

REFERENCE TITLE: **fraudulent schemes and artifices; classification**

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

## **HB 2540**

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

**AN ACT**

**AMENDING SECTION 13-2310, ARIZONA REVISED STATUTES; RELATING TO FRAUD.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 13-2310, Arizona Revised Statutes, is amended to  
3 read:  
4 13-2310. Fraudulent schemes and artifices: classification:  
5 definition  
6 A. ~~Any person who~~ A PERSON COMMITS FRAUDULENT SCHEMES AND ARTIFICES  
7 IF, pursuant to a scheme or artifice to defraud, THE PERSON knowingly obtains  
8 any benefit by means of false or fraudulent pretenses, representations,  
9 promises or material omissions ~~is guilty of a class 2 felony~~.  
10 B. Reliance on the part of any person shall not be a necessary element  
11 of the offense described in subsection A of this section.  
12 C. A person who is convicted of a violation of this section that  
13 involved a benefit with a value of one hundred thousand dollars or more is  
14 not eligible for suspension of sentence, probation, pardon or release from  
15 confinement on any basis except pursuant to section 31-233, subsection A or B  
16 until the sentence imposed by the court has been served, the person is  
17 eligible for release pursuant to section 41-1604.07 or the sentence is  
18 commuted.  
19 D. The state shall apply the aggregation prescribed by section  
20 13-1801, subsection B to violations of this section in determining the  
21 applicable punishment.  
22 E. A FRAUDULENT SCHEME OR ARTIFICE THAT INVOLVES A BENEFIT WITH A  
23 VALUE OF:  
24 1. TWENTY-FIVE THOUSAND DOLLARS OR MORE IS A CLASS 2 FELONY.  
25 2. THREE THOUSAND DOLLARS OR MORE BUT LESS THAN TWENTY-FIVE THOUSAND  
26 DOLLARS IS A CLASS 3 FELONY.  
27 3. TWO THOUSAND DOLLARS OR MORE BUT LESS THAN THREE THOUSAND DOLLARS  
28 IS A CLASS 4 FELONY.  
29 4. ONE THOUSAND DOLLARS OR MORE BUT LESS THAN TWO THOUSAND DOLLARS IS  
30 A CLASS 5 FELONY.  
31 5. LESS THAN ONE THOUSAND DOLLARS IS A CLASS 6 FELONY.  
32 ~~E.~~ F. ~~As used in~~ FOR THE PURPOSES OF this section, "scheme or  
33 artifice to defraud" includes a scheme or artifice to deprive a person of the  
34 intangible right of honest services.