

Senate Engrossed

vulnerable adults; theft; definitions

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1512

AN ACT

AMENDING SECTION 13-1802, ARIZONA REVISED STATUTES; RELATING TO THEFT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1802, Arizona Revised Statutes, is amended to
3 read:

4 13-1802. Theft; classification; definitions

5 A. A person commits theft if, without lawful authority, the person
6 knowingly:

7 1. Controls property of another with the intent to deprive the
8 other person of such property; or

9 2. Converts for an unauthorized term or use services or property of
10 another entrusted to the defendant or placed in the defendant's possession
11 for a limited, authorized term or use; or

12 3. Obtains services or property of another by means of any material
13 misrepresentation with intent to deprive the other person of such property
14 or services; or

15 4. Comes into control of lost, mislaid or misdelivered property of
16 another under circumstances providing means of inquiry as to the true
17 owner and appropriates such property to the person's own or another's use
18 without reasonable efforts to notify the true owner; or

19 5. Controls property of another knowing or having reason to know
20 that the property was stolen; or

21 6. Obtains services known to the defendant to be available only for
22 compensation without paying or an agreement to pay the compensation or
23 diverts another's services to the person's own or another's benefit
24 without authority to do so; or

25 7. Controls the ferrous metal or nonferrous metal of another with
26 the intent to deprive the other person of the metal; or

27 8. Controls the ferrous metal or nonferrous metal of another
28 knowing or having reason to know that the metal was stolen; or

29 9. Purchases within the scope of the ordinary course of business
30 the ferrous metal or nonferrous metal of another person knowing that the
31 metal was stolen.

32 B. A person commits theft if, without lawful authority, the person
33 knowingly takes control, title, use or management of a vulnerable adult's
34 property while acting in a position of trust and confidence and with the
35 intent to deprive the vulnerable adult of the property. Proof that a
36 person took control, title, use or management of a vulnerable adult's
37 property without adequate consideration to the vulnerable adult may give
38 rise to an inference that the person intended to deprive the vulnerable
39 adult of the property.

40 C. It is an affirmative defense to any prosecution under subsection
41 B of this section that either:

42 1. The property was given as a gift consistent with a pattern of
43 gift giving to the person that existed before the adult became vulnerable.

1 2. The property was given as a gift consistent with a pattern of
2 gift giving to a class of individuals that existed before the adult became
3 vulnerable.

4 3. The superior court approved the transaction before the
5 transaction occurred.

6 D. The inferences set forth in section 13-2305 apply to any
7 prosecution under subsection A, paragraph 5 of this section.

8 E. At the conclusion of any grand jury proceeding, hearing or
9 trial, the court shall preserve any trade secret that is admitted in
10 evidence or any portion of a transcript that contains information relating
11 to the trade secret pursuant to section 44-405.

12 F. Subsection B of this section does not apply to an agent who is
13 acting within the scope of the agent's duties as or on behalf of a health
14 care institution that is licensed pursuant to title 36, chapter 4 and that
15 provides services to the vulnerable adult.

16 G. Theft of property or services with a value of ~~twenty-five~~
17 ~~thousand dollars~~ \$25,000 or more is a class 2 felony. Theft of property
18 or services with a value of ~~four thousand dollars~~ \$4,000 or more but less
19 than ~~twenty-five thousand dollars~~ \$25,000 is a class 3 felony. Theft of
20 property or services with a value of ~~three thousand dollars~~ \$3,000 or more
21 but less than ~~four thousand dollars~~ \$4,000 is a class 4 felony, except
22 that theft of any vehicle engine or transmission is a class 4 felony
23 regardless of value. Theft of property or services with a value of ~~two~~
24 ~~thousand dollars~~ \$2,000 or more but less than ~~three thousand dollars~~
25 \$3,000 is a class 5 felony. Theft of property or services with a value of
26 ~~one thousand dollars~~ \$1,000 or more but less than ~~two thousand dollars~~
27 \$2,000 is a class 6 felony. Theft of any property or services valued at
28 less than ~~one thousand dollars~~ \$1,000 is a class 1 misdemeanor, unless the
29 property is taken from the person of another, is a firearm or is an animal
30 taken for the purpose of animal fighting in violation of section
31 13-2910.01, in which case the theft is a class 6 felony.

32 H. A person who is convicted of a violation of subsection A,
33 paragraph 1 or 3 of this section that involved property with a value of
34 ~~one hundred thousand dollars~~ \$100,000 or more is not eligible for
35 suspension of sentence, probation, pardon or release from confinement on
36 any basis except pursuant to section 31-233, subsection A or B until the
37 sentence imposed by the court has been served, the person is eligible for
38 release pursuant to section 41-1604.07 or the sentence is commuted.

39 I. For the purposes of this section, the value of ferrous metal or
40 nonferrous metal includes the amount of any damage to the property of
41 another caused as a result of the theft of the metal.

