

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 62
SENATE BILL 1312

AN ACT

AMENDING SECTION 13-1809, 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 13-1809, Arizona Revised Statutes, is amended to
3 read:

4 13-1809. Jurisdiction; restitution; fees; deferred
5 prosecution

6 A. The county attorney may prosecute any violation of section
7 13-1807. If the defendant is alleged to have committed multiple violations
8 of section 13-1807 within the same county, the county attorney may file a
9 complaint charging all of the violations that have not previously been
10 filed in the justice of the peace precinct in which the greatest number of
11 violations are alleged to have occurred.

12 B. A person who is charged with an offense under this chapter may
13 make restitution for the bad checks. **BEFORE A CONVICTION**, restitution
14 shall be made through the prosecutor's office if collection and processing
15 were initiated through that office. Restitution shall include at a
16 minimum the face amount of the check. The fact that restitution to the
17 party injured is made and that any costs of filing with the county
18 attorney are paid is a mitigating factor in any imposition of punishment
19 for any violation of this chapter. On sentencing, the court may require
20 any person convicted under this chapter to make restitution in an amount
21 not to exceed twice the amount of the dishonored check or ~~fifty dollars~~
22 **\$50**, whichever is greater, together with all applicable costs and
23 fees. This is in addition to any other punishment imposed under this
24 chapter.

25 C. A county attorney may collect a fee if the county attorney's
26 office collects and processes a check if the check is issued or passed in
27 a manner that makes the issuance or passing an offense under section
28 13-1802, 13-1807 or 13-2310 or has been forged under section 13-2002.

29 D. The county attorney may collect the fee from any person who is a
30 party to an offense described in this section.

31 E. The amount of the fee for each check shall not exceed:

32 1. ~~Seventy-five dollars~~ **\$75** if the face amount of the check does
33 not exceed ~~one hundred dollars~~ **\$100**.

34 2. ~~One hundred dollars~~ **\$100** if the face amount of the check is
35 greater than ~~one hundred dollars~~ **\$100** but does not exceed ~~three hundred~~
36 ~~dollars~~ **\$300**.

37 3. ~~One hundred twenty-five dollars~~ **\$125** if the face amount of the
38 check is greater than ~~three hundred dollars~~ **\$300** but does not exceed ~~one~~
39 ~~thousand dollars~~ **\$1,000**.

40 4. Twenty ~~per cent~~ **PERCENT** of the face amount of the check if the
41 check is greater than ~~one thousand dollars~~ **\$1,000**.

42 F. If the person from whom the fee is collected was a party to the
43 offense of forgery under section 13-2002 and the offense was committed by
44 altering the face amount of the check, the face amount as altered governs
45 for the purpose of determining the amount of the fee prescribed in
46 subsection E of this section.

APPROVED BY THE GOVERNOR APRIL 10, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2019.