

REFERENCE TITLE: unlawful exposure; minors; sentencing; reporting

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1698**

Introduced by  
Senator Wadsack: Representatives Jones, McGarr

AN ACT

AMENDING SECTIONS 8-201, 11-811, 12-741, 13-705 AND 13-1425, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 35, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3508; AMENDING SECTIONS 13-3620 AND 13-3821, ARIZONA REVISED STATUTES; RELATING TO ADULT ORIENTED PERFORMANCES AND BUSINESSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-201, Arizona Revised Statutes, is amended to  
3 read:

4 8-201. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Abandoned" means the failure of the parent to provide  
7 reasonable support and to maintain regular contact with the child,  
8 including providing normal supervision. Abandoned includes a judicial  
9 finding that a parent has made only minimal efforts to support and  
10 communicate with the child. Failure to maintain a normal parental  
11 relationship with the child without just cause for a period of six months  
12 constitutes prima facie evidence of abandonment.

13 2. "Abuse" means the infliction or allowing of physical injury,  
14 impairment of bodily function or disfigurement or the infliction of or  
15 allowing another person to cause serious emotional damage as evidenced by  
16 severe anxiety, depression, withdrawal or untoward aggressive behavior and  
17 which emotional damage is diagnosed by a medical doctor or psychologist  
18 and is caused by the acts or omissions of an individual who has the care,  
19 custody and control of a child. Abuse includes:

20 (a) Inflicting or allowing sexual abuse pursuant to section  
21 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual  
22 assault pursuant to section 13-1406, molestation of a child pursuant to  
23 section 13-1410, commercial sexual exploitation of a minor pursuant to  
24 section 13-3552, sexual exploitation of a minor pursuant to section  
25 13-3553, incest pursuant to section 13-3608, UNLAWFUL EXPOSURE TO AN ADULT  
26 ORIENTED PERFORMANCE OR ADULT ORIENTED BUSINESS PURSUANT TO SECTION  
27 13-3508 or child sex trafficking pursuant to section 13-3212.

28 (b) Physical injury that results from allowing a child to enter or  
29 remain in any structure or vehicle in which volatile, toxic or flammable  
30 chemicals are found or equipment is possessed by any person for the  
31 purpose of manufacturing a dangerous drug as defined in section 13-3401.

32 (c) Unreasonable confinement of a child.

33 3. "Adult" means a person who is eighteen years of age or older.

34 4. "Adult court" means the appropriate justice court, municipal  
35 court or criminal division of the superior court that has jurisdiction to  
36 hear proceedings concerning offenses committed by juveniles as provided in  
37 sections 8-327 and 13-501.

38 5. "Award" or "commit" means to assign legal custody.

39 6. "Child", "youth" or "juvenile" means an individual who is under  
40 eighteen years of age.

41 7. "Complaint" means a written statement of the essential facts  
42 constituting a public offense that is any of the following:

43 (a) Made on an oath before a judge or commissioner of the superior  
44 court or an authorized juvenile hearing officer.

45 (b) Made pursuant to section 13-3903.

1 (c) Accompanied by an affidavit of a law enforcement officer or  
2 employee that swears on information and belief to the accuracy of the  
3 complaint pursuant to section 13-4261.

4 8. "Criminal conduct allegation" means an allegation of conduct by  
5 a parent, guardian or custodian of a child or an adult member of the  
6 victim's household that, if true, would constitute any of the following:

7 (a) A violation of section 13-3623 involving child abuse.

8 (b) A felony offense that constitutes domestic violence as defined  
9 in section 13-3601.

10 (c) A violation of section 13-1404 or 13-1406 involving a minor.

11 (d) A violation of section 13-1405, 13-1410 or 13-1417.

12 (e) Any other act of abuse that is classified as a felony.

13 (f) An offense that constitutes domestic violence as defined in  
14 section 13-3601 and that involves a minor who is a victim of or was in  
15 imminent danger during the domestic violence.

16 9. "Custodian" means a person, other than a parent or legal  
17 guardian, who stands in loco parentis to the child or a person to whom  
18 legal custody of the child has been given by order of the juvenile court.

19 10. "DCS report" means a communication received by the centralized  
20 intake hotline that alleges child abuse or neglect and that meets the  
21 criteria for a report as prescribed in section 8-455.

22 11. "Delinquency hearing" means a proceeding in the juvenile court  
23 to determine whether a juvenile has committed a specific delinquent act as  
24 set forth in a petition.

25 12. "Delinquent act" means an act by a juvenile that if committed  
26 by an adult would be a criminal offense or a petty offense, a violation of  
27 any law of this state, or of another state if the act occurred in that  
28 state, or a law of the United States, or a violation of any law that can  
29 only be violated by a minor and that has been designated as a delinquent  
30 offense, or any ordinance of a city, county or political subdivision of  
31 this state defining crime. Delinquent act does not include an offense  
32 under section 13-501, subsection A or B if the offense is filed in adult  
33 court. Any juvenile who is prosecuted as an adult or who is remanded for  
34 prosecution as an adult shall not be adjudicated as a delinquent juvenile  
35 for the same offense.

36 13. "Delinquent juvenile" means a child who is adjudicated to have  
37 committed a delinquent act.

38 14. "Department" means the department of child safety.

39 15. "Dependent child":

40 (a) Means a child who is adjudicated to be:

41 (i) In need of proper and effective parental care and control and  
42 who has no parent or guardian, or one who has no parent or guardian  
43 willing to exercise or capable of exercising such care and control.

44 (ii) Destitute or who is not provided with the necessities of life,  
45 including adequate food, clothing, shelter or medical care.

1 (iii) A child whose home is unfit by reason of abuse, neglect,  
2 cruelty or depravity by a parent, a guardian or any other person having  
3 custody or care of the child.

4 (iv) Under eight years of age and who is found to have committed an  
5 act that would result in adjudication as a delinquent juvenile or  
6 incorrigible child if committed by an older juvenile or child.

7 (v) Incompetent or not restorable to competency and who is alleged  
8 to have committed a serious offense as defined in section 13-706.

9 (b) Does not include a child who in good faith is being furnished  
10 Christian Science treatment by a duly accredited practitioner if none of  
11 the circumstances described in subdivision (a) of this paragraph exists.

12 16. "Detention" means the temporary confinement of a juvenile who  
13 requires secure care in a physically restricting facility that is  
14 completely surrounded by a locked and physically secure barrier with  
15 restricted ingress and egress for the protection of the juvenile or the  
16 community pending court disposition or as a condition of probation.

17 17. "Director" means the director of the department.

18 18. "Health professional" has the same meaning prescribed in  
19 section 32-3201.

20 19. "Incorrigible child" means a child who:

21 (a) Is adjudicated as a child who refuses to obey the reasonable  
22 and proper orders or directions of a parent, guardian or custodian and who  
23 is beyond the control of that person.

24 (b) Is habitually truant from school as defined in section 15-803,  
25 subsection C.

26 (c) Is a runaway from the child's home or parent, guardian or  
27 custodian.

28 (d) Habitually behaves in such a manner as to injure or endanger  
29 the morals or health of self or others.

30 (e) Commits any act constituting an offense that can only be  
31 committed by a minor and that is not designated as a delinquent act.

32 (f) Fails to obey any lawful order of a court of competent  
33 jurisdiction given in a noncriminal action.

34 20. "Independent living program" includes a residential program  
35 with supervision of less than twenty-four hours a day.

36 21. "Juvenile court" means the juvenile division of the superior  
37 court when exercising its jurisdiction over children in any proceeding  
38 relating to delinquency, dependency or incorrigibility.

39 22. "Law enforcement officer" means a peace officer, sheriff,  
40 deputy sheriff, municipal police officer or constable.

41 23. "Medical director of a mental health agency":

42 (a) Means a psychiatrist, or licensed physician experienced in  
43 psychiatric matters, who is designated in writing by the governing body of  
44 the agency as the person in charge of the medical services of the agency,

1 or a psychiatrist designated by the governing body to act for the  
2 director.

3 (b) Includes the superintendent of the state hospital.

4 24. "Mental health agency" means any private or public facility  
5 that is licensed by this state as a mental health treatment agency, a  
6 psychiatric hospital, a psychiatric unit of a general hospital or a  
7 residential treatment center for emotionally disturbed children and that  
8 uses secure settings or mechanical restraints.

9 25. "Neglect" or "neglected" means:

10 (a) The inability or unwillingness of a parent, guardian or  
11 custodian of a child to provide that child with supervision, food,  
12 clothing, shelter or medical care if that inability or unwillingness  
13 causes substantial risk of harm to the child's health or welfare, except  
14 if the inability of a parent, guardian or custodian to provide services to  
15 meet the needs of a child with a disability or chronic illness is solely  
16 the result of the unavailability of reasonable services.

