

Senate Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 188

SENATE BILL 1243

AN ACT

AMENDING SECTION 13-1809, 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 13-1809, Arizona Revised Statutes, is amended to
3 read:

4 13-1809. Jurisdiction; restitution; fees; deferred prosecution

5 A. The county attorney may prosecute any violation of section 13-1807.
6 If the defendant is alleged to have committed multiple violations of this
7 section 13-1807 within the same county, the county attorney may file a
8 complaint charging all of the violations that have not previously been filed
9 in the justice of the peace precinct in which the greatest number of
10 violations are alleged to have occurred.

11 B. A person who is charged with an offense under this chapter may make
12 restitution for the bad checks. Restitution shall be made through the
13 prosecutor's office if collection and processing were initiated through that
14 office. Restitution shall include at a minimum the face amount of the check.
15 The fact that restitution to the party injured is made and that any costs of
16 filing with the county attorney are paid is a mitigating factor in any
17 imposition of punishment for any violation of this chapter. On sentencing,
18 the court may require any person convicted under this chapter to make
19 restitution in an amount not to exceed twice the amount of the dishonored
20 check or fifty dollars, whichever is greater, together with all applicable
21 costs and fees. This is in addition to any other punishment imposed under
22 this chapter.

23 C. A county attorney may collect a fee if the county attorney's office
24 collects and processes a check if the check is issued or passed in a manner
25 which THAT makes the issuance or passing an offense under section 13-1802,
26 13-1807 or 13-2310 or has been forged under section 13-2002.

27 D. The county attorney may collect the fee from any person who is a
28 party to an offense described in this section.

29 E. The amount of the fee for each check shall not exceed:

30 1. Fifty SEVENTY-FIVE dollars if the face amount of the check does not
31 exceed one hundred dollars.

32 2. ~~Seventy-five~~ ONE HUNDRED dollars if the face amount of the check is
33 greater than one hundred dollars but does not exceed three hundred dollars.

34 3. One hundred TWENTY-FIVE dollars if the face amount of the check is
35 greater than three hundred dollars but does not exceed one thousand dollars.

36 4. ~~Fifteen~~ TWENTY per cent of the face amount of the check if the
37 check is greater than one thousand dollars.

38 F. If the person from whom the fee is collected was a party to the
39 offense of forgery under section 13-2002 and the offense was committed by
40 altering the face amount of the check, the face amount as altered governs for
41 the purpose of determining the amount of the fee prescribed in subsection E
42 of this section.

~~APPROVED BY THE GOVERNOR APRIL 19, 2011.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2011.~~

Passed the House April 12, 20 11,

by the following vote: 40 Ayes,

19 Nays, 1 Not Voting



Speaker of the House

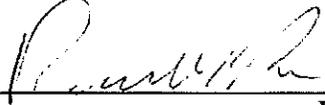


Cheryl Laube
Chief Clerk of the House

Passed the Senate February 10, 20 11,

by the following vote: 22 Ayes,

7 Nays, 1 Not Voting



President of the Senate



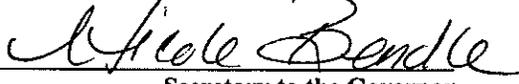
Chaemin Belinfante
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14 day of April, 20 11,

at 4:40 o'clock P. M.

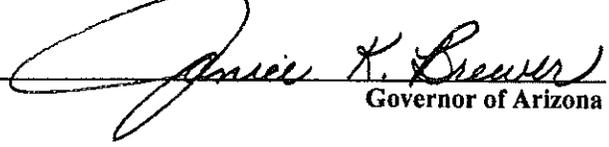


Nicole Bendle
Secretary to the Governor

Approved this 19th day of

April, 20 11,

at 9:41 o'clock A. M.



Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19th day of April, 20 11,

at 11:12 o'clock a. M.



Ken Blumenthal
Secretary of State

S.B. 1243