

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SENATE BILL 1160

AN ACT

AMENDING TITLE 12, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 13;
AMENDING SECTIONS 13-604.01 AND 13-1403, ARIZONA REVISED STATUTES; AMENDING
TITLE 13, CHAPTER 14, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1411;
RELATING TO ANIMAL WELFARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 12, chapter 7, Arizona Revised Statutes, is amended
3 by adding article 13, to read:

4 ARTICLE 13. LIABILITY FOR ANIMAL RESCUE COSTS

5 12-1011. Liability for animal rescue costs

6 AN OWNER IS LIABLE TO THIS STATE OR A POLITICAL SUBDIVISION OF THIS
7 STATE FOR THE EXPENSES INCURRED BY THIS STATE OR A POLITICAL SUBDIVISION OF
8 THIS STATE IN RESCUING ANIMALS THAT BELONG TO THE OWNER IF THE ANIMALS HAVE
9 BEEN CRUELLY TREATED OR NEGLECTED AND THE OWNER HAS BEEN CONVICTED OF A
10 VIOLATION OF SECTION 13-2910.

11 Sec. 2. Section 13-604.01, Arizona Revised Statutes, is amended to
12 read:

13 13-604.01. Dangerous crimes against children; sentences;
14 definitions

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

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

39 C. Except as otherwise provided in this section, a person who is at
40 least eighteen years of age or who has been tried as an adult and who stands
41 convicted of a dangerous crime against children in the first degree involving
42 attempted first degree murder of a minor who is twelve, thirteen or fourteen
43 years of age, second degree murder of a minor who is twelve, thirteen or
44 fourteen years of age, sexual assault of a minor who is twelve, thirteen or
45 fourteen years of age, taking a child for the purpose of prostitution, child

1 prostitution, sexual conduct with a minor who is twelve, thirteen or fourteen
2 years of age, continuous sexual abuse of a child, sex trafficking of a minor
3 who is under fifteen years of age, ~~OR~~ OR manufacturing methamphetamine under
4 circumstances that cause physical injury to a minor who is twelve, thirteen
5 or fourteen years of age or involving or using minors in drug offenses shall
6 be sentenced to a presumptive term of imprisonment for twenty years. If the
7 convicted person has been previously convicted of one predicate felony the
8 person shall be sentenced to a presumptive term of imprisonment for thirty
9 years.

10 D. Except as otherwise provided in this section, a person who is at
11 least eighteen years of age or who has been tried as an adult and who stands
12 convicted of a dangerous crime against children in the first degree involving
13 aggravated assault, molestation of a child, commercial sexual exploitation of
14 a minor, sexual exploitation of a minor, child abuse or kidnapping shall be
15 sentenced to a presumptive term of imprisonment for seventeen years. If the
16 convicted person has been previously convicted of one predicate felony the
17 person shall be sentenced to a presumptive term of imprisonment for
18 twenty-eight years.

19 E. Except as otherwise provided in this section, a person who is at
20 least eighteen years of age or who has been tried as an adult and who stands
21 convicted of a dangerous crime against children involving sexual abuse under
22 section 13-1404 OR BESTIALITY UNDER SECTION 13-1411, SUBSECTION A, PARAGRAPH
23 2 is guilty of a class 3 felony and shall be sentenced to a presumptive term
24 of imprisonment for five years, and unless the person has previously been
25 convicted of a predicate felony, the presumptive term may be increased or
26 decreased by up to two and one-half years pursuant to section 13-702,
27 subsections B, C and D. If the person is sentenced to a term of imprisonment
28 the person is not eligible for release from confinement on any basis except
29 as specifically authorized by section 31-233, subsection A or B until the
30 sentence imposed by the court has been served, the person is eligible for
31 release pursuant to section 41-1604.07 or the sentence is commuted. If the
32 convicted person has been previously convicted of one predicate felony the
33 person shall be sentenced to a presumptive term of imprisonment for fifteen
34 years and is not eligible for suspension of sentence, probation, pardon or
35 release from confinement on any basis except as specifically authorized by
36 section 31-233, subsection A or B until the sentence imposed by the court has
37 been served, the person is eligible for release pursuant to section
38 41-1604.07 or the sentence is commuted.

