

REFERENCE TITLE: racketeering; animal fighting; cockfighting

State of Arizona  
Senate  
Fifty-second Legislature  
First Regular Session  
2015

## **SB 1105**

Introduced by  
Senator Farley; Representatives Meyer, Sherwood; Senator Kavanagh

AN ACT

AMENDING SECTION 13-2301, ARIZONA REVISED STATUTES; RELATING TO ORGANIZED  
CRIME, FRAUD AND TERRORISM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-2301, Arizona Revised Statutes, is amended to  
3 read:

4 13-2301. Definitions

5 A. For the purposes of sections 13-2302, 13-2303 and 13-2304:

6 1. "Collect an extension of credit" means to induce in any way any  
7 person to make repayment of that extension.

8 2. "Creditor" means any person making an extension of credit or any  
9 person claiming by, under or through any person making an extension of  
10 credit.

11 3. "Debtor" means any person to whom an extension of credit is made or  
12 any person who guarantees the repayment of an extension of credit, or in any  
13 manner undertakes to indemnify the creditor against loss resulting from the  
14 failure of any person to whom an extension is made to repay the extension.

15 4. "Extend credit" means to make or renew any loan or to enter into  
16 any agreement, tacit or express, whereby the repayment or satisfaction of any  
17 debt or claim, whether acknowledged or disputed, valid or invalid, and  
18 however arising, may or shall be deferred.

19 5. "Extortionate extension of credit" means any extension of credit  
20 with respect to which it is the understanding of the creditor and the debtor  
21 at the time the extension is made that delay in making repayment or failure  
22 to make repayment could result in the use of violence or other criminal means  
23 to cause harm to the person or the reputation or property of any person.

24 6. "Extortionate means" means the use, or an express or implicit  
25 threat of use, of violence or other criminal means to cause harm to the  
26 person or the reputation or property of any person.

27 7. "Repayment of any extension of credit" means the repayment,  
28 satisfaction or discharge in whole or in part of any debt or claim,  
29 acknowledged or disputed, valid or invalid, resulting from or in connection  
30 with that extension of credit.

31 B. For the purposes of section 13-2305, 13-2306 or 13-2307:

32 1. "Dealer in property" means a person who buys and sells property as  
33 a business.

34 2. "Stolen property" means property of another as defined in section  
35 13-1801 that has been the subject of any unlawful taking.

36 3. "Traffic" means to sell, transfer, distribute, dispense or  
37 otherwise dispose of stolen property to another person, or to buy, receive,  
38 possess or obtain control of stolen property, with the intent to sell,  
39 transfer, distribute, dispense or otherwise dispose of the property to  
40 another person.

41 C. For the purposes of this chapter:

42 1. "Animal activity" means a commercial enterprise that uses animals  
43 for food, clothing or fiber production, agriculture or biotechnology.

1           2. "Animal facility" means a building or premises where a commercial  
2 activity in which the use of animals is essential takes place, including a  
3 zoo, rodeo, circus, amusement park, hunting preserve and horse and dog event.

4           3. "Animal or ecological terrorism" means any felony in violation of  
5 section 13-2312, subsection B that involves at least three persons acting in  
6 concert, that involves the intentional or knowing infliction of property  
7 damage in an amount of more than ten thousand dollars to the property that is  
8 used by a person for the operation of a lawfully conducted animal activity or  
9 to a commercial enterprise that is engaged in a lawfully operated animal  
10 facility or research facility and that involves either:

11           (a) The use of a deadly weapon or dangerous instrument.

12           (b) The intentional or knowing infliction of serious physical injury  
13 on a person engaged in a lawfully conducted animal activity or participating  
14 in a lawfully conducted animal facility or research facility.

15           4. "Biological agent" means any microorganism, virus, infectious  
16 substance or biological product that may be engineered through biotechnology  
17 or any naturally occurring or bioengineered component of any microorganism,  
18 virus, infectious substance or biological product and that is capable of  
19 causing any of the following:

20           (a) Death, disease or physical injury in a human, animal, plant or  
21 other living organism.

22           (b) The deterioration or contamination of air, food, water, equipment,  
23 supplies or material of any kind.

24           5. "Combination" means persons who collaborate in carrying on or  
25 furthering the activities or purposes of a criminal syndicate even though  
26 such persons may not know each other's identity, membership in the  
27 combination changes from time to time or one or more members may stand in a  
28 wholesaler-retailer or other arm's length relationship with others as to  
29 activities or dealings between or among themselves in an illicit operation.

30           6. "Communication service provider" has the same meaning prescribed in  
31 section 13-3001.

32           7. "Criminal syndicate" means any combination of persons or  
33 enterprises engaging, or having the purpose of engaging, on a continuing  
34 basis in conduct that violates any one or more provisions of any felony  
35 statute of this state.

36           8. "Explosive agent" means an explosive as defined in section 13-3101  
37 and flammable fuels or fire accelerants in amounts over fifty gallons but  
38 excludes:

39           (a) Fireworks as defined in section 36-1601.

40           (b) Firearms.

41           (c) A propellant actuated device or propellant actuated industrial  
42 tool.

