

REFERENCE TITLE: **property crimes; classification; sentencing**

State of Arizona  
Senate  
Fifty-fourth Legislature  
Second Regular Session  
2020

# **SB 1644**

Introduced by  
Senators Quezada; Gonzales; Representative Andrade

## **AN ACT**

AMENDING SECTION 13-1802, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 163, SECTION 1; AMENDING SECTION 13-1802, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 298, SECTION 1; AMENDING SECTIONS 13-1805, 13-1814, 13-1819, 13-2002, 13-2307 AND 13-2310, ARIZONA REVISED STATUTES; RELATING TO SENTENCING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1802, Arizona Revised Statutes, as amended by  
3 Laws 2013, chapter 163, section 1, is amended to read:

4 13-1802. Theft; classification; definitions

5 A. A person commits theft if, without lawful authority, the person  
6 knowingly:

7 1. Controls property of another with the intent to deprive the  
8 other person of such property; or

9 2. Converts for an unauthorized term or use services or property of  
10 another entrusted to the defendant or placed in the defendant's possession  
11 for a limited, authorized term or use; or

12 3. Obtains services or property of another by means of any material  
13 misrepresentation with intent to deprive the other person of such property  
14 or services; or

15 4. Comes into control of lost, mislaid or misdelivered property of  
16 another under circumstances providing means of inquiry as to the true  
17 owner and appropriates such property to the person's own or another's use  
18 without reasonable efforts to notify the true owner; or

19 5. Controls property of another knowing or having reason to know  
20 that the property was stolen; or

21 6. Obtains services known to the defendant to be available only for  
22 compensation without paying or an agreement to pay the compensation or  
23 diverts another's services to the person's own or another's benefit  
24 without authority to do so; or

25 7. Controls the ferrous metal or nonferrous metal of another with  
26 the intent to deprive the other person of the metal; or

27 8. Controls the ferrous metal or nonferrous metal of another  
28 knowing or having reason to know that the metal was stolen; or

29 9. Purchases within the scope of the ordinary course of business  
30 the ferrous metal or nonferrous metal of another person knowing that the  
31 metal was stolen.

32 B. A person commits theft if, without lawful authority, the person  
33 knowingly takes control, title, use or management of a vulnerable adult's  
34 property while acting in a position of trust and confidence and with the  
35 intent to deprive the vulnerable adult of the property. Proof that a  
36 person took control, title, use or management of a vulnerable adult's  
37 property without adequate consideration to the vulnerable adult may give  
38 rise to an inference that the person intended to deprive the vulnerable  
39 adult of the property.

40 C. It is an affirmative defense to any prosecution under subsection  
41 B of this section that either:

42 1. The property was given as a gift consistent with a pattern of  
43 gift giving to the person that existed before the adult became vulnerable.

1           2. The property was given as a gift consistent with a pattern of  
2 gift giving to a class of individuals that existed before the adult became  
3 vulnerable.

4           3. The superior court approved the transaction before the  
5 transaction occurred.

6           D. The inferences set forth in section 13-2305 apply to any  
7 prosecution under subsection A, paragraph 5 of this section.

8           E. At the conclusion of any grand jury proceeding, hearing or  
9 trial, the court shall preserve any trade secret that is admitted in  
10 evidence or any portion of a transcript that contains information relating  
11 to the trade secret pursuant to section 44-405.

12           F. Subsection B of this section does not apply to an agent who is  
13 acting within the scope of the agent's duties as or on behalf of a health  
14 care institution that is licensed pursuant to title 36, chapter 4 and that  
15 provides services to the vulnerable adult.

16           G. Theft of property or services with a value of ~~twenty-five~~  
17 ~~thousand dollars~~ \$50,000 or more is a class 2 felony. Theft of property  
18 or services with a value of ~~four thousand dollars~~ \$20,000 or more but less  
19 than ~~twenty-five thousand dollars~~ \$50,000 is a class 3 felony. Theft of  
20 property or services with a value of ~~three thousand dollars~~ \$10,000 or  
21 more but less than ~~four thousand dollars~~ \$20,000 is a class 4 felony,  
22 except that theft of any vehicle engine or transmission is a class 4  
23 felony regardless of value. Theft of property or services with a value of  
24 ~~two thousand dollars~~ \$5,000 or more but less than ~~three thousand dollars~~  
25 \$10,000 is a class 5 felony. Theft of property or services with a value  
26 of ~~one thousand dollars~~ \$2,000 or more but less than ~~two thousand dollars~~  
27 \$5,000 is a class 6 felony. Theft of any property or services valued at  
28 less than ~~one thousand dollars~~ \$2,000 is a class 1 misdemeanor, unless the  
29 property is taken from the person of another, is a firearm or is an animal  
30 taken for the purpose of animal fighting in violation of section  
31 13-2910.01, in which case the theft is a class 6 felony.

