

REFERENCE TITLE: employer protections; labor relations

State of Arizona  
Senate  
Forty-ninth Legislature  
Second Regular Session  
2010

## **SB 1242**

Introduced by

Senators Pearce R, Leff; Representative Gowan: Senators Allen S, Gould,  
Harper, Huppenthal, Melvin; Representatives Crandall, Kavanagh, McComish,  
Montenegro, Reagan, Tobin

AN ACT

AMENDING SECTIONS 12-1809, 12-1810, 23-352, 23-1321, 23-1322, 23-1323 AND  
23-1324, ARIZONA REVISED STATUTES; AMENDING TITLE 23, CHAPTER 8, ARTICLE 2,  
ARIZONA REVISED STATUTES, BY ADDING SECTIONS 23-1325, 23-1326, 23-1327,  
23-1328 AND 23-1329; RELATING TO LABOR RELATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-1809, Arizona Revised Statutes, is amended to  
3 read:

4 12-1809. Injunction against harassment; petition; venue; fees;  
5 notices; enforcement; definition

6 A. A person may file a verified petition with a magistrate, justice of  
7 the peace or superior court judge for an injunction prohibiting harassment.  
8 If the person is a minor, the parent, legal guardian or person who has legal  
9 custody of the minor shall file the petition unless the court determines  
10 otherwise. The petition shall name the parent, guardian or custodian as the  
11 plaintiff, and the minor is a specifically designated person for the purposes  
12 of subsection F of this section. If a person is either temporarily or  
13 permanently unable to request an injunction, a third party may request an  
14 injunction on behalf of the plaintiff. After the request, the judicial  
15 officer shall determine if the third party is an appropriate requesting party  
16 for the plaintiff. Notwithstanding the location of the plaintiff or  
17 defendant, any court in this state may issue or enforce an injunction against  
18 harassment.

19 B. An injunction against harassment shall not be granted:

20 1. Unless the party who requests the injunction files a written  
21 verified petition for injunction.

22 2. Against a person who is less than twelve years of age unless the  
23 injunction is granted by the juvenile division of the superior court.

24 3. Against more than one defendant.

25 C. The petition shall state all of the following:

26 1. The name of the plaintiff. The plaintiff's address shall be  
27 disclosed to the court for purposes of service. If the address of the  
28 plaintiff is unknown to the defendant, the plaintiff may request that the  
29 address be protected. On the plaintiff's request, the address shall not be  
30 listed on the petition. Whether the court issues an injunction against  
31 harassment, the protected address shall be maintained in a separate document  
32 or automated database and is not subject to release or disclosure by the  
33 court or any form of public access except as ordered by the court.

34 2. The name and address, if known, of the defendant.

35 3. A specific statement showing events and dates of the acts  
36 constituting the alleged harassment.

37 4. The name of the court in which there was or is any prior or pending  
38 proceeding or order concerning the conduct that is sought to be restrained.

39 5. The relief requested.

40 D. A fee shall not be charged for filing a petition under this  
41 section. Fees for service of process may be deferred or waived under any  
42 rule or law applicable to civil actions, except that fees for service of  
43 process shall not be charged if the petition arises out of a dating  
44 relationship. The court shall advise a plaintiff that the plaintiff may be  
45 eligible for the deferral or waiver of these fees at the time the plaintiff

1 files a petition. The court shall not require the petitioner to perform  
2 community restitution as a condition of the waiver or deferral of fees for  
3 service of process. A law enforcement agency or constable shall not require  
4 the advance payment of fees for service of process of injunctions against  
5 harassment. If the court does not waive the fees, the serving agency may  
6 assess the actual fees against the plaintiff. On request of the plaintiff,  
7 an injunction against harassment that is issued by a municipal court may be  
8 served by the police agency for that city if the defendant can be served  
9 within the city. If the defendant cannot be served within the city, the  
10 police agency in the city in which the defendant can be served may serve the  
11 injunction. On request of the plaintiff, each injunction against harassment  
12 that is issued by a justice of the peace shall be served by the constable for  
13 that jurisdiction if the defendant can be served within the jurisdiction. If  
14 the defendant cannot be served within that jurisdiction, the constable in the  
15 jurisdiction in which the defendant can be served shall serve the injunction.  
16 On request of the plaintiff, an injunction against harassment that is issued  
17 by a superior court judge or commissioner may be served by the sheriff of the  
18 county. If the defendant cannot be served within that jurisdiction, the  
19 sheriff in the jurisdiction in which the defendant can be served may serve  
20 the order. The court shall provide, without charge, forms for purposes of  
21 this section for assisting parties without counsel.

