

REFERENCE TITLE: riot; planning; participation; racketeering

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

# **SB 1142**

Introduced by  
Senators Borrelli: Montenegro, Smith

AN ACT

AMENDING SECTIONS 13-1003, 13-2301 AND 13-2903, ARIZONA REVISED STATUTES;  
RELATING TO RIOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1003, Arizona Revised Statutes, is amended to  
3 read:

4 13-1003. Conspiracy; classification

5 A. A person commits conspiracy if, with the intent to promote or  
6 aid the commission of an offense, such person agrees with one or more  
7 persons that at least one of them or another person will engage in conduct  
8 constituting the offense and one of the parties commits an overt act in  
9 furtherance of the offense, except that an overt act shall not be required  
10 if the object of the conspiracy was to commit any felony ~~upon~~ ON the  
11 person of another, or to commit an offense under section 13-1508, ~~or~~  
12 13-1704 OR 13-2903.

13 B. If a person guilty of conspiracy, as defined in subsection A of  
14 this section, knows or has reason to know that a person with whom such  
15 person conspires to commit an offense has conspired with another person or  
16 persons to commit the same offense, such person is guilty of conspiring to  
17 commit the offense with such other person or persons, whether or not such  
18 person knows their identity.

19 C. A person who conspires to commit a number of offenses is guilty  
20 of only one conspiracy if the multiple offenses are the object of the same  
21 agreement or relationship and the degree of the conspiracy shall be  
22 determined by the most serious offense conspired to.

23 D. Conspiracy to commit a class 1 felony is punishable by a  
24 sentence of life imprisonment without possibility of release on any basis  
25 until the service of twenty-five years, otherwise, conspiracy is an  
26 offense of the same class as the most serious offense which is the object  
27 of or result of the conspiracy.

28 Sec. 2. Section 13-2301, Arizona Revised Statutes, is amended to  
29 read:

30 13-2301. Definitions

31 A. For the purposes of sections 13-2302, 13-2303 and 13-2304:

32 1. "Collect an extension of credit" means to induce in any way any  
33 person to make repayment of that extension.

34 2. "Creditor" means any person making an extension of credit or any  
35 person claiming by, under or through any person making an extension of  
36 credit.

37 3. "Debtor" means any person to whom an extension of credit is made  
38 or any person who guarantees the repayment of an extension of credit, or  
39 in any manner undertakes to indemnify the creditor against loss resulting  
40 from the failure of any person to whom an extension is made to repay the  
41 extension.

42 4. "Extend credit" means to make or renew any loan or to enter into  
43 any agreement, tacit or express, whereby the repayment or satisfaction of  
44 any debt or claim, whether acknowledged or disputed, valid or invalid, and  
45 however arising, may or shall be deferred.

1           5. "Extortionate extension of credit" means any extension of credit  
2 with respect to which it is the understanding of the creditor and the  
3 debtor at the time the extension is made that delay in making repayment or  
4 failure to make repayment could result in the use of violence or other  
5 criminal means to cause harm to the person or the reputation or property  
6 of any person.

7           6. "Extortionate means" means the use, or an express or implicit  
8 threat of use, of violence or other criminal means to cause harm to the  
9 person or the reputation or property of any person.

10          7. "Repayment of any extension of credit" means the repayment,  
11 satisfaction or discharge in whole or in part of any debt or claim,  
12 acknowledged or disputed, valid or invalid, resulting from or in  
13 connection with that extension of credit.

14           B. For the purposes of section 13-2305, 13-2306 or 13-2307:

15           1. "Dealer in property" means a person who buys and sells property  
16 as a business.

17           2. "Stolen property" means property of another as defined in  
18 section 13-1801 that has been the subject of any unlawful taking.

19           3. "Traffic" means to sell, transfer, distribute, dispense or  
20 otherwise dispose of stolen property to another person, or to buy,  
21 receive, possess or obtain control of stolen property, with the intent to  
22 sell, transfer, distribute, dispense or otherwise dispose of the property  
23 to another person.

24           C. For the purposes of this chapter:

25           1. "Animal activity" means a commercial enterprise that uses  
26 animals for food, clothing or fiber production, agriculture or  
27 biotechnology.

28           2. "Animal facility" means a building or premises where a  
29 commercial activity in which the use of animals is essential takes place,  
30 including a zoo, rodeo, circus, amusement park, hunting preserve and horse  
31 and dog event.

