

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HOUSE BILL 2454

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.10; AMENDING SECTIONS 13-701, 13-2301, 13-2314.01, 13-2314.03, 13-3209, 13-3212, 13-3214, 13-3551, 13-3552, 13-4434 AND 32-4255, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 42, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-4260; AMENDING TITLE 41, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-113; RELATING TO HUMAN TRAFFICKING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes, is
3 amended by adding section 9-500.10, to read:

4 9-500.10. Escort and escort agency advertising requirements:
5 civil penalty; definitions

6 A. AN ESCORT OR ESCORT AGENCY SHALL NOT ADVERTISE ESCORT SERVICES
7 UNLESS THE ADVERTISEMENT INCLUDES EITHER:

8 1. THE ESCORT LICENSE NUMBER OF THE ESCORT IF THE ADVERTISEMENT IS FOR
9 THE SERVICES OF A SPECIFIC ESCORT.

10 2. THE BUSINESS LICENSE NUMBER OF THE ESCORT AGENCY WHERE THE SERVICES
11 ARE OFFERED IF THE ADVERTISEMENT DOES NOT OFFER THE SERVICES OF A SPECIFIC
12 ESCORT.

13 B. AN ESCORT OR ESCORT AGENCY SHALL RETAIN ON FILE, FOR AT LEAST ONE
14 YEAR, PROOF OF THE AGE OF ANY ESCORT WHOSE SERVICES ARE OFFERED IN ANY
15 ADVERTISEMENT OF ESCORT SERVICES.

16 C. AN ESCORT OR ESCORT AGENCY THAT VIOLATES THIS SECTION IS SUBJECT TO
17 A CIVIL PENALTY OF:

18 1. FIVE HUNDRED DOLLARS FOR A FIRST VIOLATION.

19 2. ONE THOUSAND FIVE HUNDRED DOLLARS FOR A SECOND VIOLATION.

20 3. FIVE THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT VIOLATION.

21 D. THE ATTORNEY GENERAL, COUNTY ATTORNEY OR CITY OR TOWN ATTORNEY MAY
22 BRING AN ACTION TO ENFORCE THIS SECTION.

23 E. THE COURT SHALL DEPOSIT ANY CIVIL PENALTIES COLLECTED PURSUANT TO
24 SUBSECTION C OF THIS SECTION INTO THE HUMAN TRAFFICKING VICTIMS ASSISTANCE
25 FUND ESTABLISHED BY SECTION 41-113.

26 F. IT IS AN AFFIRMATIVE DEFENSE IN A CIVIL ACTION FOR A FIRST
27 VIOLATION OF SUBSECTION A OF THIS SECTION THAT THE ESCORT OR ESCORT AGENCY
28 POSSESSED A VALID LICENSE AT THE TIME THE ADVERTISEMENT WAS PUBLISHED.

29 G. IT IS AN AFFIRMATIVE DEFENSE IN A CIVIL ACTION FOR A VIOLATION OF
30 SUBSECTION B OF THIS SECTION THAT THE ESCORT WHOSE SERVICES WERE OFFERED IN
31 AN ADVERTISEMENT FOR ESCORT SERVICES WAS EIGHTEEN YEARS OF AGE OR OLDER AT
32 THE TIME THE ADVERTISEMENT WAS PUBLISHED.

33 H. FOR THE PURPOSES OF THIS SECTION:

34 1. "ADVERTISEMENT" MEANS ANY MESSAGE IN ANY MEDIUM THAT OFFERS OR
35 SOLICITS ANY PERSON TO RETAIN THE SERVICES OF THE ESCORT OR ESCORT AGENCY
36 DEPICTED IN THE ADVERTISEMENT.

37 2. "ESCORT" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-1422.

38 3. "ESCORT AGENCY" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-1422.

39 Sec. 2. Section 13-701, Arizona Revised Statutes, is amended to read:

40 13-701. Sentence of imprisonment for felony; presentence
41 report; aggravating and mitigating factors;
42 consecutive terms of imprisonment; definition

43 A. A sentence of imprisonment for a felony shall be a definite term of
44 years and the person sentenced, unless otherwise provided by law, shall be
45 committed to the custody of the state department of corrections.

1 B. No prisoner may be transferred to the custody of the state
2 department of corrections without a certified copy of the judgment and
3 sentence, signed by the sentencing judge, and a copy of a recent presentence
4 investigation report unless the court has waived preparation of the report.