43           (d) A device that is commercially manufactured primarily for the  
44 purpose of illumination.

45           (e) A rocket having a propellant charge of less than four ounces.

1           9. "Material support or resources" includes money or other financial  
2 securities, financial services, lodging, sustenance, training, safehouses,  
3 false documentation or identification, communications equipment, facilities,  
4 weapons, lethal substances, explosives, personnel, transportation, disguises  
5 and other physical assets but does not include medical assistance, legal  
6 assistance or religious materials.

7           10. "Public establishment" means a structure that is owned, leased or  
8 operated by this state or a political subdivision of this state or a health  
9 care institution as defined in section 36-401.

10          11. "Research facility" means a laboratory, institution, medical care  
11 facility, government facility, public or private educational institution or  
12 nature preserve at which a scientific test, experiment or investigation  
13 involving the use of animals is lawfully carried out, conducted or attempted.

14          12. "Terrorism" means any felony, including any completed or  
15 preparatory offense, that involves the use of a deadly weapon or a weapon of  
16 mass destruction or the intentional or knowing infliction of serious physical  
17 injury with the intent to either:

18           (a) Influence the policy or affect the conduct of this state or any of  
19 the political subdivisions, agencies or instrumentalities of this state.

20           (b) Cause substantial damage to or substantial interruption of public  
21 communications, communication service providers, public transportation,  
22 common carriers, public utilities, public establishments or other public  
23 services.

24          13. "Toxin" means the toxic material of plants, animals,  
25 microorganisms, viruses, fungi or infectious substances or a recombinant  
26 molecule, whatever its origin or method of reproduction, including:

27           (a) Any poisonous substance or biological product that may be  
28 engineered through biotechnology and that is produced by a living organism.

29           (b) Any poisonous isomer or biological product, homolog or derivative  
30 of such substance.

31          14. "Vector" means a living organism or molecule, including a  
32 recombinant molecule or biological product that may be engineered through  
33 biotechnology, that is capable of carrying a biological agent or toxin to a  
34 host.

35          15. "Weapon of mass destruction" means:

36           (a) Any device or object that is designed or that the person intends  
37 to use to cause multiple deaths or serious physical injuries through the use  
38 of an explosive agent or the release, dissemination or impact of a toxin,  
39 biological agent, poisonous chemical, or its precursor, or any vector.

40           (b) Except as authorized and used in accordance with a license,  
41 registration or exemption by the radiation regulatory agency pursuant to  
42 section 30-672, any device or object that is designed or that the person  
43 intends to use to release radiation or radioactivity at a level that is  
44 dangerous to human life.

1 D. For the purposes of sections 13-2312, 13-2313, 13-2314 and 13-2315,  
2 unless the context otherwise requires:

3 1. "Control", in relation to an enterprise, means the possession of  
4 sufficient means to permit substantial direction over the affairs of an  
5 enterprise and, in relation to property, means to acquire or possess.

6 2. "Enterprise" means any corporation, partnership, association, labor  
7 union or other legal entity or any group of persons associated in fact  
8 although not a legal entity.

9 3. "Financial institution" means any business under the jurisdiction  
10 of the department of financial institutions or a banking or securities  
11 regulatory agency of the United States, a business coming within the  
12 definition of a bank, financial agency or financial institution as prescribed  
13 by 31 United States Code section 5312 or 31 Code of Federal Regulations  
14 section 1010.100 or a business under the jurisdiction of the securities  
15 division of the corporation commission, the state real estate department or  
16 the department of insurance.

17 4. "Racketeering" means any act, including any preparatory or  
18 completed offense, that is chargeable or indictable under the laws of the  
19 state or country in which the act occurred and, if the act occurred in a  
20 state or country other than this state, that would be chargeable or  
21 indictable under the laws of this state if the act had occurred in this  
22 state, and that would be punishable by imprisonment for more than one year  
23 under the laws of this state and, if the act occurred in a state or country  
24 other than this state, under the laws of the state or country in which the  
25 act occurred, regardless of whether the act is charged or indicted, and the  
26 act involves either:

27 (a) Terrorism, animal terrorism or ecological terrorism that results  
28 or is intended to result in a risk of serious physical injury or death.

29 (b) Any of the following acts if committed for financial gain:

30 (i) Homicide.

31 (ii) Robbery.

32 (iii) Kidnapping.

33 (iv) Forgery.

34 (v) Theft.

35 (vi) Bribery.

36 (vii) Gambling.

37 (viii) Usury.

38 (ix) Extortion.

39 (x) Extortionate extensions of credit.

40 (xi) Prohibited drugs, marijuana or other prohibited chemicals or  
41 substances.

42 (xii) Trafficking in explosives, weapons or stolen property.

43 (xiii) Participating in a criminal syndicate.

44 (xiv) Obstructing or hindering criminal investigations or  
45 prosecutions.