32           3. "Animal or ecological terrorism" means any felony in violation  
33 of section 13-2312, subsection B that involves at least three persons  
34 acting in concert, that involves the intentional or knowing infliction of  
35 property damage in an amount of more than ten thousand dollars to the  
36 property that is used by a person for the operation of a lawfully  
37 conducted animal activity or to a commercial enterprise that is engaged in  
38 a lawfully operated animal facility or research facility and that involves  
39 either:

40           (a) The use of a deadly weapon or dangerous instrument.

41           (b) The intentional or knowing infliction of serious physical  
42 injury on a person engaged in a lawfully conducted animal activity or  
43 participating in a lawfully conducted animal facility or research  
44 facility.

1           4. "Biological agent" means any microorganism, virus, infectious  
2 substance or biological product that may be engineered through  
3 biotechnology or any naturally occurring or bioengineered component of any  
4 microorganism, virus, infectious substance or biological product and that  
5 is capable of causing any of the following:

6           (a) Death, disease or physical injury in a human, animal, plant or  
7 other living organism.

8           (b) The deterioration or contamination of air, food, water,  
9 equipment, supplies or material of any kind.

10          5. "Combination" means persons who collaborate in carrying on or  
11 furthering the activities or purposes of a criminal syndicate even though  
12 such persons may not know each other's identity, membership in the  
13 combination changes from time to time or one or more members may stand in  
14 a wholesaler-retailer or other arm's length relationship with others as to  
15 activities or dealings between or among themselves in an illicit  
16 operation.

17          6. "Communication service provider" has the same meaning prescribed  
18 in section 13-3001.

19          7. "Criminal syndicate" means any combination of persons or  
20 enterprises engaging, or having the purpose of engaging, on a continuing  
21 basis in conduct that violates any one or more provisions of any felony  
22 statute of this state.

23          8. "Explosive agent" means an explosive as defined in section  
24 13-3101 and flammable fuels or fire accelerants in amounts over fifty  
25 gallons but excludes:

26           (a) Fireworks as defined in section 36-1601.

27           (b) Firearms.

28           (c) A propellant actuated device or propellant actuated industrial  
29 tool.

30           (d) A device that is commercially manufactured primarily for the  
31 purpose of illumination.

32           (e) A rocket having a propellant charge of less than four ounces.

33          9. "Material support or resources" includes money or other  
34 financial securities, financial services, lodging, sustenance, training,  
35 safehouses, false documentation or identification, communications  
36 equipment, facilities, weapons, lethal substances, explosives, personnel,  
37 transportation, disguises and other physical assets but does not include  
38 medical assistance, legal assistance or religious materials.

39          10. "Public establishment" means a structure that is owned, leased  
40 or operated by this state or a political subdivision of this state or a  
41 health care institution as defined in section 36-401.

42          11. "Research facility" means a laboratory, institution, medical  
43 care facility, government facility, public or private educational  
44 institution or nature preserve at which a scientific test, experiment or

1 investigation involving the use of animals is lawfully carried out,  
2 conducted or attempted.

3 12. "Terrorism" means any felony, including any completed or  
4 preparatory offense, that involves the use of a deadly weapon or a weapon  
5 of mass destruction or the intentional or knowing infliction of serious  
6 physical injury with the intent to either:

7 (a) Influence the policy or affect the conduct of this state or any  
8 of the political subdivisions, agencies or instrumentalities of this  
9 state.

10 (b) Cause substantial damage to or substantial interruption of  
11 public communications, communication service providers, public  
12 transportation, common carriers, public utilities, public establishments  
13 or other public services.

14 13. "Toxin" means the toxic material of plants, animals,  
15 microorganisms, viruses, fungi or infectious substances or a recombinant  
16 molecule, whatever its origin or method of reproduction, including:

17 (a) Any poisonous substance or biological product that may be  
18 engineered through biotechnology and that is produced by a living  
19 organism.

20 (b) Any poisonous isomer or biological product, homolog or  
21 derivative of such substance.

22 14. "Vector" means a living organism or molecule, including a  
23 recombinant molecule or biological product that may be engineered through  
24 biotechnology, that is capable of carrying a biological agent or toxin to  
25 a host.

26 15. "Weapon of mass destruction" means:

27 (a) Any device or object that is designed or that the person  
28 intends to use to cause multiple deaths or serious physical injuries  
29 through the use of an explosive agent or the release, dissemination or  
30 impact of a toxin, biological agent, poisonous chemical, or its precursor,  
31 or any vector.

