

REFERENCE TITLE: *criminal monetary thresholds; offense classifications*

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

## **SB 1820**

Introduced by  
Senator Farnsworth

### AN ACT

AMENDING SECTIONS 13-1602, 13-1604, 13-1703, 13-1802, 13-1805, 13-1807, 13-1818, 13-2103, 13-2105, 13-2108, 13-2109, 13-2310, 13-2605, 13-3701, 13-3713, 13-3730 AND 13-3731, ARIZONA REVISED STATUTES; RELATING TO CRIMINAL MONETARY THRESHOLDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 13-1602, Arizona Revised Statutes, is amended to  
3 read:  
4 13-1602. Criminal damage; classification  
5 A. A person commits criminal damage by:  
6 1. Recklessly defacing or damaging property of another person.  
7 2. Recklessly tampering with property of another person so as  
8 substantially to impair its function or value.  
9 3. Recklessly damaging property of a utility.  
10 4. Recklessly physically obstructing a passageway in such a manner  
11 as to deprive livestock of access to the only reasonably available water.  
12 5. Recklessly drawing or inscribing a message, slogan, sign or  
13 symbol that is made on any public or private building, structure or  
14 surface, except the ground, and that is made without permission of the  
15 owner.  
16 6. Intentionally tampering with utility property.  
17 ~~C.~~ B. For a violation of subsection A, paragraph 5 of this  
18 section, in determining the amount of damage to property, damages include  
19 reasonable labor costs of any kind, reasonable material costs of any kind  
20 and any reasonable costs that are attributed to equipment that is used to  
21 abate or repair the damage to the property.  
22 ~~B.~~ C. Criminal damage is punished as follows:  
23 1. Criminal damage is a class 4 felony if the person recklessly  
24 damages property of another in an amount of ~~\$10,000~~ \$13,800 or more.  
25 2. Criminal damage is a class 4 felony if the person recklessly  
26 damages the property of a utility in an amount of ~~\$5,000~~ \$7,000 or more or  
27 if the person intentionally tampers with utility property and the damage  
28 causes an imminent safety hazard to any person.  
29 3. Criminal damage is a class 5 felony if the person recklessly  
30 damages property of another in an amount of ~~\$2,000~~ \$2,800 or more but less  
31 than ~~\$10,000~~ \$13,800 or if the damage is inflicted to promote, further or  
32 assist any criminal street gang or criminal syndicate with the intent to  
33 intimidate and the person is not subject to paragraph 1 or 2 of this  
34 subsection.  
35 4. Criminal damage is a class 6 felony if the person recklessly  
36 damages property of another in an amount of ~~\$1,000~~ \$1,400 or more but less  
37 than ~~\$2,000~~ \$2,800.  
38 5. Criminal damage is a class 1 misdemeanor if the person  
39 recklessly damages property of another in an amount of more than ~~\$250~~ \$400  
40 but less than ~~\$1,000~~ \$1,400.  
41 6. In all other cases criminal damage is a class 2 misdemeanor.

1           Sec. 2. Section 13-1604, Arizona Revised Statutes, is amended to  
2 read:

3           13-1604. Aggravated criminal damage; classification

4           A. A person commits aggravated criminal damage by intentionally or  
5 recklessly without the express permission of the owner:

6           1. Defacing, damaging or in any way changing the appearance of any  
7 building, structure, personal property or place used for worship or any  
8 religious purpose.

9           2. Defacing or damaging any building, structure or place used as a  
10 school or as an educational facility.

11           3. Defacing, damaging or tampering with any cemetery, mortuary or  
12 personal property of the cemetery or mortuary or other facility used for  
13 the purpose of burial or memorializing the dead.

14           4. Defacing, damaging or tampering with any utility or agricultural  
15 infrastructure or property, construction site or existing structure for  
16 the purpose of obtaining nonferrous metals.

17           ~~B.~~ B. In determining the amount of damage to property, damages  
18 include the cost of repair or replacement of the property that was  
19 damaged, the cost of the loss of crops and livestock, reasonable labor  
20 costs of any kind, reasonable material costs of any kind and any  
21 reasonable costs that are attributed to equipment that is used to abate or  
22 repair the damage to the property.

