

GOWAN FLOOR AMENDMENT  
SENATE AMENDMENTS TO S.B. 1351  
(Reference to JUDICIARY AND ELECTIONS Committee amendment)

Amendment instruction key:

~~[GREEN UPPERCASE UNDERLINING IN BRACKETS]~~ indicates that the amendment is adding text to statute

or previously enacted session law.

~~[Green lowercase underlining in brackets]~~ indicates that the amendment is adding text to new session law or is restoring previously stricken text to existing statute.

~~[GREEN UPPERCASE STRIKEOUT IN BRACKETS]~~ indicates that the amendment is removing new text from statute or previously enacted session law.

~~[Green lowercase strikeout in brackets]~~ indicates that the amendment is removing text from existing statute, previously enacted session law or new session law.

~~<<Double green carets enclosing an entire section>>~~ indicates that the amendment is adding the section to the bill.

~~<<Green strikeout with double green carets enclosing an entire section>>~~ indicates that the amendment is removing the section to the bill.

~~{{ORANGE UPPERCASE UNDERLINING IN DOUBLE CURLY BRACKETS}}~~ indicates that the amendment to an amendment is adding text to statute or previously enacted session law.

~~{{Orange lowercase underlining in double curly brackets}}~~ indicates that the amendment to an amendment is adding text to new session law or is restoring previously stricken text to existing statute.

~~{{ORANGE UPPERCASE STRIKEOUT IN DOUBLE CURLY BRACKETS}}~~ indicates that the amendment to an amendment is removing new text from statute or previously enacted session law.

~~{{Orange lowercase strikeout in double curly brackets}}~~ indicates that the amendment to an amendment is removing text from existing statute, previously enacted session law or new session law.

~~≤≤Double orange underlined carets enclosing an entire section≥≥~~ indicate that the amendment to an amendment is adding the section to the bill.

~~≤≤Orange strikeout with double orange underlined carets enclosing an entire section≥≥~~ indicates that the amendment to an amendment is removing the section from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 13, chapter 18, Arizona Revised Statutes, is  
3 amended by adding section 13-1813, to read:

4 13-1813. Gift card theft; classification; definition

5 A. A PERSON COMMITS GIFT CARD THEFT IF, WITH THE INTENT TO DEFRAUD,  
6 THE PERSON KNOWINGLY DOES ANY OF THE FOLLOWING:

7 1. ACQUIRES POSSESSION OF A GIFT CARD OR GIFT CARD INFORMATION  
8 WITHOUT THE CONSENT OF THE GIFT CARD HOLDER, ISSUER OR SELLER.

9 2. ACQUIRES POSSESSION OF A GIFT CARD OR GIFT CARD INFORMATION BY  
10 EXPLOITING THE GIFT CARD HOLDER, ISSUER OR SELLER.

11 3. OBTAINS MONEY, GOODS, SERVICES OR ANYTHING ELSE OF VALUE WITH A  
12 GIFT CARD OR GIFT CARD INFORMATION THAT WAS ACQUIRED IN VIOLATION OF  
13 PARAGRAPH 1 OF THIS SUBSECTION.

14 B. GIFT CARD THEFT IS A CLASS ~~[3]~~[4] FELONY.

15 C. FOR THE PURPOSES OF THIS SECTION, "GIFT CARD" MEANS A PHYSICAL  
16 OR DIGITAL CLOSED-LOOP OR OPEN-LOOP GIFT CARD THAT IS ACTIVATED OR  
17 INACTIVATED.

1           Sec. 2. Section 13-2002, Arizona Revised Statutes, is amended to  
2 read:

3           13-2002. Forgery; classification; definitions

4           A. A person commits forgery if, with intent to defraud, the person:

5           1. Falsely makes, completes or alters a written instrument; or

6           2. Knowingly possesses a forged instrument; or

7           3. Offers or presents, whether accepted or not, a forged instrument  
8 or one that contains false information.

9           B. The possession of five or more forged instruments may give rise  
10 to an inference that the instruments are possessed with an intent to  
11 defraud.

12           C. Forgery is a class 4 felony [. INCLUDING IF THE FORGED  
13 INSTRUMENT IS A GIFT CARD], except that if the forged instrument is used  
14 in connection with the purchase, lease or renting of a dwelling that is  
15 used as a drop house [OR IF THE FORGED INSTRUMENT IS A GIFT CARD,] it is a  
16 class 3 felony.

17           D. For the purposes of this ~~subsection~~, SECTION:

18           1. "Drop house" means property that is used to facilitate smuggling  
19 pursuant to section 13-2319.

20           2. "GIFT CARD" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-1813.

21           ~~Sec. 3. Section 13-2310, Arizona Revised Statutes, is amended to~~  
22 ~~read:~~

23           ~~START\_STATUTE13-2310. Fraudulent schemes and artifices;~~  
24           ~~classification; definitions~~

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

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

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

38           ~~D. This state shall apply the aggregation prescribed by section~~  
39 ~~13-1801, subsection B to violations of this section in determining the~~  
40 ~~applicable punishment.~~

41           ~~E. For the purposes of this section: ,~~

42           ~~1. "GIFT CARD" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-1813.~~

43           ~~2. "Scheme or artifice to defraud" includes a scheme or artifice to~~  
44 ~~deprive a person of either of the following:~~

45           ~~(a) The intangible right of honest services.~~

46           ~~(b) A GIFT CARD OR GIFT CARD INFORMATION. END\_STATUTE>>~~

47 Enroll and engross to conform

48 Amend title to conform

DAVID GOWAN

02/26/2025  
04:29 PM  
S: ZD/ci