32           H. A person who is convicted of a violation of subsection A,  
33 paragraph 1 or 3 of this section that involved property with a value of  
34 ~~one hundred thousand dollars~~ \$100,000 or more is not eligible for  
35 suspension of sentence, probation, pardon or release from confinement on  
36 any basis except pursuant to section 31-233, subsection A or B until the  
37 sentence imposed by the court has been served, the person is eligible for  
38 release pursuant to section 41-1604.07 or the sentence is commuted.

39           I. For the purposes of this section, the value of ferrous metal or  
40 nonferrous metal includes the amount of any damage to the property of  
41 another caused as a result of the theft of the metal.

42           J. In an action for theft of ferrous metal or nonferrous metal:

43           1. Unless satisfactorily explained or acquired in the ordinary  
44 course of business by an automotive recycler as defined and licensed  
45 pursuant to title 28, chapter 10 or by a scrap metal dealer as defined in

1 section 44-1641, proof of possession of scrap metal that was recently  
2 stolen may give rise to an inference that the person in possession of the  
3 scrap metal was aware of the risk that it had been stolen or in some way  
4 participated in its theft.

5 2. Unless satisfactorily explained or sold in the ordinary course  
6 of business by an automotive recycler as defined and licensed pursuant to  
7 title 28, chapter 10 or by a scrap metal dealer as defined in section  
8 44-1641, proof of the sale of stolen scrap metal at a price substantially  
9 below its fair market value may give rise to an inference that the person  
10 selling the scrap metal was aware of the risk that it had been stolen.

11 K. For the purposes of this section:

12 1. "Adequate consideration" means the property was given to the  
13 person as payment for bona fide goods or services provided by the person  
14 and the payment was at a rate that was customary for similar goods or  
15 services in the community that the vulnerable adult resided in at the time  
16 of the transaction.

17 2. "Ferrous metal" and "nonferrous metal" have the same meanings  
18 prescribed in section 44-1641.

19 3. "Pattern of gift giving" means two or more gifts that are the  
20 same or similar in type and monetary value.

21 4. "Position of trust and confidence" has the same meaning  
22 prescribed in section 46-456.

23 5. "Property" includes all forms of real property and personal  
24 property.

25 6. "Vulnerable adult" has the same meaning prescribed in section  
26 46-451.

27 Sec. 2. Section 13-1802, Arizona Revised Statutes, as amended by  
28 Laws 2018, chapter 298, section 1, is amended to read:

29 13-1802. Theft; classification; definitions

30 A. A person commits theft if, without lawful authority, the person  
31 knowingly:

32 1. Controls property of another with the intent to deprive the  
33 other person of such property; or

34 2. Converts for an unauthorized term or use services or property of  
35 another entrusted to the defendant or placed in the defendant's possession  
36 for a limited, authorized term or use; or

37 3. Obtains services or property of another by means of any material  
38 misrepresentation with intent to deprive the other person of such property  
39 or services; or

40 4. Comes into control of lost, mislaid or misdelivered property of  
41 another under circumstances providing means of inquiry as to the true  
42 owner and appropriates such property to the person's own or another's use  
43 without reasonable efforts to notify the true owner; or

44 5. Controls property of another knowing or having reason to know  
45 that the property was stolen; or

1           6. Obtains services known to the defendant to be available only for  
2 compensation without paying or an agreement to pay the compensation or  
3 diverts another's services to the person's own or another's benefit  
4 without authority to do so; or

5           7. Controls the ferrous metal or nonferrous metal of another with  
6 the intent to deprive the other person of the metal; or

7           8. Controls the ferrous metal or nonferrous metal of another  
8 knowing or having reason to know that the metal was stolen; or

9           9. Purchases within the scope of the ordinary course of business  
10 the ferrous metal or nonferrous metal of another person knowing that the  
11 metal was stolen.