22 E. The court shall review the petition, any other pleadings on file  
23 and any evidence offered by the plaintiff, including any evidence of  
24 harassment by electronic contact or communication, to determine whether the  
25 injunction requested should issue without a further hearing. Rules 65(a)(1)  
26 and 65(e) of the Arizona rules of civil procedure do not apply to injunctions  
27 that are requested pursuant to this section. If the court finds reasonable  
28 evidence of harassment of the plaintiff by the defendant during the year  
29 preceding the filing of the petition or that good cause exists to believe  
30 that great or irreparable harm would result to the plaintiff if the  
31 injunction is not granted before the defendant or the defendant's attorney  
32 can be heard in opposition and the court finds specific facts attesting to  
33 the plaintiff's efforts to give notice to the defendant or reasons supporting  
34 the plaintiff's claim that notice should not be given, the court shall issue  
35 an injunction as provided for in subsection F of this section. If the court  
36 denies the requested relief, it may schedule a further hearing within ten  
37 days with reasonable notice to the defendant. For the purposes of  
38 determining the one year period, any time that the defendant has been  
39 incarcerated or out of this state shall not be counted.

40 F. If the court issues an injunction, the court may do any of the  
41 following:

- 42 1. Enjoin the defendant from committing a violation of one or more  
43 acts of harassment.
- 44 2. Restrain the defendant from contacting the plaintiff or other  
45 specifically designated persons and from coming near the residence, place of

1 employment or school of the plaintiff or other specifically designated  
2 locations or persons.

3 3. Grant relief necessary for the protection of the alleged victim and  
4 other specifically designated persons proper under the circumstances.

5 G. The court shall not grant a mutual injunction against harassment.  
6 If opposing parties separately file verified petitions for an injunction  
7 against harassment, the courts after consultation between the judicial  
8 officers involved may consolidate the petitions of the opposing parties for  
9 hearing. This does not prohibit a court from issuing cross injunctions  
10 against harassment.

11 H. At any time during the period during which the injunction is in  
12 effect, the defendant is entitled to one hearing on written request. No fee  
13 may be charged for requesting a hearing. A hearing that is requested by a  
14 defendant shall be held within ten days from the date requested unless the  
15 court finds compelling reasons to continue the hearing. The hearing shall be  
16 held at the earliest possible time. An ex parte injunction that is issued  
17 under this section shall state on its face that the defendant is entitled to  
18 a hearing on written request and shall include the name and address of the  
19 judicial office where the request may be filed. After the hearing, the court  
20 may modify, quash or continue the injunction.

21 I. The injunction shall include the following statement:

22 Warning

23 This is an official court order. If you disobey this  
24 order, you may be arrested and prosecuted for the crime of  
25 interfering with judicial proceedings and any other crime you  
26 may have committed in disobeying this order.

27 J. A copy of the petition and the injunction shall be served on the  
28 defendant within one year from the date the injunction is signed. An  
29 injunction that is not served on the defendant within one year expires. The  
30 injunction is effective on the defendant on service of a copy of the  
31 injunction and petition and expires one year after service on the defendant.  
32 A modified injunction is effective upon service and expires one year after  
33 service of the initial injunction and petition.

34 K. Each affidavit, acceptance or return of service shall be promptly  
35 filed with the clerk of the issuing court. This filing shall be completed in  
36 person, shall be made by fax or shall be postmarked, if sent by mail, no  
37 later than the end of the seventh court business day after the date of  
38 service. If the filing is made by fax, the original affidavit, acceptance or  
39 return of service shall be promptly filed with the court. Within twenty-four  
40 hours after the affidavit, acceptance or return of service has been filed,  
41 excluding weekends and holidays, the court from which the injunction or any  
42 modified injunction was issued shall forward to the sheriff of the county in  
43 which the court is located a copy of the injunction and a copy of the  
44 affidavit or certificate of service of process or acceptance of service. On  
45 receiving these copies, the sheriff shall register the injunction.

1 Registration of an injunction means that a copy of the injunction and a copy  
2 of the affidavit or certificate of service of process or acceptance of  
3 service have been received by the sheriff's office. The sheriff shall  
4 maintain a central repository for injunctions so that the existence and  
5 validity of the injunctions can be easily verified. The effectiveness of an  
6 injunction does not depend on its registration, and for enforcement purposes  
7 pursuant to section 13-2810, a copy of an injunction, whether or not  
8 registered, is presumed to be a valid existing order of the court for a  
9 period of one year from the date of service of the injunction on the  
10 defendant.

11 L. A peace officer, with or without a warrant, may arrest a person if  
12 the peace officer has probable cause to believe that the person has violated  
13 section 13-2810 by disobeying or resisting an injunction that is issued  
14 pursuant to this section, whether or not the violation occurred in the  
15 presence of the officer. The provisions for release under section 13-3903 do  
16 not apply to an arrest made pursuant to this subsection. A person who is  
17 arrested pursuant to this subsection may be released from custody in  
18 accordance with the Arizona rules of criminal procedure or any other  
19 applicable statute. An order for release, with or without an appearance  
20 bond, shall include pretrial release conditions that are necessary to provide  
21 for the protection of the alleged victim and other specifically designated  
22 persons and may provide for additional conditions that the court deems  
23 appropriate, including participation in any counseling programs available to  
24 the defendant.