23           ~~B.~~ C. Aggravated criminal damage is punishable as follows:

24           1. If the person intentionally or recklessly does any act described  
25 in subsection A of this section that causes damage to the property of  
26 another in an amount of ~~ten thousand dollars~~ \$14,300 or more, aggravated  
27 criminal damage:

28           (a) Resulting from actions described in subsection A, paragraph 1,  
29 2 or 3 of this section is a class 4 felony.

30           (b) Resulting from actions described in subsection A, paragraph 4  
31 of this section is a class 3 felony.

32           2. If the person intentionally or recklessly damages property of  
33 another in an amount of ~~one thousand five hundred dollars~~ \$2,100 or more  
34 but less than ~~ten thousand dollars~~ \$14,300, aggravated criminal damage:

35           (a) Resulting from actions described in subsection A, paragraph 1,  
36 2 or 3 of this section is a class 5 felony.

37           (b) Resulting from actions described in subsection A, paragraph 4  
38 of this section is a class 4 felony.

39           3. In all other cases aggravated criminal damage is:

40           (a) A class 6 felony if it results from actions described in  
41 subsection A, paragraph 1, 2 or 3 of this section.

42           (b) A class 5 felony if it results from actions described in  
43 subsection A, paragraph 4 of this section.

1           Sec. 3. Section 13-1703, Arizona Revised Statutes, is amended to  
2 read:

3           13-1703. Arson of a structure or property; classification

4           A. A person commits arson of a structure or property by knowingly  
5 and unlawfully damaging a structure or property by knowingly causing a  
6 fire or explosion.

7           B. Arson of a structure is a class 4 felony. Arson of property is  
8 a class 4 felony if the property had a value of more than ~~one thousand~~  
9 ~~dollars~~ \$4,000. Arson of property is a class 5 felony if the property had  
10 a value of more than ~~one hundred dollars~~ \$400 but not more than ~~one~~  
11 ~~thousand dollars~~ \$4,000. Arson of property is a class 1 misdemeanor if the  
12 property had a value of ~~one hundred dollars~~ \$400 or less.

13           Sec. 4. Section 13-1802, Arizona Revised Statutes, is amended to  
14 read:

15           13-1802. Theft; classification; definitions

16           A. A person commits theft if, without lawful authority, the person  
17 knowingly:

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

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

23           3. Obtains services or property of another by means of any material  
24 misrepresentation with intent to deprive the other person of such property  
25 or services; or

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

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

32           6. Obtains services known to the defendant to be available only for  
33 compensation without paying or an agreement to pay the compensation or  
34 diverts another's services to the person's own or another's benefit  
35 without authority to do so; or

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

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

40           9. Purchases within the scope of the ordinary course of business  
41 the ferrous metal or nonferrous metal of another person knowing that the  
42 metal was stolen.

1 B. A person commits theft if, without lawful authority, the person  
2 knowingly takes control, title, use or management of a vulnerable adult's  
3 property while acting in a position of trust and confidence and with the  
4 intent to deprive the vulnerable adult of the property. Proof that a  
5 person took control, title, use or management of a vulnerable adult's  
6 property without adequate consideration to the vulnerable adult may give  
7 rise to an inference that the person intended to deprive the vulnerable  
8 adult of the property.

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

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

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

16 3. The superior court approved the transaction before the  
17 transaction occurred.

