

REFERENCE TITLE: **child sex trafficking**

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

## **HB 2607**

Introduced by  
Representatives Gress: Dunn, Hernandez A

**AN ACT**

**AMENDING SECTIONS 13-705, 13-1405 AND 13-3212, ARIZONA REVISED STATUTES;  
RELATING TO SEX OFFENSES.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-705, Arizona Revised Statutes, is amended to  
3 read:

4 13-705. Dangerous crimes against children; sentences;  
5 definitions

6 A. A person who is at least eighteen years of age and who is  
7 convicted of a dangerous crime against children in the first degree  
8 involving commercial sexual exploitation of a minor or child sex  
9 trafficking and the person has previously been convicted of a dangerous  
10 crime against children in the first degree shall be sentenced to  
11 imprisonment in the custody of the state department of corrections for  
12 natural life. A person who is sentenced to natural life is not eligible  
13 for commutation, parole, work furlough, work release or release from  
14 confinement on any basis for the remainder of the person's natural life.

15 B. A person who is at least eighteen years of age and who is  
16 convicted of a dangerous crime against children in the first degree  
17 involving sexual assault of a minor who is ~~twelve years of age or younger~~  
18 UNDER EIGHTEEN YEARS OF AGE or sexual conduct with a minor who is ~~twelve~~  
19 ~~years of age or younger~~ UNDER EIGHTEEN YEARS OF AGE shall be sentenced to  
20 life imprisonment and is not eligible for suspension of sentence,  
21 probation, pardon or release from confinement on any basis except as  
22 specifically authorized by section 31-233, subsection A or B until the  
23 person has served thirty-five years or the sentence is commuted. This  
24 subsection does not apply to masturbatory contact.

25 C. Except as otherwise provided in this section, a person who is at  
26 least eighteen years of age or who has been tried as an adult and who is  
27 convicted of a dangerous crime against children in the first degree  
28 involving attempted first degree murder of a minor who is under ~~twelve~~  
29 EIGHTEEN years of age, sexual assault of a minor who is under ~~twelve~~  
30 EIGHTEEN years of age, sexual conduct with a minor who is under ~~twelve~~  
31 EIGHTEEN years of age or manufacturing methamphetamine under circumstances  
32 that cause physical injury to a minor who is under ~~twelve~~ EIGHTEEN years  
33 of age may be sentenced to life imprisonment and is not eligible for  
34 suspension of sentence, probation, pardon or release from confinement on  
35 any basis except as specifically authorized by section 31-233, subsection  
36 A or B until the person has served thirty-five years or the sentence is  
37 commuted. If a life sentence is not imposed pursuant to this subsection,  
38 the person shall be sentenced to a term of imprisonment as follows:

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

41 D. Except as otherwise provided in this section, a person who is at  
42 least eighteen years of age or who has been tried as an adult and who is  
43 convicted of a dangerous crime against children in the first degree  
44 involving second degree murder of a minor who is under fifteen years of  
45 age may be sentenced to life imprisonment and is not eligible for

1 suspension of sentence, probation, pardon or release from confinement on  
2 any basis except as specifically authorized by section 31-233, subsection  
3 A or B until the person has served thirty-five years or the sentence is  
4 commuted. If a life sentence is not imposed pursuant to this subsection,  
5 the person shall be sentenced to a term of imprisonment as follows:

6	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
7	25 years	30 years	35 years

8 E. Except as otherwise provided in this section, a person who is  
9 at least eighteen years of age or who has been tried as an adult and who  
10 is convicted of a dangerous crime against children in the first degree  
11 involving attempted first degree murder of a minor who is ~~twelve, thirteen~~  
12 ~~or fourteen~~ UNDER EIGHTEEN years of age, sexual assault of a minor who is  
13 ~~twelve, thirteen or fourteen~~ UNDER EIGHTEEN years of age, taking a child  
14 for the purpose of prostitution, child sex trafficking, commercial sexual  
15 exploitation of a minor, sexual conduct with a minor who is ~~twelve,~~  
16 ~~thirteen or fourteen~~ UNDER EIGHTEEN years of age or manufacturing  
17 methamphetamine under circumstances that cause physical injury to a minor  
18 who is ~~twelve, thirteen or fourteen~~ UNDER EIGHTEEN years of age or  
19 involving or using minors in drug offenses shall be sentenced to a term of  
20 imprisonment as follows:

21	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
22	13 years	20 years	27 years

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

25	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
26	23 years	30 years	37 years

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

34	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
35	10 years	17 years	24 years

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

38	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
39	21 years	28 years	35 years