17 (b) Allowing a child to enter or remain in any structure or vehicle  
18 in which volatile, toxic or flammable chemicals are found or equipment is  
19 possessed by any person with the intent and for the purpose of  
20 manufacturing a dangerous drug as defined in section 13-3401.

21 (c) A determination by a health professional that a newborn infant  
22 was exposed prenatally to a drug or substance listed in section 13-3401  
23 and that this exposure was not the result of a medical treatment  
24 administered to the mother or the newborn infant by a health professional.  
25 This subdivision does not expand a health professional's duty to report  
26 neglect based on prenatal exposure to a drug or substance listed in  
27 section 13-3401 beyond the requirements prescribed pursuant to section  
28 13-3620, subsection E. The determination by the health professional shall  
29 be based on one or more of the following:

30 (i) Clinical indicators in the prenatal period including maternal  
31 and newborn presentation.

32 (ii) History of substance use or abuse.

33 (iii) Medical history.

34 (iv) Results of a toxicology or other laboratory test on the mother  
35 or the newborn infant.

36 (d) Diagnosis by a health professional of an infant under one year  
37 of age with clinical findings consistent with fetal alcohol syndrome or  
38 fetal alcohol effects.

39 (e) Deliberate exposure of a child by a parent, guardian or  
40 custodian to sexual conduct as defined in section 13-3551 or to sexual  
41 contact, oral sexual contact or sexual intercourse as defined in section  
42 13-1401, bestiality as prescribed in section 13-1411, **AN ADULT ORIENTED**  
43 **PERFORMANCE OR ADULT ORIENTED BUSINESS AS PRESCRIBED IN SECTION 13-3508** or  
44 explicit sexual materials as defined in section 13-3507.

1 (f) Any of the following acts committed by the child's parent,  
2 guardian or custodian with reckless disregard as to whether the child is  
3 physically present:

4 (i) Sexual contact as defined in section 13-1401.

5 (ii) Oral sexual contact as defined in section 13-1401.

6 (iii) Sexual intercourse as defined in section 13-1401.

7 (iv) Bestiality as prescribed in section 13-1411.

8 26. "Newborn infant" means a child who is under thirty days of age.

9 27. "Petition" means a written statement of the essential facts  
10 that allege delinquency, incorrigibility or dependency.

11 28. "Prevention" means the creation of conditions, opportunities  
12 and experiences that encourage and develop healthy, self-sufficient  
13 children and that occur before the onset of problems.

14 29. "Protective supervision" means supervision that is ordered by  
15 the juvenile court of children who are found to be dependent or  
16 incorrigible.

17 30. "Qualified young adult" means a former dependent child who is  
18 at least eighteen years of age and not over twenty-one years of age, who  
19 meets the criteria for an extended foster care program pursuant to section  
20 8-521.02 and who signs a voluntary agreement to participate in the  
21 program.

22 31. "Referral" means a report that is submitted to the juvenile  
23 court and that alleges that a child is dependent or incorrigible or that a  
24 juvenile has committed a delinquent or criminal act.

25 32. "Secure care" means confinement in a facility that is  
26 completely surrounded by a locked and physically secure barrier with  
27 restricted ingress and egress.

28 33. "Serious emotional injury" means an injury that is diagnosed by  
29 a medical doctor or a psychologist and that does any one or a combination  
30 of the following:

31 (a) Seriously impairs mental faculties.

32 (b) Causes serious anxiety, depression, withdrawal or social  
33 dysfunction behavior to the extent that the child suffers dysfunction that  
34 requires treatment.

35 (c) Is the result of sexual abuse pursuant to section 13-1404,  
36 sexual conduct with a minor pursuant to section 13-1405, sexual assault  
37 pursuant to section 13-1406, molestation of a child pursuant to section  
38 13-1410, child sex trafficking pursuant to section 13-3212, commercial  
39 sexual exploitation of a minor pursuant to section 13-3552, sexual  
40 exploitation of a minor pursuant to section 13-3553 or incest pursuant to  
41 section 13-3608.

42 34. "Serious physical injury" means an injury that is diagnosed by  
43 a medical doctor and that does any one or a combination of the following:

44 (a) Creates a reasonable risk of death.

45 (b) Causes serious or permanent disfigurement.

- 1 (c) Causes significant physical pain.
- 2 (d) Causes serious impairment of health.
- 3 (e) Causes the loss or protracted impairment of an organ or limb.
- 4 (f) Is the result of sexual abuse pursuant to section 13-1404,
- 5 sexual conduct with a minor pursuant to section 13-1405, sexual assault
- 6 pursuant to section 13-1406, molestation of a child pursuant to section
- 7 13-1410, child sex trafficking pursuant to section 13-3212, commercial
- 8 sexual exploitation of a minor pursuant to section 13-3552, sexual
- 9 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
- 10 section 13-3608.

11 35. "Shelter care" means the temporary care of a child in any  
12 public or private facility or home that is licensed by this state and that  
13 offers a physically nonsecure environment that is characterized by the  
14 absence of physically restricting construction or hardware and that  
15 provides the child access to the surrounding community.

16 36. "Young adult administrative review" means an administrative  
17 review of a voluntary extended foster care case plan with the qualified  
18 young adult, the department's case specialist or designee, an independent  
19 party who is not responsible for the case management of or the delivery of  
20 services to the qualified young adult and any other individual the young  
21 adult invites.

22 Sec. 2. Section 11-811, Arizona Revised Statutes, is amended to  
23 read:

24 11-811. Zoning ordinance; zoning districts; definitions

25 A. Pursuant to this article, the board of supervisors may adopt a  
26 zoning ordinance in order to conserve and promote the public health,  
27 safety, convenience and general welfare. The zoning ordinance and all  
28 rezonings and zoning regulations amendments adopted under this article  
29 shall be consistent with and conform to the adopted comprehensive plan.  
30 In addition to the other matters that are required or authorized under  
31 this section and article 1 of this chapter, the zoning ordinance:

32 1. Shall show the zoning districts designated as appropriate for  
33 various classes of residential, business and industrial uses and shall  
34 provide for the establishment of setback lines and other plans providing  
35 for adequate light, air and parking facilities and for expediting traffic  
36 within the districts.

37 2. May establish the percentage of a lot or parcel that may be  
38 covered by buildings and the size of yards, courts and other open spaces.

39 3. Shall consider access to incident solar energy.

40 4. May provide for retirement community zoning districts.

41 5. May provide for the regulation and use of business licenses,  
42 adult oriented business manager permits and adult service provider permits  
43 in conjunction with the establishment or operation of adult oriented  
44 businesses and facilities, including adult arcades, adult bookstores or  
45 video stores, cabarets, adult live entertainment establishments, adult

1 motion picture theaters, adult theaters, massage establishments and nude  
2 model studios. With respect to cabarets, the ordinance shall not conflict  
3 with specific statutory or valid regulatory requirements applicable to  
4 persons licensed to dispense alcoholic beverages, but the ordinance may  
5 include regulation of the age and conduct of erotic entertainers in a  
6 manner at least as restrictive as rules adopted under title 4.  
7 Notwithstanding section 11-812, a county in regulating or licensing  
8 businesses and facilities pursuant to this paragraph may impose reasonable  
9 operating requirements that affect the existing uses of businesses and  
10 facilities.

11 6. Shall designate and zone appropriate areas of reasonable size in  
12 which there may be established with reasonable permanency canneries,  
13 fertilizer plants, refineries, commercial feedlots, meat packing plants,  
14 tallow works and other like businesses. A dairy operation, including  
15 areas designated for the raising of replacement heifers or bulls owned by  
16 the same dairy operation, is not subject to this paragraph, and is a  
17 general agricultural purpose under subsection D, paragraph 2 of this  
18 section and section 11-812, subsection A, paragraph 2. A replacement  
19 heifer or bull raising operation of a dairy that is not on contiguous  
20 property of the dairy is subject to this paragraph unless the operation  
21 begins within one-quarter mile of the dairy.

22 B. To carry out the purposes of this article, the board may adopt  
23 overlay zoning districts and regulations applicable to particular  
24 buildings, structures and land within individual zones. For the purposes  
25 of this subsection, "overlay zoning district" means a special zoning  
26 district that includes regulations that modify regulations in another  
27 zoning district with which the overlay zoning district is combined.  
28 Overlay zoning districts and regulations shall be adopted pursuant to  
29 section 11-813. The provisions of overlay zoning shall apply  
30 retroactively to authorize overlay zoning districts and regulations  
31 adopted before April 20, 1993.

32 C. In accordance with article II, sections 1 and 2, Constitution of  
33 Arizona, the board shall consider the individual property rights and  
34 personal liberties of the residents of the county before adopting any  
35 zoning ordinance.

36 D. This section does not authorize:

37 1. The imposition of dedications, exactions, fees or other  
38 requirements that are not otherwise authorized by law.