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

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

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

28 G. Theft of property or services with a value of ~~twenty-five~~  
29 ~~thousand dollars~~ \$36,500 or more is a class 2 felony. Theft of property  
30 or services with a value of ~~four thousand dollars~~ \$5,800 or more but less  
31 than ~~twenty-five thousand dollars~~ \$36,500 is a class 3 felony. Theft of  
32 property or services with a value of ~~three thousand dollars~~ \$4,400 or more  
33 but less than ~~four thousand dollars~~ \$5,800 is a class 4 felony, except  
34 that theft of any vehicle engine or transmission is a class 4 felony  
35 regardless of value. Theft of property or services with a value of ~~two~~  
36 ~~thousand dollars~~ \$2,900 or more but less than ~~three thousand dollars~~  
37 \$4,400 is a class 5 felony. Theft of property or services with a value of  
38 ~~one thousand dollars~~ \$1,500 or more but less than ~~two thousand dollars~~  
39 \$2,900 is a class 6 felony. Theft of any property or services valued at  
40 less than ~~one thousand dollars~~ \$1,500 is a class 1 misdemeanor, unless the  
41 property is taken from the person of another, is a firearm or is an animal  
42 taken for the purpose of animal fighting in violation of section  
43 13-2910.01, in which case the theft is a class 6 felony.

1 H. A person who is convicted of a violation of subsection A,  
2 paragraph 1 or 3 of this section that involved property with a value of  
3 ~~one hundred thousand dollars~~ \$175,000 or more is not eligible for  
4 suspension of sentence, probation, pardon or release from confinement on  
5 any basis except pursuant to section 31-233, subsection A or B until the  
6 sentence imposed by the court has been served, the person is eligible for  
7 release pursuant to section 41-1604.07 or the sentence is commuted.

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

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

12 1. Unless satisfactorily explained or acquired in the ordinary  
13 course of business by an automotive recycler that is licensed pursuant to  
14 title 28, chapter 10 or by a scrap metal dealer as defined in section  
15 44-1641, proof of possession of scrap metal that was recently stolen may  
16 give rise to an inference that the person in possession of the scrap metal  
17 was aware of the risk that it had been stolen or in some way participated  
18 in its theft.

19 2. Unless satisfactorily explained or sold in the ordinary course  
20 of business by an automotive recycler that is licensed pursuant to title  
21 28, chapter 10 or by a scrap metal dealer as defined in section 44-1641,  
22 proof of the sale of stolen scrap metal at a price substantially below its  
23 fair market value may give rise to an inference that the person selling  
24 the scrap metal was aware of the risk that it had been stolen.

25 K. For the purposes of this section:

26 1. "Adequate consideration" means the property was given to the  
27 person as payment for bona fide goods or services provided by the person  
28 and the payment was at a rate that was customary for similar goods or  
29 services in the community that the vulnerable adult resided in at the time  
30 of the transaction.

31 2. "Ferrous metal" has the same meaning prescribed in section  
32 44-1641.

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

35 4. "Position of trust and confidence" has the same meaning  
36 prescribed in section 46-456.

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

39 6. "Vulnerable adult" has the same meaning prescribed in section  
40 46-451.

1           Sec. 5. Section 13-1805, Arizona Revised Statutes, is amended to  
2 read:

3           13-1805. Shoplifting; detaining suspect; defense to wrongful  
4                                   detention; civil action by merchant; public  
5                                   services; classification

6           A. A person commits shoplifting if, while in an establishment in  
7 which merchandise is displayed for sale, the person knowingly obtains such  
8 goods of another with the intent to deprive that person of such goods by:

9           1. Removing any of the goods from the immediate display or from any  
10 other place within the establishment without paying the purchase price; or

11           2. Charging the purchase price of the goods to a fictitious person  
12 or any person without that person's authority; or

13           3. Paying less than the purchase price of the goods by some trick  
14 or artifice such as altering, removing, substituting or otherwise  
15 disfiguring any label, price tag or marking; or

16           4. Transferring the goods from one container to another; or

17           5. Concealment.

18           B. A person is presumed to have the necessary culpable mental state  
19 pursuant to subsection A of this section if the person does either of the  
20 following:

21           1. Knowingly conceals on himself or another person unpurchased  
22 merchandise of any mercantile establishment while within the mercantile  
23 establishment.

24           2. Uses an artifice, instrument, container, device or other article  
25 to facilitate the shoplifting.

26           C. A merchant, or a merchant's agent or employee, with reasonable  
27 cause, may detain on the premises in a reasonable manner and for a  
28 reasonable time any person who is suspected of shoplifting as prescribed  
29 in subsection A of this section for questioning or summoning a law  
30 enforcement officer.

