

Senate Engrossed

unlawful exposure; minors; sentencing; reporting

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

SENATE BILL 1698

AN ACT

AMENDING SECTIONS 8-201, 11-811, 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, ~~ESTABLISHMENTS THAT CONDUCT OR HOST SEXUALLY EXPLICIT~~
31 ~~PERFORMANCES~~ or 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. "Massage establishment" means an establishment in which a
8 person, firm, association or corporation engages in or ~~permits~~ **ALLOWS**
9 massage activities, including any method of pressure on, friction against,
10 stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating
11 of external soft parts of the body with the hands or with the aid of any
12 mechanical apparatus or electrical apparatus or appliance. This paragraph
13 does not apply to:

14 (a) Persons who are licensed pursuant to title 32, chapter 7, 8,
15 13, 14 or 17.

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

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

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

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

25 13. "Nude model studio":

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

30 (b) Does not include a proprietary school that is licensed by this
31 state, a college, community college or university that is supported
32 entirely or in part by taxation, a private college or university that
33 maintains and operates educational programs in which credits are
34 transferable to a college, community college or university that is
35 supported entirely or in part by taxation or a structure to which the
36 following apply:

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

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

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

1 14. "Nude", "nudity" or "state of nudity" means any of the
2 following:

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

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

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

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

15 17. "SEXUALLY EXPLICIT" MEANS WITH AN INTENTION TO AROUSE OR
16 SATISFY THE SEXUAL DESIRES OR TO APPEAL TO THE PRURIENT INTEREST.

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

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

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

23 ~~18.~~ 19. "Specific sexual activities" means any of the following:

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

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

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

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

31 Sec. 3. Section 13-705, Arizona Revised Statutes, is amended to
32 read:

33 13-705. Dangerous crimes against children; sentences;
34 definitions

35 A. A person who is at least eighteen years of age and who is
36 convicted of a dangerous crime against children in the first degree
37 involving commercial sexual exploitation of a minor or child sex
38 trafficking and the person has previously been convicted of a dangerous
39 crime against children in the first degree shall be sentenced to
40 imprisonment in the custody of the state department of corrections for
41 natural life. A person who is sentenced to natural life is not eligible
42 for commutation, parole, work furlough, work release or release from
43 confinement on any basis for the remainder of the person's natural life.

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

10 C. Except as otherwise provided in this section, a person who is at
 11 least eighteen years of age or who has been tried as an adult and who is
 12 convicted of a dangerous crime against children in the first degree
 13 involving attempted first degree murder of a minor who is under twelve
 14 years of age, sexual assault of a minor who is under twelve years of age,
 15 sexual conduct with a minor who is under twelve years of age or
 16 manufacturing methamphetamine under circumstances that cause physical
 17 injury to a minor who is under twelve years of age may be sentenced to
 18 life imprisonment and is not eligible for suspension of sentence,
 19 probation, pardon or release from confinement on any basis except as
 20 specifically authorized by section 31-233, subsection A or B until the
 21 person has served thirty-five years or the sentence is commuted. If a
 22 life sentence is not imposed pursuant to this subsection, the person shall
 23 be sentenced to a term of imprisonment as follows:

24	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
25	13 years	20 years	27 years

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

36	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
37	25 years	30 years	35 years

38 E. Except as otherwise provided in this section, a person who is at
 39 least eighteen years of age or who has been tried as an adult and who is
 40 convicted of a dangerous crime against children in the first degree
 41 involving attempted first degree murder of a minor who is twelve, thirteen
 42 or fourteen years of age, sexual assault of a minor who is twelve,
 43 thirteen or fourteen years of age, taking a child for the purpose of
 44 prostitution, child sex trafficking, commercial sexual exploitation of a
 45 minor, sexual conduct with a minor who is twelve, thirteen or fourteen

1 years of age or manufacturing methamphetamine under circumstances that
2 cause physical injury to a minor who is twelve, thirteen or fourteen years
3 of age or involving or using minors in drug offenses shall be sentenced to
4 a term of imprisonment as follows:

