

REFERENCE TITLE: coercion; theft by extortion

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2013

Introduced by
Representative Kavanagh

AN ACT

AMENDING SECTION 13-1804, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 18, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1821; 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 13-1804, 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 10. PERFORM ANY ACT THAT DOES NOT IN ITSELF MATERIALLY BENEFIT THE
35 PERSON BUT THAT IS CALCULATED TO HARM ANOTHER PERSON MATERIALLY WITH
36 RESPECT TO THAT PERSON'S HEALTH, SAFETY, BUSINESS, CALLING, CAREER,
37 FINANCIAL CONDITION, REPUTATION OR PERSONAL RELATIONSHIPS.

38 B. It is a defense to a prosecution under subsection A, paragraph
39 5, 6 or 7 of this section if a reasonable person would believe that the
40 property or services were obtained or sought to be obtained by the threat
41 of a reasonable accusation, exposure, lawsuit or other invocation of
42 official action.

1 C. Theft by extortion UNDER SUBSECTION A, PARAGRAPH 2, 3, 4, 5, 6,
2 7, 8, 9 OR 10 OF THIS SECTION is a class 4 felony. ~~except that threat~~
3 THEFT by extortion under subsection A, paragraph 1 of this section is a
4 class 2 felony.

5 Sec. 2. Title 13, chapter 18, Arizona Revised Statutes, is amended
6 by adding section 13-1821, to read:

7 13-1821. Coercion; classification

8 A. A PERSON COMMITS COERCION BY COMPELLING OR INDUCING ANOTHER
9 PERSON TO ENGAGE IN CONDUCT WHICH THAT OTHER PERSON HAS A LEGAL RIGHT TO
10 ABSTAIN FROM ENGAGING IN, ABSTAIN FROM ENGAGING IN CONDUCT IN WHICH THAT
11 OTHER PERSON HAS A LEGAL RIGHT TO ENGAGE OR JOIN A GROUP, ORGANIZATION OR
12 CRIMINAL ENTERPRISE WHICH THAT OTHER PERSON HAS A RIGHT TO ABSTAIN FROM
13 JOINING, BY MEANS OF INSTILLING IN THAT OTHER PERSON A FEAR THAT, IF THE
14 DEMAND IS NOT COMPLIED WITH, THE PERSON OR SOME OTHER PERSON WILL DO ANY
15 OF THE FOLLOWING:

- 16 1. CAUSE PHYSICAL INJURY TO A PERSON.
- 17 2. CAUSE DAMAGE TO PROPERTY.
- 18 3. ENGAGE IN OTHER CONDUCT CONSTITUTING A CRIME.
- 19 4. ACCUSE SOME PERSON OF A CRIME OR CAUSE CRIMINAL CHARGES TO BE
20 FILED AGAINST THE PERSON.
- 21 5. EXPOSE A SECRET OR PUBLICIZE AN ASSERTED FACT, WHETHER TRUE OR
22 FALSE, TENDING TO SUBJECT SOME PERSON TO HATRED, CONTEMPT OR RIDICULE.
- 23 6. CAUSE A STRIKE, BOYCOTT OR OTHER COLLECTIVE LABOR GROUP ACTION
24 INJURIOUS TO SOME PERSON'S BUSINESS, EXCEPT THAT THE THREAT IS NOT
25 COERCIVE IF THE ACT OR OMISSION COMPELLED IS FOR THE BENEFIT OF THE GROUP
26 IN WHOSE INTEREST THE PERSON PURPORTS TO ACT.
- 27 7. TESTIFY OR PROVIDE INFORMATION OR WITHHOLD TESTIMONY OR
28 INFORMATION WITH RESPECT TO ANOTHER PERSON'S LEGAL CLAIM OR DEFENSE.
- 29 8. USE OR ABUSE THE PERSON'S POSITION AS A PUBLIC SERVANT BY
30 PERFORMING SOME ACT WITHIN OR RELATED TO THE PERSON'S OFFICIAL DUTIES OR
31 BY FAILING OR REFUSING TO PERFORM AN OFFICIAL DUTY, IN SUCH MANNER AS TO
32 AFFECT SOME PERSON ADVERSELY.
- 33 9. PERFORM ANY OTHER ACT THAT WOULD NOT IN ITSELF MATERIALLY
34 BENEFIT THE PERSON BUT THAT IS CALCULATED TO HARM ANOTHER PERSON
35 MATERIALLY WITH RESPECT TO THAT PERSON'S HEALTH, SAFETY, BUSINESS,
36 CALLING, CAREER, FINANCIAL CONDITION, REPUTATION OR PERSONAL
37 RELATIONSHIPS.

38 B. COERCION IS A CLASS 1 MISDEMEANOR.