25 M. If a peace officer responds to a call alleging that harassment has  
26 been or may be committed, the officer shall inform in writing any alleged or  
27 potential victim of the procedures and resources available for the protection  
28 of the victim including:

- 29 1. An injunction pursuant to this section.
- 30 2. The emergency telephone number for the local police agency.
- 31 3. Telephone numbers for emergency services in the local community.

32 N. The remedies provided in this section for enforcement of the orders  
33 of the court are in addition to any other civil and criminal remedies  
34 available. The municipal court and the justice court may hear and decide all  
35 matters arising pursuant to this section. After a hearing with notice to the  
36 affected party, the court may enter an order requiring any party to pay the  
37 costs of the action, including reasonable attorney fees, if any. An order  
38 that is entered by a justice court or municipal court after a hearing  
39 pursuant to this section may be appealed to the superior court as provided in  
40 title 22, chapter 2, article 4, section 22-425, subsection B and the superior  
41 court rules of civil appellate procedure without regard to an amount in  
42 controversy. No fee may be charged to either party for filing an appeal.

43 O. A peace officer who makes an arrest pursuant to this section is not  
44 civilly or criminally liable for the arrest if the officer acts on probable

1 cause and without malice. A peace officer is not civilly liable for  
2 noncompliance with subsection M of this section.

3 P. This section does not apply to preliminary injunctions issued  
4 pursuant to an action for dissolution of marriage or legal separation or for  
5 protective orders against domestic violence.

6 Q. In addition to the persons who are authorized to serve process  
7 pursuant to rule 4(d), Arizona rules of civil procedure, a peace officer or a  
8 correctional officer as defined in section 41-1661 who is acting in the  
9 officer's official capacity may serve an injunction against harassment that  
10 is issued pursuant to this section.

11 R. For the purposes of this section, "harassment" means a series of  
12 acts over any period of time that is directed at a specific person and that  
13 would cause a reasonable person to be seriously alarmed, annoyed or harassed  
14 and the conduct in fact seriously alarms, annoys or harasses the person and  
15 serves no legitimate purpose. HARASSMENT INCLUDES UNLAWFUL PICKETING,  
16 TRESPASSORY ASSEMBLY, UNLAWFUL MASS ASSEMBLY, CONCERTED INTERFERENCE WITH  
17 LAWFUL EXERCISE OF BUSINESS ACTIVITY AND ENGAGING IN A SECONDARY BOYCOTT AS  
18 DEFINED IN SECTION 23-1321 AND DEFAMATION IN VIOLATION OF SECTION 23-1325.

19 Sec. 2. Section 12-1810, Arizona Revised Statutes, is amended to read:  
20 12-1810. Injunction against workplace harassment; definitions

21 A. An employer or an authorized agent of an employer may file a  
22 written verified petition with a magistrate, justice of the peace or superior  
23 court judge for an injunction prohibiting workplace harassment.

24 B. The court shall not grant an injunction against workplace  
25 harassment against either:

26 1. A person who is under twelve years of age unless the injunction is  
27 granted by the juvenile division of the superior court.

28 2. More than one defendant.

29 C. The petition shall state all of the following:

30 1. The name of the employer.

31 2. The name and address, if known, of the defendant.

32 3. A specific statement showing the events and dates of the acts that  
33 constitute harassment toward the employer or any person who enters the  
34 employer's property or who is performing official work duties.

35 D. The filing fee for a petition that is filed pursuant to this  
36 section is established pursuant to sections 12-284, 22-281 and 22-404.

37 E. The court shall review the petition and any evidence offered by the  
38 employer to determine whether to issue the injunction without further  
39 hearing. Rules 65(a)(1) and 65(e) of the Arizona rules of civil procedure do  
40 not apply to injunctions requested pursuant to this section. If the court  
41 finds reasonable evidence of workplace harassment by the defendant or that  
42 good cause exists to believe that great or irreparable harm would result to  
43 the employer or ANY other person who enters the employer's property or who is  
44 performing official work duties or if the injunction is not granted before  
45 the defendant or the defendant's attorney can be heard in opposition and the

1 court finds specific facts that attest to the employer's efforts to give  
2 notice to the defendant or reasons supporting the employer's claim that  
3 notice should not be given, the court shall issue an injunction pursuant to  
4 subsection F of this section. If the court denies the requested relief, the  
5 court may schedule a further hearing within ten days with reasonable notice  
6 to the defendant.

7 F. If the court grants an injunction against workplace harassment, the  
8 court may do any of the following:

9 1. Restrain the defendant from coming near the employer's property or  
10 place of business and restrain the defendant from contacting the employer,  
11 or other person while that person is on or at the employer's property or  
12 place of business or is performing official work duties.