39 2. The regulation or restriction of the use or occupation of land  
40 or improvements for railroad, mining, metallurgical, grazing or general  
41 agricultural purposes, if the tract concerned is five or more contiguous  
42 commercial acres. For the purposes of this paragraph, general  
43 agricultural purposes do not include the cultivation of cannabis as  
44 defined in section 13-3401 or marijuana as defined in section 13-3401 or  
45 36-2801.



1 E. For the purposes of this section:

2 1. "Adult arcade" means any place to which the public is ~~permitted~~  
3 ~~ALLOWED~~ or invited and in which coin-operated or slug-operated or  
4 electronically, electrically or mechanically controlled still or motion  
5 picture machines, projectors or other ~~image-producing~~ ~~IMAGE-PRODUCING~~  
6 devices are maintained to show images involving specific sexual activities  
7 or specific anatomical areas to persons in booths or viewing rooms.

8 2. "Adult bookstore or video store" means a commercial  
9 establishment that offers for sale or rent any of the following as one of  
10 its principal business purposes:

11 (a) Books, magazines, periodicals or other printed matter,  
12 photographs, films, motion pictures, videocassettes or reproductions or  
13 slides or other visual representations that depict or describe specific  
14 sexual activities or specific anatomical areas.

15 (b) Instruments, devices or paraphernalia that are designed for use  
16 in connection with specific sexual activities.

17 3. "Adult live entertainment establishment" means an establishment  
18 that features either:

19 (a) Persons who appear in a state of nudity.

20 (b) Live performances that are characterized by the exposure of  
21 specific anatomical areas or specific sexual activities.

22 4. "Adult motion picture theater" means a commercial establishment  
23 in which for any form of consideration films, motion pictures,  
24 videocassettes, slides or other similar photographic reproductions that  
25 are characterized by the depiction or description of specific sexual  
26 activities or specific anatomical areas are predominantly shown.

27 5. "Adult oriented business" means adult arcades, adult bookstores  
28 or video stores, cabarets, adult live entertainment establishments, adult  
29 motion picture theaters, adult theaters, massage establishments that offer  
30 adult service, ~~DRAG SHOWS OR ESTABLISHMENTS THAT CONDUCT DRAG SHOWS~~ or  
31 nude model studios.

32 6. "Adult oriented business manager" means a person on the premises  
33 of an adult oriented business who is authorized to exercise overall  
34 operational control of the business.

35 7. "Adult service" means dancing, serving food or beverages,  
36 modeling, posing, wrestling, singing, reading, talking, listening or other  
37 performances or activities conducted for any consideration in an adult  
38 oriented business by a person who is nude or seminude during all or part  
39 of the time that the person is providing the service.

40 8. "Adult service provider" or "erotic entertainer" means any  
41 natural person who provides an adult service.

42 9. "Adult theater" means a theater, concert hall, auditorium or  
43 similar commercial establishment that predominantly features persons who  
44 appear in a state of nudity or who engage in live performances that are

1 characterized by the exposure of specific anatomical areas or specific  
2 sexual activities.

3 10. "Cabaret" means an adult oriented business licensed to provide  
4 alcoholic beverages pursuant to title 4, chapter 2, article 1.

5 11. "Discernibly turgid state" means the state of being visibly  
6 swollen, bloated, inflated or distended.

7 12. "DRAG SHOW" MEANS A SHOW OR PERFORMANCE FOR ENTERTAINMENT  
8 DURING WHICH A SINGLE PERFORMER OR GROUP OF PERFORMERS DO BOTH OF THE  
9 FOLLOWING:

10 (a) DRESS IN CLOTHING AND USE MAKEUP AND OTHER PHYSICAL MARKERS  
11 OPPOSITE OF THE PERFORMER'S OR GROUP OF PERFORMERS' GENDERS AT BIRTH TO  
12 EXAGGERATE GENDER SIGNIFIERS AND ROLES.

13 (b) ENGAGE IN SINGING, DANCING OR A MONOLOGUE OR SKIT IN ORDER TO  
14 ENTERTAIN AN AUDIENCE OF TWO OR MORE PEOPLE.

15 ~~12.~~ 13. "Massage establishment" means an establishment in which a  
16 person, firm, association or corporation engages in or ~~permits~~ **ALLOWS**  
17 massage activities, including any method of pressure on, friction against,  
18 stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating  
19 of external soft parts of the body with the hands or with the aid of any  
20 mechanical apparatus or electrical apparatus or appliance. This paragraph  
21 does not apply to:

22 (a) Persons who are licensed pursuant to title 32, chapter 7, 8,  
23 13, 14 or 17.

24 (b) Registered nurses, licensed practical nurses or technicians who  
25 are acting under the supervision of a physician who is licensed pursuant  
26 to title 32, chapter 13 or 17.

27 (c) Registered nurse practitioners who are licensed pursuant to  
28 title 32, chapter 15.

29 (d) Persons who are employed or acting as trainers for a bona fide  
30 amateur, semiprofessional or professional athlete or athletic team.

31 (e) Persons who are licensed pursuant to title 32, chapter 3 or 5  
32 if the activity is limited to the head, face or neck.

33 ~~13.~~ 14. "Nude model studio":

34 (a) Means a place in which a person who appears in a state of  
35 nudity or who displays specific anatomical areas is observed, sketched,  
36 drawn, painted, sculptured, photographed or otherwise depicted by other  
37 persons who pay money or other consideration. ~~Nude model studio~~

38 (b) Does not include a proprietary school that is licensed by this  
39 state, a college, community college or university that is supported  
40 entirely or in part by taxation, a private college or university that  
41 maintains and operates educational programs in which credits are  
42 transferable to a college, community college or university that is  
43 supported entirely or in part by taxation or a structure to which the  
44 following apply:

1       ~~(a)~~ (i) A sign is not visible from the exterior of the structure  
2 and no other advertising appears indicating that a nude person is  
3 available for viewing.

4       ~~(b)~~ (ii) A student must enroll at least three days in advance of a  
5 class in order to participate.

6       ~~(c)~~ (iii) ~~No~~ NOT more than one nude or seminude model is on the  
7 premises at any time.

8       ~~14.~~ 15. "Nude", "nudity" or "state of nudity" means any of the  
9 following:

10       (a) The appearance of a human anus, genitals or a female breast  
11 below a point immediately above the top of the areola.

12       (b) A state of dress that fails to opaquely cover a human anus,  
13 genitals or a female breast below a point immediately above the top of the  
14 areola.

15       ~~15.~~ 16. "Principal business purposes" means that a commercial  
16 establishment derives fifty percent or more of its gross income from the  
17 sale or rental of items listed in paragraph 2 of this subsection.

18       ~~16.~~ 17. "Seminude" means a state of dress in which clothing covers  
19 ~~no~~ NOT more than the genitals, pubic region and female breast below a  
20 point immediately above the top of the areola, as well as portions of the  
21 body that are covered by supporting straps or devices.

22       ~~17.~~ 18. "Specific anatomical areas" means any of the following:

23       (a) A human anus, genitals, the pubic region or a female breast  
24 below a point immediately above the top of the areola that is less than  
25 completely and opaquely covered.

26       (b) Male genitals in a discernibly turgid state even if completely  
27 and opaquely covered.

28       ~~18.~~ 19. "Specific sexual activities" means any of the following:

29       (a) Human genitals in a state of sexual stimulation or arousal.

30       (b) Sex acts, normal or perverted, actual or simulated, including  
31 acts of human masturbation, sexual intercourse, oral copulation or sodomy.

32       (c) Fondling or other erotic touching of the human genitals, pubic  
33 region, buttocks, anus or female breast.

34       (d) Excretory functions as part of or in connection with any of the  
35 activities under subdivision (a), (b) or (c) of this paragraph.

36       Sec. 3. Section 12-741, Arizona Revised Statutes, is amended to  
37 read:

38       12-741. Unauthorized disclosure of intimate images; civil  
39                                   action; exceptions; confidential information form;  
40                                   remedies; statute of limitations; definitions

41       A. A person is liable in a civil action for intentionally  
42 disclosing or threatening to disclose an intimate image of another  
43 individual if the depicted individual suffers harm from the disclosure or  
44 threatened disclosure and the person knew or should have known all of the  
45 following:

1           1. The depicted individual did not consent to the disclosure.

2           2. The intimate image was private.

3           3. The depicted individual was identifiable from the image itself  
4 or from information that is displayed in connection with the image.

5           B. Evidence that the depicted individual consented to the creation  
6 of the image or that the depicted individual previously consented to the  
7 disclosure of the image does not by itself establish that the depicted  
8 individual consented to the disclosure of the intimate image or that the  
9 depicted individual lacked a reasonable expectation of privacy.

10          C. A depicted individual who does not consent to the specific  
11 sexual activities or state of nudity depicted in an intimate image of the  
12 individual retains a reasonable expectation of privacy even if the image  
13 was created when the depicted individual was in a public place.

