



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

Senate: HHS DP 7-0-0-0 | 3<sup>rd</sup> Read DP 27-1-2-0

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## **SB 1594: aggravated assault; developmental disability; exception**

**Sponsor: Senator Wadsack, LD 17**

**Committee on Judiciary**

### **Overview**

Exempts an individual with a developmental disability or cognitive disability from the aggravated assault classification for assaults committed against a health care worker.

### **History**

Under current law, a person commits assault by doing any of the following:

- 1) intentionally, knowingly or recklessly causing any physical injury to another person;
- 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 ([A.R.S. § 13-1203](#)).

Additionally, aggravated assault is a separate offense that occurs when a person commits assault as defined in [A.R.S. § 13-1203](#) and additional circumstances are met, as outlined in statute. These circumstances include, among others, the level of injury caused to the victim, the defendant's use of a deadly weapon and the victim's profession. Assault can become aggravated assault if the defendant commits assault knowing or having reason to know that the victim is a health care worker, licensed health care practitioner or a person directed by the licensed health care practitioner while engaged in their professional duties. However, the aggravated assault classification does not apply if the person who commits the assault against the health care worker does not have the ability to form the culpable mental state because of a mental disability or because the person is seriously mentally ill. Aggravated assault can range from a class 2 felony to a class 6 felony depending on the nature of the offense ([A.R.S. § 13-1204](#)).

### **Provisions**

1. Adds that the aggravated assault classification does not apply to a person who commits an assault against a health care worker if the person does not have the ability to form the culpable mental state due to a developmental disability or cognitive disability. (Sec. 1)
2. Makes a technical change. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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