13 2. Grant any other relief necessary for the protection of the  
14 employer, the workplace, the employer's employees or any other person who is  
15 on or at the employer's property or place of business or who is performing  
16 official work duties.

17 G. If the court issues an ex parte injunction pursuant to this  
18 section, the injunction shall state on its face that the defendant is  
19 entitled to a hearing on written request and shall include the name and  
20 address of the judicial office in which the request may be filed. At any  
21 time during the period that the injunction is in effect, the defendant may  
22 request a hearing. The court shall hold the hearing within ten days after  
23 the date of the written request unless the court finds compelling reasons to  
24 continue the hearing. The hearing shall be held at the earliest possible  
25 time. After the hearing, the court may modify, quash or continue the  
26 injunction.

27 H. An injunction against workplace harassment that is issued pursuant  
28 to this section shall include the following statement:

29 Warning

30 This is an official court order. If you disobey this order, you  
31 may be arrested and prosecuted for the crime of interfering with  
32 judicial proceedings and any other crime you may have committed  
33 in disobeying this order.

34 I. A copy of the petition and the injunction shall be served on the  
35 defendant within one year from the date the injunction is signed. An  
36 injunction that is not served on the defendant within one year expires. The  
37 injunction is effective on the defendant on service of a copy of the  
38 injunction and petition and expires one year after service on the defendant.  
39 A modified injunction is effective on service and expires one year after  
40 service of the initial injunction and petition.

41 J. Each affidavit, acceptance or return of service shall be filed  
42 promptly with the clerk of the issuing court. The filing shall be completed  
43 in person, made by fax or postmarked, if sent by mail, no later than the end  
44 of the seventh court business day after the date of service. If the filing  
45 is made by fax, the original affidavit, acceptance or return of service shall

1 be filed promptly with the court. Within twenty-four hours after the  
2 affidavit, acceptance or return of service has been filed, excluding weekends  
3 and holidays, the court that issued the injunction shall register a copy of  
4 the injunction and a copy of the affidavit of service of process or  
5 acceptance of service with the sheriff's office of the county in which the  
6 employer is located. A copy of an injunction is presumed to be a valid  
7 existing order of the court for one year after the date on which the  
8 defendant was served. Any changes or modifications to the injunction are  
9 effective on entry by the court and shall be registered with the sheriff  
10 within twenty-four hours after the entry, excluding weekends and holidays.

11 K. This section does not:

12 1. Expand, diminish, alter or modify the duty of an employer to  
13 provide a safe workplace for its employees and other persons.

14 2. Permit a court to issue a temporary restraining order or injunction  
15 that prohibits speech or other activities that are constitutionally protected  
16 or otherwise protected by law, including actions involving organized labor  
17 disputes **THAT DO NOT INVOLVE UNLAWFUL PICKETING, TRESPASSORY ASSEMBLY,**  
18 **UNLAWFUL MASS ASSEMBLY, CONCERTED INTERFERENCE WITH LAWFUL EXERCISE OF**  
19 **BUSINESS ACTIVITY AND ENGAGING IN A SECONDARY BOYCOTT AS DEFINED IN SECTION**  
20 **23-1321, DEFAMATION IN VIOLATION OF SECTION 23-1325 OR ANY ACTUAL OR**  
21 **THREATENED MISREPRESENTATION, FRAUD, DURESS, VIOLENCE OR BREACH OF THE PEACE.**

22 3. Preclude either party from being represented by private counsel or  
23 appearing on the party's own behalf.

24 L. When the employer has knowledge that a specific person or persons  
25 ~~is~~ **ARE** the target of harassment as defined by this section, the employer  
26 shall make a good faith effort to provide notice to the person or persons  
27 that the employer intends to petition the court for an injunction against  
28 workplace harassment.

29 M. Whether or not a violation occurs in the presence of a peace  
30 officer, a peace officer, with or without a warrant, may arrest a person if  
31 the peace officer has probable cause to believe that the person has violated  
32 section 13-2810 by disobeying or resisting an injunction that was issued  
33 pursuant to this section. The release provisions under section 13-3903 do  
34 not apply to an arrest made pursuant to this subsection. A person who is  
35 arrested pursuant to this subsection may be released from custody pursuant to  
36 the Arizona rules of criminal procedure or any applicable statute. The court  
37 shall include in an order for release any pretrial release conditions that  
38 the court deems appropriate.

39 N. The remedies under this section for the enforcement of protection  
40 orders are in addition to any other civil and criminal remedies that are  
41 available. The municipal court and the justice court may hear and decide all  
42 matters arising pursuant to this section. On notice to the affected party  
43 and after a hearing, the court may enter an order that requires any party to  
44 pay the costs of the action, including reasonable attorney fees. A party may  
45 appeal an order entered by a justice court or municipal court pursuant to



1 section 22-261 or 22-425 and the superior court rules of civil appellate  
2 procedure without regard to an amount in controversy.

