



LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

Arizona Fact Sheet

Obstructing Governmental Operations

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state *and* local officials. Below is more information on Arizona's relevant law.

AZ ST § 13-2402. Obstructing governmental operations

A. A person commits obstructing governmental operations if, by using or threatening to use violence or physical force, such person knowingly obstructs, impairs or hinders:

1. The performance of a governmental function by a public servant acting under color of his official authority; or
2. The enforcement of the penal law or the preservation of the peace by a peace officer acting under color of his official authority.

B. This section does not apply to the obstruction, impairment or hinderance of the making of an arrest.


C. Obstructing governmental operations is a class 1 misdemeanor.

Relevant Definitions

AZ ST § 13-105 Definitions

“Government” means the state, any political subdivision of the state or any department, agency, board, commission, institution or governmental instrumentality of or within the state or political subdivision.

“Government function” means any activity that a public servant is legally authorized to undertake on behalf of a government.



“Public servant” means any officer or employee of any branch of government, whether elected, appointed or otherwise employed, including a peace officer, and any person participating as an advisor or consultant or otherwise in performing a governmental function.

Penalties

AZ ST § 13-707 Misdemeanors; sentencing

Classified as a Class 1 misdemeanor and carries with it up to 6 months imprisonment

AZ ST § 13-802 Fines for misdemeanors

\$2,500 maximum fine

Summary

A person obstructs governmental operations if he/she uses or threatens to use violence or physical force to knowingly obstruct, impair or hinder a public servant’s performance of a government function. “Public servant” means any officer or employee of any branch of government, whether elected, appointed or otherwise employed, including a peace officer, and any person participating as an advisor or consultant or otherwise in performing a governmental function. “Government” means the state, any political subdivision of the state or any department, agency, board, commission, institution or governmental instrumentality of or within the state or political subdivision. If convicted, a person faces up to 6 months imprisonment and a \$2,500 fine.

Template for Notifying Violators

Below is a sample template for notifying individuals regarding their conduct relative to the code.

AZ ST § 13-2402, prohibits the obstruction of governmental operations. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to Dr. X, the Secretary of Health for Arizona, threatening to come to her home and show your opposition to the State’s mask requirement.] *This may constitute a violation of §13-2402. If convicted, you face a fine of up to \$2,500 and imprisonment up to 6 months.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*