12           B. A person commits theft if, without lawful authority, the person  
13 knowingly takes control, title, use or management of a vulnerable adult's  
14 property while acting in a position of trust and confidence and with the  
15 intent to deprive the vulnerable adult of the property. Proof that a  
16 person took control, title, use or management of a vulnerable adult's  
17 property without adequate consideration to the vulnerable adult may give  
18 rise to an inference that the person intended to deprive the vulnerable  
19 adult of the property.

20           C. It is an affirmative defense to any prosecution under subsection  
21 B of this section that either:

22           1. The property was given as a gift consistent with a pattern of  
23 gift giving to the person that existed before the adult became vulnerable.

24           2. The property was given as a gift consistent with a pattern of  
25 gift giving to a class of individuals that existed before the adult became  
26 vulnerable.

27           3. The superior court approved the transaction before the  
28 transaction occurred.

29           D. The inferences set forth in section 13-2305 apply to any  
30 prosecution under subsection A, paragraph 5 of this section.

31           E. At the conclusion of any grand jury proceeding, hearing or  
32 trial, the court shall preserve any trade secret that is admitted in  
33 evidence or any portion of a transcript that contains information relating  
34 to the trade secret pursuant to section 44-405.

35           F. Subsection B of this section does not apply to an agent who is  
36 acting within the scope of the agent's duties as or on behalf of a health  
37 care institution that is licensed pursuant to title 36, chapter 4 and that  
38 provides services to the vulnerable adult.

39           G. Theft of property or services with a value of ~~twenty-five~~  
40 ~~thousand dollars~~ \$50,000 or more is a class 2 felony. Theft of property  
41 or services with a value of ~~four thousand dollars~~ \$20,000 or more but less  
42 than ~~twenty-five thousand dollars~~ \$50,000 is a class 3 felony. Theft of  
43 property or services with a value of ~~three thousand dollars~~ \$10,000 or  
44 more but less than ~~four thousand dollars~~ \$20,000 is a class 4 felony,  
45 except that theft of any vehicle engine or transmission is a class 4

1 felony regardless of value. Theft of property or services with a value of  
2 ~~two thousand dollars~~ \$5,000 or more but less than ~~three thousand dollars~~  
3 \$10,000 is a class 5 felony. Theft of property or services with a value  
4 of ~~one thousand dollars~~ \$2,000 or more but less than ~~two thousand dollars~~  
5 \$5,000 is a class 6 felony. Theft of any property or services valued at  
6 less than ~~one thousand dollars~~ \$2,000 is a class 1 misdemeanor, unless the  
7 property is taken from the person of another, is a firearm or is an animal  
8 taken for the purpose of animal fighting in violation of section  
9 13-2910.01, in which case the theft is a class 6 felony.

10 H. A person who is convicted of a violation of subsection A,  
11 paragraph 1 or 3 of this section that involved property with a value of  
12 ~~one hundred thousand dollars~~ \$100,000 or more is not eligible for  
13 suspension of sentence, probation, pardon or release from confinement on  
14 any basis except pursuant to section 31-233, subsection A or B until the  
15 sentence imposed by the court has been served, the person is eligible for  
16 release pursuant to section 41-1604.07 or the sentence is commuted.

17 I. For the purposes of this section, the value of ferrous metal or  
18 nonferrous metal includes the amount of any damage to the property of  
19 another caused as a result of the theft of the metal.

20 J. In an action for theft of ferrous metal or nonferrous metal:

21 1. Unless satisfactorily explained or acquired in the ordinary  
22 course of business by an automotive recycler that is licensed pursuant to  
23 title 28, chapter 10 or by a scrap metal dealer as defined in section  
24 44-1641, proof of possession of scrap metal that was recently stolen may  
25 give rise to an inference that the person in possession of the scrap metal  
26 was aware of the risk that it had been stolen or in some way participated  
27 in its theft.

28 2. Unless satisfactorily explained or sold in the ordinary course  
29 of business by an automotive recycler that is licensed pursuant to title  
30 28, chapter 10 or by a scrap metal dealer as defined in section 44-1641,  
31 proof of the sale of stolen scrap metal at a price substantially below its  
32 fair market value may give rise to an inference that the person selling  
33 the scrap metal was aware of the risk that it had been stolen.