5 C. The minimum or maximum term imposed pursuant to section 13-702,
6 13-703, 13-704, 13-705, 13-708, 13-710, 13-1406, 13-3212 or 13-3419 may be
7 imposed only if one or more of the circumstances alleged to be in aggravation
8 of the crime are found to be true by the trier of fact beyond a reasonable
9 doubt or are admitted by the defendant, except that an alleged aggravating
10 circumstance under subsection D, paragraph 11 of this section shall be found
11 to be true by the court, or in mitigation of the crime are found to be true
12 by the court, on any evidence or information introduced or submitted to the
13 court or the trier of fact before sentencing or any evidence presented at
14 trial, and factual findings and reasons in support of such findings are set
15 forth on the record at the time of sentencing.

16 D. For the purpose of determining the sentence pursuant to subsection
17 C of this section, the trier of fact shall determine and the court shall
18 consider the following aggravating circumstances, except that the court shall
19 determine an aggravating circumstance under paragraph 11 of this subsection:

20 1. Infliction or threatened infliction of serious physical injury,
21 except if this circumstance is an essential element of the offense of
22 conviction or has been utilized to enhance the range of punishment under
23 section 13-704.

24 2. Use, threatened use or possession of a deadly weapon or dangerous
25 instrument during the commission of the crime, except if this circumstance is
26 an essential element of the offense of conviction or has been utilized to
27 enhance the range of punishment under section 13-704.

28 3. If the offense involves the taking of or damage to property, the
29 value of the property taken or damaged.

30 4. Presence of an accomplice.

31 5. Especially heinous, cruel or depraved manner in which the offense
32 was committed.

33 6. The defendant committed the offense as consideration for the
34 receipt, or in the expectation of the receipt, of anything of pecuniary
35 value.

36 7. The defendant procured the commission of the offense by payment, or
37 promise of payment, of anything of pecuniary value.

38 8. At the time of the commission of the offense, the defendant was a
39 public servant and the offense involved conduct directly related to the
40 defendant's office or employment.

41 9. The victim or, if the victim has died as a result of the conduct of
42 the defendant, the victim's immediate family suffered physical, emotional or
43 financial harm.

44 10. During the course of the commission of the offense, the death of an
45 unborn child at any stage of its development occurred.

1 11. The defendant was previously convicted of a felony within the ten
2 years immediately preceding the date of the offense. A conviction outside
3 the jurisdiction of this state for an offense that if committed in this state
4 would be punishable as a felony is a felony conviction for the purposes of
5 this paragraph.

6 12. The defendant was wearing body armor as defined in section 13-3116.

7 13. The victim of the offense is at least sixty-five years of age or is
8 a disabled person as defined in section 38-492, subsection B.

9 14. The defendant was appointed pursuant to title 14 as a fiduciary and
10 the offense involved conduct directly related to the defendant's duties to
11 the victim as fiduciary.

12 15. Evidence that the defendant committed the crime out of malice
13 toward a victim because of the victim's identity in a group listed in section
14 41-1750, subsection A, paragraph 3 or because of the defendant's perception
15 of the victim's identity in a group listed in section 41-1750, subsection A,
16 paragraph 3.

17 16. The defendant was convicted of a violation of section 13-1102,
18 section 13-1103, section 13-1104, subsection A, paragraph 3 or section
19 13-1204, subsection A, paragraph 1 or 2 arising from an act that was
20 committed while driving a motor vehicle and the defendant's alcohol
21 concentration at the time of committing the offense was 0.15 or more. For
22 the purposes of this paragraph, "alcohol concentration" has the same meaning
23 prescribed in section 28-101.

24 17. Lying in wait for the victim or ambushing the victim during the
25 commission of any felony.

26 18. The offense was committed in the presence of a child and any of the
27 circumstances exists that are set forth in section 13-3601, subsection A.

28 19. The offense was committed in retaliation for a victim either
29 reporting criminal activity or being involved in an organization, other than
30 a law enforcement agency, that is established for the purpose of reporting or
31 preventing criminal activity.

32 20. The defendant was impersonating a peace officer as defined in
33 section 1-215.

34 21. The defendant was in violation of 8 United States Code section
35 1323, 1324, 1325, 1326 or 1328 at the time of the commission of the offense.

36 22. The defendant used a remote stun gun or an authorized remote stun
37 gun in the commission of the offense. For the purposes of this paragraph:

38 (a) "Authorized remote stun gun" means a remote stun gun that has all
39 of the following:

40 (i) An electrical discharge that is less than one hundred thousand
41 volts and less than nine joules of energy per pulse.

