



ARIZONA STATE SENATE
Fifty-Seventh Legislature, Second Regular Session

AMENDED
FACT SHEET FOR H.B. 2460

business property; theft; penalties; prohibitions

Purpose

Declares the imposition of an ordinance, rule or regulation that penalizes a business for the theft of the movable property of the business to be a matter of statewide concern and preempts further regulation by a municipality or county. Allows the Attorney General (AG) or any business to bring an action regarding the prohibited regulation of the theft of movable property and entitles a business that prevails to reasonable attorney fees and costs.

Background

A person commits theft if, without lawful authority, the person knowingly controls or obtains the property or services of another, including instances in which the person: 1) controls the property of another with the intent to deprive the other person of the property; 2) obtains services or property of another by means of any material misrepresentation with intent to deprive the other person of the property or services; or 3) obtains services known to the defendant to be available only by compensation without paying for the service or establishing an agreement to pay for the service.

Theft of property or services is classified by value and is a: 1) class 2 felony for \$25,000 or more; 2) class 3 felony for amounts between \$4,000 and \$25,000; 3) class 4 felony for amounts between \$3,000 and \$4,000; 4) class 5 felony for amounts between \$2,000 and \$3,000; 5) class 6 felony for amounts between \$1,000 and \$2,000; and 6) class 1 misdemeanor for amounts that are less than \$1,000 ([A.R.S. § 13-1802](#)).

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

Provisions

1. Prohibits a municipality or county, notwithstanding any other law, from adopting or enforcing any ordinance, rule or regulation that imposes a penalty on a business for the theft of the movable property of the business.
2. Declares the regulation of the theft of movable property of a business to be a matter of statewide concern and not subject to further regulation by a municipality or county.
3. Prohibits a municipality or county from enforcing a penalty that:
 - a) imposes fines or fees for abandoned movable property that belongs to a business that is found off of property of the business;
 - b) requires a business to pay for the retrieval, storage or disposal of movable property that belongs to the business and that has been retrieved or collected by the municipality or county; and

- c) mandates that a business certify compliance with municipal or county retrieval programs under the threat of imposing a penalty if the noncompliance by the business is based on the theft of the movable property that belongs to the business.
- 4. Allows a municipality or county to:
 - a) notify a business of the location of the moveable property that belongs to the business and allow the business to voluntarily retrieve the movable property without imposing any fee;
 - b) institute criminal or civil penalties against a person who is responsible for the theft of movable property that belongs to a business; or
 - c) enact general nuisance abatement ordinances, rules or regulations that do not specifically include imposing a penalty on a business for the theft of movable property that belongs to the business.
- 5. Allows the AG or any business to bring an action in the superior court to enjoin a municipality or county from enforcing an ordinance, rule or regulation relating to the regulation of the theft of movable property of a business that is prohibited.
- 6. Entitles a business that prevails in an action brought relating to the regulation of the theft of movable property of a business to recovery of reasonable attorney fees and costs.
- 7. Defines *business* as any commercial enterprise that owns or provides movable property for use by the customers of the business.
- 8. Defines *moveable property* as:
 - a) tangible property that is owned by a business that is intended for temporary use by the customers of the business; and
 - b) including shopping carts and hand-held baskets.
- 9. Defines *theft* as unauthorized taking, removing or abandoning movable property that belongs to a business by a person other than the owner of the business or an owner's authorized agent.
- 10. Contains a severability clause.
- 11. Contains a statement of legislative findings.
- 12. Designates this legislation as the *Completely Asinine Rule Termination (CART) Act*.
- 13. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Makes technical changes.

House Action

Senate Action

GOV 1/28/26 DP 4-3-0-0
3rd Read 2/25/26 31-23-6

GOV 3/25/26 DPA 4-2-1