

State of Arizona  
House of Representatives  
Fifty-first Legislature  
Second Regular Session  
2014

**CHAPTER 159**  
**HOUSE BILL 2639**

AN ACT

AMENDING SECTIONS 13-2008 AND 13-2009, 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 13-2008, Arizona Revised Statutes, is amended to  
3 read:

4 13-2008. Taking identity of another person or entity:  
5 classification

6 A. A person commits taking the identity of another person or entity if  
7 the person knowingly takes, purchases, manufactures, records, possesses or  
8 uses any personal identifying information or entity identifying information  
9 of another person or entity, including a real or fictitious person or entity,  
10 without the consent of that other person or entity, with the intent to obtain  
11 or use the other person's or entity's identity for any unlawful purpose or to  
12 cause loss to a person or entity whether or not the person or entity actually  
13 suffers any economic loss as a result of the offense, or with the intent to  
14 obtain or continue employment.

15 ~~B. A person commits knowingly accepting the identity of another person~~  
16 ~~if the person, in hiring an employee, knowingly does both of the following:~~

17 ~~1. Accepts any personal identifying information of another person from~~  
18 ~~an individual and knows that the individual is not the actual person~~  
19 ~~identified by that information.~~

20 ~~2. Uses that identity information for the purpose of determining~~  
21 ~~whether the individual who presented that identity information has the legal~~  
22 ~~right or authorization under federal law to work in the United States as~~  
23 ~~described and determined under the processes and procedures under 8 United~~  
24 ~~States Code section 1324a.~~

25 ~~C.~~ B. On the request of a person or entity, a peace officer in any  
26 jurisdiction in which an element of an offense under this section is  
27 committed, a result of an offense under this section occurs or the person or  
28 entity whose identity is taken or accepted resides or is located shall take a  
29 report. The peace officer may provide a copy of the report to any other law  
30 enforcement agency that is located in a jurisdiction in which a violation of  
31 this section occurred.

32 ~~D.~~ C. If a defendant is alleged to have committed multiple violations  
33 of this section within the same county, the prosecutor may file a complaint  
34 charging all of the violations and any related charges under other sections  
35 that have not been previously filed in any precinct in which a violation is  
36 alleged to have occurred. If a defendant is alleged to have committed  
37 multiple violations of this section within the state, the prosecutor may file  
38 a complaint charging all of the violations and any related charges under  
39 other sections that have not been previously filed in any county in which a  
40 violation is alleged to have occurred.

41 ~~E.~~ D. This section does not apply to a violation of section 4-241 by  
42 a person who is under twenty-one years of age.

43 ~~F.~~ E. Taking the identity of another person or entity ~~or knowingly~~  
44 ~~accepting the identity of another person~~ is a class 4 felony.

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

2           13-2009. Aggravated taking identity of another person or  
3           entity; knowingly accepting the identity of another  
4           person; classification

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

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

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

20          3. Another person, including a real or fictitious person, with the  
21          intent to obtain employment.

22          B. A PERSON COMMITS KNOWINGLY ACCEPTING THE IDENTITY OF ANOTHER PERSON  
23          IF THE PERSON, IN HIRING AN EMPLOYEE, KNOWINGLY DOES BOTH OF THE FOLLOWING:

24                1. ACCEPTS ANY PERSONAL IDENTIFYING INFORMATION OF ANOTHER PERSON FROM  
25                AN INDIVIDUAL AND KNOWS THAT THE INDIVIDUAL IS NOT THE ACTUAL PERSON  
26                IDENTIFIED BY THAT INFORMATION.

27                2. USES THAT IDENTITY INFORMATION FOR THE PURPOSE OF DETERMINING  
28                WHETHER THE INDIVIDUAL WHO PRESENTED THAT IDENTITY INFORMATION HAS THE LEGAL  
29                RIGHT OR AUTHORIZATION UNDER FEDERAL LAW TO WORK IN THE UNITED STATES AS  
30                DESCRIBED AND DETERMINED UNDER THE PROCESSES AND PROCEDURES UNDER 8 UNITED  
31                STATES CODE SECTION 1324a.

32          ~~B-~~ C. In an action for aggravated taking the identity of another  
33          person or entity under subsection A, paragraph 1 of this section, proof of  
34          possession out of the regular course of business of the personal identifying  
35          information or entity identifying information of three or more other persons  
36          or entities may give rise to an inference that the personal identifying  
37          information or entity identifying information of the three or more other  
38          persons or entities was possessed for an unlawful purpose.

39          ~~C-~~ D. This section does not apply to a violation of section 4-241 by  
40          a person who is under twenty-one years of age.

41          ~~D-~~ E. Aggravated taking the identity of another person or entity OR  
42          KNOWINGLY ACCEPTING THE IDENTITY OF ANOTHER PERSON is a class 3 felony.

H.B. 2639

APPROVED BY THE GOVERNOR APRIL 22, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2014.