

House Engrossed

sexual conduct; minor; classification; sentence

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

# HOUSE BILL 2242

AN ACT

AMENDING SECTIONS 13-1405 AND 13-1407, ARIZONA REVISED STATUTES; RELATING  
TO SEXUAL OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1405, Arizona Revised Statutes, is amended to  
3 read:

4 13-1405. Sexual conduct with a minor; classification

5 A. A person commits sexual conduct with a minor by intentionally or  
6 knowingly engaging in sexual intercourse or oral sexual contact with any  
7 person who is under eighteen years of age.

8 B. Sexual conduct with a minor who is under fifteen years of age is  
9 a class 2 felony and is punishable pursuant to section 13-705. Sexual  
10 conduct with a minor who is at least fifteen years of age is a class ~~6~~ 4  
11 felony **AND, IF PLACED ON PROBATION, THE CONVICTED PERSON SHALL BE**  
12 **SENTENCED TO SERVE ONE YEAR IN JAIL.** Sexual conduct with a minor who is  
13 at least fifteen years of age is a class 2 felony if the person is or was  
14 in a position of trust and the convicted person is not eligible for  
15 suspension of sentence, probation, pardon or release from confinement on  
16 any basis except as specifically authorized by section 31-233, subsection  
17 A or B until the sentence imposed has been served or commuted.

18 Sec. 2. Section 13-1407, Arizona Revised Statutes, is amended to  
19 read:

20 13-1407. Defenses

21 A. It is a defense to a prosecution pursuant to sections 13-1404  
22 and 13-1405 involving a minor if the act was done in furtherance of lawful  
23 medical practice.

24 B. It is a defense to a prosecution pursuant to sections 13-1404  
25 and 13-1405 in which the victim's lack of consent is based on incapacity  
26 to consent because the victim was fifteen, sixteen or seventeen years of  
27 age if at the time the defendant engaged in the conduct constituting the  
28 offense the defendant did not know and could not reasonably have known the  
29 age of the victim.

30 C. It is a defense to a prosecution pursuant to section 13-1402,  
31 13-1404, 13-1405 or 13-1406 if the act was done by a duly licensed  
32 physician or registered nurse or a person acting under the physician's or  
33 nurse's direction, or any other person who renders emergency care at the  
34 scene of an emergency occurrence, the act consisted of administering a  
35 recognized and lawful form of treatment that was reasonably adapted to  
36 promoting the physical or mental health of the patient and the treatment  
37 was administered in an emergency when the duly licensed physician or  
38 registered nurse or a person acting under the physician's or nurse's  
39 direction, or any other person rendering emergency care at the scene of an  
40 emergency occurrence, reasonably believed that no one competent to consent  
41 could be consulted and that a reasonable person, wishing to safeguard the  
42 welfare of the patient, would consent.

1           D. It is a defense to a prosecution pursuant to section 13-1404 or  
2 13-1405 that the person was the spouse of the other person at the time of  
3 commission of the act. It is not a defense to a prosecution pursuant to  
4 section 13-1406 that the defendant was the spouse of the victim at the  
5 time of commission of the act.  
6           E. It is a defense to a prosecution pursuant to sections 13-1405  
7 and 13-3560 if the victim is fifteen, sixteen or seventeen years of age,  
8 the defendant is ~~under nineteen years of age or attending high school and~~  
9 ~~is~~ no more than ~~twenty-four months~~ **THREE YEARS** older than the victim and  
10 the conduct is consensual.