42 (ii) A serial or identification number on all projectiles that are
43 discharged from the remote stun gun.

1 (iii) An identification and tracking system that, on deployment of
2 remote electrodes, disperses coded material that is traceable to the
3 purchaser through records that are kept by the manufacturer on all remote
4 stun guns and all individual cartridges sold.

5 (iv) A training program that is offered by the manufacturer.

6 (b) "Remote stun gun" means an electronic device that emits an
7 electrical charge and that is designed and primarily employed to incapacitate
8 a person or animal either through contact with electrodes on the device
9 itself or remotely through wired probes that are attached to the device or
10 through a spark, plasma, ionization or other conductive means emitting from
11 the device.

12 23. During or immediately following the commission of the offense, the
13 defendant committed a violation of section 28-661, 28-662 or 28-663.

14 24. THE DEFENDANT WAS CONVICTED OF A VIOLATION OF SECTION 13-1307 OR
15 13-1308 AND THE DEFENDANT RECRUITED, ENTICED OR OBTAINED THE VICTIM FROM A
16 SHELTER THAT IS DESIGNED TO SERVE RUNAWAY YOUTH, FOSTER CHILDREN, HOMELESS
17 PERSONS OR VICTIMS OF HUMAN TRAFFICKING, DOMESTIC VIOLENCE OR SEXUAL ASSAULT.

18 ~~24.~~ 25. Any other factor that the state alleges is relevant to the
19 defendant's character or background or to the nature or circumstances of the
20 crime.

21 E. For the purpose of determining the sentence pursuant to subsection
22 C of this section, the court shall consider the following mitigating
23 circumstances:

24 1. The age of the defendant.

25 2. The defendant's capacity to appreciate the wrongfulness of the
26 defendant's conduct or to conform the defendant's conduct to the requirements
27 of law was significantly impaired, but not so impaired as to constitute a
28 defense to prosecution.

29 3. The defendant was under unusual or substantial duress, although not
30 to a degree that would constitute a defense to prosecution.

31 4. The degree of the defendant's participation in the crime was minor,
32 although not so minor as to constitute a defense to prosecution.

33 5. During or immediately following the commission of the offense, the
34 defendant complied with all duties imposed under sections 28-661, 28-662 and
35 28-663.

36 6. Any other factor that is relevant to the defendant's character or
37 background or to the nature or circumstances of the crime and that the court
38 finds to be mitigating.

39 F. If the trier of fact finds at least one aggravating circumstance,
40 the trial court may find by a preponderance of the evidence additional
41 aggravating circumstances. In determining what sentence to impose, the court
42 shall take into account the amount of aggravating circumstances and whether
43 the amount of mitigating circumstances is sufficiently substantial to justify
44 the lesser term. If the trier of fact finds aggravating circumstances and

1 the court does not find any mitigating circumstances, the court shall impose
2 an aggravated sentence.

3 G. The court in imposing a sentence shall consider the evidence and
4 opinions presented by the victim or the victim's immediate family at any
5 aggravation or mitigation proceeding or in the presentence report.

6 H. This section does not affect any provision of law that imposes the
7 death penalty, that expressly provides for imprisonment for life or that
8 authorizes or restricts the granting of probation and suspending the
9 execution of sentence.

10 I. The intentional failure by the court to impose the mandatory
11 sentences or probation conditions provided in this title is malfeasance.

12 J. For the purposes of this section, "trier of fact" means a jury,
13 unless the defendant and the state waive a jury in which case the trier of
14 fact means the court.

15 Sec. 3. Section 13-2301, Arizona Revised Statutes, is amended to read:

16 13-2301. Definitions

17 A. For the purposes of sections 13-2302, 13-2303 and 13-2304:

18 1. "Collect an extension of credit" means to induce in any way any
19 person to make repayment of that extension.

20 2. "Creditor" means any person making an extension of credit or any
21 person claiming by, under or through any person making an extension of
22 credit.

23 3. "Debtor" means any person to whom an extension of credit is made or
24 any person who guarantees the repayment of an extension of credit, or in any
25 manner undertakes to indemnify the creditor against loss resulting from the
26 failure of any person to whom an extension is made to repay the extension.

27 4. "Extend credit" means to make or renew any loan or to enter into
28 any agreement, tacit or express, whereby the repayment or satisfaction of any
29 debt or claim, whether acknowledged or disputed, valid or invalid, and
30 however arising, may or shall be deferred.

