

State of Arizona  
House of Representatives  
Forty-second Legislature  
Second Regular Session  
1996

**FILED**

Jane Dee Hull  
Secretary of State

CHAPTER 86

**HOUSE BILL 2459**

AN ACT

AMENDING SECTION 13-2301, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 23, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-2318; RELATING TO ORGANIZED CRIME.

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

2 Section 1. Section 13-2301, Arizona Revised Statutes, is amended to  
3 read:

4 13-2301. Definitions

5 A. For the purposes of sections 13-2302 through 13-2304:

6 1. "Creditor" means any person making such an extension of credit or  
7 any person claiming by, under, or through any person making such an extension  
8 of credit.

9 2. "Debtor" means any person to whom such an extension of credit is  
10 made or any person who guarantees the repayment of an extension of credit,  
11 or in any manner undertakes to indemnify the creditor against loss resulting  
12 from the failure of any person to whom an extension is made to repay the  
13 same.

14 3. "Extortionate extension of credit" means any extension of credit  
15 with respect to which it is the understanding of the creditor and the debtor  
16 at the time such extension is made that delay in making repayment or failure  
17 to make repayment could result in the use of violence or other criminal means  
18 to cause harm to the person or the reputation or property of any person.

19 4. "Extortionate means" means the use, or an express or implicit  
20 threat of use, of violence or other criminal means to cause harm to the  
21 person or the reputation or property of any person.

22 5. "Repayment of any extension of credit" means the repayment,  
23 satisfaction or discharge in whole or in part of any debt or claim,

1 acknowledged or disputed, valid or invalid, resulting from or in connection  
2 with that extension of credit.

3 6. "To collect an extension of credit" means to induce in any way any  
4 person to make repayment thereof.

5 7. "To extend credit" means to make or renew any loan or to enter into  
6 any agreement, tacit or express, whereby the repayment or satisfaction of any  
7 debt or claim, whether acknowledged or disputed, valid or invalid, and  
8 however arising, may or shall be deferred.

9 B. For the purposes of sections 13-2305 through 13-2307:

10 1. "Dealer in property" means a person who buys and sells property as  
11 a business.

12 2. "Stolen property" means property that has been the subject of any  
13 unlawful taking.

14 3. "Traffic" means to sell, transfer, distribute, dispense or  
15 otherwise dispose of stolen property to another person, or to buy, receive,  
16 possess or obtain control of stolen property, with intent to sell, transfer,  
17 distribute, dispense or otherwise dispose of to another person.

18 C. For the purposes of this chapter:

19 1. "Combination" means persons who collaborate in carrying on or  
20 furthering the activities or purposes of a criminal syndicate even though  
21 such persons may not know each other's identity, membership in the  
22 combination changes from time to time or one or more members may stand in a  
23 wholesaler-retailer or other arm's length relationship with others as to  
24 activities or dealings between or among themselves in an illicit operation.

25 2. "Criminal syndicate" means any combination of persons or  
26 enterprises engaging, or having the purpose of engaging, on a continuing  
27 basis in conduct which violates any one or more provisions of any felony  
28 statute of this state.

29 D. For the purposes of sections 13-2312 through 13-2315, unless the  
30 context otherwise requires:

31 1. "Control", in relation to an enterprise, means the possession of  
32 sufficient means to permit substantial direction over the affairs of an  
33 enterprise and, in relation to property, means to acquire or possess.

34 2. "Enterprise" means any corporation, partnership, association, labor  
35 union, or other legal entity or any group of persons associated in fact  
36 although not a legal entity.

37 3. "Financial institution" means any business under the jurisdiction  
38 of the state banking department or a banking or securities regulatory agency  
39 of the United States or a business under the jurisdiction of the securities  
40 division of the corporation commission, the state real estate department or  
41 the department of insurance.

42 4. "Racketeering" means any act, including any preparatory or  
43 completed offense, which is committed for financial gain, which is chargeable  
44 or indictable under the laws of the state in which the act occurred and, if

1 the act occurred in a state other than this state, which would be chargeable  
2 or indictable under the laws of this state had the act occurred in this state  
3 and which would be punishable by imprisonment for more than one year,  
4 regardless of whether such act is charged or indicted, involving:

- 5 (a) Homicide.
- 6 (b) Robbery.
- 7 (c) Kidnapping.
- 8 (d) Forgery.
- 9 (e) Theft.
- 10 (f) Bribery.
- 11 (g) Gambling.
- 12 (h) Usury.
- 13 (i) Extortion.
- 14 (j) Extortionate extensions of credit.
- 15 (k) Prohibited drugs, marijuana or other prohibited chemicals or  
16 substances.
- 17 (l) Trafficking in explosives, weapons or stolen property.
- 18 (m) Participating in a criminal syndicate.
- 19 (n) Obstructing or hindering criminal investigations or prosecutions.
- 20 (o) Asserting false claims including, but not limited to, false claims  
21 asserted through fraud or arson.
- 22 (p) Intentional or reckless false statements or publications  
23 concerning land for sale or lease or sale of subdivided lands or sale and  
24 mortgaging of unsubdivided lands.
- 25 (q) Resale of realty with intent to defraud.
- 26 (r) Intentional or reckless fraud in the purchase or sale of  
27 securities.
- 28 (s) Intentional or reckless sale of unregistered securities or real  
29 property securities.
- 30 (t) A scheme or artifice to defraud.
- 31 (u) Obscenity.
- 32 (v) Child pornography.
- 33 (w) Prostitution.
- 34 (x) Restraint of trade or commerce in violation of section 34-252.
- 35 (y) Terrorism.
- 36 (z) Money laundering.
- 37 (aa) Obscene or indecent telephone communications to minors for  
38 commercial purposes.