39 F. The presumptive sentences prescribed in subsections B, C and D of
40 this section or subsection E of this section if the person has previously
41 been convicted of a predicate felony may be increased or decreased by up to
42 seven years pursuant to the provisions of section 13-702, subsections B, C
43 and D.

44 G. Except as provided in subsection E of this section, a person
45 sentenced for a dangerous crime against children in the first degree pursuant

1 to this section is not eligible for suspension of sentence, probation, pardon
2 or release from confinement on any basis except as specifically authorized by
3 section 31-233, subsection A or B until the sentence imposed by the court has
4 been served or commuted.

5 H. A person who stands convicted of any dangerous crime against
6 children in the first degree pursuant to subsection C or D of this section
7 ~~having~~ AND WHO HAS been previously convicted of two or more predicate
8 felonies shall be sentenced to life imprisonment and is not eligible for
9 suspension of sentence, probation, pardon or release from confinement on any
10 basis except as specifically authorized by section 31-233, subsection A or B
11 until the person has served not fewer than thirty-five years or the sentence
12 is commuted.

13 I. Notwithstanding chapter 10 of this title, a person who is at least
14 eighteen years of age or who has been tried as an adult and who stands
15 convicted of a dangerous crime against children in the second degree pursuant
16 to subsection C or D of this section or luring a minor for sexual
17 exploitation pursuant to section 13-3554 is guilty of a class 3 felony and
18 shall be sentenced to a presumptive term of imprisonment for ten years. The
19 presumptive term may be increased or decreased by up to five years pursuant
20 to section 13-702, subsections B, C and D. If the person is sentenced to a
21 term of imprisonment the person is not eligible for release from confinement
22 on any basis except as specifically authorized by section 31-233, subsection
23 A or B until the person has served the sentence imposed by the court, the
24 person is eligible for release pursuant to section 41-1604.07 or the sentence
25 is commuted. A person who is convicted of any dangerous crime against
26 children in the second degree ~~having~~ AND WHO HAS been previously convicted of
27 one or more predicate felonies is not eligible for suspension of sentence,
28 probation, pardon or release from confinement on any basis except as
29 specifically authorized by section 31-233, subsection A or B until the
30 sentence imposed by the court has been served, the person is eligible for
31 release pursuant to section 41-1604.07 or the sentence is commuted.

32 J. Section 13-604, subsections M and O apply to the determination of
33 prior convictions.

34 K. The sentence imposed on a person by the court for a dangerous crime
35 against children under subsection D of this section ~~involving~~ AND THAT
36 INVOLVES child molestation or sexual abuse pursuant to subsection E of this
37 section may be served concurrently with other sentences if the offense
38 involved only one victim. The sentence imposed on a person for any other
39 dangerous crime against children in the first or second degree shall be
40 consecutive to any other sentence imposed on the person at any time,
41 including child molestation and sexual abuse of the same victim.

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

44 M. For the purposes of this section:

1 1. "Dangerous crime against children" means any of the following that
2 is committed against a minor who is under fifteen years of age:

- 3 (a) Second degree murder.
- 4 (b) Aggravated assault resulting in serious physical injury or
5 involving the discharge, use or threatening exhibition of a deadly weapon or
6 dangerous instrument.
- 7 (c) Sexual assault.
- 8 (d) Molestation of a child.
- 9 (e) Sexual conduct with a minor.
- 10 (f) Commercial sexual exploitation of a minor.
- 11 (g) Sexual exploitation of a minor.
- 12 (h) Child abuse as prescribed in section 13-3623, subsection A,
13 paragraph 1.
- 14 (i) Kidnapping.
- 15 (j) Sexual abuse.
- 16 (k) Taking a child for the purpose of prostitution as ~~defined~~
17 ~~PRESCRIBED~~ in section 13-3206.
- 18 (l) Child prostitution as ~~defined~~ ~~PRESCRIBED~~ in section 13-3212.
- 19 (m) Involving or using minors in drug offenses.
- 20 (n) Continuous sexual abuse of a child.
- 21 (o) Attempted first degree murder.
- 22 (p) Sex trafficking.
- 23 (q) Manufacturing methamphetamine under circumstances that cause
24 physical injury to a minor.
- 25 (r) ~~BESTIALITY AS PRESCRIBED IN SECTION 13-1411, SUBSECTION A,~~
26 ~~PARAGRAPH 2.~~

27 A dangerous crime against children is in the first degree if it is a
28 completed offense and is in the second degree if it is a preparatory offense,
29 except attempted first degree murder is a dangerous crime against children in
30 the first degree.

