

REFERENCE TITLE: coercion; extortion; immigration status

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

SB 1436

Introduced by
Senator Quezada

AN ACT

AMENDING SECTIONS 13-1307 AND 13-1804, ARIZONA REVISED STATUTES; RELATING TO CRIMINAL OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1307, Arizona Revised Statutes, is amended to
3 read:

4 13-1307. Sex trafficking; classification; definitions

5 A. It is unlawful for a person to knowingly traffic another person
6 who is eighteen years of age or older with either of the following:

7 1. The intent to cause the other person to engage in any
8 prostitution or sexually explicit performance by deception, force or
9 coercion.

10 2. The knowledge that the other person will engage in any
11 prostitution or sexually explicit performance by deception, coercion or
12 force.

13 B. A person who violates this section is guilty of a class 2 felony
14 and the person is not eligible for suspension of sentence, probation,
15 pardon or release from confinement on any basis except as specifically
16 authorized by section 31-233, subsection A or B until the sentence imposed
17 by the court has been served or commuted.

18 C. For the purposes of this section:

19 1. "Coercion" includes:

20 (a) Abusing or threatening to abuse the law or the legal system.

21 (b) Knowingly destroying, concealing, removing, confiscating,
22 possessing or withholding another person's actual or purported passport or
23 other immigration document, government issued identification document,
24 government record or personal property.

25 (c) Extortion.

26 (d) Causing or threatening to cause financial harm to any person.

27 (e) Facilitating or controlling another person's access to a
28 controlled substance.

29 (f) REPORTING OR THREATENING TO REPORT THE IMMIGRATION STATUS OR
30 PERCEIVED IMMIGRATION STATUS OF A PERSON FOR THE PURPOSE OF INSTITUTING
31 REMOVAL PROCEEDINGS AGAINST THAT PERSON.

32 2. "Force" includes causing or threatening to cause serious harm to
33 another person or physically restraining or threatening to physically
34 restrain another person.

35 3. "Sexually explicit performance" means a live or public act or
36 show intended to arouse or satisfy the sexual desires or appeal to the
37 prurient interest of patrons.

38 4. "Traffic" means to entice, recruit, harbor, provide, transport
39 or otherwise obtain another person.

40 Sec. 2. Section 13-1804, Arizona Revised Statutes, is amended to
41 read:

42 13-1804. Theft by extortion; classification

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

- 1 1. Cause physical injury to anyone by means of a deadly weapon or
2 dangerous instrument or cause death or serious physical injury to anyone.
- 3 2. Cause physical injury to anyone except as provided in paragraph
4 1 of this subsection.
- 5 3. Cause damage to property.
- 6 4. Engage in other conduct constituting an offense.
- 7 5. Accuse anyone of a crime or bring criminal charges against
8 anyone.
- 9 6. Expose a secret or an asserted fact, whether true or false,
10 tending to subject anyone to hatred, contempt or ridicule or to impair the
11 person's credit or business.
- 12 7. Take or withhold action as a public servant or cause a public
13 servant to take or withhold action.
- 14 8. Cause anyone to part with any property.
- 15 9. Take or withhold action regarding an alleged claim of easement
16 or other right of access to an adjoining property if both of the following
17 occur:
 - 18 (a) The claimant's property interest is the result of a tax lien
19 purchase or foreclosure pursuant to title 42, chapter 18.
 - 20 (b) The fair market value of the claimant's property is equal to or
21 less than the amount paid by the claimant for the purchase of the tax lien
22 or foreclosure, including taxes paid after the lien purchase and any costs
23 and attorney fees paid in connection with the lien foreclosure. For the
24 purposes of this subdivision, "fair market value" means the fair market
25 value as defined in section 33-814, subsection A as of the date of the
26 theft.
- 27 10. REPORT THE IMMIGRATION STATUS OR PERCEIVED IMMIGRATION STATUS
28 OF A PERSON FOR THE PURPOSE OF INSTITUTING REMOVAL PROCEEDINGS AGAINST
29 THAT PERSON.
 - 30 B. It is a defense to a prosecution under subsection A, paragraph
31 5, 6 or 7 of this section if a reasonable person would believe that the
32 property or services were obtained or sought to be obtained by the threat
33 of a reasonable accusation, exposure, lawsuit or other invocation of
34 official action.
 - 35 C. Theft by extortion is a class 4 felony, except that ~~threat~~ THEFT
36 by extortion under subsection A, paragraph 1 of this section is a class 2
37 felony.