42 J. In an action for theft of ferrous metal or nonferrous metal:

43 1. Unless satisfactorily explained or acquired in the ordinary
44 course of business by an automotive recycler that is licensed pursuant to
45 title 28, chapter 10 or by a scrap metal dealer as defined in section

1 44-1641, proof of possession of scrap metal that was recently stolen may
2 give rise to an inference that the person in possession of the scrap metal
3 was aware of the risk that it had been stolen or in some way participated
4 in its theft.

5 2. Unless satisfactorily explained or sold in the ordinary course
6 of business by an automotive recycler that is licensed pursuant to title
7 28, chapter 10 or by a scrap metal dealer as defined in section 44-1641,
8 proof of the sale of stolen scrap metal at a price substantially below its
9 fair market value may give rise to an inference that the person selling
10 the scrap metal was aware of the risk that it had been stolen.

11 K. For the purposes of this section:

12 1. "Adequate consideration" means the property was given to the
13 person as payment for bona fide goods or services provided by the person
14 and the payment was at a rate that was customary for similar goods or
15 services in the community that the vulnerable adult resided in at the time
16 of the transaction.

17 2. "Ferrous metal" has the same meaning prescribed in section
18 44-1641.

19 3. "Pattern of gift giving" means two or more gifts that are the
20 same or similar in type and monetary value.

21 4. "Position of trust and confidence" ~~has the same meaning~~
22 ~~prescribed in section 46-456~~ MEANS A PERSON WHO IS ANY OF THE FOLLOWING:

23 (a) A PERSON WHO HAS ASSUMED A DUTY TO PROVIDE CARE TO A VULNERABLE
24 ADULT.

25 (b) A JOINT TENANT OR A TENANT IN COMMON WITH A VULNERABLE ADULT.

26 (c) A PERSON WHO IS IN A FIDUCIARY RELATIONSHIP WITH A VULNERABLE
27 ADULT, INCLUDING A DE FACTO GUARDIAN OR DE FACTO CONSERVATOR.

28 (d) A PERSON WHO IS IN A CONFIDENTIAL RELATIONSHIP WITH A
29 VULNERABLE ADULT. THE ISSUE OF WHETHER A CONFIDENTIAL RELATIONSHIP EXISTS
30 IS AN ISSUE OF FACT TO BE DECIDED BY THE COURT BASED ON THE TOTALITY OF
31 THE CIRCUMSTANCES.

32 (e) A BENEFICIARY OF A VULNERABLE ADULT IN A GOVERNING INSTRUMENT.

33 (f) A PERSON WHO HAS FORMED A RELATIONSHIP OF TRUST OR RELIANCE
34 WITH A VULNERABLE ADULT WHERE THE VULNERABLE ADULT IS LIKELY TO RELY ON
35 THAT PERSON TO ACT IN GOOD FAITH FOR THE VULNERABLE ADULT'S INTEREST.

36 5. "Property" includes all forms of real property and personal
37 property.

38 6. "Vulnerable adult" ~~has the same meaning prescribed in section~~
39 ~~46-451~~ MEANS AN INDIVIDUAL WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND WHO
40 IS UNABLE TO PROTECT HIMSELF FROM ABUSE, NEGLECT OR EXPLOITATION BY OTHERS
41 BECAUSE OF A PHYSICAL OR MENTAL IMPAIRMENT. VULNERABLE ADULT INCLUDES:

42 (a) AN INCAPACITATED PERSON AS DEFINED IN SECTION 14-5101.

43 (b) A PERSON WHO IS SIXTY-FIVE YEARS OF AGE OR OLDER AND WHO MEETS
44 ONE OR MORE OF THE FOLLOWING CRITERIA:

1 (i) HAS EXPERIENCED THE DEATH OF A SPOUSE, DOMESTIC PARTNER OR
2 PRIMARY CAREGIVER WITHIN THE PRECEDING TWELVE MONTHS.

3 (ii) HAS A MEDICALLY DOCUMENTED IMPAIRMENT OF SIGHT OR HEARING THAT
4 SIGNIFICANTLY LIMITS THE PERSON'S ABILITY TO RECEIVE OR INTERPRET
5 INFORMATION ACCURATELY.

6 (iii) IS DIAGNOSED WITH A CHRONIC ILLNESS OR CONDITION THAT
7 MATERIALLY AFFECTS COGNITION, STAMINA OR DECISION-MAKING CAPACITY,
8 INCLUDING METABOLIC DISORDERS, NEURODEGENERATIVE DISEASES, MALNUTRITION OR
9 SLEEP DEPRIVATION.

10 (iv) IS DEPENDENT, IN WHOLE OR IN PART, ON ANOTHER PERSON FOR
11 FINANCIAL MANAGEMENT, TRANSPORTATION, CAREGIVING, ACCESS TO MEDICATIONS OR
12 HOUSING WHERE THE DEPENDENCY CREATES A SUBSTANTIAL RISK OF UNDUE INFLUENCE
13 OR COERCION.

14 (v) EXHIBITS SIGNS OF SOCIAL, EMOTIONAL OR PSYCHOLOGICAL ISOLATION
15 THAT MATERIALLY IMPAIR THE PERSON'S ABILITY TO RECOGNIZE, RESIST OR REPORT
16 FINANCIAL EXPLOITATION.