40 G. Except as otherwise provided in this section, if a person is at  
41 least eighteen years of age or has been tried as an adult and is convicted  
42 of a dangerous crime against children involving luring a minor for sexual  
43 exploitation, sexual extortion or unlawful age misrepresentation and is  
44 sentenced to a term of imprisonment, the term of imprisonment is as  
45 follows and the person is not eligible for release from confinement on any

1 basis except as specifically authorized by section 31-233, subsection A or  
2 B until the sentence imposed by the court has been served or is commuted,  
3 except that if the person is convicted of unlawful age misrepresentation  
4 the person is eligible for release pursuant to section 41-1604.07:

5	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
6	5 years	10 years	15 years

7 A person who has been previously convicted of one predicate felony shall  
8 be sentenced to a term of imprisonment as follows and the person is not  
9 eligible for suspension of sentence, probation, pardon or release from  
10 confinement on any basis except as specifically authorized by section  
11 31-233, subsection A or B until the sentence imposed by the court has been  
12 served or is commuted, except that if the person is convicted of unlawful  
13 age misrepresentation the person is eligible for release pursuant to  
14 section 41-1604.07:

15	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
16	8 years	15 years	22 years

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

26	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
27	2.5 years	5 years	7.5 years

28 A person who has been previously convicted of one predicate felony shall  
29 be sentenced to a term of imprisonment as follows and the person is not  
30 eligible for suspension of sentence, probation, pardon or release from  
31 confinement on any basis except as specifically authorized by section  
32 31-233, subsection A or B until the sentence imposed by the court has been  
33 served, the person is eligible for release pursuant to section 41-1604.07  
34 or the sentence is commuted:

35	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
36	8 years	15 years	22 years

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

42	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
43	39 years	60 years	81 years

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

3	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
4	69 years	90 years	111 years

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

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

15 L. A person who is convicted of any dangerous crime against  
16 children in the first degree pursuant to subsection C, D, E, ~~or~~ F or I of  
17 this section and who has been previously convicted of two or more  
18 predicate felonies shall be sentenced to life imprisonment and is not  
19 eligible for suspension of sentence, probation, pardon or release from  
20 confinement on any basis except as specifically authorized by section  
21 31-233, subsection A or B until the person has served not fewer than  
22 thirty-five years or the sentence is commuted.

23 M. Notwithstanding chapter 10 of this title, 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 second degree  
26 pursuant to subsection B, C, E, ~~or~~ F or I of this section is guilty of a  
27 class 3 felony and if the person is sentenced to a term of imprisonment,  
28 the term of imprisonment is as follows and the person is not eligible for  
29 release from confinement on any basis except as specifically authorized by  
30 section 31-233, subsection A or B until the person has served the sentence  
31 imposed by the court, the person is eligible for release pursuant to  
32 section 41-1604.07 or the sentence is commuted:

33	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
34	5 years	10 years	15 years

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

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

44 P. The sentence imposed on a person by the court for a dangerous  
45 crime against children under subsection H of this section involving sexual

1 abuse may be served concurrently with other sentences if the offense  
2 involved only one victim. The sentence imposed on a person for any other  
3 dangerous crime against children in the first or second degree shall be  
4 consecutive to any other sentence imposed on the person at any time,  
5 including sexual abuse of the same victim.

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

8 R. A dangerous crime against children is in the first degree if it  
9 is a completed offense and is in the second degree if it is a preparatory  
10 offense, except attempted first degree murder is a dangerous crime against  
11 children in the first degree.

12 S. It is not a defense to a dangerous crime against children that  
13 the minor is a person posing as a minor or is otherwise fictitious if the  
14 defendant knew or had reason to know the purported minor was under ~~fifteen~~  
15 **EIGHTEEN** years of age.

16 T. For the purposes of this section:

17 1. "Dangerous crime against children" means any of the following  
18 that is committed against a minor who is under ~~fifteen~~ **EIGHTEEN** years of  
19 age:

20 (a) Second degree murder.

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

24 (c) Sexual assault.

25 (d) Molestation of a child.

26 (e) Sexual conduct with a minor.

27 (f) Commercial sexual exploitation of a minor.

28 (g) Sexual exploitation of a minor.

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

31 (i) Kidnapping.

32 (j) Sexual abuse.

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

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

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

37 (n) Continuous sexual abuse of a child.

38 (o) Attempted first degree murder.

39 (p) Sex trafficking.

40 (q) Manufacturing methamphetamine under circumstances that cause  
41 physical injury to a minor.

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

44 (s) Luring a minor for sexual exploitation.

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

1 (u) Unlawful age misrepresentation.

2 (v) Unlawful mutilation.

