

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **SB 1424**

Blackman Floor Amendment

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- Requires, if a person serving as an elected official is convicted of impersonating a veteran, the person be removed from office in the manner prescribed by existing law.
 - Adds that a person who impersonates a veteran and obtains tangible benefits must be charged based on the statutes concerning theft and fraudulent schemes and practices.
 - Makes technical changes.

Amendment explanation prepared by J. Hobbins

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4/3/2025

ADDITIONAL COW
BLACKMAN FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1424
(Reference to House engrossed Senate bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 <<Section 1. Section 13-1802, Arizona Revised Statutes, is amended to
3 read:

4 13-1802. Theft; classification; definitions

5 A. A person commits theft if, without lawful authority, the person
6 knowingly:

7 1. Controls property of another with the intent to deprive the other
8 person of such property; or

9 2. Converts for an unauthorized term or use services or property of
10 another entrusted to the defendant or placed in the defendant's possession for
11 a limited, authorized term or use; or

12 3. Obtains services or property of another by means of any material
13 misrepresentation with intent to deprive the other person of such property or
14 services; or

15 4. Comes into control of lost, mislaid or misdelivered property of
16 another under circumstances providing means of inquiry as to the true owner
17 and appropriates such property to the person's own or another's use without
18 reasonable efforts to notify the true owner; or

19 5. Controls property of another knowing or having reason to know that
20 the property was stolen; or

21 6. Obtains services known to the defendant to be available only for
22 compensation without paying or an agreement to pay the compensation or diverts
23 another's services to the person's own or another's benefit without authority
24 to do so; or

1 7. Controls the ferrous metal or nonferrous metal of another with the
2 intent to deprive the other person of the metal; or

3 8. Controls the ferrous metal or nonferrous metal of another knowing or
4 having reason to know that the metal was stolen; or

5 9. Purchases within the scope of the ordinary course of business the
6 ferrous metal or nonferrous metal of another person knowing that the metal was
7 stolen.

8 [10. COMMITS IMPERSONATING A VETERAN WITH THE INTENT TO OBTAIN TANGIBLE
9 BENEFITS.]

10 B. A person commits theft if, without lawful authority, the person
11 knowingly takes control, title, use or management of a vulnerable adult's
12 property while acting in a position of trust and confidence and with the
13 intent to deprive the vulnerable adult of the property. Proof that a person
14 took control, title, use or management of a vulnerable adult's property
15 without adequate consideration to the vulnerable adult may give rise to an
16 inference that the person intended to deprive the vulnerable adult of the
17 property.

18 C. It is an affirmative defense to any prosecution under subsection B
19 of this section that either:

20 1. The property was given as a gift consistent with a pattern of gift
21 giving to the person that existed before the adult became vulnerable.

22 2. The property was given as a gift consistent with a pattern of gift
23 giving to a class of individuals that existed before the adult became
24 vulnerable.

25 3. The superior court approved the transaction before the transaction
26 occurred.

27 D. The inferences set forth in section 13-2305 apply to any prosecution
28 under subsection A, paragraph 5 of this section.

29 E. At the conclusion of any grand jury proceeding, hearing or trial,
30 the court shall preserve any trade secret that is admitted in evidence or any
31 portion of a transcript that contains information relating to the trade secret
32 pursuant to section 44-405.

33 F. Subsection B of this section does not apply to an agent who is
34 acting within the scope of the agent's duties as or on behalf of a health care
35 institution that is licensed pursuant to title 36, chapter 4 and that provides
36 services to the vulnerable adult.