31 5. "Extortionate extension of credit" means any extension of credit
32 with respect to which it is the understanding of the creditor and the debtor
33 at the time the extension is made that delay in making repayment or failure
34 to make repayment could result in the use of violence or other criminal means
35 to cause harm to the person or the reputation or property of any person.

36 6. "Extortionate means" means the use, or an express or implicit
37 threat of use, of violence or other criminal means to cause harm to the
38 person or the reputation or property of any person.

39 7. "Repayment of any extension of credit" means the repayment,
40 satisfaction or discharge in whole or in part of any debt or claim,
41 acknowledged or disputed, valid or invalid, resulting from or in connection
42 with that extension of credit.

43 B. For the purposes of section 13-2305, 13-2306 or 13-2307:

44 1. "Dealer in property" means a person who buys and sells property as
45 a business.

1 2. "Stolen property" means property of another as defined in section
2 13-1801 that has been the subject of any unlawful taking.

3 3. "Traffic" means to sell, transfer, distribute, dispense or
4 otherwise dispose of stolen property to another person, or to buy, receive,
5 possess or obtain control of stolen property, with the intent to sell,
6 transfer, distribute, dispense or otherwise dispose of the property to
7 another person.

8 C. For the purposes of this chapter:

9 1. "Animal activity" means a commercial enterprise that uses animals
10 for food, clothing or fiber production, agriculture or biotechnology.

11 2. "Animal facility" means a building or premises where a commercial
12 activity in which the use of animals is essential takes place, ~~which may~~
13 ~~include~~ INCLUDING a zoo, rodeo, circus, amusement park, hunting preserve and
14 horse and dog event.

15 3. "Animal or ecological terrorism" means any felony in violation of
16 section 13-2312, subsection B that involves at least three persons acting in
17 concert, that involves the intentional or knowing infliction of property
18 damage in an amount of more than ten thousand dollars to the property that is
19 used by a person for the operation of a lawfully conducted animal activity or
20 to a commercial enterprise that is engaged in a lawfully operated animal
21 facility or research facility and that involves either:

22 (a) The use of a deadly weapon or dangerous instrument.

23 (b) The intentional or knowing infliction of serious physical injury
24 on a person engaged in a lawfully conducted animal activity or participating
25 in a lawfully conducted animal facility or research facility.

26 4. "Biological agent" means any microorganism, virus, infectious
27 substance or biological product that may be engineered through biotechnology
28 or any naturally occurring or bioengineered component of any microorganism,
29 virus, infectious substance or biological product and that is capable of
30 causing any of the following:

31 (a) Death, disease or physical injury in a human, animal, plant or
32 other living organism.

33 (b) The deterioration or contamination of air, food, water, equipment,
34 supplies or material of any kind.

35 5. "Combination" means persons who collaborate in carrying on or
36 furthering the activities or purposes of a criminal syndicate even though
37 such persons may not know each other's identity, membership in the
38 combination changes from time to time or one or more members may stand in a
39 wholesaler-retailer or other arm's length relationship with others as to
40 activities or dealings between or among themselves in an illicit operation.

41 6. "Communication service provider" has the same meaning prescribed in
42 section 13-3001.

1 7. "Criminal syndicate" means any combination of persons or
2 enterprises engaging, or having the purpose of engaging, on a continuing
3 basis in conduct that violates any one or more provisions of any felony
4 statute of this state.

5 8. "Explosive agent" means an explosive as defined in section 13-3101
6 and flammable fuels or fire accelerants in amounts over fifty gallons but
7 excludes:

8 (a) Fireworks as defined in section 36-1601.

9 (b) Firearms.

10 (c) A propellant actuated device or propellant actuated industrial
11 tool.

12 (d) A device that is commercially manufactured primarily for the
13 purpose of illumination.

14 (e) A rocket having a propellant charge of less than four ounces.

15 9. "Material support or resources" includes money or other financial
16 securities, financial services, lodging, sustenance, training, safehouses,
17 false documentation or identification, communications equipment, facilities,
18 weapons, lethal substances, explosives, personnel, transportation, disguises
19 and other physical assets but does not include medical assistance, legal
20 assistance or religious materials.

21 10. "Public establishment" means a structure that is owned, leased or
22 operated by this state or a political subdivision of this state or a health
23 care institution as defined in section 36-401.

24 11. "Research facility" means a laboratory, institution, medical care
25 facility, government facility, public or private educational institution or
26 nature preserve at which a scientific test, experiment or investigation
27 involving the use of animals is lawfully carried out, conducted or attempted.

