



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1608

~~human smuggling; electronic applications~~
(NOW: human smuggling; electronic applications)

Purpose

Classifies the unlawful use of an electronic device to smuggle human beings as a class 2 felony and prohibits a person from being released from confinement, if convicted.

Background

The *smuggling of human beings* is the transportation, procurement of transportation or use of property or real property by a person or an entity that knows or has reason to know that the person or persons transported or to be transported are not U.S. citizens, permanent resident aliens or persons otherwise lawfully in Arizona or have attempted to enter, entered or remained in the United States in violation of law.

It is unlawful for a person to intentionally engage in the smuggling of human beings for a profit or commercial purpose. A human smuggling violation is a class 4 felony, except for when: 1) the smuggled human being is under 18 years old and is not accompanied by a family member who is over 18 years old or the use of a deadly weapon or dangerous instrument is involved, it is a class 2 felony; and 2) the use or threatened use of deadly physical force is involved, it is a class 3 felony and the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis, with certain exceptions ([A.R.S. § 13-2319](#)).

Class 4, class 3 and class 2 felonies carry presumptive prison sentences of 2.5 years, 3.5 years and 5 years, respectively. A sentence to pay a fine for a felony must be a sentence to pay an amount fixed by the court of up to \$150,000 (A.R.S. §§ [13-702](#) and [13-801](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Deems it unlawful for a person to use a telephone or computer application or program to knowingly assist in the smuggling of human beings.
2. Classifies, as a class 2 felony, the unlawful use of a telephone or computer application or program to knowingly assist in the smuggling of human beings.

3. Deems a person who is convicted with a class 2 felony ineligible for suspension of sentence, probation, pardon or release from confinement on any other basis, except as specifically authorized, until the person is eligible for earned release or the sentence is served or commuted.
4. Exempts preparatory offenses from applying to the unlawful use of an electronic device to smuggle human beings.
5. Defines the *smuggling of human beings* as the transportation, procurement of transportation or use of property or real property by a person or an entity with the intent of either:
 - a) concealing a person from a peace officer; or
 - b) assisting a person with fleeing from a peace officer who is attempting to lawfully arrest or detain the person.
6. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Adopted a strike-everything amendment.

Senate Action

TTMC 2/15/24 DPA/SE 4-3-0

Prepared by Senate Research

February 21, 2024

KJA/EB/slp