39 5. "Records" means any book, paper, writing, record, computer program  
40 or other material.

41 6. "TO REMEDY RACKETEERING" MEANS TO ENTER A CIVIL JUDGMENT PURSUANT  
42 TO THIS CHAPTER OR CHAPTER 39 OF THIS TITLE AGAINST PROPERTY OR A PERSON WHO  
43 IS SUBJECT TO LIABILITY, INCLUDING LIABILITY FOR INJURY TO THE STATE THAT IS  
44 CAUSED BY RACKETEERING OR BY ACTIONS IN CONCERT WITH RACKETEERING.

1 E. For the purposes of section 13-2316:

2 1. "Access" means to approach, instruct, communicate with, store data  
3 in, retrieve data from or otherwise make use of any resources of a computer,  
4 computer system or computer network.

5 2. "Computer" means an electronic device which performs logic,  
6 arithmetic or memory functions by the manipulations of electronic or magnetic  
7 impulses and includes all input, output, processing, storage, software or  
8 communication facilities which are connected or related to such a device in  
9 a system or network.

10 3. "Computer network" means the interconnection of communication lines  
11 with a computer through remote terminals or a complex consisting of two or  
12 more interconnected computers.

13 4. "Computer program" means a series of instructions or statements,  
14 in a form acceptable to a computer, which permits the functioning of a  
15 computer system in a manner designed to provide appropriate products from  
16 such computer system.

17 5. "Computer software" means a set of computer programs, procedures  
18 and associated documentation concerned with the operation of a computer  
19 system.

20 6. "Computer system" means a set of related, connected or unconnected  
21 computer equipment, devices and software.

22 7. "Financial instrument" means any check, draft, money order,  
23 certificate of deposit, letter of credit, bill of exchange, credit card or  
24 marketable security or any other written instrument, as defined by section  
25 13-2001, paragraph 7, which is transferable for value.

26 8. "Property" means financial instruments, information, including  
27 electronically produced data, computer software and programs in either  
28 machine or human readable form, and anything of value, tangible or  
29 intangible.

30 9. "Services" includes computer time, data processing and storage  
31 functions.

32 Sec. 2. Title 13, chapter 23, Arizona Revised Statutes, is amended by  
33 adding section 13-2318, to read:

34 13-2318. Civil judgments; injury to the state

35 THE COURT SHALL NOT REDUCE OR INCREASE THE JUDGMENT IN A CIVIL ACTION  
36 UNDER THIS TITLE BECAUSE OF THE IMPOSITION OR FAILURE TO IMPOSE A SANCTION  
37 IN A SEPARATE CRIMINAL PROSECUTION INVOLVING THE SAME CONDUCT BUT SHALL  
38 DETERMINE THE CIVIL JUDGMENT SOLELY ACCORDING TO THE CIVIL REMEDIES THAT ARE  
39 PROVIDED UNDER THIS CHAPTER AND CHAPTER 39 OF THIS TITLE, INCLUDING THE  
40 AMOUNT OF INJURY TO THE STATE. INJURY TO THE STATE INCLUDES:

41 1. THE EXPENDITURE OF ANY PUBLIC MONIES, INCLUDING THE EXPENSES OF LAW  
42 ENFORCEMENT AND PROSECUTORS IN PURSUING CIVIL AND CRIMINAL REMEDIES.

43 2. THE AMOUNT OF MONEY OR THE VALUE OF OTHER PROPERTY THAT IS  
44 EXCHANGED OR THAT WOULD FORESEEABLY BE EXCHANGED FOR PROHIBITED DRUGS,

1 MARIJUANA OR OTHER PROHIBITED CHEMICALS OR SUBSTANCES OR THAT IS USED, MADE  
2 AVAILABLE TO ANOTHER OR OTHERWISE INVOLVED IN A VIOLATION OF SECTION 13-2317.  
3 THE EXCHANGE OF A PROHIBITED CHEMICAL OR SUBSTANCE FOR GAIN IS A FORESEEABLE  
4 CONSEQUENCE OF THE MANUFACTURE, PRODUCTION, TRANSPORTATION OR SALE OF THE  
5 PROHIBITED CHEMICAL OR SUBSTANCE.  
6 3. THE ACQUISITION OR GAIN OF PROCEEDS AS DEFINED IN SECTION 13-2314  
7 OF ANY OFFENSE INCLUDED IN THE DEFINITION OF RACKETEERING AS DEFINED IN  
8 SECTION 13-2301, SUBSECTION D, PARAGRAPH 4.

APPROVED BY THE GOVERNOR APRIL 3, 1996

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