

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

# HOUSE BILL 2097

AN ACT

AMENDING SECTIONS 13-2009 AND 13-2010, ARIZONA REVISED STATUTES; RELATING TO  
IDENTITY THEFT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-2009, Arizona Revised Statutes, is amended to  
3 read:

4 13-2009. Aggravated taking identity of another person or  
5 entity; classification

6 A. A person commits aggravated taking the identity of another person  
7 or entity if the person knowingly takes, purchases, manufactures, records,  
8 possesses or uses any personal identifying information or entity identifying  
9 information of either:

10 1. Five or more other persons or entities, including real or  
11 fictitious persons or entities, without the consent of the other persons or  
12 entities, with the intent to obtain or use the other persons' or entities'  
13 identities for any unlawful purpose or to cause loss to the persons or  
14 entities whether or not the persons or entities actually suffer any economic  
15 loss.

16 2. Another person or entity, including a real or fictitious person or  
17 entity, without the consent of that other person or entity, with the intent  
18 to obtain or use the other person's or entity's identity for any unlawful  
19 purpose and causes another person or entity to suffer an economic loss of  
20 three thousand dollars or more.

21 B. In an action for aggravated taking the identity of another person  
22 or entity under subsection A, paragraph 1 of this section, proof of  
23 possession out of the regular course of business of the personal identifying  
24 information or entity identifying information of five or more other persons  
25 or entities may give rise to an inference that the personal identifying  
26 information or entity identifying information of the five or more other  
27 persons or entities was possessed for an unlawful purpose.

28 C. This section does not apply to a violation of section 4-241 by a  
29 person who is under twenty-one years of age.

30 D. IF A DEFENDANT IS CONVICTED OF A VIOLATION OF THIS SECTION AND THE  
31 COURT SENTENCES THE DEFENDANT TO A TERM OF PROBATION, THE COURT SHALL ORDER  
32 THAT AS AN INITIAL CONDITION OF PROBATION THE DEFENDANT BE IMPRISONED IN THE  
33 COUNTY JAIL FOR A PERIOD OF ONE YEAR. THIS JAIL TERM OF INCARCERATION SHALL  
34 NOT BE DELETED, DEFERRED OR OTHERWISE SUSPENDED AND SHALL COMMENCE ON THE  
35 DATE OF SENTENCING. THIS SUBSECTION DOES NOT APPLY TO A DEFENDANT WHO IS  
36 SENTENCED TO SERVE A PERIOD OF INCARCERATION IN THE STATE DEPARTMENT OF  
37 CORRECTIONS.

38 ~~D.~~ E. Aggravated taking the identity of another person or entity is a  
39 class 3 felony.

40 Sec. 2. Section 13-2010, Arizona Revised Statutes, is amended to read:

41 13-2010. Trafficking in the identity of another person or  
42 entity; classification

43 A. A person commits trafficking in the identity of another person or  
44 entity if the person knowingly sells, transfers or transmits any personal  
45 identifying information or entity identifying information of another person

1 or entity, including a real or fictitious person or entity, without the  
2 consent of the other person or entity for any unlawful purpose or to cause  
3 loss to the person or entity whether or not the other person or entity  
4 actually suffers any economic loss.

5 B. This section does not apply to a violation of section 4-241 by a  
6 person who is under twenty-one years of age.

7 C. IF A DEFENDANT IS CONVICTED OF A VIOLATION OF THIS SECTION AND THE  
8 COURT SENTENCES THE DEFENDANT TO A TERM OF PROBATION, THE COURT SHALL ORDER  
9 THAT AS AN INITIAL CONDITION OF PROBATION THE DEFENDANT BE IMPRISONED IN THE  
10 COUNTY JAIL FOR A PERIOD OF ONE YEAR. THIS JAIL TERM OF INCARCERATION SHALL  
11 NOT BE DELETED, DEFERRED OR OTHERWISE SUSPENDED AND SHALL COMMENCE ON THE  
12 DATE OF SENTENCING. THIS SUBSECTION DOES NOT APPLY TO A DEFENDANT WHO IS  
13 SENTENCED TO SERVE A PERIOD OF INCARCERATION IN THE STATE DEPARTMENT OF  
14 CORRECTIONS.

15 ~~C.~~ D. Trafficking in the identity of another person or entity is a  
16 class 2 felony.