31           D. Reasonable cause is a defense to a civil or criminal action  
32 against a peace officer, a merchant or an agent or employee of the  
33 merchant for false arrest, false or unlawful imprisonment or wrongful  
34 detention.

35           E. If a minor engages in conduct that violates subsection A of this  
36 section, notwithstanding the fact that the minor may not be held  
37 responsible because of the person's minority, any merchant who is injured  
38 by the shoplifting of the minor may bring a civil action against the  
39 parent or legal guardian of the minor under either section 12-661 or  
40 12-692.

41           F. Any merchant who is injured by the shoplifting of an adult or  
42 emancipated minor in violation of subsection A of this section may bring a  
43 civil action against the adult or emancipated minor pursuant to section  
44 12-691.

1 G. In imposing sentence on a person who is convicted of violating  
2 this section, the court may require any person to perform public services  
3 designated by the court in addition to or in lieu of any fine that the  
4 court might impose.

5 H. Shoplifting property with a value of ~~two thousand dollars~~ \$2,900  
6 or more, shoplifting property during any continuing criminal episode or  
7 shoplifting property if done to promote, further or assist any criminal  
8 street gang or criminal syndicate is a class 5 felony. Shoplifting  
9 property with a value of ~~one thousand dollars~~ \$1,500 or more but less than  
10 ~~two thousand dollars~~ \$2,900 is a class 6 felony. Shoplifting property  
11 valued at less than ~~one thousand dollars~~ \$1,500 is a class 1 misdemeanor,  
12 unless the property is a firearm in which case the shoplifting is a class  
13 6 felony. For the purposes of this subsection, "continuing criminal  
14 episode" means theft of property with a value of ~~one thousand five hundred~~  
15 ~~dollars~~ \$2,900 or more if committed during at least three separate  
16 incidences within a period of ninety consecutive days.

17 I. A person who in the course of shoplifting uses an artifice,  
18 instrument, container, device or other article with the intent to  
19 facilitate shoplifting or who commits shoplifting and who has previously  
20 committed or been convicted within the past five years of two or more  
21 offenses involving burglary, shoplifting, robbery, organized retail theft  
22 or theft is guilty of a class 4 felony.

23 Sec. 6. Section 13-1807, Arizona Revised Statutes, is amended to  
24 read:

25 13-1807. Issuing a bad check; violation; classification

26 A. A person commits issuing a bad check if the person issues or  
27 passes a check knowing that the person does not have sufficient funds in  
28 or on deposit with the bank or other drawee for the payment in full of the  
29 check as well as all other checks outstanding at the time of issuance.

30 B. Any of the following is a defense to prosecution under this  
31 section:

32 1. The payee or holder knows or has been expressly notified before  
33 the drawing of the check or has reason to believe that the drawer did not  
34 have on deposit or to the drawer's credit with the drawee sufficient funds  
35 to ensure payment on its presentation.

36 2. The check is postdated and sufficient funds are on deposit with  
37 the drawee on such later date for the payment in full of the check.

38 3. Insufficiency of funds results from an adjustment to the  
39 person's account by the credit institution without notice to the person.

40 C. ~~Nothing in~~ This section ~~prohibits~~ DOES NOT PROHIBIT prosecution  
41 for any other applicable criminal offense.

42 D. Except as provided in subsection E of this section, issuing a  
43 bad check is a class 1 misdemeanor.

44 E. Issuing a bad check in an amount of ~~five thousand dollars~~ \$7,100  
45 or more is a class 6 felony if the person fails to pay the full amount of

1 the check, including accrued interest at the rate of twelve ~~per cent~~  
2 PERCENT per year and any other applicable fees pursuant to this chapter,  
3 within sixty days after receiving notice pursuant to section 13-1808.

4 Sec. 7. Section 13-1818, Arizona Revised Statutes, is amended to  
5 read:

6 13-1818. Misappropriation of charter school monies;  
7 violation; classification

8 A. A person commits misappropriation of charter school monies if  
9 without lawful authority and with an intent to defraud the person converts  
10 monies provided by this state under a charter school contract in a manner  
11 that does not further the purposes of the charter and is not reasonably  
12 related to the business of the charter school.