14          D. Notwithstanding subsection A of this section, a person is not  
15 liable under this section if the person proves that disclosing or  
16 threatening to disclose the intimate image was any of the following:

17           1. Made in good faith in any of the following:

18           (a) Law enforcement.

19           (b) A legal proceeding.

20           (c) Medical education or treatment.

21           2. Made in good faith in reporting or investigating any of the  
22 following:

23           (a) Unlawful conduct.

24           (b) Unsolicited and unwelcome conduct.

25           3. Related to a matter of public concern or public interest.

26           4. Reasonably intended to assist the depicted individual.

27           5. Made by a parent, legal guardian or individual with legal  
28 custody of a child and the depicted individual is the child unless the  
29 image is disclosed with the intent to harm the depicted individual.

30          E. Subsection D of this section does not apply if the plaintiff  
31 proves the disclosure was prohibited by law or made for the purpose of  
32 sexual arousal, sexual gratification, humiliation, degradation or monetary  
33 or commercial gain.

34          F. Disclosing or threatening to disclose an intimate image is not a  
35 matter of public concern or public interest solely because the depicted  
36 individual is a public figure.

37          G. If the plaintiff files with the court and serves on the  
38 defendant a confidential information form that includes the excluded or  
39 redacted plaintiff's name and other identifying characteristics, the court  
40 may exclude or redact from all pleadings and documents filed in the action  
41 other identifying characteristics of the plaintiff. The court may make  
42 further orders as necessary to protect the identity and privacy of a  
43 plaintiff.

- 1 H. The prevailing plaintiff may recover:
- 2 1. The greater of:
- 3 (a) Economic and noneconomic damages that are proximately caused by
- 4 the defendant's disclosure or threatened disclosure, including damages for
- 5 emotional distress whether or not accompanied by other damages.
- 6 (b) Statutory damages of not more than \$10,000 against each
- 7 defendant found liable under this section for all of the defendant's
- 8 disclosures and threatened disclosures that the plaintiff knew or
- 9 reasonably should have known when filing the action or that became known
- 10 during the pendency of the action. In determining the amount of statutory
- 11 damages under this subdivision, consideration must be given to the age of
- 12 the parties at the time of the disclosure or threatened disclosure, the
- 13 number of disclosures or threatened disclosures made by the defendant, the
- 14 breadth of distribution of the image by the defendant and other
- 15 exacerbating or mitigating factors.
- 16 2. An amount equal to any monetary gain made by the defendant from
- 17 disclosing or threatening to disclose the intimate image.
- 18 3. Punitive damages.
- 19 4. Reasonable attorney fees and costs.
- 20 5. Additional relief, including injunctive relief.
- 21 I. A civil action for an unauthorized disclosure may not be brought
- 22 later than four years after the date that the disclosure was discovered or
- 23 should have been discovered with the exercise of reasonable diligence
- 24 except that a threat to disclose may not be brought later than four years
- 25 after the date of the threat to disclose.
- 26 J. In a civil action brought by a depicted individual who was a
- 27 minor on the date of the disclosure or threat to disclose, the time
- 28 specified in subsection I of this section does not begin to run until the
- 29 depicted individual attains the age of majority.
- 30 K. For the purposes of this section:
- 31 1. "Consent" means affirmative, conscious and voluntary
- 32 authorization by an individual with legal capacity to give authorization.
- 33 2. "Depicted individual" means an individual whose body is shown in
- 34 whole or in part in an intimate image.
- 35 3. "Disclose" or "disclosure" means to display, distribute,
- 36 publish, advertise or offer.
- 37 4. "Harm" includes physical harm, economic harm and emotional
- 38 distress whether or not accompanied by physical or economic harm.
- 39 5. "Intimate image" means a photograph, film, videotape, digital
- 40 recording or other similar medium that shows a state of nudity or specific
- 41 sexual activities.

1           6. "Private" means either of the following:

2           (a) Created or obtained under circumstances in which a depicted  
3 individual had a reasonable expectation of privacy.

4           (b) Made accessible through theft, bribery, extortion, fraud, false  
5 pretenses, voyeurism or exceeding authorized access to an account,  
6 message, file, device, resource or property.

7           7. "Specific sexual activities" has the same meaning prescribed in  
8 section 11-811.

9           8. "State of nudity" has the same meaning prescribed in section  
10 11-811, subsection E, paragraph ~~14~~ 15, subdivision (a).

11          Sec. 4. Section 13-705, Arizona Revised Statutes, is amended to  
12 read:

13           13-705. Dangerous crimes against children; sentences;  
14                                   definitions

15           A. A person who is at least eighteen years of age and who is  
16 convicted of a dangerous crime against children in the first degree  
17 involving commercial sexual exploitation of a minor or child sex  
18 trafficking and the person has previously been convicted of a dangerous  
19 crime against children in the first degree shall be sentenced to  
20 imprisonment in the custody of the state department of corrections for  
21 natural life. A person who is sentenced to natural life is not eligible  
22 for commutation, parole, work furlough, work release or release from  
23 confinement on any basis for the remainder of the person's natural life.

24           B. A person who is at least eighteen years of age and who is  
25 convicted of a dangerous crime against children in the first degree  
26 involving sexual assault of a minor who is twelve years of age or younger  
27 or sexual conduct with a minor who is twelve years of age or younger shall  
28 be sentenced to life imprisonment and is not eligible for suspension of  
29 sentence, probation, pardon or release from confinement on any basis  
30 except as specifically authorized by section 31-233, subsection A or B  
31 until the person has served thirty-five years or the sentence is commuted.  
32 This subsection does not apply to masturbatory contact.

33           C. Except as otherwise provided in this section, a person who is at  
34 least eighteen years of age or who has been tried as an adult and who is  
35 convicted of a dangerous crime against children in the first degree  
36 involving attempted first degree murder of a minor who is under twelve  
37 years of age, sexual assault of a minor who is under twelve years of age,  
38 sexual conduct with a minor who is under twelve years of age or  
39 manufacturing methamphetamine under circumstances that cause physical  
40 injury to a minor who is under twelve years of age may be sentenced to  
41 life imprisonment and is not eligible for suspension of sentence,  
42 probation, pardon or release from confinement on any basis except as  
43 specifically authorized by section 31-233, subsection A or B until the  
44 person has served thirty-five years or the sentence is commuted. If a

1 life sentence is not imposed pursuant to this subsection, the person shall  
2 be sentenced to a term of imprisonment as follows:

3	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
4	13 years	20 years	27 years

5 D. Except as otherwise provided in this section, a person who is at  
6 least eighteen years of age or who has been tried as an adult and who is  
7 convicted of a dangerous crime against children in the first degree  
8 involving second degree murder of a minor who is under fifteen years of  
9 age may be sentenced to life imprisonment and is not eligible for  
10 suspension of sentence, probation, pardon or release from confinement on  
11 any basis except as specifically authorized by section 31-233, subsection  
12 A or B until the person has served thirty-five years or the sentence is  
13 commuted. If a life sentence is not imposed pursuant to this subsection,  
14 the person shall be sentenced to a term of imprisonment as follows:

15	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
16	25 years	30 years	35 years

17 E. Except as otherwise provided in this section, a person who is at  
18 least eighteen years of age or who has been tried as an adult and who is  
19 convicted of a dangerous crime against children in the first degree  
20 involving attempted first degree murder of a minor who is twelve, thirteen  
21 or fourteen years of age, sexual assault of a minor who is twelve,  
22 thirteen or fourteen years of age, taking a child for the purpose of  
23 prostitution, child sex trafficking, commercial sexual exploitation of a  
24 minor, sexual conduct with a minor who is twelve, thirteen or fourteen  
25 years of age or manufacturing methamphetamine under circumstances that  
26 cause physical injury to a minor who is twelve, thirteen or fourteen years  
27 of age or involving or using minors in drug offenses shall be sentenced to  
28 a term of imprisonment as follows:

29	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
30	13 years	20 years	27 years

31 A person who has been previously convicted of one predicate felony shall  
32 be sentenced to a term of imprisonment as follows:

33	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
34	23 years	30 years	37 years

35 F. Except as otherwise provided in this section, a person who is at  
36 least eighteen years of age or who has been tried as an adult and who is  
37 convicted of a dangerous crime against children in the first degree  
38 involving aggravated assault, unlawful mutilation, molestation of a child,  
39 sexual exploitation of a minor, aggravated luring a minor for sexual  
40 exploitation, child abuse or kidnapping shall be sentenced to a term of  
41 imprisonment as follows:

42	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
43	10 years	17 years	24 years

1 A person who has been previously convicted of one predicate felony shall  
2 be sentenced to a term of imprisonment as follows:

3	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
4	21 years	28 years	35 years

