

Senate Engrossed

human smuggling; electronic applications

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1408

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; using electronic device to smuggle;
5 classification; definitions

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

8 B. IT IS UNLAWFUL FOR A PERSON TO INTENTIONALLY OR KNOWINGLY USE A
9 TELEPHONE OR COMPUTER APPLICATION OR PROGRAM THAT ASSISTS IN THE SMUGGLING
10 OF HUMAN BEINGS.

11 ~~B. C. A violation of this section is a class 4- 2 felony.~~

12 ~~C. Notwithstanding subsection B of this section, a violation of~~
13 ~~this section:~~

14 ~~1. Is a class 2 felony if the human being who is smuggled is under~~
15 ~~eighteen years of age and is not accompanied by a family member over~~
16 ~~eighteen years of age or the offense involved the use of a deadly weapon~~
17 ~~or dangerous instrument.~~

18 ~~2. Is a class 3 felony if the offense involves the use or~~
19 ~~threatened use of deadly physical force and the person is not eligible for~~
20 ~~suspension of sentence, probation, pardon or release from confinement on~~
21 ~~any other basis except pursuant to section 31-233, subsection A or B until~~
22 ~~the sentence imposed by the court is served, the person is eligible for~~
23 ~~release pursuant to section 41-1604.07 or the sentence is commuted.~~

24 D. Chapter 10 of this title does not apply to a violation of
25 ~~subsection C, paragraph 1 of this section.~~

26 E. Notwithstanding any other law, in the enforcement of this
27 section a peace officer may lawfully stop any person who is operating a
28 motor vehicle if the officer has reasonable suspicion to believe the
29 person is in violation of any civil traffic law.

30 F. For the purposes of this section:

31 ~~1. "Family member" means the person's parent, grandparent, sibling~~
32 ~~or any other person who is related to the person by consanguinity or~~
33 ~~affinity to the second degree.~~

34 ~~2.~~ 1. "Procurement of transportation" means any participation in
35 or facilitation of transportation and includes:

36 (a) Providing services that facilitate transportation including
37 travel arrangement services or money transmission services.

38 (b) Providing property that facilitates transportation, including a
39 weapon, a vehicle or other means of transportation or false
40 identification, or selling, leasing, renting or otherwise making available
41 a drop house as defined in section 13-2322.

1 ~~3.~~ 2. "Smuggling of human beings" means the transportation,
2 procurement of transportation or use of property or real property by a
3 person or an entity that knows or has reason to know that the person or
4 persons transported or to be transported are not United States citizens,
5 permanent resident aliens or persons otherwise lawfully in this state or
6 have attempted to enter, entered or remained in the United States in
7 violation of law.