HOUSE BILL 2297

AN ACT

AMENDING SECTION 13-2310, ARIZONA REVISED STATUTES; RELATING TO FRAUDULENT SCHEMES AND ARTIFICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-2310, Arizona Revised Statutes, is amended to read:

13-2310. Fraudulent schemes and artifices; classification; jurisdiction; definition

A. Any person who, pursuant to a scheme or artifice to defraud, knowingly obtains any benefit by means of false or fraudulent pretenses, representations, promises or material omissions is guilty of a class 2 felony.

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

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

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

E. IN A PROSECUTION FOR A VIOLATION OF THIS SECTION, THE STATE IS NOT REQUIRED TO ESTABLISH THAT ALL OF THE ACTS THAT CONSTITUTE A VIOLATION OF THIS SECTION OCCURRED IN THIS STATE OR WITHIN A SINGLE CITY, TOWN, COUNTY OR LOCAL JURISDICTION OF THIS STATE. IT IS NOT A DEFENSE THAT NOT ALL OF THE ACTS THAT CONSTITUTE A VIOLATION OF THIS SECTION OCCURRED IN THIS STATE OR WITHIN A SINGLE CITY, TOWN, COUNTY OR LOCAL JURISDICTION OF THIS STATE.

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