32 (b) Except as authorized and used in accordance with a license,  
33 registration or exemption by the radiation regulatory agency pursuant to  
34 section 30-672, any device or object that is designed or that the person  
35 intends to use to release radiation or radioactivity at a level that is  
36 dangerous to human life.

37 D. For the purposes of sections 13-2312, 13-2313, 13-2314 and  
38 13-2315, unless the context otherwise requires:

39 1. "Control", in relation to an enterprise, means the possession of  
40 sufficient means to permit substantial direction over the affairs of an  
41 enterprise and, in relation to property, means to acquire or possess.

42 2. "Enterprise" means any corporation, partnership, association,  
43 labor union or other legal entity or any group of persons associated in  
44 fact although not a legal entity.

1           3. "Financial institution" means any business under the  
2 jurisdiction of the department of financial institutions or a banking or  
3 securities regulatory agency of the United States, a business coming  
4 within the definition of a bank, financial agency or financial institution  
5 as prescribed by 31 United States Code section 5312 or 31 Code of Federal  
6 Regulations section 1010.100 or a business under the jurisdiction of the  
7 securities division of the corporation commission, the state real estate  
8 department or the department of insurance.

9           4. "Racketeering" means any act, including any preparatory or  
10 completed offense, that is chargeable or indictable under the laws of the  
11 state or country in which the act occurred and, if the act occurred in a  
12 state or country other than this state, that would be chargeable or  
13 indictable under the laws of this state if the act had occurred in this  
14 state, and that would be punishable by imprisonment for more than one year  
15 under the laws of this state and, if the act occurred in a state or  
16 country other than this state, under the laws of the state or country in  
17 which the act occurred, regardless of whether the act is charged or  
18 indicted, and the act involves ~~either~~ ANY OF THE FOLLOWING:

19           (a) Terrorism, animal terrorism or ecological terrorism that  
20 results or is intended to result in a risk of serious physical injury or  
21 death.

22           (b) RIOT.

23           ~~(b)~~ (c) Any of the following acts if committed for financial gain:

24           (i) Homicide.

25           (ii) Robbery.

26           (iii) Kidnapping.

27           (iv) Forgery.

28           (v) Theft.

29           (vi) Bribery.

30           (vii) Gambling.

31           (viii) Usury.

32           (ix) Extortion.

33           (x) Extortionate extensions of credit.

34           (xi) Prohibited drugs, marijuana or other prohibited chemicals or  
35 substances.

36           (xii) Trafficking in explosives, weapons or stolen property.

37           (xiii) Participating in a criminal syndicate.

38           (xiv) Obstructing or hindering criminal investigations or  
39 prosecutions.

40           (xv) Asserting false claims, including, ~~but not limited to,~~ false  
41 claims asserted through fraud or arson.

42           (xvi) Intentional or reckless false statements or publications  
43 concerning land for sale or lease or sale of subdivided lands or sale and  
44 mortgaging of unsubdivided lands.

45           (xvii) Resale of realty with intent to defraud.