13 B. A violation of subsection A is a class 4 felony, except that if  
14 the amount of monies converted is ~~twenty-five thousand dollars~~ \$41,700 or  
15 more a violation of subsection A is a class 2 felony.

16 Sec. 8. Section 13-2103, Arizona Revised Statutes, is amended to  
17 read:

18 13-2103. Receipt of anything of value obtained by fraudulent  
19 use of a credit card; classification

20 A. A person, being a third party, commits receipt of anything of  
21 value obtained by fraudulent use of a credit card by buying or receiving  
22 or attempting to buy or receive money, goods, services or any other thing  
23 of value obtained in violation of section 13-2105, knowing or believing  
24 that it was so obtained.

25 B. Receipt of anything of value obtained by fraudulent use of a  
26 credit card is a class 1 misdemeanor if the value of the property bought  
27 or received or attempted to be bought or received is less than ~~two hundred~~  
28 ~~fifty dollars~~ \$400. If the value of the property bought or received or  
29 attempted to be bought or received is ~~two hundred fifty dollars~~ \$400 or  
30 more but less than ~~one thousand dollars~~ \$1,800 the offense is a class 6  
31 felony. If the value of the property bought or received or attempted to  
32 be bought or received is ~~one thousand dollars~~ \$1,800 or more the offense  
33 is a class 5 felony. Amounts obtained by fraudulent use of a credit card  
34 pursuant to one scheme or course of conduct, whether from one or several  
35 persons, may be aggregated in determining the classification of offense.

36 Sec. 9. Section 13-2105, Arizona Revised Statutes, is amended to  
37 read:

38 13-2105. Fraudulent use of a credit card; classification

39 A. A person commits fraudulent use of a credit card if the person:

40 1. With intent to defraud, uses, for the purposes of obtaining or  
41 attempting to obtain money, goods, services or any other thing of value, a  
42 credit card or credit card number THAT IS obtained or retained in  
43 violation of this chapter or a credit card or credit card number ~~which~~  
44 THAT the person knows is forged, expired, ~~cancelled~~ CANCELED or revoked;  
45 or

1           2. Obtains or attempts to obtain money, goods, services or any  
2 other thing of value by representing, without the consent of the  
3 cardholder, that the person is the holder ~~to~~ OF a specified CREDIT card or  
4 by representing that the person is the holder of a credit card and the  
5 CREDIT card has not in fact been issued.

6           B. Fraudulent use of a credit card is a class 1 misdemeanor. If  
7 the value of all money, goods, services and other things of value obtained  
8 or attempted to be obtained in violation of this section is ~~two hundred~~  
9 ~~fifty dollars~~ \$400 or more but less than ~~one thousand dollars~~ \$1,800 in  
10 any consecutive six-month period the offense is a class 6 felony. If the  
11 value of all money, goods, services and other things of value obtained or  
12 attempted to be obtained in violation of this section is ~~one thousand~~  
13 ~~dollars~~ \$1,800 or more in any consecutive six-month period the offense is  
14 a class 5 felony.

15           Sec. 10. Section 13-2108, Arizona Revised Statutes, is amended to  
16 read:

17           13-2108. Fraud by person authorized to provide goods or  
18 services; classification

19           A. A person commits fraud by a person authorized to provide goods  
20 or services if ~~such~~ THE person knowingly:

21           1. Furnishes money, goods, services or any other thing of value  
22 ~~upon~~ ON presentation of a credit card THAT IS obtained or retained in  
23 violation of section 13-2102 or a credit card ~~which such~~ THAT THE person  
24 knows is forged, expired, ~~cancelled~~ CANCELED or revoked.

25           2. Fails to furnish money, goods, services or any other thing of  
26 value which such person represents in writing to the issuer or a  
27 participating party that such person has furnished, and who receives any  
28 payment therefor.

29           B. Except as provided in subsections C and D OF THIS SECTION, fraud  
30 by a person authorized to provide goods or services ~~in subsection A,~~  
31 ~~paragraphs 1 and 2~~ is a class 1 misdemeanor.

