



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

Senate: JUD DPA 6-1-0-0 | 3<sup>rd</sup> Read DPA 26-2-2-0

House: JUD DP 6-2-1-0

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## **SB 1078: fraudulent voice recordings**

**Sponsor: Senator Kavanagh, LD 3**

**House Engrossed**

### **Overview**

Establishes the use of a computer generated voice recording, image or video of another person with the intent to defraud or harass other persons as a form of criminal impersonation punishable as a class 5 felony. Lowers the sentencing for other forms of criminal impersonation from a class 6 felony to a class 1 misdemeanor.

### **History**

Under current law, a person commits criminal impersonation (a class 6 felony) by:

- 1) assuming a false identity with the intent to defraud another;
- 2) pretending to be a representative of some person or organization with the intent to defraud; or
- 3) pretending to be, or assuming a false identity of, an employee or a representative of some person or organization with the intent to induce another person to provide or allow access to property ([A.R.S. § 13-2006](#)).

A class 6 felony carries a presumptive prison sentence of 1 year for a first-time offense and a fine of no more than \$150,000. A class 5 felony carries presumptive prison sentence of 1.5 years for first time offenders and a fine of no more than \$150,000 (A.R.S. §§ [13-702](#), [13-801](#)).

For purposes of [A.R.S. § 13-2921](#) (prescribing the offense of *harassment*), the term *harass* is defined as conduct that is directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed, humiliated or mentally distressed and the conduct in fact seriously alarms, annoys, humiliates or mentally distresses the person.

### **Provisions**

1. Adds that a person commits criminal impersonation by using a computer generated voice recording, image or video of another person with the intent to defraud or harass other persons. (Sec. 1)
2. Defines *defraud* as making a false representation or material omission to deceive another person to gain a benefit. (Sec. 1)
3. For purposes of this offense, deems the term *harass* to carry the same definition as prescribed in [A.R.S. § 13-2921](#). (Sec. 1)
4. Specifies that comedy, parody, artistic expression, criticism or circumstances where it is clear to a reasonable listener or viewer that the recording, image or video has been digitally manipulated are not deemed fraudulent for the purposes of this section. (Sec. 1)

5. Classifies this new form of criminal impersonation as a class 5 felony. (Sec. 1)
6. Lowers the classification for the following forms of criminal impersonation from a class 6 felony to a class 1 misdemeanor:
  - a) assuming a false identity with the intent to defraud another;
  - b) pretending to be a representative of some person or organization with the intent to defraud; or
  - c) pretending to be, or assuming a false identity of, an employee or a representative of some person or organization with the intent to induce another person to provide or allow access to property. (Sec. 1)

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