

Conference Engrossed

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2307

AN ACT

AMENDING SECTION 13-3214, ARIZONA REVISED STATUTES; RELATING TO PROSTITUTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3214, Arizona Revised Statutes, is amended to
3 read:

4 13-3214. Prostitution; classification

5 A. IT IS UNLAWFUL FOR a person ~~who~~ TO knowingly ~~engages~~ ENGAGE in
6 prostitution.

7 B. THIS SECTION DOES NOT PROHIBIT CITIES OR TOWNS FROM ENACTING AND
8 ENFORCING ORDINANCES TO SUPPRESS AND PROHIBIT PROSTITUTION THAT PROVIDE A
9 PUNISHMENT FOR MISDEMEANOR VIOLATIONS THAT IS AT LEAST AS STRINGENT AS
10 PROVIDED IN THIS SECTION.

11 C. FOR THE PURPOSES OF SENTENCING UNDER THIS SECTION, A PREVIOUS
12 VIOLATION OF ANY CITY OR TOWN ORDINANCE THAT PROHIBITS PROSTITUTION AND THAT
13 HAS THE SAME OR SUBSTANTIALLY SIMILAR ELEMENTS AS THIS SECTION SHALL BE
14 DEEMED TO BE A PREVIOUS VIOLATION OF THIS SECTION.

15 ~~B.~~ D. A PERSON WHO VIOLATES THIS SECTION is guilty of a class 1
16 misdemeanor, EXCEPT THAT:

17 1. A PERSON WHO IS CONVICTED OF A FIRST VIOLATION OF THIS SECTION
18 SHALL BE SENTENCED TO SERVE NOT LESS THAN FIFTEEN CONSECUTIVE DAYS IN JAIL
19 AND IS NOT ELIGIBLE FOR PROBATION OR SUSPENSION OF EXECUTION OF SENTENCE
20 UNTIL THE ENTIRE SENTENCE IS SERVED.

21 2. A PERSON WHO IS CONVICTED OF A SECOND VIOLATION OF THIS SECTION
22 SHALL BE SENTENCED TO SERVE NOT LESS THAN THIRTY CONSECUTIVE DAYS IN JAIL AND
23 IS NOT ELIGIBLE FOR PROBATION OR SUSPENSION OF EXECUTION OF SENTENCE UNTIL
24 THE ENTIRE SENTENCE IS SERVED.

25 3. A PERSON WHO IS CONVICTED OF A THIRD VIOLATION OF THIS SECTION
26 SHALL BE SENTENCED TO SERVE NOT LESS THAN SIXTY CONSECUTIVE DAYS IN JAIL, IS
27 NOT ELIGIBLE FOR PROBATION OR SUSPENSION OF EXECUTION OF SENTENCE UNTIL THE
28 ENTIRE SENTENCE IS SERVED AND SHALL COMPLETE AN APPROPRIATE COURT ORDERED
29 EDUCATION OR TREATMENT PROGRAM.

30 4. A PERSON WHO HAS PREVIOUSLY BEEN CONVICTED OF THREE OR MORE
31 VIOLATIONS OF THIS SECTION AND WHO COMMITS A SUBSEQUENT VIOLATION OF THIS
32 SECTION IS GUILTY OF A CLASS 5 FELONY, SHALL BE SENTENCED TO SERVE NOT LESS
33 THAN ONE HUNDRED EIGHTY CONSECUTIVE DAYS IN JAIL AND IS NOT ELIGIBLE FOR
34 PROBATION OR SUSPENSION OF EXECUTION OF SENTENCE UNTIL THE ENTIRE SENTENCE IS
35 SERVED. THIS PARAGRAPH DOES NOT PROHIBIT A PERSON FROM BEING SENTENCED TO
36 SERVE A PERIOD OF INCARCERATION IN THE STATE DEPARTMENT OF CORRECTIONS.

37 ~~B. Nothing in subsection A shall prohibit cities or towns from~~
38 ~~enacting and enforcing ordinances to suppress and prohibit prostitution which~~
39 ~~provide for a punishment which is at least as stringent as subsection A.~~