32           C. If the payment received by the person for all money, goods,  
33 services or other things of value furnished in violation of subsection A,  
34 paragraph 1 exceeds ~~one hundred dollars~~ \$400 in any consecutive six-month  
35 period, the offense is a class 6 felony.

36           D. If the difference between the value of all monies, goods,  
37 services or any other thing of value actually furnished and the payment or  
38 payments received by the person therefor ~~upon such~~ ON THE representation  
39 in violation of subsection A, paragraph 2 exceeds ~~one hundred dollars~~ \$400  
40 in any consecutive six-month period, the offense is a class 6 felony.

1           Sec. 11. Section 13-2109, Arizona Revised Statutes, is amended to  
2 read:

3           13-2109. Credit card transaction record theft; classification

4           A. A person commits credit card transaction record theft by:

5           1. If the person is a merchant, knowingly presenting for payment to  
6 a participating party, with intent to defraud, a credit card transaction  
7 record of a sale that was not made by the merchant.

8           2. Knowingly and without the participating party's authorization  
9 commanding, encouraging, requesting or soliciting a merchant to present  
10 for payment to the participating party a credit card transaction record of  
11 a sale that was not made by the merchant.

12           B. In order to determine the classification of the offense, the  
13 state may aggregate in the indictment or information amounts that were  
14 taken from one or more persons in credit card transaction record theft  
15 that was committed pursuant to one scheme or course of conduct.

16           C. Credit card transaction record theft with a value of ~~twenty-five~~  
17 ~~thousand dollars~~ \$49,700 or more is a class 2 felony. Credit card  
18 transaction record theft with a value of at least ~~three thousand dollars~~  
19 \$5,900 but less than ~~twenty-five thousand dollars~~ \$49,700 is a class 3  
20 felony. Credit card transaction record theft with a value of at least ~~two~~  
21 ~~thousand dollars~~ \$3,700 but less than ~~three thousand dollars~~ \$5,900 is a  
22 class 4 felony. Credit card transaction record theft with a value of at  
23 least ~~one thousand dollars~~ \$2,000 but less than ~~two thousand dollars~~  
24 \$3,700 is a class 5 felony. Credit card transaction record theft with a  
25 value of at least ~~five hundred dollars~~ \$1,000 but less than ~~one thousand~~  
26 ~~dollars~~ \$2,000 is a class 6 felony. Credit card transaction record theft  
27 with a value of less than ~~five hundred dollars~~ \$1,000 is a class 1  
28 misdemeanor.

29           D. A person who is convicted of a violation of this section that  
30 involved an amount of at least ~~one hundred thousand dollars~~ \$200,000 is  
31 not eligible for suspension of sentence, probation, pardon, or release  
32 from confinement on any other basis except pursuant to section 31-233,  
33 subsection A or B until the sentence imposed by the court has been served,  
34 the person is eligible for release pursuant to section 41-1604.07 or the  
35 sentence is commuted.

36           Sec. 12. Section 13-2310, Arizona Revised Statutes, is amended to  
37 read:

38           13-2310. Fraudulent schemes and artifices; classification;  
39 definition

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

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

3 C. A person who is convicted of a violation of this section that  
4 involved a benefit with a value of ~~one hundred thousand dollars~~ \$175,000  
5 or more or the manufacture, sale or marketing of opioids is not eligible  
6 for suspension of sentence, probation, pardon or release from confinement  
7 on any basis except pursuant to section 31-233, subsection A or B until  
8 the sentence imposed by the court has been served, the person is eligible  
9 for release pursuant to section 41-1604.07 or the sentence is commuted.

10 D. This state shall apply the aggregation prescribed by section  
11 13-1801, subsection B to violations of this section in determining the  
12 applicable punishment.

13 E. For the purposes of this section, "scheme or artifice to  
14 defraud" includes a scheme or artifice to deprive a person of the  
15 intangible right of honest services.