3 O. A peace officer who makes an arrest pursuant to this section is  
4 immune from civil or criminal liability if the officer acts on probable  
5 cause.

6 P. An employer is immune from civil liability for seeking or failing  
7 to seek an injunction under this section unless the employer is seeking an  
8 injunction primarily to accomplish a purpose for which the injunction was not  
9 designed. Any action or statement by an employer under this section shall  
10 not be deemed an admission by the employer of any fact. An action or  
11 statement by an employer under this section may be used for impeachment  
12 purposes.

13 Q. In addition to the persons who are authorized to serve process  
14 pursuant to rule 4(d), Arizona rules of civil procedure, a peace officer may  
15 serve an injunction against workplace harassment pursuant to this section.

16 R. For the purposes of this section:

17 1. "Employer" means an individual, partnership, association or  
18 corporation or a person or group of persons who act, directly or indirectly,  
19 on behalf of or in the interest of an employer and with the consent of the  
20 employer. Employer includes this state, a political subdivision of this  
21 state and any school district or other special district.

22 2. "Harassment" means a single threat or act of physical harm or  
23 damage or a series of acts over any period of time that would cause a  
24 reasonable person to be seriously alarmed or annoyed **AND INCLUDES UNLAWFUL  
25 PICKETING, TRESPASSORY ASSEMBLY, UNLAWFUL MASS ASSEMBLY, CONCERTED  
26 INTERFERENCE WITH LAWFUL EXERCISE OF BUSINESS ACTIVITY AND ENGAGING IN A  
27 SECONDARY BOYCOTT AS DEFINED IN SECTION 23-1321 AND DEFAMATION IN VIOLATION  
28 OF SECTION 23-1325.**

29 Sec. 3. Section 23-352, Arizona Revised Statutes, is amended to read:  
30 **23-352. Withholding of wages**

31 No employer may withhold or divert any portion of an employee's wages  
32 unless one of the following applies:

33 1. The employer is required or empowered to do so by state or federal  
34 law.

35 2. The employer has prior written authorization from the employee. **AN  
36 EMPLOYER SHALL NOT WITHHOLD WAGES UNDER A WRITTEN AUTHORIZATION FROM THE  
37 EMPLOYEE PAST THE DATE SPECIFIED BY THE EMPLOYEE IN A WRITTEN REVOCATION OF  
38 THE AUTHORIZATION, UNLESS A COURT ORDERS OTHERWISE.**

39 3. There is a reasonable good faith dispute as to the amount of wages  
40 due, including the amount of any counterclaim or any claim of debt,  
41 reimbursement, recoupment or set-off asserted by the employer against the  
42 employee.

43 Sec. 4. Section 23-1321, Arizona Revised Statutes, is amended to read:  
44 **23-1321. Definitions**

45 In this article, unless the context otherwise requires:

1           1. "CONCERTED INTERFERENCE WITH LAWFUL EXERCISE OF BUSINESS ACTIVITY"  
2 MEANS TO DO EITHER OF THE FOLLOWING BY THE USE OF FORCE, INTIMIDATION,  
3 VIOLENCE, THREATS OF UNLAWFUL ACTIVITY, DESTRUCTION OF THE EMPLOYER'S REAL OR  
4 INTANGIBLE PROPERTY, UNLAWFUL ASSEMBLY OR DEFAMATORY STATEMENTS:

5           (a) PREVENT OR ATTEMPT TO PREVENT AN EMPLOYER FROM:

6           (i) LAWFULLY ENGAGING IN ANY PROPER AND LAWFUL BUSINESS ACTIVITY.

7           (ii) PROPERLY, LAWFULLY OR PEACEFULLY USING OR ENJOYING THE EMPLOYER'S  
8 PROPERTY THAT IS USED OR USEFUL IN THE CONDUCT OF THE EMPLOYER'S BUSINESS.

9           (iii) ACQUIRING MATERIALS OR SUPPLIES FOR THE PURPOSES OF THE  
10 EMPLOYER'S BUSINESS.

11           (iv) DISPOSING OF THE GOODS, WARES OR PRODUCTS OF THE EMPLOYER'S  
12 BUSINESS.

13           (b) CAUSE OR INDUCE A BREACH OR TERMINATION OF A KNOWN CONTRACTUAL  
14 RELATIONSHIP OR KNOWN BUSINESS EXPECTANCY FOR AN IMPROPER PURPOSE WHICH  
15 RESULTS IN DAMAGE TO THE EMPLOYER.

16           ~~1-~~ 2. "Labor organization" means an organization of any kind, or an  
17 agency or employee representation committee or plan in which employees  
18 participate and which exists for the purpose, in whole or in part, of dealing  
19 with employers concerning grievances, labor disputes, wages, rates of pay,  
20 hours of employment or other conditions of employment. For the purpose of  
21 this article the word "employee" or "employees" does not include persons  
22 having supervisory authority, professional or confidential employees, guards  
23 or persons employed in personnel departments.

