

REFERENCE TITLE: theft; means of transportation; jail

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1065

Introduced by
Senator Gray C

AN ACT

AMENDING SECTION 13-1814, ARIZONA REVISED STATUTES; RELATING TO THEFT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1814, Arizona Revised Statutes, is amended to
3 read:

4 13-1814. Theft of means of transportation; affidavit;
5 classification

6 A. A person commits theft of means of transportation if, without
7 lawful authority, the person knowingly does one of the following:

8 1. Controls another person's means of transportation with the intent
9 to permanently deprive the person of the means of transportation.

10 2. Converts for an unauthorized term or use another person's means of
11 transportation that is entrusted to or placed in the defendant's possession
12 for a limited, authorized term or use.

13 3. Obtains another person's means of transportation by means of any
14 material misrepresentation with intent to permanently deprive the person of
15 the means of transportation.

16 4. Comes into control of another person's means of transportation that
17 is lost or misdelivered under circumstances providing means of inquiry as to
18 the true owner and appropriates the means of transportation to the person's
19 own or another's use without reasonable efforts to notify the true owner.

20 5. Controls another person's means of transportation knowing or having
21 reason to know that the property is stolen.

22 B. The inferences set forth in section 13-2305 apply to any
23 prosecution under subsection A, paragraph 5 of this section.

24 C. A person who alleges that a theft of means of transportation has
25 occurred shall attest to that fact by signing an affidavit that is provided
26 by the law enforcement officer or agency when the report is taken in person
27 or by signing and notarizing an affidavit that is provided by the law
28 enforcement agency if the report is taken other than in person. If the
29 affidavit is not taken in person by a law enforcement officer or agency, the
30 person who alleges that a theft of means of transportation has occurred shall
31 mail or deliver the signed and notarized affidavit to the appropriate local
32 law enforcement agency within seven days after reporting the theft. If the
33 appropriate law enforcement agency does not receive the signed and notarized
34 affidavit within thirty days after the initial report, the vehicle
35 information shall be removed from the databases of the national crime
36 information center and the Arizona criminal justice information system. The
37 affidavit provided by the law enforcement agency shall indicate that a person
38 who falsely reports a theft of means of transportation may be subject to
39 criminal prosecution.

1 D. IF A PERSON IS CONVICTED OF A FIRST VIOLATION OF THIS SECTION AND
2 THE COURT SENTENCES THE PERSON TO A TERM OF PROBATION, THE COURT SHALL ORDER
3 THAT AS AN INITIAL TERM OF PROBATION THE PERSON BE IMPRISONED IN THE COUNTY
4 JAIL FOR ONE YEAR. THIS JAIL TERM OF INCARCERATION SHALL NOT BE DELETED,
5 DEFERRED OR OTHERWISE SUSPENDED AND SHALL COMMENCE ON THE DATE OF SENTENCING.
6 THIS SECTION DOES NOT APPLY TO A PERSON WHO IS SENTENCED TO SERVE A PERIOD OF
7 INCARCERATION IN THE STATE DEPARTMENT OF CORRECTIONS.

8 ~~D.~~ E. Theft of means of transportation is a class 3 felony.