitutionally protected activity or other activity authorized by law, the other person, the other person's authorized representative or if the other person is a minor, the minor's parent or guardian.

“**Emotional distress**” means significant mental suffering or distress that may, but does not have to, require medical or other professional treatment or counseling.

Surreptitious Photographing / Videotaping – A.R.S. § 13-3019

Surreptitious [recording / viewing] requires proof that a person knowingly [photographed, videotaped, filmed, digitally recorded or by any other means used a device to secretly view or record] [secretly viewed, with or without a device,] another person without that person's consent:

- 1. While the person was in a restroom, bathroom, locker room, bedroom or other location where the person had a reasonable expectation of privacy; *and*
 - 2. The person was urinating, defecating, dressing, undressing, nude or involved in sexual intercourse or sexual contact.
 - 1. When the viewing was in a manner that directly or indirectly captured or allowed the viewing of the person's genitalia, buttock or female breast, whether clothed or unclothed; *and*
 - 2. The person's body part was not otherwise visible to the public.
-

Animal-Related Offenses

Animal Neglect or Abandonment – A.R.S. § 13-2910(A)(8)

Cruelty to animals requires proof that a person intentionally or knowingly subjected any animal under a person’s custody or control to cruel neglect or abandonment that resulted in serious physical injury to the animal.

“**Animal**” means a mammal, bird, reptile or amphibian.

“**Cruel neglect**” means to fail to provide an animal with necessary food, water or shelter.

“**Service animal**” means an animal that has completed a formal training program that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.

Cruel Mistreatment of an Animal – A.R.S. § 13-2910(A)(9)

Cruelty to animals requires proof that a person intentionally or knowingly subjected any animal to cruel mistreatment.

“**Animal**” means a mammal, bird, reptile or amphibian.

“**Cruel mistreatment**” means to torture or otherwise inflict unnecessary serious physical injury upon an animal or to kill an animal in a manner that caused protracted suffering to the animal.

“**Service animal**” means an animal that has completed a formal training program that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.

Child-Related Abuse (Non-Contact Forms)

Child Abuse – A.R.S. § 13-3623

Child abuse requires proof that a person,

1. under circumstances other than those likely to produce death or serious injury,
2. [intentionally / knowingly / recklessly /with criminal negligence,
3. [select one of the following]:
 - caused the child to suffer physical injury.
 - caused the child to suffer abuse.
 - caused or permitted the person or health of the child to be injured, while having the care or custody of the child.
 - caused or permitted the child to be placed in a situation where the person or health of the child was endangered, while having the care or custody of the child.

“**Abuse**” means:

1. Intentional infliction of physical harm; **or**
2. Injury caused by negligent acts or omissions; **or**
3. Unreasonable confinement; **or**
4. Sexual abuse or sexual assault.

Summary of Non-Physical Acts of Domestic Violence

Crimes Against the Person (Non-Contact Forms)	1
Endangerment – A.R.S. § 13-1201	1
Threatening or Intimidating – A.R.S. § 13-1202	1
Assault (Apprehension Form) – A.R.S. § 13-1203(A)(2)	1
Crimes Involving Liberty, Custody, or Control	2
Custodial Interference – A.R.S. § 13-1302	2
Defense to Custodial Interference - A.R.S. § 13-1302(C)	2
Unlawful Imprisonment – A.R.S. § 13-1303	3
Unlawful Imprisonment Defense - A.R.S. §§ 13-1301(1) and 13-1303(B)(2)	3
Kidnapping – A.R.S. § 13-1304	3
Property-Related and Court-Order Violations	4
Criminal Trespass (All Degrees) – A.R.S. §§ 13-1502, 1503, 1504	4
Criminal Damage – A.R.S. § 13-1602	4
Interfering with Judicial Proceedings – A.R.S. § 13-2810	4
Disorderly Conduct – A.R.S. § 13-2904	4
Harassment-Type and Related Offenses	5
Harassment – A.R.S. § 13-2921	5
Aggravated Harassment – A.R.S. § 13-2921.01	5
Preventing Use of Telephone in Emergency – A.R.S. § 13-2915(A)(3)	6
Unlawful Distribution of Images – A.R.S. § 13-1425	6
Use of Electronic Coms to Terrify, Intimidate, Threaten or Harass – A.R.S. § 13-2916	7
Stalking – A.R.S. § 13-2923	8
Surreptitious Photographing / Videotaping – A.R.S. § 13-3019	9
Animal-Related Offenses	10
Animal Neglect or Abandonment – A.R.S. § 13-2910(A)(8)	10
Cruel Mistreatment of an Animal – A.R.S. § 13-2910(A)(9)	10
Child-Related Abuse (Non-Contact Forms)	10
Child Abuse – A.R.S. § 13-3623	10