24           ~~2-~~ 3. "Person" includes a natural person, a corporation, association,  
25 company, firm or labor organization.

26           ~~3-~~ 4. "Secondary boycott" means:

27           (a) A combination or conspiracy by two or more persons, by a strike,  
28 threat to strike, picketing, threat to picket, violence, threat of violence,  
29 or by concerted refusal or threat of concerted refusal, to process, install,  
30 service, handle, transport or otherwise deal with specified articles,  
31 materials or services, to force or require a person to cease or partially to  
32 cease processing, installing, servicing, selling, handling or transporting  
33 the products of or selling to or otherwise dealing with any other person for  
34 the purpose of forcing or requiring such other person to recognize, bargain  
35 with or comply with the demands of a labor organization, or for the reason  
36 that such other person has in his employ persons who are not members of a  
37 labor organization or is not himself a member of a labor organization, or for  
38 the reason that such other person uses goods, materials or services  
39 considered objectionable by a labor organization.

40           (b) An act, combination or agreement which directly or indirectly  
41 causes, induces or compels another to strike, threaten to strike, picket,  
42 threaten to picket, commit violence, threaten to commit violence, refuse to  
43 or threaten to refuse to process, install, service, handle, transport or  
44 otherwise deal with specified articles, materials or services, to force or  
45 require a person to cease or partially to cease processing, installing,

1 servicing, selling, handling or transporting the products of, or selling to  
2 or otherwise dealing with any other person for the purpose of forcing or  
3 requiring such other person to recognize, bargain with or comply with the  
4 demands of a labor organization, or for the reason that such other person has  
5 in his employ persons who are not members of a labor organization, or is not  
6 himself a member of a labor organization, or for the reason that such other  
7 person uses goods, materials or services considered objectionable by a labor  
8 organization.

9 5. "TRESPASSORY ASSEMBLY" MEANS KNOWINGLY ENTERING OR UNLAWFULLY  
10 REMAINING ON ANY PROPERTY IN VIOLATION OF SECTION 13-1502, 13-1503 OR  
11 13-1504.

12 6. "UNLAWFUL MASS ASSEMBLY" MEANS A VIOLATION OF SECTION 23-1327.

13 7. "UNLAWFUL PICKETING" MEANS A VIOLATION OF SECTION 23-1322.

14 Sec. 5. Section 23-1322, Arizona Revised Statutes, is amended to read:  
15 23-1322. Unlawful picketing

16 A. It is unlawful for a labor organization to picket any establishment  
17 unless there exists between the employer and the majority of employees of  
18 such establishment a bona fide dispute regarding wages or working conditions.

19 B. IT IS UNLAWFUL FOR A LABOR ORGANIZATION TO ENGAGE IN PICKETING OR  
20 TO INDUCE OTHERS TO ENGAGE IN PICKETING IF THE PURPOSE OF THE PICKETING IS TO  
21 COERCE OR INDUCE AN EMPLOYER OR SELF-EMPLOYED PERSON TO JOIN OR CONTRIBUTE TO  
22 A LABOR ORGANIZATION.

23 Sec. 6. Section 23-1323, Arizona Revised Statutes, is amended to read:  
24 23-1323. Injunctive relief; damages

25 A. ~~The picketing of an establishment when a bona fide dispute does not~~  
26 ~~exist between the employer and the majority of employees, UNLAWFUL PICKETING,~~  
27 ~~TRESPASSORY ASSEMBLY, UNLAWFUL MASS ASSEMBLY, CONCERTED INTERFERENCE WITH~~  
28 ~~LAWFUL EXERCISE OF BUSINESS ACTIVITY and engaging in a secondary boycott, are~~  
29 ~~illegal and a person against whom such picketing or secondary boycott ANY OF~~  
30 ~~THESE ACTIVITIES is directed or who is injured thereby BY THESE ACTIVITIES is~~  
31 ~~entitled to injunctive relief therefrom FROM THESE ACTIVITIES. Any person or~~  
32 ~~persons calling or conducting illegal picketing or secondary boycott shall be~~  
33 ~~ANY OF THESE ACTIVITIES IS liable in damages to any person injured thereby BY~~  
34 ~~THESE ACTIVITIES FOR DAMAGES, PREJUDGMENT INTEREST, LITIGATION COSTS AND~~  
35 ~~REASONABLE ATTORNEY FEES. THESE DAMAGES INCLUDE LOST SALES AND BUSINESS,~~  
36 ~~LOST PROFITS AND LOSS IN VALUE OF THE BUSINESS. IF A PERSON CALLING OR~~  
37 ~~CONDUCTING THESE ACTIVITIES ACTED IN BAD FAITH OR DISOBEYED A COURT ORDER,~~  
38 ~~INCLUDING AN INJUNCTION ISSUED PURSUANT TO THIS SUBSECTION, THE PERSON IS~~  
39 ~~LIABLE FOR PUNITIVE DAMAGES.~~

40 B. Nothing in this article shall be construed to imply the legality of  
41 any act or conspiracy illegal under the laws of this state ~~prior to~~ BEFORE  
42 November 24, 1952. Any labor organization, subdivision or local thereof  
43 shall be bound by and liable for the acts of its agents, and may sue or be  
44 sued in its common name.

