

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING MESA CITY CODE TITLE 6, CHAPTER 1, BY ADDING SECTION 22 ENTITLED “INTERFERING WITH A PEACE OFFICER.”

WHEREAS, official duties conducted by peace officers are critical to protecting the health, safety, and welfare of visitors and the citizens of the City.

WHEREAS, hindering, resisting, delaying, obstructing or preventing a peace officer from discharging their official duties or refusing to obey a lawful order from a peace officer jeopardizes a peace officer’s ability to maintain peace and safety within the City.

WHEREAS, the City Council has determined that revisions to title 6, chapter 1, of the Mesa City Code are reasonably necessary to protect the health, safety, and welfare of visitors and the citizens of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1: That Mesa City Code title 6, chapter 1, section 22 entitled “Interfering with a Peace Officer” is added as follows:

Text written in <b>BOLD AND ALL CAPS</b> indicates new language and text written in <del>striketrough</del> represents removed language.
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**6-1-22: INTERFERING WITH A PEACE OFFICER**

**(A) IT IS UNLAWFUL FOR ANY PERSON TO WILLFULLY HINDER, RESIST, DELAY, OBSTRUCT OR PREVENT A PEACE OFFICER IN THE DISCHARGE OF THEIR OFFICIAL DUTIES, OR REFUSE TO OBEY ANY LAWFUL ORDER ISSUED BY A PEACE OFFICER ENGAGED IN THE DISCHARGE OF THEIR OFFICIAL DUTIES. WORDS AND RECORDING ALONE DO NOT CONSTITUTE HINDERING, RESISTING, DELAYING, OBSTRUCTING OR PREVENTING OFFICIAL DUTIES OF A PEACE OFFICER FOR PURPOSES OF THIS SECTION.**

**(B) ANY PERSON VIOLATING ANY PROVISION OF THIS SECTION AND ANY AMENDMENT TO IT SHALL BE GUILTY OF A CLASS 3 MISDEMEANOR, PUNISHABLE BY A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) OR BY IMPRISONMENT IN THE CITY JAIL FOR A PERIOD NOT TO EXCEED THIRTY (30) DAYS, OR BY BOTH SUCH FINE AND IMPRISONMENT; AND EACH DAY OF VIOLATION CONTINUED SHALL BE A SEPARATE OFFENSE, PUNISHABLE AS DESCRIBED.**

SECTION 2: The recitals above are fully incorporated in this Ordinance by reference.

SECTION 3: The effective date of this Ordinance shall be thirty days following adoption by the Mesa City Council.

SECTION 4: This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

SECTION 5: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 6: The intent of this ordinance and 6-1-22 is to protect the safety of police officers and support personnel, and the integrity of police investigations while still allowing for expression of constitutionally protected rights. Peace officers may issue reasonable time, place and manner restrictions such as an order to move to or stand at a certain location or distance to protect the safety of police officers and support personnel, and the integrity of an investigation. The phrase “words and recording alone do not constitute hindering, resisting, delaying, obstruction or preventing official duties of a peace officer” is not a defense to disobeying a lawful order that is a reasonable time, place and manner restriction issued by a peace officer engaged in the discharge of their official duties. A person refusing to obey a lawful order that is a reasonable time, place and manner restriction, even if they are in the act of using words or recording, is in violation of 6-1-22(A). An order to stop, cease or desist recording or using words is not a lawful order or reasonable time, place and manner restriction for purposes of 6-1-22(A).

PASSED AND ADOPTED by the Council of the City of Mesa, Maricopa County, Arizona, this 21st day of November, 2022.

APPROVED:

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Mayor

ATTEST:

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City Clerk