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

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

10 Sec. 2. Section 13-1405, Arizona Revised Statutes, is amended to  
11 read:

12 13-1405. Sexual conduct with a minor; classification

13 A. A person commits sexual conduct with a minor by intentionally or  
14 knowingly engaging in sexual intercourse, SEXUAL CONTACT or oral sexual  
15 contact with any person who is under eighteen years of age.

16 B. Sexual conduct with a minor who is under ~~fifteen~~ EIGHTEEN years  
17 of age is a class 2 felony and is punishable pursuant to section 13-705.

18 ~~Sexual conduct with a minor who is at least fifteen years of age is a~~  
19 ~~class 6 felony. Sexual conduct with a minor who is at least fifteen years~~  
20 ~~of age is a class 2 felony if the person is or was in a position of trust~~  
21 ~~and the convicted person is not eligible for suspension of sentence,~~  
22 ~~probation, pardon or release from confinement on any basis except as~~  
23 ~~specifically authorized by section 31-233, subsection A or B until the~~  
24 ~~sentence imposed has been served or commuted.~~

25 Sec. 3. Section 13-3212, Arizona Revised Statutes, is amended to  
26 read:

27 13-3212. Child sex trafficking; classification; definitions

28 A. A person commits child sex trafficking by knowingly:

29 1. Causing any minor to engage in prostitution.

30 2. Using any minor for the purposes of prostitution.

31 3. ~~Permitting~~ ALLOWING a minor who is under the person's custody or  
32 control to engage in prostitution.

33 4. Receiving any benefit for or on account of procuring or placing  
34 a minor in any place or in the charge or custody of any person for the  
35 purpose of prostitution.

36 5. Receiving any benefit pursuant to an agreement to participate in  
37 the proceeds of prostitution of a minor.

38 6. Financing, managing, supervising, controlling or owning, either  
39 alone or in association with others, prostitution activity involving a  
40 minor.

41 7. Transporting or financing the transportation of any minor with  
42 the intent that the minor engage in prostitution.

43 8. Providing a means by which a minor engages in prostitution.

44 9. Enticing, recruiting, harboring, providing, transporting, making  
45 available to another or otherwise obtaining a minor with the intent to

1 cause the minor to engage in prostitution or any sexually explicit  
2 performance.

3 10. Enticing, recruiting, harboring, providing, transporting,  
4 making available to another or otherwise obtaining a minor with the  
5 knowledge that the minor will engage in prostitution or any sexually  
6 explicit performance.

7 B. A person who is at least eighteen years of age commits child sex  
8 trafficking by knowingly:

9 ~~1.~~ engaging in prostitution with a minor who is under ~~fifteen~~  
10 **EIGHTEEN** years of age.

11 ~~2. Engaging in prostitution with a minor who the person knows or~~  
12 ~~should have known is fifteen, sixteen or seventeen years of age.~~

13 ~~3. Engaging in prostitution with a minor who is fifteen, sixteen or~~  
14 ~~seventeen years of age.~~

15 C. It is not a defense to a prosecution under ~~subsection~~  
16 **SUBSECTIONS** A and ~~subsection B, paragraphs 1 and 2~~ of this section that  
17 the other person is a peace officer posing as a minor or a person  
18 assisting a peace officer posing as a minor.

19 D. Notwithstanding any other law, a sentence imposed on a person  
20 for a violation of this section shall be consecutive to any other sentence  
21 imposed on the person at any time.

22 ~~E. Child sex trafficking pursuant to subsection A of this section~~  
23 ~~is a class 2 felony if the minor is under fifteen years of age and is~~  
24 ~~punishable pursuant to section 13-705.~~

25 ~~F. E.~~ Child sex trafficking pursuant to ~~subsection B, paragraph 1~~  
26 ~~of~~ this section is a class 2 felony and is punishable pursuant to section  
27 13-705.

28 ~~G. Except as provided in subsection H of this section, if the minor~~  
29 ~~is fifteen, sixteen or seventeen years of age, child sex trafficking~~  
30 ~~pursuant to subsection A of this section is a class 2 felony, the person~~  
31 ~~convicted shall be sentenced pursuant to this section and the person is~~  
32 ~~not eligible for suspension of sentence, probation, pardon or release from~~  
33 ~~confinement on any basis except as specifically authorized by section~~  
34 ~~31-233, subsection A or B until the sentence imposed by the court has been~~  
35 ~~served or commuted. The presumptive term may be aggravated or mitigated~~  
36 ~~within the range under this section pursuant to section 13-701,~~  
37 ~~subsections C, D and E. The terms are as follows:~~