5 G. Except as otherwise provided in this section, if a person is at  
6 least eighteen years of age or has been tried as an adult and is convicted  
7 of a dangerous crime against children involving luring a minor for sexual  
8 exploitation, sexual extortion, ~~or~~ unlawful age misrepresentation OR  
9 UNLAWFUL EXPOSURE TO AN ADULT ORIENTED PERFORMANCE OR ADULT ORIENTED  
10 BUSINESS PURSUANT TO SECTION 13-3508 and is sentenced to a term of  
11 imprisonment, the term of imprisonment is as follows and the person is not  
12 eligible for release from confinement on any basis except as specifically  
13 authorized by section 31-233, subsection A or B until the sentence imposed  
14 by the court has been served or is commuted, except that if the person is  
15 convicted of unlawful age misrepresentation the person is eligible for  
16 release pursuant to section 41-1604.07:

17	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
18	5 years	10 years	15 years

19 A person who has been previously convicted of one predicate felony shall  
20 be sentenced to a term of imprisonment as follows and the person is not  
21 eligible for suspension of sentence, probation, pardon or release from  
22 confinement on any basis except as specifically authorized by section  
23 31-233, subsection A or B until the sentence imposed by the court has been  
24 served or is commuted, except that if the person is convicted of unlawful  
25 age misrepresentation the person is eligible for release pursuant to  
26 section 41-1604.07:

27	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
28	8 years	15 years	22 years

29 H. Except as otherwise provided in this section, if a person is at  
30 least eighteen years of age or has been tried as an adult and is convicted  
31 of a dangerous crime against children involving sexual abuse or bestiality  
32 under section 13-1411, subsection A, paragraph 2 and is sentenced to a  
33 term of imprisonment, the term of imprisonment is as follows and the  
34 person is not eligible for release from confinement on any basis except as  
35 specifically authorized by section 31-233, subsection A or B until the  
36 sentence imposed by the court has been served, the person is eligible for  
37 release pursuant to section 41-1604.07 or the sentence is commuted:

38	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
39	2.5 years	5 years	7.5 years

40 A person who has been previously convicted of one predicate felony shall  
41 be sentenced to a term of imprisonment as follows and the person is not  
42 eligible for suspension of sentence, probation, pardon or release from  
43 confinement on any basis except as specifically authorized by section  
44 31-233, subsection A or B until the sentence imposed by the court has been



1 served, the person is eligible for release pursuant to section 41-1604.07  
2 or the sentence is commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
8 years	15 years	22 years

5 I. Except as otherwise provided in this section, a person who is at  
6 least eighteen years of age or who has been tried as an adult and who is  
7 convicted of a dangerous crime against children in the first degree  
8 involving continuous sexual abuse of a child shall be sentenced to a term  
9 of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
39 years	60 years	81 years

12 A person who has been previously convicted of one predicate felony shall  
13 be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
69 years	90 years	111 years

16 J. The presumptive sentences prescribed in subsections C, D, E, ~~and~~  
17 F and I of this section or subsections G and H of this section if the  
18 person has previously been convicted of a predicate felony may be  
19 increased or decreased pursuant to section 13-701, subsections C, D and E.

20 K. Except as provided in subsections G, H, M and N of this section,  
21 a person who is sentenced for a dangerous crime against children in the  
22 first degree pursuant to this section is not eligible for suspension of  
23 sentence, probation, pardon or release from confinement on any basis  
24 except as specifically authorized by section 31-233, subsection A or B  
25 until the sentence imposed by the court has been served or commuted.

26 L. A person who is convicted of any dangerous crime against  
27 children in the first degree pursuant to subsection C, D, E, ~~or~~ F or I of  
28 this section and who has been previously convicted of two or more  
29 predicate felonies shall be sentenced to life imprisonment and is not  
30 eligible for suspension of sentence, probation, pardon or release from  
31 confinement on any basis except as specifically authorized by section  
32 31-233, subsection A or B until the person has served not fewer than  
33 thirty-five years or the sentence is commuted.

34 M. Notwithstanding chapter 10 of this title, a person who is at  
35 least eighteen years of age or who has been tried as an adult and who is  
36 convicted of a dangerous crime against children in the second degree  
37 pursuant to subsection B, C, E, ~~or~~ F or I of this section is guilty of a  
38 class 3 felony and if the person is sentenced to a term of imprisonment,  
39 the term of imprisonment is as follows and the person is not eligible for  
40 release from confinement on any basis except as specifically authorized by  
41 section 31-233, subsection A or B until the person has served the sentence  
42 imposed by the court, the person is eligible for release pursuant to  
43 section 41-1604.07 or the sentence is commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
5 years	10 years	15 years

3 N. A person who is convicted of any dangerous crime against  
4 children in the second degree and who has been previously convicted of one  
5 or more predicate felonies is not eligible for suspension of sentence,  
6 probation, pardon or release from confinement on any basis except as  
7 specifically authorized by section 31-233, subsection A or B until the  
8 sentence imposed by the court has been served, the person is eligible for  
9 release pursuant to section 41-1604.07 or the sentence is commuted.

10 O. Section 13-704, subsection J and section 13-707, subsection B  
11 apply to the determination of prior convictions.

12 P. The sentence imposed on a person by the court for a dangerous  
13 crime against children under subsection H of this section involving sexual  
14 abuse may be served concurrently with other sentences if the offense  
15 involved only one victim. The sentence imposed on a person for any other  
16 dangerous crime against children in the first or second degree shall be  
17 consecutive to any other sentence imposed on the person at any time,  
18 including sexual abuse of the same victim.

19 Q. In this section, for purposes of punishment an unborn child  
20 shall be treated like a minor who is under twelve years of age.

21 R. A dangerous crime against children is in the first degree if it  
22 is a completed offense and is in the second degree if it is a preparatory  
23 offense, except attempted first degree murder is a dangerous crime against  
24 children in the first degree.

25 S. It is not a defense to a dangerous crime against children that  
26 the minor is a person posing as a minor or is otherwise fictitious if the  
27 defendant knew or had reason to know the purported minor was under fifteen  
28 years of age.

29 T. For the purposes of this section:

30 1. "Dangerous crime against children" means any of the following  
31 that is committed against a minor who is under fifteen years of age:

- 32 (a) Second degree murder.
- 33 (b) Aggravated assault resulting in serious physical injury or  
34 involving the discharge, use or threatening exhibition of a deadly weapon  
35 or dangerous instrument.
- 36 (c) Sexual assault.
- 37 (d) Molestation of a child.
- 38 (e) Sexual conduct with a minor.
- 39 (f) Commercial sexual exploitation of a minor.
- 40 (g) Sexual exploitation of a minor.
- 41 (h) Child abuse as prescribed in section 13-3623, subsection A,  
42 paragraph 1.
- 43 (i) Kidnapping.
- 44 (j) Sexual abuse.

1 (k) Taking a child for the purpose of prostitution as prescribed in  
2 section 13-3206.

3 (l) Child sex trafficking as prescribed in section 13-3212.

4 (m) Involving or using minors in drug offenses.

5 (n) Continuous sexual abuse of a child.

6 (o) Attempted first degree murder.

7 (p) Sex trafficking.

8 (q) Manufacturing methamphetamine under circumstances that cause  
9 physical injury to a minor.

10 (r) Bestiality as prescribed in section 13-1411, subsection A,  
11 paragraph 2.

12 (s) Luring a minor for sexual exploitation.

13 (t) Aggravated luring a minor for sexual exploitation.

14 (u) Unlawful age misrepresentation.

15 (v) Unlawful mutilation.

16 (w) Sexual extortion as prescribed in section 13-1428.

17 (x) UNLAWFUL EXPOSURE TO AN ADULT ORIENTED PERFORMANCE OR ADULT  
18 ORIENTED BUSINESS PURSUANT TO SECTION 13-3508.

19 2. "Predicate felony" means any felony involving child abuse  
20 pursuant to section 13-3623, subsection A, paragraph 1, a sexual offense,  
21 conduct involving the intentional or knowing infliction of serious  
22 physical injury or the discharge, use or threatening exhibition of a  
23 deadly weapon or dangerous instrument, or a dangerous crime against  
24 children in the first or second degree.

25 Sec. 5. Section 13-1425, Arizona Revised Statutes, is amended to  
26 read:

27 13-1425. Unlawful disclosure of images depicting states of  
28 nudity or specific sexual activities;  
29 classification; definitions

30 A. It is unlawful for a person to intentionally disclose an image  
31 of another person who is identifiable from the image itself or from  
32 information displayed in connection with the image if all of the following  
33 apply:

34 1. The person in the image is depicted in a state of nudity or is  
35 engaged in specific sexual activities.

36 2. The depicted person has a reasonable expectation of privacy.  
37 Evidence that a person has sent an image to another person using an  
38 electronic device does not, on its own, remove the person's reasonable  
39 expectation of privacy for that image.

40 3. The image is disclosed with the intent to harm, harass,  
41 intimidate, threaten or coerce the depicted person.