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

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

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

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

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

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

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

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

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

38 A person who has been previously convicted of one predicate felony shall
39 be sentenced to a term of imprisonment as follows and the person is not
40 eligible for suspension of sentence, probation, pardon or release from
41 confinement on any basis except as specifically authorized by section
42 31-233, subsection A or B until the sentence imposed by the court has been
43 served or is commuted, except that if the person is convicted of unlawful
44 age misrepresentation the person is eligible for release pursuant to
45 section 41-1604.07:

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

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

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

14 A person who has been previously convicted of one predicate felony shall
15 be sentenced to a term of imprisonment as follows and the person is not
16 eligible for suspension of sentence, probation, pardon or release from
17 confinement on any basis except as specifically authorized by section
18 31-233, subsection A or B until the sentence imposed by the court has been
19 served, the person is eligible for release pursuant to section 41-1604.07
20 or the sentence is commuted:

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

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

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

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

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

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

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

1 L. A person who is convicted of any dangerous crime against
2 children in the first degree pursuant to subsection C, D, E, ~~FF~~ F or I of
3 this section and who has been previously convicted of two or more
4 predicate felonies shall be sentenced to life imprisonment and is not
5 eligible for suspension of sentence, probation, pardon or release from
6 confinement on any basis except as specifically authorized by section
7 31-233, subsection A or B until the person has served not fewer than
8 thirty-five years or the sentence is commuted.

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

19	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
20	5 years	10 years	15 years

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

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

30 P. The sentence imposed on a person by the court for a dangerous
31 crime against children under subsection H of this section involving sexual
32 abuse may be served concurrently with other sentences if the offense
33 involved only one victim. The sentence imposed on a person for any other
34 dangerous crime against children in the first or second degree shall be
35 consecutive to any other sentence imposed on the person at any time,
36 including sexual abuse of the same victim.

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

39 R. A dangerous crime against children is in the first degree if it
40 is a completed offense and is in the second degree if it is a preparatory
41 offense, except attempted first degree murder is a dangerous crime against
42 children in the first degree.

43 S. It is not a defense to a dangerous crime against children that
44 the minor is a person posing as a minor or is otherwise fictitious if the

1 defendant knew or had reason to know the purported minor was under fifteen
2 years of age.

3 T. For the purposes of this section:

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

6 (a) Second degree murder.

7 (b) Aggravated assault resulting in serious physical injury or
8 involving the discharge, use or threatening exhibition of a deadly weapon
9 or dangerous instrument.

10 (c) Sexual assault.

11 (d) Molestation of a child.

12 (e) Sexual conduct with a minor.

13 (f) Commercial sexual exploitation of a minor.

14 (g) Sexual exploitation of a minor.

15 (h) Child abuse as prescribed in section 13-3623, subsection A,
16 paragraph 1.

17 (i) Kidnapping.

18 (j) Sexual abuse.

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

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

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

23 (n) Continuous sexual abuse of a child.

24 (o) Attempted first degree murder.

25 (p) Sex trafficking.

26 (q) Manufacturing methamphetamine under circumstances that cause
27 physical injury to a minor.

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

30 (s) Luring a minor for sexual exploitation.

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

32 (u) Unlawful age misrepresentation.

33 (v) Unlawful mutilation.

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

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

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

1 Sec. 4. Section 13-1425, Arizona Revised Statutes, is amended to
2 read:

3 13-1425. Unlawful disclosure of images depicting states of
4 nudity or specific sexual activities;
5 classification; definitions

6 A. It is unlawful for a person to intentionally disclose an image
7 of another person who is identifiable from the image itself or from
8 information displayed in connection with the image if all of the following
9 apply:

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

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

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

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

19 1. The reporting of unlawful conduct.

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

22 3. Images involving voluntary exposure in a public or commercial
23 setting.

24 4. An interactive computer service, as defined in 47 United States
25 Code section 230(f)(2), or an information service, as defined in 47 United
26 States Code section 153, with regard to content wholly provided by another
27 party.

28 5. Any disclosure that is made with the consent of the person who
29 is depicted in the image.

30 C. A violation of this section is a class 5 felony, except that a
31 violation of this section is a:

32 1. Class 4 felony if the image is disclosed by electronic means.

33 2. Class 1 misdemeanor if a person threatens to disclose but does
34 not disclose an image that if disclosed would be a violation of this
35 section.

36 D. For the purposes of this section:

37 1. "Disclose" means display, distribute, publish, advertise or
38 offer.