34 K. For the purposes of this section:

35 1. "Adequate consideration" means the property was given to the  
36 person as payment for bona fide goods or services provided by the person  
37 and the payment was at a rate that was customary for similar goods or  
38 services in the community that the vulnerable adult resided in at the time  
39 of the transaction.

40 2. "Ferrous metal" has the same meaning prescribed in section  
41 44-1641.

42 3. "Pattern of gift giving" means two or more gifts that are the  
43 same or similar in type and monetary value.

44 4. "Position of trust and confidence" has the same meaning  
45 prescribed in section 46-456.



1 F. Any merchant who is injured by the shoplifting of an adult or  
2 emancipated minor in violation of subsection A of this section may bring a  
3 civil action against the adult or emancipated minor pursuant to section  
4 12-691.

5 G. In imposing sentence on a person who is convicted of violating  
6 this section, the court may require any person to perform public services  
7 designated by the court in addition to or in lieu of any fine that the  
8 court might impose.

9 H. Shoplifting property with a value of ~~two thousand dollars~~ \$5,000  
10 or more, shoplifting property during any continuing criminal episode or  
11 shoplifting property if done to promote, further or assist any criminal  
12 street gang or criminal syndicate is a class 5 felony. Shoplifting  
13 property with a value of ~~one thousand dollars~~ \$2,000 or more but less than  
14 ~~two thousand dollars~~ \$5,000 is a class 6 felony. Shoplifting property  
15 valued at less than ~~one thousand dollars~~ \$2,000 is a class 1 misdemeanor,  
16 unless the property is a firearm in which case the shoplifting is a class  
17 6 felony. For the purposes of this subsection, "continuing criminal  
18 episode" means theft of property with a value of ~~one thousand five hundred~~  
19 ~~dollars~~ \$1,500 or more if committed during at least three separate  
20 incidences within a period of ninety consecutive days.

21 I. A person who ~~in the course of shoplifting uses an artifice,~~  
22 ~~instrument, container, device or other article with the intent to~~  
23 ~~facilitate shoplifting or who~~ commits shoplifting and who has previously  
24 committed or been convicted within the past five years of two or more  
25 offenses involving burglary, shoplifting, robbery, organized retail theft  
26 or theft is guilty of a class ~~4~~ 6 felony.

27 Sec. 4. Section 13-1814, Arizona Revised Statutes, is amended to  
28 read:

29 13-1814. Theft of means of transportation; affidavit;  
30 classification

31 A. A person commits theft of means of transportation if, without  
32 lawful authority, the person knowingly does one of the following:

33 1. Controls another person's means of transportation with the  
34 intent to permanently deprive the person of the means of transportation.

35 ~~2. Converts for an unauthorized term or use another person's means~~  
36 ~~of transportation that is entrusted to or placed in the defendant's~~  
37 ~~possession for a limited, authorized term or use.~~

38 ~~3.~~ 2. Obtains another person's means of transportation by means of  
39 any material misrepresentation with intent to permanently deprive the  
40 person of the means of transportation.

41 ~~4.~~ 3. Comes into control of another person's means of  
42 transportation that is lost or misdelivered under circumstances providing  
43 means of inquiry as to the true owner and appropriates the means of  
44 transportation to the person's own or another's use without reasonable  
45 efforts to notify the true owner.



1           ~~5-~~ 4. Controls another person's means of transportation knowing or  
2 having reason to know that the property is stolen.

3           B. The inferences set forth in section 13-2305 apply to any  
4 prosecution under subsection A, paragraph ~~5-~~ 4 of this section.

5           C. A person who alleges that a theft of means of transportation has  
6 occurred shall attest to that fact by signing an affidavit that is  
7 provided by the law enforcement officer or agency when the report is taken  
8 in person or by signing and notarizing an affidavit that is provided by  
9 the law enforcement agency if the report is taken other than in person.  
10 If the affidavit is not taken in person by a law enforcement officer or  
11 agency, the person who alleges that a theft of means of transportation has  
12 occurred shall mail or deliver the signed and notarized affidavit to the  
13 appropriate local law enforcement agency within seven days after reporting  
14 the theft. If the appropriate law enforcement agency does not receive the  
15 signed and notarized affidavit within thirty days after the initial  
16 report, the vehicle information shall be removed from the databases of the  
17 national crime information center and the Arizona criminal justice  
18 information system. The affidavit provided by the law enforcement agency  
19 shall indicate that a person who falsely reports a theft of means of  
20 transportation may be subject to criminal prosecution.

