

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2388

AN ACT

AMENDING SECTION 13-1802, 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 13-1802, Arizona Revised Statutes, is amended to
3 read:
4 13-1802. Theft; classification
5 A. A person commits theft if, without lawful authority, the person
6 knowingly:
7 1. Controls property of another with the intent to deprive the other
8 person of such property; or
9 2. Converts for an unauthorized term or use services or property of
10 another entrusted to the defendant or placed in the defendant's possession
11 for a limited, authorized term or use; or
12 3. Obtains services or property of another by means of any material
13 misrepresentation with intent to deprive the other person of such property or
14 services; or
15 4. Comes into control of lost, mislaid or misdelivered property of
16 another under circumstances providing means of inquiry as to the true owner
17 and appropriates such property to the person's own or another's use without
18 reasonable efforts to notify the true owner; or
19 5. Controls property of another knowing or having reason to know that
20 the property was stolen; or
21 6. Obtains services known to the defendant to be available only for
22 compensation without paying or an agreement to pay the compensation or
23 diverts another's services to the person's own or another's benefit without
24 authority to do so.
25 B. A person commits theft if the person knowingly takes control,
26 title, use or management of an incapacitated or vulnerable adult's assets or
27 property through intimidation or deception, as defined in section 46-456,
28 while acting in a position of trust and confidence and with the intent to
29 deprive the incapacitated or vulnerable adult of the asset or property.
30 C. The inferences set forth in section 13-2305 apply to any
31 prosecution under subsection A, paragraph 5 of this section.
32 D. At the conclusion of any grand jury proceeding, hearing or trial,
33 the court shall preserve any trade secret that is admitted in evidence or any
34 portion of a transcript that contains information relating to the trade
35 secret pursuant to section 44-405.
36 E. Theft of property or services with a value of twenty-five thousand
37 dollars or more is a class 2 felony. Theft of property or services with a
38 value of three thousand dollars or more but less than twenty-five thousand
39 dollars is a class 3 felony. Theft of property or services with a value of
40 two thousand dollars or more but less than three thousand dollars is a class
41 4 felony. Theft of property or services with a value of one thousand dollars
42 or more but less than two thousand dollars is a class 5 felony. Theft of
43 property or services with a value of two hundred fifty dollars or more but
44 less than one thousand dollars is a class 6 felony. Theft of any property or
45 services valued at less than two hundred fifty dollars is a class 1

1 misdemeanor, unless such property is taken from the person of another, ~~or~~ is
2 a firearm or is a dog taken for the purpose of dog fighting in violation of
3 section 13-2910.01, in which case the theft is a class 6 felony.

4 F. A person who is convicted of a violation of subsection A, paragraph
5 1 or 3 of this section that involved property with a value of one hundred
6 thousand dollars or more is not eligible for suspension of sentence,
7 probation, pardon or release from confinement on any basis except pursuant to
8 section 31-233, subsection A or B until the sentence imposed by the court has
9 been served, the person is eligible for release pursuant to section
10 41-1604.07 or the sentence is commuted.

11 G. IF A PERSON IS CONVICTED OF A VIOLATION OF THIS SECTION AND THE
12 OFFENSE INVOLVED THE THEFT OF PROPERTY OR SERVICES WITH A VALUE OF
13 TWENTY-FIVE THOUSAND DOLLARS OR MORE AND THE COURT SENTENCES THE PERSON TO A
14 TERM OF PROBATION, THE COURT SHALL ORDER THAT AS AN INITIAL CONDITION OF
15 PROBATION THE PERSON BE IMPRISONED IN THE COUNTY JAIL FOR A PERIOD OF NOT
16 LESS THAN ONE HUNDRED EIGHTY DAYS. THIS JAIL TERM OF INCARCERATION SHALL NOT
17 BE DEFERRED, DELETED OR OTHERWISE SUSPENDED. IF A PERSON IS SENTENCED TO
18 SERVE A PERIOD OF INCARCERATION IN THE STATE DEPARTMENT OF CORRECTIONS AND
19 THE PERIOD OF INCARCERATION WILL BE FOLLOWED IMMEDIATELY BY A TERM OF
20 PROBATION, THE COURT MAY WAIVE THE JAIL TERM OF INCARCERATION PRESCRIBED BY
21 THIS SUBSECTION.