

House Engrossed Senate Bill

~~technical correction; tax judges; qualifications~~
(now: extortion; social media; messages)

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1001

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 or cause death or serious physical injury to anyone.

10 2. Cause physical injury to anyone except as provided in paragraph
11 1 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
15 anyone.

16 6. Expose a secret or an asserted fact **IN A SOCIAL MEDIA MESSAGE AS**
17 **DEFINED IN SECTION 16-901 OR IN ANY OTHER MANNER**, whether true or false,
18 tending to subject anyone to hatred, contempt or ridicule or to impair the
19 person's credit or business **UNLESS THE THREAT IS BASED ON A PLAUSIBLE**
20 **CLAIM OF RIGHT TO THE PROPERTY OR SERVICES OBTAINED OR SOUGHT TO BE**
21 **OBTAINED**.

22 7. Take or withhold action as a public servant or cause a public
23 servant to take or withhold action.

24 8. Cause anyone to part with any property.

25 9. Take or withhold action regarding an alleged claim of easement
26 or other right of access to an adjoining property if both of the following
27 occur:

28 (a) The claimant's property interest is the result of a tax lien
29 purchase or foreclosure pursuant to title 42, chapter 18.

30 (b) The fair market value of the claimant's property is equal to or
31 less than the amount paid by the claimant for the purchase of the tax lien
32 or foreclosure, including taxes paid after the lien purchase and any costs
33 and attorney fees paid in connection with the lien foreclosure. For the
34 purposes of this subdivision, "fair market value" means the fair market
35 value as defined in section 33-814, subsection A as of the date of the
36 theft.

37 B. It is a defense to a prosecution under subsection A, paragraph
38 5, 6 or 7 of this section if a reasonable person would believe that the
39 property or services were obtained or sought to be obtained by the threat
40 of a reasonable accusation, exposure, lawsuit or other invocation of
41 official action.

42 C. Theft by extortion is a class 4 felony, except that ~~threat~~ **THEFT**
43 by extortion under subsection A, paragraph 1 of this section is a class 2
44 felony.