21           D. Theft of means of transportation is a class 3 felony.

22           Sec. 5. Section 13-1819, Arizona Revised Statutes, is amended to  
23 read:

24           13-1819. Organized retail theft; classification

25           A. A person commits organized retail theft if the person, ~~acting~~  
26 ~~alone or~~ in conjunction with another person, ~~does any of the following:~~

27           ~~1.~~ removes merchandise from a retail establishment without paying  
28 the purchase price with the intent to resell or trade the merchandise for  
29 money or for other value.

30           ~~2. Uses an artifice, instrument, container, device or other article~~  
31 ~~to facilitate the removal of merchandise from a retail establishment~~  
32 ~~without paying the purchase price.~~

33           B. Organized retail theft is a class ~~4-~~ 6 felony.

34           Sec. 6. Section 13-2002, Arizona Revised Statutes, is amended to  
35 read:

36           13-2002. Forgery; classification

37           A. A person commits forgery if, with intent to defraud, the person:

38           1. Falsely makes, completes or alters a written instrument; or

39           2. Knowingly possesses a forged instrument; or

40           3. Offers or presents, whether accepted or not, a forged instrument  
41 or one that contains false information.

42           B. The possession of five or more forged instruments may give rise  
43 to an inference that the instruments are possessed with an intent to  
44 defraud.

1 C. Forgery is a class ~~4~~ 6 felony, except that if the forged  
2 instrument is used in connection with the purchase, lease or renting of a  
3 dwelling that is used as a drop house, it is a class 3 felony. For the  
4 purposes of this subsection, "drop house" means property that is used to  
5 facilitate smuggling pursuant to section 13-2319.

6 Sec. 7. Section 13-2307, Arizona Revised Statutes, is amended to  
7 read:

8 13-2307. Trafficking in stolen property; classification

9 A. A person who ~~recklessly~~ traffics in the property of another WITH  
10 KNOWLEDGE that THE PROPERTY has been stolen is guilty of trafficking in  
11 stolen property in the second degree.

12 B. A person who knowingly initiates, organizes, plans, finances,  
13 directs, manages or supervises the theft and trafficking in the property  
14 of another WITH KNOWLEDGE that THE PROPERTY has been stolen is guilty of  
15 trafficking in stolen property in the first degree.

16 C. THIS STATE SHALL APPLY THE AGGREGATION PRESCRIBED BY SECTION  
17 13-1801, SUBSECTION B TO VIOLATIONS OF THIS SECTION IN DETERMINING THE  
18 APPLICABLE PUNISHMENT.

19 ~~C.~~ D. Trafficking in stolen property in the second degree OF  
20 PROPERTY WITH A VALUE OF \$50,000 OR MORE IS A CLASS 2 FELONY. TRAFFICKING  
21 IN STOLEN PROPERTY IN THE SECOND DEGREE OF PROPERTY WITH A VALUE OF  
22 \$20,000 OR MORE BUT LESS THAN \$50,000 is a class 3 felony. TRAFFICKING IN  
23 STOLEN PROPERTY IN THE SECOND DEGREE OF PROPERTY WITH A VALUE OF \$10,000  
24 OR MORE BUT LESS THAN \$20,000 IS A CLASS 4 FELONY. TRAFFICKING IN STOLEN  
25 PROPERTY IN THE SECOND DEGREE OF PROPERTY WITH A VALUE OF \$5,000 OR MORE  
26 BUT LESS THAN \$10,000 IS A CLASS 5 FELONY. TRAFFICKING IN STOLEN PROPERTY  
27 IN THE SECOND DEGREE OF PROPERTY WITH A VALUE OF \$2,000 OR MORE BUT LESS  
28 THAN \$5,000 IS A CLASS 6 FELONY. TRAFFICKING IN STOLEN PROPERTY IN THE  
29 SECOND DEGREE OF PROPERTY WITH A VALUE OF LESS THAN \$2,000 IS A CLASS 1  
30 MISDEMEANOR. Trafficking in stolen property in the first degree OF  
31 PROPERTY WITH A VALUE OF \$20,000 OR MORE is a class 2 felony. TRAFFICKING  
32 IN STOLEN PROPERTY IN THE FIRST DEGREE OF PROPERTY WITH A VALUE OF \$10,000  
33 OR MORE BUT LESS THAN \$20,000 IS A CLASS 3 FELONY. TRAFFICKING IN STOLEN  
34 PROPERTY IN THE FIRST DEGREE OF PROPERTY WITH A VALUE OF \$5,000 OR MORE  
35 BUT LESS THAN \$10,000 IS A CLASS 4 FELONY. TRAFFICKING IN STOLEN PROPERTY  
36 IN THE FIRST DEGREE OF PROPERTY WITH A VALUE OF \$2,000 OR MORE BUT LESS  
37 THAN \$5,000 IS A CLASS 5 FELONY. TRAFFICKING IN STOLEN PROPERTY IN THE  
38 FIRST DEGREE OF PROPERTY WITH A VALUE OF LESS THAN \$2,000 IS A CLASS 6  
39 FELONY.