38 ~~1. The term for a first offense is as follows:~~

39 ~~Minimum Presumptive Maximum~~  
40 ~~13 years 20 years 27 years~~

41 ~~2. The term for a defendant who has one historical prior felony~~  
42 ~~conviction is as follows:~~

43 ~~Minimum Presumptive Maximum~~  
44 ~~25 years 35 years 45 years~~



1 ~~3. The term for a defendant who has two or more historical prior~~  
2 ~~felony convictions is as follows:~~

<del>Minimum</del>	<del>Presumptive</del>	<del>Maximum</del>
<del>30 years</del>	<del>40 years</del>	<del>50 years</del>

5 ~~H. If the person has previously been convicted of child sex~~  
6 ~~trafficking involving a minor who is fifteen, sixteen or seventeen years~~  
7 ~~of age, child sex trafficking pursuant to subsection A of this section is~~  
8 ~~a class 2 felony, the person convicted shall be sentenced pursuant to this~~  
9 ~~section and the person shall be sentenced to imprisonment in the custody~~  
10 ~~of the state department of corrections for natural life. A person who is~~  
11 ~~sentenced to natural life is not eligible for commutation, parole, work~~  
12 ~~furlough, work release or release from confinement on any basis for the~~  
13 ~~remainder of the person's natural life.~~

14 ~~I. If the minor is fifteen, sixteen or seventeen years of age,~~  
15 ~~child sex trafficking pursuant to subsection B, paragraph 2 of this~~  
16 ~~section is a class 2 felony, the person convicted shall be sentenced~~  
17 ~~pursuant to this section and the person is not eligible for suspension of~~  
18 ~~sentence, probation, pardon or release from confinement on any basis~~  
19 ~~except as specifically authorized by section 31-233, subsection A or B~~  
20 ~~until the sentence imposed by the court has been served or commuted. The~~  
21 ~~presumptive term may be aggravated or mitigated within the range under~~  
22 ~~this section pursuant to section 13-701, subsections C, D and E. The~~  
23 ~~terms are as follows:~~

24 ~~1. The term for a first offense is as follows:~~

<del>Minimum</del>	<del>Presumptive</del>	<del>Maximum</del>
<del>7 years</del>	<del>10.5 years</del>	<del>21 years</del>

27 ~~2. The term for a defendant who has one historical prior felony~~  
28 ~~conviction is as follows:~~

<del>Minimum</del>	<del>Presumptive</del>	<del>Maximum</del>
<del>14 years</del>	<del>15.75 years</del>	<del>28 years</del>

31 ~~3. The term for a defendant who has two or more historical prior~~  
32 ~~felony convictions is as follows:~~

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

35 ~~J. Except as provided in subsection K of this section, child sex~~  
36 ~~trafficking pursuant to subsection B, paragraph 3 of this section is a~~  
37 ~~class 5 felony. If the court sentences the person to a term of probation,~~  
38 ~~the court shall order that as an initial term of probation the person be~~  
39 ~~imprisoned in the county jail for not less than one hundred eighty~~  
40 ~~consecutive days. This jail term shall commence on the date of~~  
41 ~~sentencing. The court may suspend ninety days of the jail sentence if the~~  
42 ~~person has not previously been convicted of a violation of this section, a~~  
43 ~~violation of section 13-3214 or a violation of any city or town ordinance~~  
44 ~~that prohibits prostitution and that has the same or substantially similar~~

1 ~~elements as section 13-3214 and the person successfully completes an~~  
2 ~~appropriate court ordered education or treatment program.~~

3 ~~K. If the person has previously been convicted of child sex~~  
4 ~~trafficking or attempted child sex trafficking pursuant to this section,~~  
5 ~~child sex trafficking pursuant to subsection B, paragraph 3 of this~~  
6 ~~section is a class 2 felony and the person is not eligible for suspension~~  
7 ~~of sentence, probation, pardon or release from confinement on any basis~~  
8 ~~except as specifically authorized by section 31-233, subsection A or B~~  
9 ~~until the sentence imposed has been served or commuted.~~

10 ~~F.~~ F. This section does not preclude the state from alleging and  
11 proving any other sentencing enhancements as provided by law.

12 ~~M.~~ G. For the purposes of this section: ~~,~~

13 1. "CHILD" OR "MINOR" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OF  
14 AGE.

15 2. "Sexually explicit performance" means a live or public act or  
16 show intended to arouse or satisfy the sexual desires or appeal to the  
17 prurient interest of patrons.

18 Sec. 4. Conforming legislation

19 The legislative council staff shall prepare proposed legislation  
20 conforming the Arizona Revised Statutes to the provisions of this act for  
21 consideration in the fifty-seventh legislature, first regular session.