

House Engrossed Senate Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

CHAPTER 186

# **SENATE BILL 1282**

AN ACT

AMENDING SECTION 13-2319, ARIZONA REVISED STATUTES; RELATING TO SMUGGLING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-2319, Arizona Revised Statutes, is amended to  
3 read:

4 13-2319. Smuggling; classification; definitions

5 A. It is unlawful for a person to intentionally engage in the  
6 smuggling of human beings for profit or commercial purpose.

7 B. A violation of this section is a class 4 felony.

8 C. Notwithstanding subsection B OF THIS SECTION, a violation of this  
9 section:

10 1. Is a class 2 felony if the human being WHO IS smuggled is under  
11 eighteen years of age and IS not accompanied by a family member over ~~the~~ age  
12 ~~of~~ eighteen YEARS OF AGE.

13 2. IS A CLASS 3 FELONY IF THE OFFENSE INVOLVES THE USE OR THREATENED  
14 USE OF DEADLY PHYSICAL FORCE AND THE PERSON IS NOT ELIGIBLE FOR SUSPENSION OF  
15 SENTENCE, PROBATION, PARDON OR RELEASE FROM CONFINEMENT ON ANY OTHER BASIS  
16 EXCEPT PURSUANT TO SECTION 31-233, SUBSECTION A OR B UNTIL THE SENTENCE  
17 IMPOSED BY THE COURT IS SERVED, THE PERSON IS ELIGIBLE FOR RELEASE PURSUANT  
18 TO SECTION 41-1604.07 OR THE SENTENCE IS COMMUTED.

19 D. Chapter 10 of this title does not apply to a violation of ~~this~~  
20 subsection C, PARAGRAPH 1 OF THIS SECTION.

21 ~~D.~~ E. For the purposes of this section:

22 1. "Family member" means the person's parent, grandparent, sibling or  
23 any other person WHO IS related to the person by consanguinity or affinity to  
24 the second degree.

25 2. "PROCUREMENT OF TRANSPORTATION" MEANS ANY PARTICIPATION IN OR  
26 FACILITATION OF TRANSPORTATION AND INCLUDES:

27 (a) PROVIDING SERVICES THAT FACILITATE TRANSPORTATION INCLUDING TRAVEL  
28 ARRANGEMENT SERVICES OR MONEY TRANSMISSION SERVICES.

29 (b) PROVIDING PROPERTY THAT FACILITATES TRANSPORTATION, INCLUDING A  
30 WEAPON, A VEHICLE OR OTHER MEANS OF TRANSPORTATION OR FALSE IDENTIFICATION,  
31 OR SELLING, LEASING, RENTING OR OTHERWISE MAKING AVAILABLE A DROP HOUSE AS  
32 DEFINED IN SECTION 13-2322.

33 ~~2.~~ 3. "Smuggling of human beings" means the transportation,  
34 procurement of transportation or use of property or real property by a person  
35 or an entity that knows or has reason to know that the person or persons  
36 transported or to be transported are not United States citizens, permanent  
37 resident aliens or persons otherwise lawfully in this state OR HAVE ATTEMPTED  
38 TO ENTER, ENTERED OR REMAINED IN THE UNITED STATES IN VIOLATION OF LAW.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.

Passed the House July 1, 20 09,

by the following vote: 51 Ayes,

0 Nays, 9 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate June 15, 20 09,

by the following vote: 26 Ayes,

2 Nays, 2 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

S.B. 1282

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate July 1, 20 09

by the following vote: 25 Ayes,

2 Nays, 3 Not Voting

Robert L. Bennett  
President of the Senate

Maureen Billington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

1st day of July, 20 09

at 10:15 o'clock A. M.

Susan K Myers  
Secretary to the Governor

Approved this 13th day of

July 2009

at 5:52 o'clock P. M.

Janice K. Brewer  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 13<sup>th</sup> day of July, 20 09

S.B. 1282

at 7:35 o'clock P. M.

Ken Blumett  
Secretary of State