40 Sec. 8. Section 13-2310, Arizona Revised Statutes, is amended to  
41 read:

42 13-2310. Fraudulent schemes and artifices; classification;  
43 definition

44 A. ~~Any~~ A person COMMITS FRAUDULENT SCHEMES AND ARTIFICES who,  
45 pursuant to a scheme or artifice to defraud, knowingly obtains any benefit

1 by means of false or fraudulent pretenses, representations, promises or  
2 material omissions ~~is guilty of a class 2 felony.~~

3 B. Reliance on the part of any person shall not be a necessary  
4 element of the offense described in subsection A of this section.

5 C. A person who is convicted of a violation of this section that  
6 involved a benefit with a value of ~~one hundred thousand dollars~~ \$100,000  
7 or more or the manufacture, sale or marketing of opioids is not eligible  
8 for suspension of sentence, probation, pardon or release from confinement  
9 on any basis except pursuant to section 31-233, subsection A or B until  
10 the sentence imposed by the court has been served, the person is eligible  
11 for release pursuant to section 41-1604.07 or the sentence is commuted.

12 D. This state shall apply the aggregation prescribed by section  
13 13-1801, subsection B to violations of this section in determining the  
14 applicable punishment.

15 E. FRAUDULENT SCHEMES AND ARTIFICES TO OBTAIN ANY BENEFIT WITH A  
16 VALUE OF \$50,000 OR MORE IS A CLASS 2 FELONY. FRAUDULENT SCHEMES AND  
17 ARTIFICES TO OBTAIN ANY BENEFIT WITH A VALUE OF \$20,000 OR MORE BUT LESS  
18 THAN \$50,000 IS A CLASS 3 FELONY. FRAUDULENT SCHEMES AND ARTIFICES TO  
19 OBTAIN ANY BENEFIT WITH A VALUE OF \$10,000 OR MORE BUT LESS THAN \$20,000  
20 IS A CLASS 4 FELONY. FRAUDULENT SCHEMES AND ARTIFICES TO OBTAIN ANY  
21 BENEFIT WITH A VALUE OF \$5,000 OR MORE BUT LESS THAN \$10,000 IS A CLASS 5  
22 FELONY. FRAUDULENT SCHEMES AND ARTIFICES TO OBTAIN ANY BENEFIT WITH A  
23 VALUE OF \$2,000 OR MORE BUT LESS THAN \$5,000 IS A CLASS 6 FELONY.  
24 FRAUDULENT SCHEMES AND ARTIFICES TO OBTAIN ANY BENEFIT WITH A VALUE OF  
25 LESS THAN \$2,000 IS A CLASS 1 MISDEMEANOR.

26 ~~E.~~ F. For the purposes of this section, "scheme or artifice to  
27 defraud" includes a scheme or artifice to deprive a person of the  
28 intangible right of honest services.

29 Sec. 9. Conditional enactment

30 Section 13-1802, Arizona Revised Statutes, as amended by Laws 2018,  
31 chapter 298, section 1 and this act, becomes effective on the date  
32 prescribed by Laws 2018, chapter 298, section 12 but only on the  
33 occurrence of the condition prescribed by Laws 2018, chapter 298,  
34 section 12.