

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 226

HOUSE BILL 2236

AN ACT

AMENDING SECTION 13-1804, 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 13-1804, Arizona Revised Statutes, is amended to
3 read:

4 13-1804. Theft by extortion; classification

5 A. A person commits theft by extortion by knowingly obtaining or
6 seeking to obtain property or services by means of a threat to do in the
7 future any of the following:

8 1. Cause physical injury to anyone by means of a deadly weapon or
9 dangerous instrument.

10 2. Cause physical injury to anyone except as provided in paragraph 1
11 of this subsection.

12 3. Cause damage to property.

13 4. Engage in other conduct constituting an offense.

14 5. Accuse anyone of a crime or bring criminal charges against anyone.

15 6. Expose a secret or an asserted fact, whether true or false, tending
16 to subject anyone to hatred, contempt or ridicule or to impair the person's
17 credit or business.

18 7. Take or withhold action as a public servant or cause a public
19 servant to take or withhold action.

20 8. Cause anyone to part with any property.

21 9. TAKE OR WITHHOLD ACTION REGARDING AN ALLEGED CLAIM OF EASEMENT OR
22 OTHER RIGHT OF ACCESS TO AN ADJOINING PROPERTY IF BOTH OF THE FOLLOWING
23 OCCUR:

24 (a) THE CLAIMANT'S PROPERTY INTEREST IS THE RESULT OF A TAX LIEN
25 PURCHASE OR FORECLOSURE PURSUANT TO TITLE 42, CHAPTER 18.

26 (b) THE FAIR MARKET VALUE OF THE CLAIMANT'S PROPERTY IS EQUAL TO OR
27 LESS THAN THE AMOUNT PAID BY THE CLAIMANT FOR THE PURCHASE OF THE TAX LIEN OR
28 FORECLOSURE, INCLUDING TAXES PAID AFTER THE LIEN PURCHASE AND ANY COSTS AND
29 ATTORNEY FEES PAID IN CONNECTION WITH THE LIEN FORECLOSURE. FOR THE PURPOSES
30 OF THIS SUBDIVISION, "FAIR MARKET VALUE" MEANS THE FAIR MARKET VALUE AS
31 DEFINED IN SECTION 33-814, SUBSECTION A AS OF THE DATE OF THE THEFT.

32 B. It is an affirmative defense to a prosecution under subsection A,
33 paragraph 5, 6 or 7 that the property obtained by threat of the accusation,
34 exposure, lawsuit or other invocation of official action was lawfully claimed
35 either as:

36 1. Restitution or indemnification for harm done under circumstances to
37 which the accusation, exposure, lawsuit or other official action relates.

38 2. Compensation for property that was lawfully obtained or for lawful
39 services.

40 C. Theft by extortion as defined in subsection A, paragraph 1 is a
41 class 2 felony. Otherwise, theft by extortion is a class 4 felony.

APPROVED BY THE GOVERNOR MAY 6, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 6, 2010.

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 26, 2010,

by the following vote: 55 Ayes,

1 Nays, 4 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

26 day of April, 2010.

at 3:35 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 6 day of

May, 2010,

at 10:50 o'clock A. M.

[Signature]
Governor of Arizona

H.B. 2236

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 6th day of May, 2010,

at 3:08 o'clock P. M.

[Signature]
Secretary of State