



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1078

fraudulent voice recordings

Purpose

Classifies, as criminal impersonation subject to a class 5 felony, using a computer generated voice recording, image or video of another person with intent to defraud other persons or with intent to harass other persons.

Background

A person commits *criminal impersonation* 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. Criminal impersonation is classified as a class 6 felony ([A.R.S. § 13-2006](#)).

Harass means 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 ([A.R.S. § 13-2921](#)).

A class 6 felony carries a presumptive prison sentence of 1 year for first time offenders and a fine of not more than \$150,000. A class 5 felony carries presumptive prison sentence of 1.5 years for first time offenders and a fine of not more than \$150,000 (A.R.S. §§ [13-702](#) and [13-801](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits using a computer generated voice recording, image or video of another person with intent to defraud other persons or with intent to harass other persons.
2. Classifies the illegal use of a computer generated voice recording, image or video as outlined as a class 5 felony.
3. Decreases, from a class 6 felony to a class 1 misdemeanor, the penalty for other existing forms of criminal impersonation.

4. Specifies that comedy, parody, artistic expression, criticism or other circumstances are not fraudulent when it is clear to a reasonable listener or viewer that the recording, image or video has been digitally manipulated.
5. Defines *defraud* as making a false representation or material omission to deceive another person to gain a benefit.
6. Makes technical changes.
7. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Modifies the elements necessary to commit criminal impersonation by way of using a computer generated voice recording, image or video to impersonate a real person.

Amendments Adopted by Committee of the Whole

1. The committee amendment was withdrawn.
2. Modifies the elements necessary to commit criminal impersonation via computer generated technology by requiring the person to have operated with intent to defraud or intent to harass, rather than with knowledge that the computer generated medium could cause reputational harm.

Amendments Adopted by the House of Representatives

1. Decreases, from a class 6 felony to a class 1 misdemeanor, the penalty for other existing forms of criminal impersonation.
2. Specifies that comedy, parody, artistic expression, criticism or other circumstances are not fraudulent when it is clear to a reasonable listener or viewer that the recording, image or video has been digitally manipulated.
3. Defines *defraud* as making a false representation or material omission to deceive another person to gain a benefit.

Senate Action

House Action

JUD	2/15/24	DPA	6-1-0	JUD	3/13/24	DP	6-2-1-0
3 rd Read	2/29/24		26-2-2	3 rd Read	5/15/24		56-0-4

Prepared by Senate Research

May 15, 2024

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