

Senate Engrossed House Bill

~~grooming; classification~~

(now: child enticement; classification; definition)

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 older than the victim and  
36 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. Child enticement; classification; definition

40 A. A PERSON COMMITS CHILD ENTICEMENT BY KNOWINGLY DOING EITHER OF  
41 THE FOLLOWING:

42 1. USING AN ELECTRONIC COMMUNICATION DEVICE, PERFORMING AN ACT IN  
43 PERSON OR THROUGH A THIRD PARTY OR USING ANY WRITTEN COMMUNICATION TO LURE  
44 OR ENTICE OR ATTEMPT TO LURE OR ENTICE A MINOR TO DISTRIBUTE A VISUAL  
45 DEPICTION OF A PERSON'S GENITALS OR THE FEMALE BREAST.

1           2. COMMITTING ANY ACT IN FURTHERANCE OF OR TO FACILITATE THE SEXUAL  
2 ABUSE OF THE MINOR.

3           B. THIS SECTION DOES NOT PROHIBIT THE DISTRIBUTION OF A VISUAL  
4 DEPICTION THAT TAKEN AS A WHOLE HAS SERIOUS LITERARY, ARTISTIC, POLITICAL  
5 OR SCIENTIFIC VALUE FOR MINORS.

6           C. CHILD ENTICEMENT IS A CLASS 5 FELONY, EXCEPT THAT CHILD  
7 ENTICEMENT IS A CLASS 4 FELONY IF THE DEFENDANT IS IN A POSITION OF TRUST.

8           D. FOR THE PURPOSES OF THIS SECTION:

9           1. "ELECTRONIC COMMUNICATION DEVICE" HAS THE SAME MEANING AS IN  
10 SECTION 13-3561.

11           2. "SEXUAL ABUSE" INCLUDES ANY OFFENSE IN CHAPTER 14 OR 35.1 OF  
12 THIS TITLE OR SECTION 13-3212.

13           3. "VISUAL DEPICTION" HAS THE SAME MEANING AS IN SECTION 13-3551.