39 2. "Disclosed by electronic means" means delivery to an email
40 address, mobile device, tablet or other electronic device and includes
41 disclosure on a website.

42 3. "Harm" means physical injury, financial injury or serious
43 emotional distress.

44 4. "Image" means a photograph, videotape, film or digital
45 recording.

1 5. "Reasonable expectation of privacy" means the person exhibits an
2 actual expectation of privacy and the expectation is reasonable.

3 6. "Specific sexual activities" has the same meaning prescribed in
4 section 11-811, subsection E, paragraph ~~18~~ 19, subdivisions (a) and (b).

5 7. "State of nudity" has the same meaning prescribed in section
6 11-811, subsection E, paragraph 14, subdivision (a).

7 Sec. 5. Title 13, chapter 35, Arizona Revised Statutes, is amended
8 by adding section 13-3508, to read:

9 13-3508. Unlawful exposure to an adult oriented performance
10 or adult oriented business; minors;
11 classification; definitions

12 A. A PERSON COMMITS UNLAWFUL EXPOSURE TO AN ADULT ORIENTED
13 PERFORMANCE OR ADULT ORIENTED BUSINESS BY KNOWINGLY DOING ANY OF THE
14 FOLLOWING:

15 1. ALLOWING A MINOR UNDER THE PERSON'S CUSTODY OR CONTROL TO VIEW
16 AN ADULT ORIENTED PERFORMANCE OR ENTER AN ADULT ORIENTED BUSINESS.

17 2. ALLOWING A MINOR TO ENTER OR REMAIN IN AN ADULT ORIENTED
18 BUSINESS OR A BUILDING OR PART OF A BUILDING WHERE AN ADULT ORIENTED
19 PERFORMANCE IS OCCURRING.

20 3. PERFORMING OR ALLOWING ANOTHER PERSON UNDER THE PERSON'S CUSTODY
21 OR CONTROL TO PERFORM AN ADULT ORIENTED PERFORMANCE IN VIEW OF A MINOR.

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

25 C. FOR THE PURPOSES OF THIS SECTION:

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

28 2. "ADULT ORIENTED PERFORMANCE" MEANS AN IN-PERSON SHOW OR
29 PERFORMANCE, WITH OR WITHOUT CONSIDERATION, THAT INCLUDES ANY OF THE
30 FOLLOWING:

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

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

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

35 3. "HARMFUL TO MINORS" HAS THE SAME MEANING PRESCRIBED IN SECTION
36 13-3501.

37 Sec. 6. Section 13-3620, Arizona Revised Statutes, is amended to
38 read:

39 13-3620. Duty to report abuse, physical injury, neglect and
40 denial or deprivation of medical or surgical care
41 or nourishment of minors; medical records;
42 exception; violation; classification; definitions

43 A. Any person who reasonably believes that a minor is or has been
44 the victim of physical injury, abuse, child abuse, a reportable offense or
45 neglect that appears to have been inflicted on the minor by other than

1 accidental means or that is not explained by the available medical history
2 as being accidental in nature or who reasonably believes there has been a
3 denial or deprivation of necessary medical treatment or surgical care or
4 nourishment with the intent to cause or allow the death of an infant who
5 is protected under section 36-2281 shall immediately report or cause
6 reports to be made of this information to a peace officer, to the
7 department of child safety or to a tribal law enforcement or social
8 services agency for any Indian minor who resides on an Indian reservation,
9 except if the report concerns a person who does not have care, custody or
10 control of the minor, the report shall be made to a peace officer only. A
11 member of the clergy, a Christian Science practitioner or a priest who has
12 received a confidential communication or a confession in that person's
13 role as a member of the clergy, as a Christian Science practitioner or as
14 a priest in the course of the discipline enjoined by the church to which
15 the member of the clergy, the Christian Science practitioner or the priest
16 belongs may withhold reporting of the communication or confession if the
17 member of the clergy, the Christian Science practitioner or the priest
18 determines that it is reasonable and necessary within the concepts of the
19 religion. This exemption applies only to the communication or confession
20 and not to personal observations the member of the clergy, the Christian
21 Science practitioner or the priest may otherwise make of the minor. For
22 the purposes of this subsection, "person" means:

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

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

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

30 4. School personnel, domestic violence victim advocates or sexual
31 assault victim advocates who develop the reasonable belief in the course
32 of their employment.