42 B. This section does not apply to any of the following:

43 1. The reporting of unlawful conduct.

44 2. Lawful and common practices of law enforcement, criminal  
45 reporting, legal proceedings or medical treatment.

1           3. Images involving voluntary exposure in a public or commercial  
2 setting.  
3           4. An interactive computer service, as defined in 47 United States  
4 Code section 230(f)(2), or an information service, as defined in 47 United  
5 States Code section 153, with regard to content wholly provided by another  
6 party.  
7           5. Any disclosure that is made with the consent of the person who  
8 is depicted in the image.  
9           C. A violation of this section is a class 5 felony, except that a  
10 violation of this section is a:  
11           1. Class 4 felony if the image is disclosed by electronic means.  
12           2. Class 1 misdemeanor if a person threatens to disclose but does  
13 not disclose an image that if disclosed would be a violation of this  
14 section.  
15           D. For the purposes of this section:  
16           1. "Disclose" means display, distribute, publish, advertise or  
17 offer.  
18           2. "Disclosed by electronic means" means delivery to an email  
19 address, mobile device, tablet or other electronic device and includes  
20 disclosure on a website.  
21           3. "Harm" means physical injury, financial injury or serious  
22 emotional distress.  
23           4. "Image" means a photograph, videotape, film or digital  
24 recording.  
25           5. "Reasonable expectation of privacy" means the person exhibits an  
26 actual expectation of privacy and the expectation is reasonable.  
27           6. "Specific sexual activities" has the same meaning prescribed in  
28 section 11-811, subsection E, paragraph ~~18~~ 19, subdivisions (a) and (b).  
29           7. "State of nudity" has the same meaning prescribed in section  
30 11-811, subsection E, paragraph ~~14~~ 15, subdivision (a).  
31           Sec. 6. Title 13, chapter 35, Arizona Revised Statutes, is amended  
32 by adding section 13-3508, to read:  
33           13-3508. Unlawful exposure to an adult oriented performance  
34                                   or business; minors; classification; definitions  
35           A. A PERSON COMMITS UNLAWFUL EXPOSURE TO AN ADULT ORIENTED  
36 PERFORMANCE OR ADULT ORIENTED BUSINESS BY KNOWINGLY DOING ANY OF THE  
37 FOLLOWING:  
38           1. ALLOWING A MINOR UNDER THE PERSON'S CUSTODY OR CONTROL TO VIEW  
39 AN ADULT ORIENTED PERFORMANCE OR ENTER AN ADULT ORIENTED BUSINESS.  
40           2. ALLOWING A MINOR TO ENTER OR REMAIN IN AN ADULT ORIENTED  
41 BUSINESS OR A BUILDING OR PART OF A BUILDING WHERE AN ADULT ORIENTED  
42 PERFORMANCE IS OCCURRING.  
43           3. PERFORMING OR ALLOWING ANOTHER PERSON TO PERFORM AN ADULT  
44 ORIENTED PERFORMANCE IF A MINOR IS PRESENT.

1 B. UNLAWFUL EXPOSURE TO AN ADULT ORIENTED PERFORMANCE OR BUSINESS  
2 IS A CLASS 4 FELONY AND IF THE MINOR IS UNDER FIFTEEN YEARS OF AGE IT IS  
3 PUNISHABLE PURSUANT TO SECTION 13-705.

4 C. FOR THE PURPOSES OF THIS SECTION:

5 1. "ADULT ORIENTED BUSINESS" HAS THE SAME MEANING PRESCRIBED IN  
6 SECTION 11-811.

7 2. "ADULT ORIENTED PERFORMANCE" MEANS A SHOW OR PERFORMANCE, WITH  
8 OR WITHOUT CONSIDERATION, THAT INCLUDES ANY OF THE FOLLOWING:

9 (a) A PERSON WHO APPEARS IN A STATE OF NUDITY OR WHO IS SEMINUDE.

10 (b) A PERSON WHOSE PERFORMANCE IS CHARACTERIZED BY THE EXPOSURE OF  
11 SPECIFIC ANATOMICAL AREAS OR SPECIFIC SEXUAL ACTIVITIES.

12 (c) A PERFORMANCE THAT IS HARMFUL TO MINORS.

13 3. "HARMFUL TO MINORS" HAS THE SAME MEANING PRESCRIBED IN SECTION  
14 13-3501.

15 Sec. 7. Section 13-3620, Arizona Revised Statutes, is amended to  
16 read:

17 13-3620. Duty to report abuse, physical injury, neglect and  
18 denial or deprivation of medical or surgical care  
19 or nourishment of minors; medical records;  
20 exception; violation; classification; definitions

21 A. Any person who reasonably believes that a minor is or has been  
22 the victim of physical injury, abuse, child abuse, a reportable offense or  
23 neglect that appears to have been inflicted on the minor by other than  
24 accidental means or that is not explained by the available medical history  
25 as being accidental in nature or who reasonably believes there has been a  
26 denial or deprivation of necessary medical treatment or surgical care or  
27 nourishment with the intent to cause or allow the death of an infant who  
28 is protected under section 36-2281 shall immediately report or cause  
29 reports to be made of this information to a peace officer, to the  
30 department of child safety or to a tribal law enforcement or social  
31 services agency for any Indian minor who resides on an Indian reservation,  
32 except if the report concerns a person who does not have care, custody or  
33 control of the minor, the report shall be made to a peace officer only. A  
34 member of the clergy, a Christian Science practitioner or a priest who has  
35 received a confidential communication or a confession in that person's  
36 role as a member of the clergy, as a Christian Science practitioner or as  
37 a priest in the course of the discipline enjoined by the church to which  
38 the member of the clergy, the Christian Science practitioner or the priest  
39 belongs may withhold reporting of the communication or confession if the  
40 member of the clergy, the Christian Science practitioner or the priest  
41 determines that it is reasonable and necessary within the concepts of the  
42 religion. This exemption applies only to the communication or confession  
43 and not to personal observations the member of the clergy, the Christian  
44 Science practitioner or the priest may otherwise make of the minor. For  
45 the purposes of this subsection, "person" means:

1           1. Any physician, physician's assistant, optometrist, dentist,  
2 osteopathic physician, chiropractor, podiatrist, behavioral health  
3 professional, nurse, psychologist, counselor or social worker who develops  
4 the reasonable belief in the course of treating a patient.

5           2. Any peace officer, child welfare investigator, child safety  
6 worker, member of the clergy, priest or Christian Science practitioner.

7           3. The parent, stepparent or guardian of the minor.

8           4. School personnel, domestic violence victim advocates or sexual  
9 assault victim advocates who develop the reasonable belief in the course  
10 of their employment.

11          5. Any other person who has responsibility for the care or  
12 treatment of the minor.

13          6. Any person who is employed as the immediate or next higher level  
14 supervisor to or administrator of a person who is listed in paragraph 1,  
15 2, 4 or 5 of this subsection and who develops the reasonable belief in the  
16 course of the supervisor's or administrator's employment, except that if  
17 the supervisor or administrator reasonably believes that the report has  
18 been made by a person who is required to report pursuant to paragraph 1,  
19 2, 4 or 5 of this subsection, the supervisor or administrator is not  
20 required to report pursuant to this paragraph.

21          B. A report is not required under this section either:

22           1. For conduct prescribed by sections 13-1404 and 13-1405 if the  
23 conduct involves only minors who are fourteen, fifteen, sixteen or  
24 seventeen years of age and there is nothing to indicate that the conduct  
25 is other than consensual.

26           2. If a minor is of elementary school age, the physical injury  
27 occurs accidentally in the course of typical playground activity during a  
28 school day, occurs on the premises of the school that the minor attends  
29 and is reported to the legal parent or guardian of the minor and the  
30 school maintains a written record of the incident.

31          C. If a physician, psychologist or behavioral health professional  
32 receives a statement from a person other than a parent, stepparent,  
33 guardian or custodian of the minor during the course of providing sex  
34 offender treatment that is not court ordered or that does not occur while  
35 the offender is incarcerated in the state department of corrections or the  
36 department of juvenile corrections, the physician, psychologist or  
37 behavioral health professional may withhold the reporting of that  
38 statement if the physician, psychologist or behavioral health professional  
39 determines it is reasonable and necessary to accomplish the purposes of  
40 the treatment.

41          D. Reports shall be made immediately either electronically or by  
42 telephone. The reports shall contain the following information, if known:

43           1. The names and addresses of the minor and the minor's parents or  
44 the person or persons having custody of the minor.

1           2. The minor's age and the nature and extent of the minor's abuse,  
2 child abuse, physical injury or neglect, including any evidence of  
3 previous abuse, child abuse, physical injury or neglect.

4           3. Any other information that the person believes might be helpful  
5 in establishing the cause of the abuse, child abuse, physical injury or  
6 neglect.