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

37 Sec. 3. Section 13-1403, Arizona Revised Statutes, is amended to read:
38 ~~13-1403. Public sexual indecency; public sexual indecency to a~~
39 ~~minor; classifications~~

40 A. A person commits public sexual indecency by intentionally or
41 knowingly engaging in any of the following acts, if another person is
42 present, and the defendant is reckless about whether such other person, as a
43 reasonable person, would be offended or alarmed by the act:

- 44 1. An act of sexual contact.
- 45 2. An act of oral sexual contact.

1 3. An act of sexual intercourse.

2 4. An act ~~involving contact between the person's mouth, vulva or~~
3 ~~genitals and the anus or genitals of an animal~~ OF BESTIALITY.

4 B. A person commits public sexual indecency to a minor if ~~he~~ THE
5 PERSON intentionally or knowingly engages in any of the acts listed in
6 subsection A and such person is reckless ABOUT whether a minor under the age
7 of fifteen years is present.

8 C. Public sexual indecency is a class 1 misdemeanor. Public sexual
9 indecency to a minor is a class 5 felony.

10 Sec. 4. Title 13, chapter 14, Arizona Revised Statutes, is amended by
11 adding section 13-1411, to read:

12 13-1411. Bestiality; classification; definition

13 A. A PERSON COMMITS BESTIALITY BY KNOWINGLY DOING EITHER OF THE
14 FOLLOWING:

15 1. ENGAGING IN ORAL SEXUAL CONTACT, SEXUAL CONTACT OR SEXUAL
16 INTERCOURSE WITH AN ANIMAL.

17 2. CAUSING ANOTHER PERSON TO ENGAGE IN ORAL SEXUAL CONTACT, SEXUAL
18 CONTACT OR SEXUAL INTERCOURSE WITH AN ANIMAL.

19 B. IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR A VIOLATION OF
20 SUBSECTION A OF THIS SECTION, THE COURT MAY ORDER THAT THE CONVICTED PERSON
21 DO ANY OF THE FOLLOWING:

22 1. UNDERGO A PSYCHOLOGICAL ASSESSMENT AND PARTICIPATE IN APPROPRIATE
23 COUNSELING AT THE CONVICTED PERSON'S OWN EXPENSE.

24 2. REIMBURSE AN ANIMAL SHELTER AS DEFINED IN SECTION 11-1022 FOR ANY
25 REASONABLE COSTS INCURRED FOR THE CARE AND MAINTENANCE OF ANY ANIMAL THAT WAS
26 TAKEN TO THE ANIMAL SHELTER AS A RESULT OF CONDUCT PROSCRIBED BY SUBSECTION A
27 OF THIS SECTION.

28 C. THIS SECTION DOES NOT APPLY TO:

29 1. ACCEPTED VETERINARY MEDICAL PRACTICES PERFORMED BY A LICENSED
30 VETERINARIAN OR VETERINARY TECHNICIAN.

31 2. INSEMINATION OF ANIMALS BY THE SAME SPECIES, BRED FOR COMMERCIAL
32 PURPOSES.

33 3. ACCEPTED ANIMAL HUSBANDRY PRACTICES THAT PROVIDE NECESSARY CARE FOR
34 ANIMALS BRED FOR COMMERCIAL PURPOSES.

35 D. BESTIALITY IS A CLASS 6 FELONY, EXCEPT THAT BESTIALITY PURSUANT TO
36 SUBSECTION A, PARAGRAPH 2 OF THIS SECTION IS A CLASS 3 FELONY PUNISHABLE
37 PURSUANT TO SECTION 13-604.01 IF THE OTHER PERSON IS A MINOR UNDER FIFTEEN
38 YEARS OF AGE.

39 E. FOR THE PURPOSES OF THIS SECTION, "ANIMAL" MEANS A NONHUMAN MAMMAL,
40 BIRD, REPTILE OR AMPHIBIAN, EITHER DEAD OR ALIVE.