33 5. Any other person who has responsibility for the care or
34 treatment of the minor.

35 6. Any person who is employed as the immediate or next higher level
36 supervisor to or administrator of a person who is listed in paragraph 1,
37 2, 4 or 5 of this subsection and who develops the reasonable belief in the
38 course of the supervisor's or administrator's employment, except that if
39 the supervisor or administrator reasonably believes that the report has
40 been made by a person who is required to report pursuant to paragraph 1,
41 2, 4 or 5 of this subsection, the supervisor or administrator is not
42 required to report pursuant to this paragraph.

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

44 1. For conduct prescribed by sections 13-1404 and 13-1405 if the
45 conduct involves only minors who are fourteen, fifteen, sixteen or

1 seventeen years of age and there is nothing to indicate that the conduct
2 is other than consensual.

3 2. If a minor is of elementary school age, the physical injury
4 occurs accidentally in the course of typical playground activity during a
5 school day, occurs on the premises of the school that the minor attends
6 and is reported to the legal parent or guardian of the minor and the
7 school maintains a written record of the incident.

8 C. If a physician, psychologist or behavioral health professional
9 receives a statement from a person other than a parent, stepparent,
10 guardian or custodian of the minor during the course of providing sex
11 offender treatment that is not court ordered or that does not occur while
12 the offender is incarcerated in the state department of corrections or the
13 department of juvenile corrections, the physician, psychologist or
14 behavioral health professional may withhold the reporting of that
15 statement if the physician, psychologist or behavioral health professional
16 determines it is reasonable and necessary to accomplish the purposes of
17 the treatment.

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

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

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

25 3. Any other information that the person believes might be helpful
26 in establishing the cause of the abuse, child abuse, physical injury or
27 neglect.

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

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

43 G. A person who has custody or control of medical records of a
44 minor for whom a report is required or authorized under this section shall
45 make the records, or a copy of the records, available to a peace officer,

1 child welfare investigator or child safety worker investigating the
2 minor's neglect, child abuse, physical injury or abuse on written request
3 for the records signed by the peace officer, child welfare investigator or
4 child safety worker. Records disclosed pursuant to this subsection are
5 confidential and may be used only in a judicial or administrative
6 proceeding or investigation resulting from a report required or authorized
7 under this section.

8 H. When reports are received by a peace officer, the officer shall
9 immediately notify the department of child safety. Notwithstanding any
10 other statute, when the department receives these reports, it shall
11 immediately notify a peace officer in the appropriate jurisdiction.

12 I. Any person who is required to receive reports pursuant to
13 subsection A of this section may take or cause to be taken photographs of
14 the minor and the vicinity involved. Medical examinations of the involved
15 minor may be performed.

16 J. A person who furnishes a report, information or records required
17 or authorized under this section, or a person who participates in a
18 judicial or administrative proceeding or investigation resulting from a
19 report, information or records required or authorized under this section,
20 is immune from any civil or criminal liability by reason of that action
21 unless the person acted with malice or unless the person has been charged
22 with or is suspected of abusing or neglecting the child or children in
23 question.

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

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

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

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

33 L. In any civil or criminal litigation in which a child's neglect,
34 dependency, physical injury, abuse, child abuse or abandonment is an
35 issue, a member of the clergy, a Christian Science practitioner or a
36 priest shall not, without his consent, be examined as a witness concerning
37 any confession made to him in his role as a member of the clergy, a
38 Christian Science practitioner or a priest in the course of the discipline
39 enjoined by the church to which he belongs. This subsection does not
40 discharge a member of the clergy, a Christian Science practitioner or a
41 priest from the duty to report pursuant to subsection A of this section.

42 M. If psychiatric records are requested pursuant to subsection G of
43 this section, the custodian of the records shall notify the attending
44 psychiatrist, who may excise from the records, before they are made
45 available:

- 1 1. Personal information about individuals other than the patient.
- 2 2. Information regarding specific diagnosis or treatment of a
- 3 psychiatric condition, if the attending psychiatrist certifies in writing
- 4 that release of the information would be detrimental to the patient's
- 5 health or treatment.