- 1 (xviii) Intentional or reckless fraud in the purchase or sale of  
2 securities.
- 3 (xix) Intentional or reckless sale of unregistered securities or  
4 real property securities.
- 5 (xx) A scheme or artifice to defraud.
- 6 (xxi) Obscenity.
- 7 (xxii) Sexual exploitation of a minor.
- 8 (xxiii) Prostitution.
- 9 (xxiv) Restraint of trade or commerce in violation of section  
10 34-252.
- 11 (xxv) Terrorism.
- 12 (xxvi) Money laundering.
- 13 (xxvii) Obscene or indecent telephone communications to minors for  
14 commercial purposes.
- 15 (xxviii) Counterfeiting marks as proscribed in section 44-1453.
- 16 (xxix) Animal terrorism or ecological terrorism.
- 17 (xxx) Smuggling of human beings.
- 18 (xxxii) Child prostitution.
- 19 (xxxii) Sex trafficking.
- 20 (xxxiii) Trafficking of persons for forced labor or services.
- 21 (xxxiv) Manufacturing, selling or distributing misbranded drugs in  
22 violation of section 13-3406, subsection A, paragraph 9.
- 23 5. "Records" means any book, paper, writing, computer program,  
24 data, image or information that is collected, recorded, preserved or  
25 maintained in any form of storage medium.
- 26 6. "Remedy racketeering" means to enter a civil judgment pursuant  
27 to this chapter or chapter 39 of this title against property or a person  
28 who is subject to liability, including liability for injury to the state  
29 that is caused by racketeering or by actions in concert with racketeering.
- 30 E. For the purposes of sections 13-2316, 13-2316.01 and 13-2316.02:
- 31 1. "Access" means to instruct, communicate with, store data in,  
32 retrieve data from or otherwise make use of any resources of a computer,  
33 computer system or network.
- 34 2. "Access device" means any card, token, code, account number,  
35 electronic serial number, mobile or personal identification number,  
36 password, encryption key, biometric identifier or other means of account  
37 access, including a canceled or revoked access device, that can be used  
38 alone or in conjunction with another access device to obtain money, goods,  
39 services, computer or network access or any other thing of value or that  
40 can be used to initiate a transfer of any thing of value.
- 41 3. "Computer" means an electronic device that performs logic,  
42 arithmetic or memory functions by the manipulations of electronic or  
43 magnetic impulses and includes all input, output, processing, storage,  
44 software or communication facilities that are connected or related to such  
45 a device in a system or network.

1           4. "Computer contaminant" means any set of computer instructions  
2 that is designed to modify, damage, destroy, record or transmit  
3 information within a computer, computer system or network without the  
4 intent or permission of the owner of the information, computer system or  
5 network. Computer contaminant includes a group of computer instructions,  
6 such as viruses or worms, that is self-replicating or self-propagating and  
7 that is designed to contaminate other computer programs or computer data,  
8 to consume computer resources, to modify, destroy, record or transmit data  
9 or in some other fashion to usurp the normal operation of the computer,  
10 computer system or network.

11           5. "Computer program" means a series of instructions or statements,  
12 in a form acceptable to a computer, that permits the functioning of a  
13 computer system in a manner designed to provide appropriate products from  
14 the computer system.

15           6. "Computer software" means a set of computer programs, procedures  
16 and associated documentation concerned with the operation of a computer  
17 system.

18           7. "Computer system" means a set of related, connected or  
19 unconnected computer equipment, devices and software, including storage,  
20 media and peripheral devices.

21           8. "Critical infrastructure resource" means any computer or  
22 communications system or network that is involved in providing services  
23 necessary to ensure or protect the public health, safety or welfare,  
24 including services that are provided by any of the following:

- 25           (a) Medical personnel and institutions.
- 26           (b) Emergency services agencies.
- 27           (c) Public and private utilities, including water, power,  
28 communications and transportation services.
- 29           (d) Fire departments, districts or volunteer organizations.
- 30           (e) Law enforcement agencies.
- 31           (f) Financial institutions.
- 32           (g) Public educational institutions.
- 33           (h) Government agencies.

34           9. "False or fraudulent pretense" means the unauthorized use of an  
35 access device or the use of an access device to exceed authorized access.

36           10. "Financial instrument" means any check, draft, money order,  
37 certificate of deposit, letter of credit, bill of exchange, credit card or  
38 marketable security or any other written instrument as defined in section  
39 13-2001 that is transferable for value.

40           11. "Network" includes a complex of interconnected computer or  
41 communication systems of any type.

42           12. "Property" means financial instruments, information, including  
43 electronically produced data, computer software and programs in either  
44 machine or human readable form, and anything of value, tangible or  
45 intangible.

1           13. "Proprietary or confidential computer security information"  
2 means information about a particular computer, computer system or network  
3 that relates to its access devices, security practices, methods and  
4 systems, architecture, communications facilities, encryption methods and  
5 system vulnerabilities and that is not made available to the public by its  
6 owner or operator.

7           14. "Services" includes computer time, data processing, storage  
8 functions and all types of communication functions.

9           Sec. 3. Section 13-2903, Arizona Revised Statutes, is amended to  
10 read:

11           13-2903. Riot; classification

12           A. A person commits riot if, with two or more other persons acting  
13 together, such person recklessly uses force or violence or threatens to  
14 use force or violence, if such threat is accompanied by immediate power of  
15 execution, which EITHER disturbs the public peace OR RESULTS IN DAMAGE TO  
16 THE PROPERTY OF ANOTHER PERSON.

17           B. Riot is a class 5 felony.