

Arizona Peace Officer Standards and Training

Basic Curriculum Model Lesson Plan

LESSON TITLE: SUBSTANTIVE CRIMINAL LAW 2.11

SUBJECT:	Substantive Criminal Law
AZ POST DESIGNATION:	2.11 Chapter 16 Criminal Damage to Property
HOURS:	1
COURSE CONTENT:	An analysis of the most frequently used statutes in this chapter.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will: <ul style="list-style-type: none">2.11.16.1 Identify examples of the following property-related crimes:<ul style="list-style-type: none">A. Aggravated criminal damage (A.R.S. §13-1604).2.11.16.2 Given a written, verbal or visual description depicting the possible commission of one (1) of the following crimes, identify if a crime occurred and, if so, the common crime name and classification:<ul style="list-style-type: none">A. Criminal damage to property (A.R.S. §§13-1602 through 13-1604).

DATE FIRST PREPARED: November 2000

PREPARED BY: SME Committee

REVIEWED – REVISED:	SME Committee	DATE: May 2002
REVIEWED – REVISED:	SME Committee	DATE: April 2003
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REVIEWED – REVISED :	SME Committee	DATE: June 2010
REVIEWED – REVISED:	SME Committee	DATE: November 2011
REVIEWED – REVISED :	SME Committee	DATE: June 2014
REVIEWED – REVISED :	SME Committee	DATE: June 2015
REVIEWED – REVISED:	SME Committee	DATE: June 2018
REVIEWED – REVISED:	SME Committee	DATE: March 2021
REVIEWED – REVISED :	AZPOST (DocX)	DATE: January 2022
AZ POST – APPROVAL:	Stephen Enteman	DATE: August 2019
AZ POST – APPROVAL:	Mandy Faust	DATE: March 2021
AZ POST – APPROVAL:	Lori Wait	DATE: January 2022

INSTRUCTOR REFERENCES: A.R.S. Title 13

CLASS LEVEL: Student

TRAINING AIDS: <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY: Interactive lecture.

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 2-11 Ch 16 Criminal Damage to Property

DATE RELEASED TO THE SHARE FILE: August 2023

I. INTRODUCTION

- A. Instructor – (self) introduction.
- B. Preview of performance objectives. **INSTRUCTOR NOTE:** *Use if taught as a “stand alone” lesson plan.*

II. §13-1601 – DEFINITIONS

- A. Damaging – means, damage as defined in A.R.S. §13-1701, "any physical or visual impairment of any surface." *Implied by* **P. O. 2.11.16.1A**
P. O. 2.11.16.2A
- B. Defacing – means any unnecessary act of substantially marring any surface or place by any means, or any act of putting up, affixing, fastening, printing or painting any notice upon any structure without permission of the owner.
- C. Litter – includes any rubbish, refuse, waste material, etc., including dead animals and junked or abandoned motor vehicles.
- D. Tamper – means any act of interference.
- E. Utility – means any enterprise, public or private, that provides gas, electric, irrigation, steam, water, water conservation, sewer or communications services as well as any common carrier on land, rail, sea or air.
- F. Property of another – means property in which any person other than the defendant has an interest, including community property and other property in which the defendant also has an interest and, for damage caused by theft of scrap metal, the property of other persons damaged directly or indirectly as a result of the acts of the defendant.
- G. Tampering with utility property -- means any of the following if committed against property that is owned or operated by a utility for the purposes of transmission or distribution: **INSTRUCTOR NOTE:** *To qualify as tampering with utility property, the property has to be proved to be owned or operated for transmission or distribution.*
 - 1. Rearranging, damaging, altering, interfering with or otherwise preventing the performance of a normal or customary function of utility property.
 - 2. Connecting any wire, conduit or device to any utility property without authorization.
 - 3. Defacing, puncturing, removing, reversing or altering any utility property.
 - 4. Preventing any meter from properly measuring or registering.
 - 5. Taking, receiving, using or converting to personal use or the use of another any utility

service that has not been measured or authorized.