- 1 (xv) Asserting false claims including, but not limited to, false  
2 claims asserted through fraud or arson.
- 3 (xvi) Intentional or reckless false statements or publications  
4 concerning land for sale or lease or sale of subdivided lands or sale and  
5 mortgaging of unsubdivided lands.
- 6 (xvii) Resale of realty with intent to defraud.
- 7 (xviii) Intentional or reckless fraud in the purchase or sale of  
8 securities.
- 9 (xix) Intentional or reckless sale of unregistered securities or real  
10 property securities.
- 11 (xx) A scheme or artifice to defraud.
- 12 (xxi) Obscenity.
- 13 (xxii) Sexual exploitation of a minor.
- 14 (xxiii) Prostitution.
- 15 (xxiv) Restraint of trade or commerce in violation of section 34-252.
- 16 (xxv) Terrorism.
- 17 (xxvi) Money laundering.
- 18 (xxvii) Obscene or indecent telephone communications to minors for  
19 commercial purposes.
- 20 (xxviii) Counterfeiting marks as proscribed in section 44-1453.
- 21 (xxix) Animal terrorism or ecological terrorism.
- 22 (xxx) Smuggling of human beings.
- 23 (xxxii) Child prostitution.
- 24 (xxxii) Sex trafficking.
- 25 (xxxiii) Trafficking of persons for forced labor or services.
- 26 (xxxiv) ANIMAL FIGHTING OR COCKFIGHTING.
- 27 5. "Records" means any book, paper, writing, computer program, data,  
28 image or information that is collected, recorded, preserved or maintained in  
29 any form of storage medium.
- 30 6. "Remedy racketeering" means to enter a civil judgment pursuant to  
31 this chapter or chapter 39 of this title against property or a person who is  
32 subject to liability, including liability for injury to the state that is  
33 caused by racketeering or by actions in concert with racketeering.
- 34 E. For the purposes of sections 13-2316, 13-2316.01 and 13-2316.02:
- 35 1. "Access" means to instruct, communicate with, store data in,  
36 retrieve data from or otherwise make use of any resources of a computer,  
37 computer system or network.
- 38 2. "Access device" means any card, token, code, account number,  
39 electronic serial number, mobile or personal identification number, password,  
40 encryption key, biometric identifier or other means of account access,  
41 including a canceled or revoked access device, that can be used alone or in  
42 conjunction with another access device to obtain money, goods, services,  
43 computer or network access or any other thing of value or that can be used to  
44 initiate a transfer of any thing of value.

1           3. "Computer" means an electronic device that performs logic,  
2 arithmetic or memory functions by the manipulations of electronic or magnetic  
3 impulses and includes all input, output, processing, storage, software or  
4 communication facilities that are connected or related to such a device in a  
5 system or network.

6           4. "Computer contaminant" means any set of computer instructions that  
7 is designed to modify, damage, destroy, record or transmit information within  
8 a computer, computer system or network without the intent or permission of  
9 the owner of the information, computer system or network. Computer  
10 contaminant includes a group of computer instructions, such as viruses or  
11 worms, that is self-replicating or self-propagating and that is designed to  
12 contaminate other computer programs or computer data, to consume computer  
13 resources, to modify, destroy, record or transmit data or in some other  
14 fashion to usurp the normal operation of the computer, computer system or  
15 network.

16           5. "Computer program" means a series of instructions or statements, in  
17 a form acceptable to a computer, that permits the functioning of a computer  
18 system in a manner designed to provide appropriate products from the computer  
19 system.

20           6. "Computer software" means a set of computer programs, procedures  
21 and associated documentation concerned with the operation of a computer  
22 system.

23           7. "Computer system" means a set of related, connected or unconnected  
24 computer equipment, devices and software, including storage, media and  
25 peripheral devices.

26           8. "Critical infrastructure resource" means any computer or  
27 communications system or network that is involved in providing services  
28 necessary to ensure or protect the public health, safety or welfare,  
29 including services that are provided by any of the following:

- 30           (a) Medical personnel and institutions.
- 31           (b) Emergency services agencies.
- 32           (c) Public and private utilities, including water, power,  
33 communications and transportation services.
- 34           (d) Fire departments, districts or volunteer organizations.
- 35           (e) Law enforcement agencies.
- 36           (f) Financial institutions.
- 37           (g) Public educational institutions.
- 38           (h) Government agencies.

39           9. "False or fraudulent pretense" means the unauthorized use of an  
40 access device or the use of an access device to exceed authorized access.

41           10. "Financial instrument" means any check, draft, money order,  
42 certificate of deposit, letter of credit, bill of exchange, credit card or  
43 marketable security or any other written instrument as defined in section  
44 13-2001 that is transferable for value.

1           11. "Network" includes a complex of interconnected computer or  
2 communication systems of any type.

3           12. "Property" means financial instruments, information, including  
4 electronically produced data, computer software and programs in either  
5 machine or human readable form, and anything of value, tangible or  
6 intangible.

7           13. "Proprietary or confidential computer security information" means  
8 information about a particular computer, computer system or network that  
9 relates to its access devices, security practices, methods and systems,  
10 architecture, communications facilities, encryption methods and system  
11 vulnerabilities and that is not made available to the public by its owner or  
12 operator.

13           14. "Services" includes computer time, data processing, storage  
14 functions and all types of communication functions.