

House Engrossed

grooming; classification

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

# HOUSE BILL 2310

AN ACT

AMENDING SECTION 13-1407, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 14, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1430; 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 13-1407, Arizona Revised Statutes, is amended to  
3 read:

4 13-1407. Defenses

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

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

14 C. It is a defense to a prosecution pursuant to section 13-1402,  
15 13-1404, 13-1405 or 13-1406 if the act was done by a duly licensed  
16 physician or registered nurse or a person acting under the physician's or  
17 nurse's direction, or any other person who renders emergency care at the  
18 scene of an emergency occurrence, the act consisted of administering a  
19 recognized and lawful form of treatment that was reasonably adapted to  
20 promoting the physical or mental health of the patient and the treatment  
21 was administered in an emergency when the duly licensed physician or  
22 registered nurse or a person acting under the physician's or nurse's  
23 direction, or any other person rendering emergency care at the scene of an  
24 emergency occurrence, reasonably believed that no one competent to consent  
25 could be consulted and that a reasonable person, wishing to safeguard the  
26 welfare of the patient, would consent.

27 D. It is a defense to a prosecution pursuant to section 13-1404 or  
28 13-1405 that the person was the spouse of the other person at the time of  
29 commission of the act. It is not a defense to a prosecution pursuant to  
30 section 13-1406 that the defendant was the spouse of the victim at the  
31 time of commission of the act.

32 E. It is a defense to a prosecution pursuant to sections 13-1405,  
33 ~~13-1430~~ and 13-3560 if the victim is fifteen, sixteen or seventeen years  
34 of age, the defendant is ~~under nineteen years of age or attending high~~  
35 ~~school and is~~ no more than ~~twenty-four months~~ THREE YEARS older than the  
36 victim and the conduct is consensual.

37 Sec. 2. Title 13, chapter 14, Arizona Revised Statutes, is amended  
38 by adding section 13-1430, to read:

39 13-1430. Grooming; classification

40 A. A PERSON COMMITS GROOMING BY KNOWINGLY USING AN ELECTRONIC  
41 COMMUNICATION DEVICE AS DEFINED IN SECTION 13-3561, PERFORMING AN ACT IN  
42 PERSON OR THROUGH A THIRD PARTY OR USING ANY WRITTEN COMMUNICATION TO  
43 SEDUCE, LURE OR ENTICE OR ATTEMPT TO SEDUCE, LURE OR ENTICE A MINOR TO DO  
44 EITHER OF THE FOLLOWING:

- 1           1. COMMIT ANY OFFENSE IN THIS TITLE IN FURTHERANCE OF FACILITATING
- 2 THE SEXUAL SEDUCTION OR ABUSE OF THE MINOR.
- 3           2. DISTRIBUTE PHOTOGRAPHS THAT DEPICT A PERSON'S SEX ORGANS.
- 4           B. GROOMING IS A CLASS 5 FELONY, EXCEPT THAT GROOMING IS A CLASS 4
- 5 FELONY IF THE DEFENDANT IS IN A POSITION OF TRUST.