6 N. If any portion of a psychiatric record is excised pursuant to
7 subsection M of this section, a court, on application of a peace officer,
8 child welfare investigator or child safety worker, may order that the
9 entire record or any portion of the record that contains information
10 relevant to the reported abuse, child abuse, physical injury or neglect be
11 made available to the peace officer, child welfare investigator or child
12 safety worker investigating the abuse, child abuse, physical injury or
13 neglect.

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

17 P. For the purposes of this section:

- 18 1. "Abuse" has the same meaning prescribed in section 8-201.
- 19 2. "Child abuse" means child abuse pursuant to section 13-3623.
- 20 3. "Neglect" has the same meaning prescribed in section 8-201.
- 21 4. "Reportable offense" means any of the following:
 - 22 (a) Any offense listed in chapters 14 and 35.1 of this title or
 - 23 ~~section~~ **SECTIONS** 13-3506.01 **AND** 13-3508.
 - 24 (b) Surreptitious photographing, videotaping, filming or digitally
 - 25 recording or viewing a minor pursuant to section 13-3019.
 - 26 (c) Child sex trafficking pursuant to section 13-3212.
 - 27 (d) Incest pursuant to section 13-3608.
 - 28 (e) Unlawful mutilation pursuant to section 13-1214.

29 Sec. 7. Section 13-3821, Arizona Revised Statutes, is amended to
30 read:

31 **13-3821. Persons required to register; procedure;**
32 **identification card; assessment; definitions**

33 A. A person who has been convicted of or adjudicated guilty except
34 insane for a violation or attempted violation of any of the following
35 offenses or who has been convicted of or adjudicated guilty except insane
36 or not guilty by reason of insanity for an offense committed in another
37 jurisdiction that if committed in this state would be a violation or
38 attempted violation of any of the following offenses or an offense that
39 was in effect before September 1, 1978 and that, if committed on or after
40 September 1, 1978, has the same elements of an offense listed in this
41 section or who is required to register by the convicting or adjudicating
42 jurisdiction, within ten days after the conviction or adjudication or
43 within seventy-two hours, excluding weekends and legal holidays, after
44 entering and remaining for at least seventy-two hours in any county of
45 this state, shall register with the sheriff of that county:

- 1 1. Unlawful imprisonment pursuant to section 13-1303 if the victim
2 is under eighteen years of age and the unlawful imprisonment was not
3 committed by the child's parent.
- 4 2. Kidnapping pursuant to section 13-1304 if the victim is under
5 eighteen years of age and the kidnapping was not committed by the child's
6 parent.
- 7 3. Sexual abuse pursuant to section 13-1404 if the victim is under
8 eighteen years of age.
- 9 4. Sexual conduct with a minor pursuant to section 13-1405.
- 10 5. Sexual assault pursuant to section 13-1406.
- 11 6. Sexual assault of a spouse if the offense was committed before
12 August 12, 2005.
- 13 7. Molestation of a child pursuant to section 13-1410.
- 14 8. Continuous sexual abuse of a child pursuant to section 13-1417.
- 15 9. Taking a child for the purpose of prostitution pursuant to
16 section 13-3206.
- 17 10. Child prostitution pursuant to section 13-3212, subsection A or
18 subsection B, paragraph 1 or 2 committed before August 9, 2017.
- 19 11. Child sex trafficking pursuant to section 13-3212, subsection A
20 or subsection B, paragraph 1 or 2 committed on or after August 9, 2017.
- 21 12. Commercial sexual exploitation of a minor pursuant to section
22 13-3552.
- 23 13. Sexual exploitation of a minor pursuant to section 13-3553.
- 24 14. Luring a minor for sexual exploitation pursuant to section
25 13-3554.
- 26 15. A second or subsequent violation of indecent exposure to a
27 person who is under fifteen years of age pursuant to section 13-1402.
- 28 16. A second or subsequent violation of public sexual indecency to
29 a minor who is under fifteen years of age pursuant to section 13-1403,
30 subsection B.
- 31 17. A third or subsequent violation of indecent exposure pursuant
32 to section 13-1402.
- 33 18. A third or subsequent violation of public sexual indecency
34 pursuant to section 13-1403.
- 35 19. A violation of section 13-3822 or 13-3824.
- 36 20. Unlawful age misrepresentation.
- 37 21. Aggravated luring a minor for sexual exploitation pursuant to
38 section 13-3560.
- 39 22. Sexual extortion pursuant to section 13-1428 if the victim is
40 under fifteen years of age.
- 41 23. UNLAWFUL EXPOSURE TO AN ADULT ORIENTED PERFORMANCE OR ADULT
42 ORIENTED BUSINESS PURSUANT TO SECTION 13-3508.
- 43 B. Before the person is released from confinement the state
44 department of corrections in conjunction with the department of public
45 safety and each county sheriff shall complete the registration of any