7           E. A health care professional who is regulated pursuant to title 32  
8 and who, after a routine newborn physical assessment of a newborn infant's  
9 health status or following notification of positive toxicology screens of  
10 a newborn infant, reasonably believes that the newborn infant may be  
11 affected by the presence of alcohol or a drug listed in section 13-3401  
12 shall immediately report this information, or cause a report to be made,  
13 to the department of child safety. For the purposes of this subsection,  
14 "newborn infant" means a newborn infant who is under thirty days of age.

15           F. Any person other than one required to report or cause reports to  
16 be made under subsection A of this section who reasonably believes that a  
17 minor is or has been a victim of abuse, child abuse, physical injury, a  
18 reportable offense or neglect may report the information to a peace  
19 officer or to the department of child safety, except if the report  
20 concerns a person who does not have care, custody or control of the minor,  
21 the report shall be made to a peace officer only.

22           G. A person who has custody or control of medical records of a  
23 minor for whom a report is required or authorized under this section shall  
24 make the records, or a copy of the records, available to a peace officer,  
25 child welfare investigator or child safety worker investigating the  
26 minor's neglect, child abuse, physical injury or abuse on written request  
27 for the records signed by the peace officer, child welfare investigator or  
28 child safety worker. Records disclosed pursuant to this subsection are  
29 confidential and may be used only in a judicial or administrative  
30 proceeding or investigation resulting from a report required or authorized  
31 under this section.

32           H. When reports are received by a peace officer, the officer shall  
33 immediately notify the department of child safety. Notwithstanding any  
34 other statute, when the department receives these reports, it shall  
35 immediately notify a peace officer in the appropriate jurisdiction.

36           I. Any person who is required to receive reports pursuant to  
37 subsection A of this section may take or cause to be taken photographs of  
38 the minor and the vicinity involved. Medical examinations of the involved  
39 minor may be performed.

40           J. A person who furnishes a report, information or records required  
41 or authorized under this section, or a person who participates in a  
42 judicial or administrative proceeding or investigation resulting from a  
43 report, information or records required or authorized under this section,  
44 is immune from any civil or criminal liability by reason of that action  
45 unless the person acted with malice or unless the person has been charged

1 with or is suspected of abusing or neglecting the child or children in  
2 question.

3 K. Except for the attorney client privilege or the privilege under  
4 subsection L of this section, no privilege applies to any:

5 1. Civil or criminal litigation or administrative proceeding in  
6 which a minor's neglect, dependency, abuse, child abuse, physical injury  
7 or abandonment is an issue.

8 2. Judicial or administrative proceeding resulting from a report,  
9 information or records submitted pursuant to this section.

10 3. Investigation of a minor's child abuse, physical injury, neglect  
11 or abuse conducted by a peace officer or the department of child safety.

12 L. In any civil or criminal litigation in which a child's neglect,  
13 dependency, physical injury, abuse, child abuse or abandonment is an  
14 issue, a member of the clergy, a Christian Science practitioner or a  
15 priest shall not, without his consent, be examined as a witness concerning  
16 any confession made to him in his role as a member of the clergy, a  
17 Christian Science practitioner or a priest in the course of the discipline  
18 enjoined by the church to which he belongs. This subsection does not  
19 discharge a member of the clergy, a Christian Science practitioner or a  
20 priest from the duty to report pursuant to subsection A of this section.

21 M. If psychiatric records are requested pursuant to subsection G of  
22 this section, the custodian of the records shall notify the attending  
23 psychiatrist, who may excise from the records, before they are made  
24 available:

25 1. Personal information about individuals other than the patient.

26 2. Information regarding specific diagnosis or treatment of a  
27 psychiatric condition, if the attending psychiatrist certifies in writing  
28 that release of the information would be detrimental to the patient's  
29 health or treatment.

30 N. If any portion of a psychiatric record is excised pursuant to  
31 subsection M of this section, a court, on application of a peace officer,  
32 child welfare investigator or child safety worker, may order that the  
33 entire record or any portion of the record that contains information  
34 relevant to the reported abuse, child abuse, physical injury or neglect be  
35 made available to the peace officer, child welfare investigator or child  
36 safety worker investigating the abuse, child abuse, physical injury or  
37 neglect.

38 O. A person who violates this section is guilty of a class 1  
39 misdemeanor, except if the failure to report involves a reportable  
40 offense, the person is guilty of a class 6 felony.

41 P. For the purposes of this section:

42 1. "Abuse" has the same meaning prescribed in section 8-201.

43 2. "Child abuse" means child abuse pursuant to section 13-3623.

44 3. "Neglect" has the same meaning prescribed in section 8-201.

45 4. "Reportable offense" means any of the following:



1 (a) Any offense listed in chapters 14 and 35.1 of this title or  
2 ~~section~~ SECTIONS 13-3506.01 AND 13-3508.

3 (b) Surreptitious photographing, videotaping, filming or digitally  
4 recording or viewing a minor pursuant to section 13-3019.

5 (c) Child sex trafficking pursuant to section 13-3212.

6 (d) Incest pursuant to section 13-3608.

7 (e) Unlawful mutilation pursuant to section 13-1214.

8 Sec. 8. Section 13-3821, Arizona Revised Statutes, is amended to  
9 read:

10 13-3821. Persons required to register; procedure;  
11 identification card; assessment; definitions

12 A. A person who has been convicted of or adjudicated guilty except  
13 insane for a violation or attempted violation of any of the following  
14 offenses or who has been convicted of or adjudicated guilty except insane  
15 or not guilty by reason of insanity for an offense committed in another  
16 jurisdiction that if committed in this state would be a violation or  
17 attempted violation of any of the following offenses or an offense that  
18 was in effect before September 1, 1978 and that, if committed on or after  
19 September 1, 1978, has the same elements of an offense listed in this  
20 section or who is required to register by the convicting or adjudicating  
21 jurisdiction, within ten days after the conviction or adjudication or  
22 within seventy-two hours, excluding weekends and legal holidays, after  
23 entering and remaining for at least seventy-two hours in any county of  
24 this state, shall register with the sheriff of that county:

25 1. Unlawful imprisonment pursuant to section 13-1303 if the victim  
26 is under eighteen years of age and the unlawful imprisonment was not  
27 committed by the child's parent.

28 2. Kidnapping pursuant to section 13-1304 if the victim is under  
29 eighteen years of age and the kidnapping was not committed by the child's  
30 parent.

31 3. Sexual abuse pursuant to section 13-1404 if the victim is under  
32 eighteen years of age.

33 4. Sexual conduct with a minor pursuant to section 13-1405.

34 5. Sexual assault pursuant to section 13-1406.

35 6. Sexual assault of a spouse if the offense was committed before  
36 August 12, 2005.

37 7. Molestation of a child pursuant to section 13-1410.

38 8. Continuous sexual abuse of a child pursuant to section 13-1417.

39 9. Taking a child for the purpose of prostitution pursuant to  
40 section 13-3206.

41 10. Child prostitution pursuant to section 13-3212, subsection A or  
42 subsection B, paragraph 1 or 2 committed before August 9, 2017.

43 11. Child sex trafficking pursuant to section 13-3212, subsection A  
44 or subsection B, paragraph 1 or 2 committed on or after August 9, 2017.

- 1           12. Commercial sexual exploitation of a minor pursuant to section  
2 13-3552.
- 3           13. Sexual exploitation of a minor pursuant to section 13-3553.
- 4           14. Luring a minor for sexual exploitation pursuant to section  
5 13-3554.
- 6           15. A second or subsequent violation of indecent exposure to a  
7 person who is under fifteen years of age pursuant to section 13-1402.
- 8           16. A second or subsequent violation of public sexual indecency to  
9 a minor who is under fifteen years of age pursuant to section 13-1403,  
10 subsection B.
- 11           17. A third or subsequent violation of indecent exposure pursuant  
12 to section 13-1402.
- 13           18. A third or subsequent violation of public sexual indecency  
14 pursuant to section 13-1403.
- 15           19. A violation of section 13-3822 or 13-3824.
- 16           20. Unlawful age misrepresentation.
- 17           21. Aggravated luring a minor for sexual exploitation pursuant to  
18 section 13-3560.
- 19           22. Sexual extortion pursuant to section 13-1428 if the victim is  
20 under fifteen years of age.
- 21           23. UNLAWFUL EXPOSURE TO AN ADULT ORIENTED PERFORMANCE OR ADULT  
22 ORIENTED BUSINESS PURSUANT TO SECTION 13-3508.
- 23           B. Before the person is released from confinement the state  
24 department of corrections in conjunction with the department of public  
25 safety and each county sheriff shall complete the registration of any  
26 person who was convicted of or adjudicated guilty except insane for a  
27 violation of any offense listed under subsection A of this section.  
28 Within three days after the person's release from confinement, the state  
29 department of corrections shall forward the registered person's records to  
30 the department of public safety and to the sheriff of the county in which  
31 the registered person intends to reside. Registration pursuant to this  
32 subsection shall be consistent with subsection E of this section.
- 33           C. Notwithstanding subsection A of this section, the judge who  
34 sentences a defendant for any violation of chapter 14 or 35.1 of this  
35 title or for an offense for which there was a finding of sexual motivation  
36 pursuant to section 13-118 may require the person who committed the  
37 offense to register pursuant to this section.
- 38           D. The court may require a person who has been adjudicated  
39 delinquent for an act that would constitute an offense specified in  
40 subsection A or C of this section to register pursuant to this section.  
41 Any duty to register under this subsection ~~shall terminate~~ TERMINATES when  
42 the person reaches twenty-five years of age.
- 43           E. A person who has been convicted, adjudicated guilty except  
44 insane or adjudicated delinquent and who is required to register in the  
45 convicting or adjudicating state for an act that would constitute an

1 offense specified in subsection A or C of this section and who is not a  
2 resident of this state shall be required to register pursuant to this  
3 section if the person is either:

4 1. Employed full-time or part-time in this state, with or without  
5 compensation, for more than fourteen consecutive days or for an aggregate  
6 period of more than thirty days in a calendar year.

