



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, Second Regular Session*

FACT SHEET FOR S.B. 1613

theft; classification; private arrest

Purpose

Allows a private person to make an arrest when the person to be arrested has, in the private person's presence, committed a theft of property from a retail store and makes theft of any property or services valued at less than \$2,000 a class 6 felony.

Background

A private person is allowed to make an arrest when: 1) the person to be arrested has in the private person's presence committed a misdemeanor amounting to a breach of the peace, or a felony; or 2) when a felony has been in fact committed and the private person has reasonable ground to believe that the person to be arrested has committed it ([A.R.S. § 13-3884](#)).

Current statute classifies *theft* of property or services with a value of \$1,000 or more but less than \$2,000 as a class 6 felony. *Theft* of any property or services valued at less than \$1,000 is classified as a class 1 misdemeanor ([A.R.S. § 13-1802](#)).

A class 6 felony carries a presumptive imprisonment sentence of 1 year for a first time felony offender, with a possible maximum sentence of 5.75 years for aggravated offenses committed by a category 3 repetitive offender (A.R.S. §§ [13-702](#) and [13-703](#)). The fine for a felony may be up to \$150,000 ([A.R.S. § 13-801](#)).

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

Provisions

1. Allows a private person to make an arrest when the person to be arrested has, in the private person's presence, committed a theft of property from a retail store.
2. Makes theft of any property or services valued at less than \$2,000, rather than between \$2,000 and \$1,000, a class 6 felony.
3. Removes the class 1 misdemeanor classification for theft of any property or services valued at less than \$1,000.
4. Makes technical and conforming changes.
5. Becomes effective on the general effective date.