37 G. Theft of property or services with a value of ~~[twenty-five thousand~~
38 ~~dollars]~~ [\$25,000] or more is a class 2 felony. Theft of property or services
39 with a value of ~~[four thousand dollars]~~ [\$4,000] or more but less than
40 ~~[twenty-five thousand dollars]~~ [\$25,000] is a class 3 felony. Theft of
41 property or services with a value of ~~[three thousand dollars]~~ [\$3,000] or more
42 but less than ~~[four thousand dollars]~~ [\$4,000] is a class 4 felony, except
43 that theft of any vehicle engine or transmission is a class 4 felony
44 regardless of value. Theft of property or services with a value of ~~[two~~
45 ~~thousand dollars]~~ [\$2,000] or more but less than ~~[three thousand dollars]~~
46 [\$3,000] is a class 5 felony. Theft of property or services with a value of
47 ~~[one thousand dollars]~~ [\$1,000] or more but less than ~~[two thousand dollars]~~
48 [\$2,000] is a class 6 felony. Theft of any property or services valued at

1 less than ~~[one thousand dollars]~~ [\$1,000] is a class 1 misdemeanor, unless the
2 property is taken from the person of another, is a firearm or is an animal
3 taken for the purpose of animal fighting in violation of section 13-2910.01,
4 in which case the theft is a class 6 felony.

5 H. A person who is convicted of a violation of subsection A, paragraph
6 1 or 3 of this section that involved property with a value of ~~[one hundred~~
7 ~~thousand dollars]~~ [\$100,000] or more is not eligible for suspension of
8 sentence, probation, pardon or release from confinement on any basis except
9 pursuant to section 31-233, subsection A or B until the sentence imposed by
10 the court has been served, the person is eligible for release pursuant to
11 section 41-1604.07 or the sentence is commuted.

12 I. For the purposes of this section, the value of ferrous metal or
13 nonferrous metal includes the amount of any damage to the property of another
14 caused as a result of the theft of the metal.

15 J. In an action for theft of ferrous metal or nonferrous metal:

16 1. Unless satisfactorily explained or acquired in the ordinary course
17 of business by an automotive recycler that is licensed pursuant to title 28,
18 chapter 10 or by a scrap metal dealer as defined in section 44-1641, proof of
19 possession of scrap metal that was recently stolen may give rise to an
20 inference that the person in possession of the scrap metal was aware of the
21 risk that it had been stolen or in some way participated in its theft.

22 2. Unless satisfactorily explained or sold in the ordinary course of
23 business by an automotive recycler that is licensed pursuant to title 28,
24 chapter 10 or by a scrap metal dealer as defined in section 44-1641, proof of
25 the sale of stolen scrap metal at a price substantially below its fair market
26 value may give rise to an inference that the person selling the scrap metal
27 was aware of the risk that it had been stolen.

28 K. For the purposes of this section:

29 1. "Adequate consideration" means the property was given to the person
30 as payment for bona fide goods or services provided by the person and the
31 payment was at a rate that was customary for similar goods or services in the
32 community that the vulnerable adult resided in at the time of the transaction.

33 2. "Ferrous metal" has the same meaning prescribed in section 44-1641.

34 3. "Pattern of gift giving" means two or more gifts that are the same
35 or similar in type and monetary value.

36 4. "Position of trust and confidence" has the same meaning prescribed
37 in section 46-456.

38 5. "Property" includes all forms of real property and personal
39 property.

40 6. "Vulnerable adult" has the same meaning prescribed in section
41 46-451.>>

42 <<Sec. 2. Section 13-2311, Arizona Revised Statutes, is amended to
43 read:

44 13-2311. Fraudulent schemes and practices; wilful concealment;
45 classification; definition

46 A. Notwithstanding any ~~[provision of the]~~ law to the contrary, in any
47 matter related to the business conducted by any department or agency of this
48 state or any political subdivision ~~[thereof]~~ [OF THIS STATE], any person who,

1 pursuant to a scheme or artifice to defraud or deceive, knowingly falsifies,
2 conceals or covers up a material fact by any trick, scheme or device or makes
3 or uses any false writing or document knowing such writing or document
4 contains any false, fictitious or fraudulent statement or entry [, INCLUDING
5 IMPERSONATING A VETERAN WITH THE INTENT TO OBTAIN TANGIBLE BENEFITS,] is
6 guilty of a class 5 felony.