6. Diverting or changing the intended course or path of the utility service without the authorization or consent of the utility.
7. Causing, procuring, permitting, aiding or abetting any person to do any of the acts listed in this paragraph.

III. §13-1602 – CRIMINAL DAMAGE

P. O. 2.11.16.2A

A. A person commits criminal damage by :

1. RECKLESSLY defacing or damaging property of another person; or
2. RECKLESSLY tampering with the property of another person so as to substantially impair its function or value; or
3. RECKLESSLY tampering with or damaging the property of a utility; or
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 punishable as follows:

1. Class 4 felony if person recklessly causes damage to another person's property: excess of \$10,000; or to a utility in excess of \$5000 or INTENTIONALLY TAMPERERS WITH utility PROPERTY AND THE DAMAGE CAUSES AN IMMINENT SAFETY HAZARD TO ANY PERSON.
2. If a person recklessly damages property of another in the amount of:
 - a. \$2,000 but less than \$10,000 or any amount if done to promote, further or assist any criminal street gang or criminal syndicate (Class 5 felony).
 - b. \$1,000 but less than \$2,000 (Class 6 felony)
 - c. \$250 but less than 1,000 (Class 1 misdemeanor)
 - d. All other cases are Class 2 misdemeanors

3. In determining the amount of damage to property, damages include the cost of repair or replacement of the property that was damaged and the cost of the loss of crops and livestock.

IV. §13-1603 – CRIMINAL LITTERING OR POLLUTING

P. O. 2.11.16.2A

- A. A person commits criminal littering or polluting if the person, without lawful authority:
 1. Throws, places, drops, or permits to be dropped, on the property of another or public property THAT is not a lawful dump) any litter or destructive or injurious material THAT THE PERSON does not immediately remove; or
 2. Discharges, or permits to be discharged, any sewage, oil products or other harmful substances into any waters or onto any shorelines within THIS state; or
 3. Dumps any earth, soil, stones, ores or minerals on any land.
- B. Criminal littering or polluting is punishable as follows:
 1. A Class 6 felony if knowing violation of Subsection A in which the amount of litter exceeds 300 pounds or 100 cubic feet in volume or is done in any quantity if done for a commercial purpose.
 2. OTHERWISE, VIOLATIONS ARE A MISDEMEANOR.
 3. **INSTRUCTOR NOTE:** There is no required mental state.
- C. This statute is covered by a term we call "strict liability."
 1. It means that no mental state is required and that if the act occurs, the one who causes it is responsible.
 2. For example, if you cleaned out your back yard and piled all the refuse onto the back of your pickup truck, covered it with a tarp and then started off to the dump just to have some of the refuse fly out of the truck – you are guilty of criminal littering.
 3. We do not have to show that you did it recklessly, knowingly, intentionally or with criminal negligence.

V. §13-1604 – AGGRAVATED CRIMINAL DAMAGE

- A. A person commits aggravated criminal damage by intentionally or recklessly, without the express permission of the owner:
 1. Defaces, damages or in any way changes the appearance of any building, structure,

personal property or place used for WORSHIP OR ANY RELIGIOUS PURPOSE; or

2. Defaces or damages any building, structure or place used as a SCHOOL OR AS AN EDUCATIONAL FACILITY; or
 3. Defaces, damages or tampers with any CEMETERY, MORTUARY OR ANY 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 as defined in A.R.S. § 44-1641.
- B. Aggravated criminal damage, then, is concerned with four (4) types of property:
1. Religious property.
 2. Educational property.
 3. Cemetery or mortuary property.
 4. Agricultural property or construction site for purposes of metal theft.
- C. Aggravated criminal damage is always considered a felony offense.

VI. CONCLUSION

- A. Review of performance objectives.
- B. Final questions and answers.
- C. Instructor closing comment(s).