7 2. Enrolled as a full-time or part-time student in any school in  
8 this state for more than fourteen consecutive days or for an aggregate  
9 period of more than thirty days in a calendar year. For the purposes of  
10 this paragraph, "school" means an educational institution of any  
11 description, public or private, wherever located in this state.

12 F. Any duty to register under subsection D or E of this section for  
13 a juvenile adjudication terminates when the person reaches twenty-five  
14 years of age.

15 G. The court may order the termination of any duty to register  
16 under this section on successful completion of probation if the person was  
17 under eighteen years of age when the offense for which the person was  
18 convicted or adjudicated guilty except insane was committed.

19 H. The court may order the suspension or termination of any duty to  
20 register under this section after a hearing held pursuant to section  
21 13-923.

22 I. At the time of registering, the person shall sign or affix an  
23 electronic fingerprint to a statement giving such information as required  
24 by the director of the department of public safety, including all names by  
25 which the person is known, any required online identifier, the name of any  
26 website or internet communication service where the identifier is being  
27 used and, if the person owns, possesses or regularly operates a motor  
28 vehicle that is required to be registered under title 28, chapter 7, the  
29 make, model, year of manufacture, color, vehicle identification number,  
30 state of registration and license plate number of the motor vehicle. The  
31 sheriff shall fingerprint and photograph the person and within three days  
32 thereafter shall send copies of the statement, fingerprints and  
33 photographs to the department of public safety and the chief of police, if  
34 any, of the place where the person resides. The information that is  
35 required by this subsection shall include the physical location of the  
36 person's residence, the person's address and whether the person's  
37 residence is permanent or temporary. If the person has a place of  
38 residence that is different from the person's address, the person shall  
39 provide the person's address, the physical location of the person's  
40 residence and the name of the owner of the residence if the residence is  
41 privately owned and not offered for rent or lease. If the person receives  
42 mail at a post office box or other place, the person shall provide the  
43 location and number of the post office box or other place. If the person  
44 has more than one residence, the person shall register in person and in  
45 writing every residence and address not less than every ninety days with

1 the sheriff in whose jurisdiction the person is physically present. If  
2 the person does not have an address or a permanent place of residence, the  
3 person shall provide a description and physical location of any temporary  
4 residence and shall register as a transient not less than every ninety  
5 days with the sheriff in whose jurisdiction the transient is physically  
6 present.

7 J. On the person's initial registration and every year after the  
8 person's initial registration during the month of the person's birthdate,  
9 the person shall report in person to the sheriff of the county in which  
10 the person is registered and confirm in writing all information required  
11 by this section, any required online identifier and the name of any  
12 website or internet communication service where the identifier is being  
13 used and the person shall obtain a new nonoperating identification license  
14 or a driver license from the motor vehicle division in the department of  
15 transportation and shall carry a valid nonoperating identification license  
16 or a driver license. Notwithstanding sections 28-3165 and 28-3171, the  
17 license is valid for one year from the date of issuance, and the person  
18 shall submit to the department of transportation proof of the person's  
19 address and place of residence. The motor vehicle division shall annually  
20 update the person's address and photograph and shall make a copy of the  
21 photograph available to the department of public safety or to any law  
22 enforcement agency. The motor vehicle division shall provide to the  
23 department of public safety daily address updates for persons required to  
24 register pursuant to this section.

25 K. Except as provided in subsection E or L of this section, the  
26 clerk of the superior court in the county in which a person has been  
27 convicted of or adjudicated guilty except insane for a violation of any  
28 offense listed under subsection A of this section or has been ordered to  
29 register pursuant to subsection C or D of this section shall notify the  
30 sheriff in that county of the conviction or adjudication within ten days  
31 after entry of the judgment.

32 L. Within ten days after entry of judgment, a court not of record  
33 shall notify the arresting law enforcement agency of an offender's  
34 conviction of or adjudication of guilty except insane for a violation of  
35 section 13-1402. Within ten days after receiving this information, the  
36 law enforcement agency shall determine if the offender is required to  
37 register pursuant to this section. If the law enforcement agency  
38 determines that the offender is required to register, the law enforcement  
39 agency shall provide the information required by section 13-3825 to the  
40 department of public safety and shall make community notification as  
41 required by law.

42 M. A person who is required to register pursuant to this section  
43 because of a conviction or adjudication of guilty except insane for the  
44 unlawful imprisonment of a minor or the kidnapping of a minor is required  
45 to register, absent additional or subsequent convictions or adjudications,

1 for a period of ten years from the date that the person is released from  
2 prison, jail, probation, community supervision or parole and the person  
3 has fulfilled all restitution obligations. Notwithstanding this  
4 subsection, a person who has a prior conviction or adjudication of guilty  
5 except insane for an offense for which registration is required pursuant  
6 to this section is required to register for life.

7 N. A person who is required to register pursuant to this section  
8 and who is a student at a public or private institution of postsecondary  
9 education or who is employed, with or without compensation, at a public or  
10 private institution of postsecondary education or who carries on a  
11 vocation at a public or private institution of postsecondary education  
12 shall notify the county sheriff having jurisdiction of the institution of  
13 postsecondary education. The person who is required to register pursuant  
14 to this section shall also notify the sheriff of each change in enrollment  
15 or employment status at the institution.

16 O. At the time of registering, the sheriff shall secure a  
17 sufficient sample of blood or other bodily substances for deoxyribonucleic  
18 acid testing and extraction from a person who has been convicted of or  
19 adjudicated guilty except insane for an offense committed in another  
20 jurisdiction that if committed in this state would be a violation or  
21 attempted violation of any of the offenses listed in subsection A of this  
22 section or an offense that was in effect before September 1, 1978 and  
23 that, if committed on or after September 1, 1978, has the same elements of  
24 an offense listed in subsection A of this section or who is required to  
25 register by the convicting or adjudicating jurisdiction. The sheriff  
26 shall transmit the sample to the department of public safety.

27 P. Any person who is required to register under subsection A of  
28 this section shall register the person's required online identifier and  
29 the name of any website or internet communication service where the  
30 identifier is being used or is intended to be used with the sheriff from  
31 and after December 31, 2007, regardless of whether the person was required  
32 to register an identifier at the time of the person's initial registration  
33 under this section.

34 Q. On conviction of or adjudication of guilty except insane for any  
35 offense for which a person is required to register pursuant to this  
36 section, in addition to any other penalty prescribed by law, the court  
37 shall order the person to pay an additional assessment of \$250. This  
38 assessment is not subject to any surcharge. The court shall transmit the  
39 monies received pursuant to this section to the county treasurer. The  
40 county treasurer shall transmit the monies received to the state  
41 treasurer. The state treasurer shall deposit the monies received in the  
42 state general fund. Notwithstanding any other law, the court shall not  
43 waive the assessment imposed pursuant to this section.

- 1           R. A person who is required to register pursuant to this section  
2 shall verify the person's residence and address if requested by the  
3 department of public safety pursuant to section 13-3827, subsection G.
- 4           S. For the purposes of this section:
- 5           1. "Address" means all locations at which the person receives mail.
- 6           2. "Required online identifier" means any electronic email address  
7 information or instant message, chat, social networking or other similar  
8 internet communication name but does not include a social security number,  
9 date of birth or pin number.
- 10          3. "Residence" means:
- 11           (a) The person's dwelling place, whether permanent or temporary.
- 12           (b) If the person is transient and does not spend at least three  
13 nights in any location or place within ~~thirty days~~ A THIRTY-DAY PERIOD,  
14 the ~~geographical~~ GEOGRAPHIC areas of the county where the person spends  
15 the nights.
- 16          4. "Transient" means a person who does not have a single and  
17 permanent dwelling place.