

Senate Engrossed House Bill

~~sexual conduct; minor; classification; sentence~~
(now: child sex doll; exploitation)

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2169

AN ACT

AMENDING TITLE 13, CHAPTER 14, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1429; AMENDING SECTION 13-3553, ARIZONA REVISED STATUTES; RELATING TO SEXUAL OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, chapter 14, Arizona Revised Statutes, is
3 amended by adding section 13-1429, to read:

4 13-1429. Possessing, trafficking or importing a child sex
5 doll; classification; annual report; definition

6 A. A PERSON COMMITS POSSESSING A CHILD SEX DOLL BY INTENTIONALLY OR
7 KNOWINGLY POSSESSING A CHILD SEX DOLL.

8 B. A PERSON COMMITS TRAFFICKING A CHILD SEX DOLL BY KNOWINGLY
9 MANUFACTURING, DISTRIBUTING, SELLING, TRANSFERRING, OFFERING TO SELL,
10 ADVERTISING, PROVIDING, SHIPPING, DELIVERING FOR SHIPMENT, OFFERING TO
11 DELIVER FOR SHIPMENT OR POSSESSING WITH THE INTENT TO MANUFACTURE,
12 DISTRIBUTE, SELL, SHIP OR TRANSFER A CHILD SEX DOLL.

13 C. A PERSON COMMITS IMPORTING A CHILD SEX DOLL BY KNOWINGLY
14 TRANSPORTING A CHILD SEX DOLL INTO THIS STATE BY ANY MEANS WITH THE INTENT
15 TO DISTRIBUTE, SELL OR TRANSFER THE CHILD SEX DOLL.

16 D. IN A PROSECUTION FOR A VIOLATION OF SUBSECTION B OF THIS
17 SECTION, UNLESS SATISFACTORILY EXPLAINED, THE POSSESSION OF TWO OR MORE
18 CHILD SEX DOLLS MAY GIVE RISE TO AN INFERENCE THAT A PERSON INTENDS TO
19 COMMIT TRAFFICKING A CHILD SEX DOLL.

20 E. THIS SECTION DOES NOT APPLY TO A COMMON CARRIER TRANSPORTING A
21 CONTAINER WITH A CHILD SEX DOLL IF THE COMMON CARRIER DOES NOT HAVE
22 KNOWLEDGE OF THE CONTAINER'S CONTENTS.

23 F. ON OR BEFORE DECEMBER 31, 2024 AND EACH YEAR THEREAFTER, THE
24 ADMINISTRATIVE OFFICE OF THE COURTS SHALL SUBMIT A REPORT TO THE PRESIDENT
25 OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE MINORITY
26 LEADER IN THE SENATE AND THE MINORITY LEADER IN THE HOUSE OF
27 REPRESENTATIVES THAT LISTS, BY COUNTY, THE TOTAL NUMBER OF PERSONS WHO
28 HAVE BEEN CONVICTED OF A VIOLATION OF THIS SECTION.

29 G. A VIOLATION OF THIS SECTION IS A CLASS 4 FELONY.

30 H. FOR THE PURPOSES OF THIS SECTION, "CHILD SEX DOLL" MEANS AN
31 ANATOMICALLY CORRECT DOLL, MANNEQUIN OR ROBOT THAT BOTH:

32 1. HAS THE FEATURES OF OR FEATURES THAT RESEMBLE THOSE OF AN INFANT
33 OR A CHILD WHO IS UNDER TWELVE YEARS OF AGE.

34 2. IS INTENDED TO BE USED FOR SEXUAL STIMULATION OR GRATIFICATION.

35 Sec. 2. Section 13-3553, Arizona Revised Statutes, is amended to
36 read:

37 13-3553. Sexual exploitation of a minor; evidence;
38 classification; definition

39 A. A person commits sexual exploitation of a minor by knowingly:

40 1. Recording, filming, photographing, developing or duplicating any
41 visual depiction in which a minor is engaged in exploitive exhibition or
42 other sexual conduct.

1 2. Distributing, transporting, exhibiting, receiving, selling,
2 purchasing, electronically transmitting, possessing or exchanging any
3 visual depiction in which a minor is engaged in exploitive exhibition or
4 other sexual conduct.

5 3. POSSESSING, MANUFACTURING, DISTRIBUTING, ADVERTISING, ORDERING,
6 OFFERING TO SELL, SELLING OR PURCHASING A CHILD SEX DOLL THAT USES THE
7 FACE, IMAGE OR LIKENESS OF A REAL INFANT OR MINOR WHO IS UNDER TWELVE
8 YEARS OF AGE WITH THE INTENT TO REPLICATE THE PHYSICAL FEATURES OF THE
9 REAL INFANT OR MINOR WHO IS UNDER TWELVE YEARS OF AGE.

10 B. If any visual depiction of sexual exploitation of a minor is
11 admitted into evidence, the court shall seal that evidence at the
12 conclusion of any grand jury proceeding, hearing or trial.

13 C. Sexual exploitation of a minor is a class 2 felony and if the
14 minor is under fifteen years of age it is punishable pursuant to section
15 13-705.

16 D. FOR THE PURPOSES OF THIS SECTION, "CHILD SEX DOLL" HAS THE SAME
17 MEANING PRESCRIBED IN SECTION 13-1429.

18 Sec. 3. Emergency

19 This act is an emergency measure that is necessary to preserve the
20 public peace, health or safety and is operative immediately as provided by
21 law.