7 B. For the purposes of this section, "agency" includes a public agency
8 as defined [~~by~~] [IN] section 38-502[~~, paragraph 6~~].>>

9 Sec. 3. Title 13, chapter 24, Arizona Revised Statutes, is amended by
10 adding section 13-2414, to read:

11 13-2414. Impersonating a veteran; classification; definitions

12 A. A PERSON COMMITS IMPERSONATING A VETERAN OF THE UNITED STATES ARMED
13 FORCES IF THE PERSON KNOWINGLY MISREPRESENTS [~~THEMSELVES~~] [HIMSELF] TO BE A
14 VETERAN AND [THE PERSON] ENGAGES IN ANY OF THE FOLLOWING CONDUCT WITH THE
15 INTENT TO OBTAIN MONEY, PROPERTY OR ANY TANGIBLE BENEFIT:

16 1. THE PERSON KNOWINGLY MISREPRESENTS [~~THEMSELVES~~] [HIMSELF] TO BE A
17 VETERAN OF ANY BRANCH OF THE UNIFORMED SERVICES OF THE UNITED STATES WITHOUT
18 HAVING SERVED IN THAT BRANCH AS AN ENLISTED SERVICE MEMBER, WARRANT OFFICER OR
19 COMMISSIONED OFFICER.

20 2. THE PERSON KNOWINGLY MISREPRESENTS [~~THEMSELVES~~] [HIMSELF] TO BE A
21 RECIPIENT OF A DECORATION, MEDAL, BADGE OR TAB THAT WAS NOT LAWFULLY EARNED
22 THROUGH MILITARY SERVICE.

23 3. THE PERSON KNOWINGLY MISREPRESENTS [~~THEMSELVES~~] [HIMSELF] TO HAVE
24 GRADUATED FROM A MILITARY SCHOOL FROM WHICH THE PERSON DID NOT GRADUATE OR TO
25 HAVE OBTAINED A RATING OR MILITARY OCCUPATIONAL SPECIALTY THAT THE PERSON DID
26 NOT OBTAIN.

27 4. THE PERSON FALSELY CLAIMS ATTENDANCE AT ANY OF THE FOLLOWING
28 ACADEMIES OR SCHOOLS:

29 (a) UNITED STATES MILITARY ACADEMY.

30 (b) UNITED STATES NAVAL ACADEMY.

31 (c) UNITED STATES AIR FORCE ACADEMY.

32 (d) UNITED STATES COAST GUARD ACADEMY.

33 (e) UNITED STATES MERCHANT MARINE ACADEMY.

34 (f) UNITED STATES MARINE [~~CORP~~] [CORPS] AND UNITED STATES ARMY SERGEANT
35 MAJORS ACADEMY.

36 (g) UNITED STATES AIR FORCE CHIEFS COURSE.

37 (h) UNITED STATES NAVY SENIOR ENLISTED ACADEMY.

38 (i) ALL OTHER MILITARY BRANCH SCHOOLS THAT PRODUCE AN ADDITIONAL SKILLS
39 IDENTIFIER QUALIFICATION, INCLUDING RANGER, SEAL, RECON OR SPECIAL FORCES.

40 5. THE PERSON KNOWINGLY MISREPRESENTS [~~THEMSELVES~~] [HIMSELF] TO BE A
41 COMBAT VETERAN.

42 6. THE PERSON FALSIFIES OR ALTERS MILITARY DOCUMENTS OR RECORDS.

43 7. THE PERSON KNOWINGLY MISREPRESENTS [~~THEMSELVES~~] [HIMSELF] TO HAVE
44 RECEIVED A CHARACTERIZATION OF DISCHARGE THAT THE PERSON DID NOT RECEIVE.