1 Sec. 7. Section 23-1324, Arizona Revised Statutes, is amended to read:

2 23-1324. Violations; classification

3 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, any person who  
4 violates any provision of this article is guilty of a class 2 misdemeanor AND  
5 SHALL PAY A FINE OF NOT LESS THAN TWO HUNDRED DOLLARS.

6 B. A PERSON WHO VIOLATES SECTION 23-1322, 23-1327 OR 23-1328 AT A  
7 PROPERTY LISTED ON THE NO TRESPASS PUBLIC NOTICE LIST IS GUILTY OF A CLASS 1  
8 MISDEMEANOR AND SHALL PAY A FINE OF NOT LESS THAN TWO HUNDRED DOLLARS.

9 C. Any fine levied PURSUANT TO THIS SECTION shall be recovered by the  
10 attorney general or under his direction in the name of the state.

11 Sec. 8. Title 23, chapter 8, article 2, Arizona Revised Statutes, is  
12 amended by adding sections 23-1325, 23-1326, 23-1327, 23-1328 and 23-1329, to  
13 read:

14 23-1325. Defamation; damages

15 A. A PERSON COMMITS DEFAMATION OF AN EMPLOYER BY DOING ALL OF THE  
16 FOLLOWING:

17 1. MALICIOUSLY MAKING A FALSE STATEMENT ABOUT THE EMPLOYER TO A THIRD  
18 PARTY WITHOUT PRIVILEGE.

19 2. KNOWINGLY, RECKLESSLY OR NEGLIGENTLY DISREGARDING THE FALSITY OF  
20 THE STATEMENT.

21 3. CAUSING DAMAGE TO THE EMPLOYER BY THE FALSE STATEMENT.

22 B. AN EMPLOYER AGAINST WHOM DEFAMATION IS DIRECTED OR WHO IS INJURED  
23 BY DEFAMATION MAY OBTAIN INJUNCTIVE RELIEF FROM THE DEFAMATION. A PERSON WHO  
24 COMMITS THE DEFAMATION IS LIABLE TO ANY PERSON INJURED BY THE DEFAMATION FOR  
25 DAMAGES, PREJUDGMENT INTEREST, ATTORNEY FEES, THE COSTS OF LITIGATION AND  
26 PUNITIVE DAMAGES. THE DAMAGES MAY INCLUDE LOST SALES AND BUSINESS, LOST  
27 PROFITS AND LOSS IN VALUE OF THE BUSINESS.

28 C. A LABOR UNION OR A SUBDIVISION OR LOCAL CHAPTER OF A LABOR  
29 ORGANIZATION IS BOUND BY AND LIABLE FOR THE ACTS OF ITS AGENTS AND MAY SUE OR  
30 BE SUED IN ITS COMMON NAME.

31 23-1326. No trespass public notice list; presumption

32 A. THE COUNTY RECORDER SHALL ESTABLISH A NO TRESPASS PUBLIC NOTICE  
33 LIST IDENTIFYING EMPLOYERS IN THE COUNTY WHO HAVE ESTABLISHED PRIVATE  
34 PROPERTY RIGHTS TO THEIR ESTABLISHMENT AND ANY RELATED REAL PROPERTY IN THE  
35 COUNTY.

36 B. TO BE INCLUDED ON THE LIST, AN EMPLOYER SHALL PROVIDE TO THE COUNTY  
37 RECORDER COPIES OF APPROPRIATE DOCUMENTS THAT ESTABLISH THE EMPLOYER'S  
38 PRIVATE PROPERTY RIGHTS, INCLUDING THE ADDRESS AND LEGAL DESCRIPTION OF THE  
39 PROPERTY TO WHICH IT HAS LEGAL CONTROL. AN EMPLOYER THAT RECORDS ITS PRIVATE  
40 PROPERTY RIGHTS SHALL PAY A RECORDING FEE DETERMINED BY THE COUNTY RECORDER.

41 C. IF AN EMPLOYER PROVIDES THE DOCUMENTS PRESCRIBED IN SUBSECTION B  
42 AND PAYS THE FEE, THE COUNTY RECORDER SHALL LIST THE EMPLOYER AND ITS ADDRESS  
43 ON THE NO TRESPASS PUBLIC NOTICE LIST AND SHALL MAINTAIN A COPY OF THE  
44 DOCUMENTS FOR PUBLIC INSPECTION.

