

REFERENCE TITLE: sexual conduct; minor; classification

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1460

Introduced by
Senator Gould; Representative Groe; Senator Harper

AN ACT

AMENDING SECTION 13-1405, 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. IF A PERSON IS CONVICTED OF SEXUAL CONDUCT WITH A MINOR AND THE
9 COURT SENTENCES THE PERSON TO A TERM OF PROBATION, THE COURT SHALL ORDER THAT
10 AS AN INITIAL TERM OF PROBATION THE PERSON BE IMPRISONED IN THE COUNTY JAIL
11 FOR ONE YEAR. THIS JAIL TERM OF INCARCERATION SHALL NOT BE DELETED, DEFERRED
12 OR OTHERWISE SUSPENDED AND SHALL COMMENCE ON THE DATE OF SENTENCING. THIS
13 SUBSECTION DOES NOT APPLY TO A PERSON WHO IS SENTENCED TO SERVE A PERIOD OF
14 INCARCERATION IN THE STATE DEPARTMENT OF CORRECTIONS.

15 ~~B.~~ C. Sexual conduct with a minor who is under fifteen years of age
16 is a class 2 felony and is punishable pursuant to section 13-604.01. Sexual
17 conduct with a minor who is at least fifteen years of age is a class ~~6~~ 4
18 felony. Sexual conduct with a minor who is at least fifteen years of age is
19 a class 2 felony if the person is the minor's parent, stepparent, adoptive
20 parent, legal guardian or foster parent and the convicted person is not
21 eligible for suspension of sentence, probation, pardon or release from
22 confinement on any basis except as specifically authorized by section 31-233,
23 subsection A or B until the sentence imposed has been served or commuted.