

REFERENCE TITLE: **smuggling; human beings**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2304

Introduced by
Representatives Sinema, Ableser, Lujan: Bradley, Campbell CH, Campbell CL,
Gallardo, Lopes, Meza, Miranda B, Prezelski

AN ACT

AMENDING SECTION 13-2319, ARIZONA REVISED STATUTES; RELATING TO SMUGGLING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-2319, Arizona Revised Statutes, is amended to
3 read:

4 13-2319. Smuggling; classification; definitions

5 A. It is unlawful for a person to intentionally engage in the
6 smuggling of human beings for profit or commercial purpose.

7 B. NOTWITHSTANDING ANY OTHER LAW, THIS SECTION DOES NOT APPLY TO A
8 PERSON WHO IS BEING SMUGGLED AND A PERSON WHO IS BEING SMUGGLED SHALL NOT BE
9 CHARGED WITH ANY PREPARATORY OFFENSE TO COMMIT A VIOLATION OF THIS SECTION
10 PURSUANT TO CHAPTER 10 OF THIS TITLE.

11 ~~B.~~ C. A violation of this section is a class 4 felony.

12 ~~C.~~ D. Notwithstanding subsection ~~B- C~~, a violation of this section is
13 a class 2 felony if the human being smuggled is under eighteen years of age
14 and IS not accompanied by a family member WHO IS over ~~the age of~~ eighteen
15 YEARS OF AGE. Chapter 10 of this title does not apply to a violation of this
16 subsection.

17 ~~D.~~ E. For the purposes of this section:

18 1. "Family member" means the person's parent, grandparent, ~~OR~~ sibling
19 or any other person WHO IS related to the person by consanguinity or affinity
20 to the second degree.

21 2. "Smuggling of human beings" means the transportation or procurement
22 of transportation by a person or an entity that knows or has reason to know
23 that the person or persons transported or to be transported are not United
24 States citizens, permanent resident aliens or persons otherwise lawfully in
25 this state.