

REFERENCE TITLE: **fraudulent schemes; artifices; jurisdiction**

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2297

Introduced by
Representative Carter

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 13-2310. Fraudulent schemes and artifices; classification;
5 jurisdiction; definition

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

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

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

19 D. This state shall apply the aggregation prescribed by section
20 13-1801, subsection B to violations of this section in determining the
21 applicable punishment.

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

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