1 person who was convicted of or adjudicated guilty except insane for a
2 violation of any offense listed under subsection A of this section.
3 Within three days after the person's release from confinement, the state
4 department of corrections shall forward the registered person's records to
5 the department of public safety and to the sheriff of the county in which
6 the registered person intends to reside. Registration pursuant to this
7 subsection shall be consistent with subsection E of this section.

8 C. Notwithstanding subsection A of this section, the judge who
9 sentences a defendant for any violation of chapter 14 or 35.1 of this
10 title or for an offense for which there was a finding of sexual motivation
11 pursuant to section 13-118 may require the person who committed the
12 offense to register pursuant to this section.

13 D. The court may require a person who has been adjudicated
14 delinquent for an act that would constitute an offense specified in
15 subsection A or C of this section to register pursuant to this section.
16 Any duty to register under this subsection ~~shall terminate~~ TERMINATES when
17 the person reaches twenty-five years of age.

18 E. A person who has been convicted, adjudicated guilty except
19 insane or adjudicated delinquent and who is required to register in the
20 convicting or adjudicating state for an act that would constitute an
21 offense specified in subsection A or C of this section and who is not a
22 resident of this state shall be required to register pursuant to this
23 section if the person is either:

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

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

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

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

39 H. The court may order the suspension or termination of any duty to
40 register under this section after a hearing held pursuant to section
41 13-923.

42 I. At the time of registering, the person shall sign or affix an
43 electronic fingerprint to a statement giving such information as required
44 by the director of the department of public safety, including all names by
45 which the person is known, any required online identifier, the name of any

1 website or internet communication service where the identifier is being
2 used and, if the person owns, possesses or regularly operates a motor
3 vehicle that is required to be registered under title 28, chapter 7, the
4 make, model, year of manufacture, color, vehicle identification number,
5 state of registration and license plate number of the motor vehicle. The
6 sheriff shall fingerprint and photograph the person and within three days
7 thereafter shall send copies of the statement, fingerprints and
8 photographs to the department of public safety and the chief of police, if
9 any, of the place where the person resides. The information that is
10 required by this subsection shall include the physical location of the
11 person's residence, the person's address and whether the person's
12 residence is permanent or temporary. If the person has a place of
13 residence that is different from the person's address, the person shall
14 provide the person's address, the physical location of the person's
15 residence and the name of the owner of the residence if the residence is
16 privately owned and not offered for rent or lease. If the person receives
17 mail at a post office box or other place, the person shall provide the
18 location and number of the post office box or other place. If the person
19 has more than one residence, the person shall register in person and in
20 writing every residence and address not less than every ninety days with
21 the sheriff in whose jurisdiction the person is physically present. If
22 the person does not have an address or a permanent place of residence, the
23 person shall provide a description and physical location of any temporary
24 residence and shall register as a transient not less than every ninety
25 days with the sheriff in whose jurisdiction the transient is physically
26 present.

27 J. On the person's initial registration and every year after the
28 person's initial registration during the month of the person's birthdate,
29 the person shall report in person to the sheriff of the county in which
30 the person is registered and confirm in writing all information required
31 by this section, any required online identifier and the name of any
32 website or internet communication service where the identifier is being
33 used and the person shall obtain a new nonoperating identification license
34 or a driver license from the motor vehicle division in the department of
35 transportation and shall carry a valid nonoperating identification license
36 or a driver license. Notwithstanding sections 28-3165 and 28-3171, the
37 license is valid for one year from the date of issuance, and the person
38 shall submit to the department of transportation proof of the person's
39 address and place of residence. The motor vehicle division shall annually
40 update the person's address and photograph and shall make a copy of the
41 photograph available to the department of public safety or to any law
42 enforcement agency. The motor vehicle division shall provide to the
43 department of public safety daily address updates for persons required to
44 register pursuant to this section.

