

House Engrossed

theft by extortion; defense

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

## **CHAPTER 102**

# **HOUSE BILL 2178**

AN ACT

AMENDING SECTION 13-1804, ARIZONA REVISED STATUTES; RELATING TO THEFT BY  
EXTORTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1804, Arizona Revised Statutes, is amended to  
3 read:

4 13-1804. Theft by extortion; classification

5 A. A person commits theft by extortion by knowingly obtaining or  
6 seeking to obtain property or services by means of a threat to do in the  
7 future any of the following:

8 1. Cause physical injury to anyone by means of a deadly weapon or  
9 dangerous instrument or cause death or serious physical injury to anyone.

10 2. Cause physical injury to anyone except as provided in paragraph  
11 1 of this subsection.

12 3. Cause damage to property.

13 4. Engage in other conduct constituting an offense.

14 5. Accuse anyone of a crime or bring criminal charges against  
15 anyone.

16 6. Expose a secret or an asserted fact, whether true or false,  
17 tending to subject anyone to hatred, contempt or ridicule or to impair the  
18 person's credit or business.

19 7. Take or withhold action as a public servant or cause a public  
20 servant to take or withhold action.

21 8. Cause anyone to part with any property.

22 9. Take or withhold action regarding an alleged claim of easement  
23 or other right of access to an adjoining property if both of the following  
24 occur:

25 (a) The claimant's property interest is the result of a tax lien  
26 purchase or foreclosure pursuant to title 42, chapter 18.

27 (b) The fair market value of the claimant's property is equal to or  
28 less than the amount paid by the claimant for the purchase of the tax lien  
29 or foreclosure, including taxes paid after the lien purchase and any costs  
30 and attorney fees paid in connection with the lien foreclosure. For the  
31 purposes of this subdivision, "fair market value" means the fair market  
32 value as defined in section 33-814, subsection A as of the date of the  
33 theft.

34 B. It is ~~an affirmative~~ A defense to a prosecution under subsection  
35 A, paragraph 5, 6 or 7 ~~OF THIS SECTION IF A REASONABLE PERSON WOULD~~  
36 ~~BELIEVE~~ that the property ~~OR SERVICES WERE~~ obtained ~~OR SOUGHT TO BE~~  
37 ~~OBTAINED~~ by ~~THE~~ threat of ~~the~~ A REASONABLE accusation, exposure, lawsuit  
38 or other invocation of official action ~~was lawfully claimed either as:~~

39 ~~1. Restitution or indemnification for harm done under circumstances~~  
40 ~~to which the accusation, exposure, lawsuit or other official action~~  
41 ~~relates.~~

42 ~~2. Compensation for property that was lawfully obtained or for~~  
43 ~~lawful services.~~

44 C. Theft by extortion ~~as defined in~~ IS A CLASS 4 FELONY, EXCEPT  
45 THAT THREAT BY EXTORTION UNDER subsection A, paragraph 1 OF THIS SECTION  
46 is a class 2 felony. ~~Otherwise, theft by extortion is a class 4 felony.~~

APPROVED BY THE GOVERNOR MARCH 24, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 24, 2021.