

REFERENCE TITLE: **sexually explicit materials; government; prohibition**

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1287

Introduced by
Senators Hoffman: Wadsack; Representatives Carter, Chaplik, Heap,
Hendrix, Jones, McGarr, Parker B, Parker J

AN ACT

AMENDING TITLE 38, CHAPTER 3, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 38-451; RELATING TO SEXUALLY EXPLICIT MATERIALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 38, chapter 3, article 4, Arizona Revised
3 Statutes, is amended by adding section 38-451, to read:

4 38-451. Sexually explicit materials; prohibition; violation;
5 classification; definitions

6 A. THIS STATE, A STATE AGENCY OR A CITY, TOWN, COUNTY OR POLITICAL
7 SUBDIVISION OF THIS STATE SHALL NOT EXPOSE MINORS TO SEXUALLY EXPLICIT
8 MATERIALS AND SHALL PROHIBIT ITS CONTRACTORS FROM EXPOSING MINORS TO
9 SEXUALLY EXPLICIT MATERIALS.

10 B. A FACILITY OR PROPERTY OWNED, LEASED OR MANAGED BY A PERSON OR
11 ENTITY PRESCRIBED BY SUBSECTION A OF THIS SECTION MAY NOT BE USED FOR
12 FILMING OR FACILITATING SEXUALLY EXPLICIT ACTS.

13 C. A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A CLASS 5
14 FELONY.

15 D. FOR THE PURPOSES OF THIS SECTION:

16 1. "SEXUAL CONDUCT" MEANS ACTS OF MASTURBATION, SEXUAL INTERCOURSE
17 OR PHYSICAL CONTACT WITH A PERSON'S CLOTHED OR UNCLOTHED GENITALS, PUBIC
18 AREA OR BUTTOCKS OR THE FEMALE BREAST.

19 2. "SEXUAL EXCITEMENT" MEANS THE CONDITION OF HUMAN MALE OR FEMALE
20 GENITALS WHEN IN A STATE OF SEXUAL STIMULATION OR AROUSAL.

21 3. "SEXUALLY EXPLICIT MATERIALS" INCLUDES TEXTUAL, VISUAL OR AUDIO
22 MATERIALS OR MATERIALS ACCESSED VIA ANY OTHER MEDIUM THAT DEPICT ANY OF
23 THE FOLLOWING:

24 (a) SEXUAL CONDUCT.

25 (b) SEXUAL EXCITEMENT.

26 (c) ULTIMATE SEXUAL ACTS.

27 4. "ULTIMATE SEXUAL ACTS" MEANS SEXUAL INTERCOURSE, VAGINAL OR
28 ANAL, FELLATIO, CUNNILINGUS, BESTIALITY OR SODOMY.