16 Sec. 13. Section 13-2605, Arizona Revised Statutes, is amended to  
17 read:

18 13-2605. Commercial bribery; classification; exception

19 A. A person commits commercial bribery if:

20 1. ~~Such~~ THE person confers any benefit on an employee without the  
21 consent of ~~such~~ THE employee's employer, corruptly intending that ~~such~~ THE  
22 benefit will influence the conduct of the employee in relation to the  
23 employer's commercial affairs, and the conduct of the employee causes  
24 economic loss to the employer.

25 2. While an employee of an employer ~~such~~ THE employee accepts any  
26 benefit from another person, corruptly intending that ~~such~~ THE benefit  
27 will influence his conduct in relation to the employer's commercial  
28 affairs, and ~~such~~ THE conduct causes economic loss to the employer or  
29 principal.

30 B. Commercial bribery is a class 5 felony if the value of the  
31 benefit is more than ~~one thousand dollars~~ \$3,600. Commercial bribery is a  
32 class 6 felony if the value of the benefit is not more than ~~one thousand~~  
33 ~~dollars~~ \$3,600 but not less than ~~one hundred dollars~~ \$300. Commercial  
34 bribery is a class 1 misdemeanor if the value of the benefit is less than  
35 ~~one hundred dollars~~ \$300.

36 C. This section ~~shall~~ DOES not ~~be construed to~~ prohibit a person  
37 from recruiting an employee of another employer unless, pursuant to an  
38 agreement between ~~such~~ THE person and the employee that ~~such~~ THE employee  
39 engage in conduct ~~which~~ THAT will cause economic loss to his employer,  
40 ~~such~~ THE employee engages in conduct while an employee of his original  
41 employer and ~~such~~ THE conduct causes economic loss to the employer.



1 (g) Meals that are prepared for and served by an authorized public  
2 or private nonprofit establishment, including a soup kitchen or temporary  
3 shelter, that is approved by an appropriate state or local agency and that  
4 feeds homeless persons.

5 (h) Meals that are prepared by a restaurant that contracts with an  
6 appropriate state agency to serve meals at low or reduced prices to  
7 homeless persons and households in which all ~~persons~~ RESIDENTS are elderly  
8 or ~~disabled~~ HAVE A DISABILITY.

9 2. "Food stamps" includes food stamp coupons and electronically  
10 transferred supplemental nutrition assistance program benefits.

11 Sec. 15. Section 13-3713, Arizona Revised Statutes, is amended to  
12 read:

13 13-3713. Consideration for referral of patient, client or  
14 customer; fraud; violation; classification

15 A. Except for payments from a medical researcher to a physician  
16 licensed pursuant to title 32, chapter 13 or 17 in connection with  
17 identifying and monitoring patients for a clinical trial regulated by the  
18 United States food and drug administration, a person who knowingly offers,  
19 delivers, receives or accepts any rebate, refund, commission, preference  
20 or other consideration as compensation for referring a patient, client or  
21 customer to any individual, pharmacy, laboratory, clinic or health care  
22 institution providing medical or health-related services or items pursuant  
23 to title 11, chapter 2, article 7 or title 36, chapter 29, other than  
24 specifically provided for in accordance with title 11, chapter 2, article  
25 7 or title 36, chapter 29, is guilty of:

26 1. A class 3 felony if the consideration had a value of ~~one~~  
27 ~~thousand dollars~~ \$3,000 or more.

28 2. A class 4 felony if the consideration had a value of more than  
29 ~~one hundred dollars~~ \$300 but less than ~~one thousand dollars~~ \$3,000.

30 3. A class 6 felony if the consideration had a value of ~~one hundred~~  
31 ~~dollars~~ \$300 or less.

32 B. A person who knowingly presents false information or  
33 misrepresents or conceals a material fact on an application for medical or  
34 health coverage pursuant to title 36, chapter 29 or section 11-291 or who  
35 knowingly fails to notify the county of residence of a change in  
36 conditions that, if notification had been made, would have resulted in  
37 termination of eligibility or change in eligibility status for medical or  
38 health coverage pursuant to title 36, chapter 29 or section 11-291 is  
39 guilty of a class 6 felony.