45 8. THE PERSON KNOWINGLY MISREPRESENTS [~~THEMSELVES~~] [HIMSELF] TO BE A
46 VETERAN PURSUANT TO THIS SUBSECTION IN THE FURTHERANCE OF A CAMPAIGN FOR
47 POLITICAL OFFICE.

1 B. CERTIFIED SEPARATION DOCUMENTS FROM THE APPLICABLE UNIFORMED SERVICE
2 OR THE NATIONAL ARCHIVES AND RECORD ADMINISTRATION THAT SUPPORT THE PERSON'S
3 CLAIMS CONSTITUTE A COMPLETE DEFENSE TO PROSECUTION. BEFORE FILING A
4 COMPLAINT OR SEEKING AN INDICTMENT, A PROSECUTING AGENCY SHALL OBTAIN FROM THE
5 APPLICABLE UNIFORMED SERVICE OR THE NATIONAL ARCHIVES AND RECORD
6 ADMINISTRATION A CERTIFIED COPY OF THE PERSON'S SEPARATION DOCUMENTS OR SHALL
7 RECEIVE NOTICE THAT SUCH DOCUMENTS DO NOT EXIST.

8 C. IF THE PERSON IS SERVING AS A STATE, COUNTY, MUNICIPAL OR DISTRICT
9 ELECTED OFFICIAL AT THE TIME OF CONVICTION, THE PERSON SHALL BE REMOVED FROM
10 OFFICE ~~[WITHIN TEN CALENDAR DAYS AFTER SENTENCING] [PURSUANT TO SECTIONS~~
11 ~~38-291 AND 38-293]~~.

12 D. THIS SECTION DOES NOT APPLY TO ACTORS OR ACTRESSES WHO PLAY A
13 VETERAN IN CONJUNCTION WITH A ROLE IN A PRODUCTION INTENDED FOR ENTERTAINMENT
14 OR TO INDIVIDUALS EXPERIENCING HOMELESSNESS.

15 E. IMPERSONATING A VETERAN IS A CLASS 1 MISDEMEANOR. ~~[IMPERSONATING A~~
16 ~~VETERAN IS A CLASS 6 FELONY IF THE BENEFIT OBTAINED HAS A VALUE OF AT LEAST~~
17 ~~\$500 BUT LESS THAN \$5,000. IMPERSONATING A VETERAN IS A CLASS 5 FELONY IF THE~~
18 ~~BENEFIT OBTAINED HAS A VALUE OF AT LEAST \$5,000 BUT LESS THAN \$10,000.~~
19 ~~IMPERSONATING A VETERAN IS A CLASS 4 FELONY IF THE BENEFIT OBTAINED IS AT~~
20 ~~LEAST \$10,000.] [IF TANGIBLE BENEFITS ARE OBTAINED WHILE IMPERSONATING A~~
21 ~~VETERAN, THE PERSON SHALL BE CHARGED PURSUANT TO SECTIONS 13-2311 AND 13-~~
22 ~~1802.]~~

23 F. FOR THE PURPOSES OF THIS SECTION:

24 1. "COMBAT VETERAN" MEANS A CURRENT OR FORMER MEMBER OF THE UNIFORMED
25 SERVICES WHO SERVED IN A LOCATION WHERE THE RECEIPT OF IMMINENT DANGER PAY OR
26 HOSTILE FIRE PAY WAS AUTHORIZED.

27 2. "TANGIBLE BENEFIT" MEANS FINANCIAL REMUNERATION, AN EFFECT ON THE
28 OUTCOME OF A CRIMINAL OR CIVIL COURT PROCEEDING~~[,-]~~ OR ANY BENEFIT RELATING TO
29 SERVICE IN THE MILITARY THAT IS PROVIDED BY A FEDERAL, STATE OR LOCAL
30 GOVERNMENTAL ENTITY.

31 Sec. 4. Short title

32 This act may be cited as the "Master Sergeant Orlando Dona Valor Act".

33 Enroll and engross to conform
34 Amend title to conform

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