House Engrossed

FILED
JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 181

HOUSE BILL 2573

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

13-1802. Theft; classification

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

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

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

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

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

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

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

B. A person commits theft if the person knowingly takes control, title, use or management of an incapacitated or vulnerable adult's assets or property through intimidation or deception, as defined in section 46-456, while acting in a position of trust and confidence and with the intent to deprive the incapacitated or vulnerable adult of the asset or property.

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

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

E. Theft of property or services with a value of twenty-five thousand dollars or more is a class 2 felony. Theft of property or services with a value of three thousand dollars or more but less than twenty-five thousand dollars is a class 3 felony. Theft of property or services with a value of two thousand dollars or more but less than three thousand dollars is a class 4 felony. Theft of property or services with a value of one thousand dollars or more but less than two thousand dollars is a class 5 felony. Theft of property or services with a value of two hundred fifty dollars or more but less than one thousand dollars is a class 6 felony. Theft of any property or services valued at less than two hundred fifty dollars is a class 1

1 misdemeanor, unless such property is taken from the person of another or is
2 a firearm~~, in which case the theft is a class 6 felony.~~ OR IS A DOG TAKEN FOR
3 THE PURPOSE OF DOG FIGHTING IN VIOLATION OF SECTION 13-2910.01, IN WHICH CASE
4 THE THEFT IS A CLASS 6 FELONY.
5 F. A person who is convicted of a violation of subsection A, paragraph
6 1 or 3 of this section that involved property with a value of one hundred
7 thousand dollars or more is not eligible for suspension of sentence,
8 probation, pardon or release from confinement on any basis except pursuant
9 to section 31-233, subsection A or B until the sentence imposed by the court
10 has been served, the person is eligible for release pursuant to section
11 41-1604.07 or the sentence is commuted.

APPROVED BY THE GOVERNOR MAY 3, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 3, 2004.