40 C. A person who knowingly obtains or attempts to obtain medical or  
41 health coverage pursuant to title 36, chapter 29 or section 11-291 by the  
42 use of any means of identification not authorized by the Arizona health  
43 care cost containment system administration or by the use of any means of  
44 identification authorized by the Arizona health care cost containment

1 system administration that has been or would have been fraudulently  
2 acquired is guilty of:

3 1. A class 5 felony if the value of the medical or health coverage  
4 or attempted coverage is ~~one thousand dollars~~ \$3,000 or more.

5 2. A class 6 felony if the value of the medical or health coverage  
6 or attempted coverage exceeds ~~one hundred dollars~~ \$300 but is less than  
7 ~~one thousand dollars~~ \$3,000.

8 3. A class 1 misdemeanor if the value of the medical or health  
9 coverage or attempted coverage is ~~one hundred dollars~~ \$300 or less.

10 D. A person who knowingly counterfeits or alters any means of  
11 identification or uses, transfers, acquires or possesses counterfeited or  
12 altered identification for the purpose of fraudulently obtaining medical  
13 or health coverage pursuant to title 36, chapter 29 or section 11-291 is  
14 guilty of a class 4 felony.

15 E. A person WHO IS lawfully entitled to medical or health coverage  
16 pursuant to title 36, chapter 29 or section 11-291 AND who knowingly  
17 furnishes, gives or lends that person's means of identification to any  
18 person for the purpose of fraudulently obtaining medical or health  
19 coverage pursuant to title 36, chapter 29 or section 11-291 is guilty of a  
20 class 6 felony.

21 F. A person who knowingly aids or abets another person pursuant to  
22 section 13-301, 13-302 or 13-303 in the commission of an offense under  
23 this section or section 36-2905.04 is guilty of a class 5 felony.

24 G. The county attorney of the county in which the violation occurs  
25 and the attorney general have concurrent jurisdiction to prosecute all  
26 violations specified in this section.

27 Sec. 16. Section 13-3730, Arizona Revised Statutes, is amended to  
28 read:

29 13-3730. Unlawful patient brokering; classification;  
30 definition

31 A. It is unlawful for a person, including a health care provider,  
32 behavioral health professional, health care institution or sober living  
33 home, to offer, pay, solicit or receive any commission, bonus, rebate,  
34 kickback or bribe, directly or indirectly, in cash or in kind, or engage  
35 in any split-fee arrangement, in any form whatsoever, in return for  
36 either:

37 1. Referring patients or clients to or from a sober living home or  
38 a substance use disorder treatment facility.

39 2. Accepting or acknowledging the enrollment of a patient or client  
40 for substance use disorder services at a sober living home.

41 B. A violation of this section is:

42 1. A class 3 felony if the consideration has a value of ~~\$1,000~~  
43 \$1,200 or more.

44 2. A class 4 felony if the consideration has a value of more than  
45 \$100 but less than ~~\$1,000~~ \$1,200.

1           3. A class 6 felony if the consideration has a value of \$100 or  
2 less.

3           C. For the purposes of this section, "sober living home" has the  
4 same meaning prescribed in section 36-2061.

5           Sec. 17. Section 13-3731, Arizona Revised Statutes, is amended to  
6 read:

7           13-3731. Unlawful food or drink contamination; damages;  
8 classification

9           A. It is unlawful to intentionally introduce, add or mingle any  
10 bodily fluid or foreign object not intended for human consumption with any  
11 water, food, drink or other product intended for consumption by another  
12 human being.

13           B. The cost to clean up and sanitize the contaminated area and any  
14 monetary compensation that was provided to a human being who consumed the  
15 contaminated water, food, drink or other product may be included in  
16 calculating the dollar amount of the damages caused by the contamination.

17           C. A person who violates this section is guilty of:

18           1. A class 1 misdemeanor if either of the following occurs:

19           (a) A human being consumes the contaminated water, food, drink or  
20 other product.

21           (b) The damage caused by the contamination is at least ~~\$1,000~~  
22 \$1,200.

23           2. A class 2 misdemeanor if no human being consumes the  
24 contaminated water, food, drink or other product and the damage caused by  
25 the contamination is less than ~~\$1,000~~ \$1,200.