1 K. Except as provided in subsection E or L of this section, the
2 clerk of the superior court in the county in which a person has been
3 convicted of or adjudicated guilty except insane for a violation of any
4 offense listed under subsection A of this section or has been ordered to
5 register pursuant to subsection C or D of this section shall notify the
6 sheriff in that county of the conviction or adjudication within ten days
7 after entry of the judgment.

8 L. Within ten days after entry of judgment, a court not of record
9 shall notify the arresting law enforcement agency of an offender's
10 conviction of or adjudication of guilty except insane for a violation of
11 section 13-1402. Within ten days after receiving this information, the
12 law enforcement agency shall determine if the offender is required to
13 register pursuant to this section. If the law enforcement agency
14 determines that the offender is required to register, the law enforcement
15 agency shall provide the information required by section 13-3825 to the
16 department of public safety and shall make community notification as
17 required by law.

18 M. A person who is required to register pursuant to this section
19 because of a conviction or adjudication of guilty except insane for the
20 unlawful imprisonment of a minor or the kidnapping of a minor is required
21 to register, absent additional or subsequent convictions or adjudications,
22 for a period of ten years from the date that the person is released from
23 prison, jail, probation, community supervision or parole and the person
24 has fulfilled all restitution obligations. Notwithstanding this
25 subsection, a person who has a prior conviction or adjudication of guilty
26 except insane for an offense for which registration is required pursuant
27 to this section is required to register for life.

28 N. A person who is required to register pursuant to this section
29 and who is a student at a public or private institution of postsecondary
30 education or who is employed, with or without compensation, at a public or
31 private institution of postsecondary education or who carries on a
32 vocation at a public or private institution of postsecondary education
33 shall notify the county sheriff having jurisdiction of the institution of
34 postsecondary education. The person who is required to register pursuant
35 to this section shall also notify the sheriff of each change in enrollment
36 or employment status at the institution.

37 O. At the time of registering, the sheriff shall secure a
38 sufficient sample of blood or other bodily substances for deoxyribonucleic
39 acid testing and extraction from a person who has been convicted of or
40 adjudicated guilty except insane for an offense committed in another
41 jurisdiction that if committed in this state would be a violation or
42 attempted violation of any of the offenses listed in subsection A of this
43 section or an offense that was in effect before September 1, 1978 and
44 that, if committed on or after September 1, 1978, has the same elements of
45 an offense listed in subsection A of this section or who is required to

1 register by the convicting or adjudicating jurisdiction. The sheriff
2 shall transmit the sample to the department of public safety.

3 P. Any person who is required to register under subsection A of
4 this section shall register the person's required online identifier and
5 the name of any website or internet communication service where the
6 identifier is being used or is intended to be used with the sheriff from
7 and after December 31, 2007, regardless of whether the person was required
8 to register an identifier at the time of the person's initial registration
9 under this section.

10 Q. On conviction of or adjudication of guilty except insane for any
11 offense for which a person is required to register pursuant to this
12 section, in addition to any other penalty prescribed by law, the court
13 shall order the person to pay an additional assessment of \$250. This
14 assessment is not subject to any surcharge. The court shall transmit the
15 monies received pursuant to this section to the county treasurer. The
16 county treasurer shall transmit the monies received to the state
17 treasurer. The state treasurer shall deposit the monies received in the
18 state general fund. Notwithstanding any other law, the court shall not
19 waive the assessment imposed pursuant to this section.

20 R. A person who is required to register pursuant to this section
21 shall verify the person's residence and address if requested by the
22 department of public safety pursuant to section 13-3827, subsection G.

23 S. For the purposes of this section:

24 1. "Address" means all locations at which the person receives mail.

25 2. "Required online identifier" means any electronic email address
26 information or instant message, chat, social networking or other similar
27 internet communication name but does not include a social security number,
28 date of birth or pin number.

29 3. "Residence" means:

30 (a) The person's dwelling place, whether permanent or temporary.

31 (b) If the person is transient and does not spend at least three
32 nights in any location or place within ~~thirty days~~ A THIRTY-DAY PERIOD,
33 the ~~geographical~~ GEOGRAPHIC areas of the county where the person spends
34 the nights.

35 4. "Transient" means a person who does not have a single and
36 permanent dwelling place.