1 D. BEGINNING JANUARY 15, 2011 AND EVERY JANUARY 15 AND JULY 15  
2 THEREAFTER, THE COUNTY RECORDER SHALL:

3 1. PUBLISH THE NO TRESPASS PUBLIC NOTICE LIST AT LEAST ONE DAY A WEEK  
4 FOR FOUR CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE  
5 COUNTY. IF THERE IS NO NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY, THE  
6 LIST SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN AN ADJOINING  
7 COUNTY. THE COUNTY RECORDER SHALL MAKE THE LIST ACCESSIBLE TO THE PUBLIC IN  
8 THE COUNTY RECORDER'S OFFICE AND SHALL PUBLISH THE LIST ON THE COUNTY  
9 RECORDER'S WEBSITE.

10 2. PROVIDE A COPY OF THE NO TRESPASS PUBLIC NOTICE LIST TO EVERY LAW  
11 ENFORCEMENT AGENCY IN THE COUNTY.

12 E. PUBLICATION OF THE NO TRESPASS PUBLIC NOTICE LIST AS PRESCRIBED IN  
13 SUBSECTION D ESTABLISHES A PRESUMPTION THAT ALL MEMBERS OF THE PUBLIC HAVE  
14 NOTICE OF ALL EMPLOYERS AND PROPERTIES SHOWN ON THE LIST.

15 F. EACH LAW ENFORCEMENT AGENCY SHALL MAINTAIN THE MOST RECENT NO  
16 TRESPASS PUBLIC NOTICE LIST RECEIVED FROM THE COUNTY RECORDER FOR ITS USE IN  
17 RESPONDING TO COMPLAINTS OF UNLAWFUL PICKETING, TRESPASSORY ASSEMBLY OR  
18 UNLAWFUL MASS ASSEMBLY. IF A PROPERTY IS IDENTIFIED ON THE LIST, THE  
19 RESPONDING PEACE OFFICER MAY NOT REQUIRE THE EMPLOYER TO PROVIDE ANY FURTHER  
20 DOCUMENTATION TO ESTABLISH THE EMPLOYER'S PROPERTY RIGHTS BEFORE REQUIRING  
21 ANY LABOR ORGANIZATION OR INDIVIDUAL OR GROUPS OF INDIVIDUALS ACTING ON  
22 EMPLOYEES' BEHALF THAT ARE ENGAGED IN UNLAWFUL PICKETING, TRESPASSORY  
23 ASSEMBLY OR MASS PICKETING TO LEAVE THE EMPLOYER'S PROPERTY OR CEASE FROM  
24 BLOCKING INGRESS TO OR EGRESS FROM THE EMPLOYER'S PROPERTY.

25 G. THIS SECTION DOES NOT AFFECT OR LIMIT ANY EXISTING PROPERTY RIGHTS  
26 IF A PROPERTY IS NOT INCLUDED ON ANY NO TRESPASS PUBLIC NOTICE LIST.

27 23-1327. Unlawful mass assembly

28 A. A PERSON SHALL NOT DO ANY OF THE FOLLOWING:

29 1. HINDER OR PREVENT THE PURSUIT OF ANY LAWFUL WORK OR EMPLOYMENT BY  
30 MASS ASSEMBLY, UNLAWFUL THREATS OR FORCE.

31 2. OBSTRUCT OR INTERFERE WITH ENTRANCE TO OR EGRESS FROM ANY PLACE OF  
32 EMPLOYMENT, INCLUDING BY INTENTIONALLY OPERATING A MOTOR VEHICLE SO AS TO  
33 DELAY, IMPEDE OR INTERFERE WITH THE ABILITY OF PERSONS OR VEHICLES TO ENTER  
34 OR LEAVE ANY PROPERTY.

35 3. OBSTRUCT OR INTERFERE WITH THE FREE AND UNINTERRUPTED USE OF PUBLIC  
36 ROADS, STREETS, HIGHWAYS, RAILWAYS, AIRPORTS OR OTHER MEANS OF TRAVEL OR  
37 CONVEYANCE.

38 4. USE LANGUAGE OR WORDS THREATENING TO DO HARM TO A PERSON OR THE  
39 PERSON'S REAL OR INTANGIBLE PROPERTY OR DESIGNED TO INCITE FEAR IN ANY PERSON  
40 ATTEMPTING TO ENTER OR LEAVE ANY PROPERTY.

41 5. ASSEMBLE OTHER THAN IN A REASONABLE AND PEACEFUL MANNER.

42 B. THIS SECTION DOES NOT PROHIBIT ASSEMBLY TO THE EXTENT THAT ASSEMBLY  
43 IS AUTHORIZED UNDER THE ARIZONA OR FEDERAL CONSTITUTION OR FEDERAL LAW.