28 12. "Terrorism" means any felony, including any completed or
29 preparatory offense, that involves the use of a deadly weapon or a weapon of
30 mass destruction or the intentional or knowing infliction of serious physical
31 injury with the intent to either:

32 (a) Influence the policy or affect the conduct of this state or any of
33 the political subdivisions, agencies or instrumentalities of this state.

34 (b) Cause substantial damage to or substantial interruption of public
35 communications, communication service providers, public transportation,
36 common carriers, public utilities, public establishments or other public
37 services.

38 13. "Toxin" means the toxic material of plants, animals,
39 microorganisms, viruses, fungi or infectious substances or a recombinant
40 molecule, whatever its origin or method of reproduction, including:

41 (a) Any poisonous substance or biological product that may be
42 engineered through biotechnology and that is produced by a living organism.

43 (b) Any poisonous isomer or biological product, homolog or derivative
44 of such substance.

1 14. "Vector" means a living organism or molecule, including a
2 recombinant molecule or biological product that may be engineered through
3 biotechnology, that is capable of carrying a biological agent or toxin to a
4 host.

5 15. "Weapon of mass destruction" means:

6 (a) Any device or object that is designed or that the person intends
7 to use to cause multiple deaths or serious physical injuries through the use
8 of an explosive agent or the release, dissemination or impact of a toxin,
9 biological agent, poisonous chemical, or its precursor, or any vector.

10 (b) Except as authorized and used in accordance with a license,
11 registration or exemption by the radiation regulatory agency pursuant to
12 section 30-672, any device or object that is designed or that the person
13 intends to use to release radiation or radioactivity at a level that is
14 dangerous to human life.

15 D. For the purposes of sections 13-2312, 13-2313, 13-2314 and 13-2315,
16 unless the context otherwise requires:

17 1. "Control", in relation to an enterprise, means the possession of
18 sufficient means to permit substantial direction over the affairs of an
19 enterprise and, in relation to property, means to acquire or possess.

20 2. "Enterprise" means any corporation, partnership, association, labor
21 union or other legal entity or any group of persons associated in fact
22 although not a legal entity.

23 3. "Financial institution" means any business under the jurisdiction
24 of the department of financial institutions or a banking or securities
25 regulatory agency of the United States, a business coming within the
26 definition of a bank, financial agency or financial institution as prescribed
27 by 31 United States Code section 5312 or 31 Code of Federal Regulations
28 section 103.11 or a business under the jurisdiction of the securities
29 division of the corporation commission, the state real estate department or
30 the department of insurance.

31 4. "Racketeering" means any act, including any preparatory or
32 completed offense, that is chargeable or indictable under the laws of the
33 state or country in which the act occurred and, if the act occurred in a
34 state or country other than this state, that would be chargeable or
35 indictable under the laws of this state if the act had occurred in this
36 state, and that would be punishable by imprisonment for more than one year
37 under the laws of this state and, if the act occurred in a state or country
38 other than this state, under the laws of the state or country in which the
39 act occurred, regardless of whether the act is charged or indicted, and the
40 act involves either:

41 (a) Terrorism, animal terrorism or ecological terrorism that results
42 or is intended to result in a risk of serious physical injury or death.

43 (b) Any of the following acts if committed for financial gain:

44 (i) Homicide.

45 (ii) Robbery.

1 (iii) Kidnapping.
2 (iv) Forgery.
3 (v) Theft.
4 (vi) Bribery.
5 (vii) Gambling.
6 (viii) Usury.
7 (ix) Extortion.
8 (x) Extortionate extensions of credit.
9 (xi) Prohibited drugs, marijuana or other prohibited chemicals or
10 substances.
11 (xii) Trafficking in explosives, weapons or stolen property.
12 (xiii) Participating in a criminal syndicate.
13 (xiv) Obstructing or hindering criminal investigations or
14 prosecutions.
15 (xv) Asserting false claims including, but not limited to, false
16 claims asserted through fraud or arson.
17 (xvi) Intentional or reckless false statements or publications
18 concerning land for sale or lease or sale of subdivided lands or sale and
19 mortgaging of unsubdivided lands.
20 (xvii) Resale of realty with intent to defraud.
21 (xviii) Intentional or reckless fraud in the purchase or sale of
22 securities.
23 (xix) Intentional or reckless sale of unregistered securities or real
24 property securities.
25 (xx) A scheme or artifice to defraud.
26 (xxi) Obscenity.
27 (xxii) Sexual exploitation of a minor.
28 (xxiii) Prostitution.
29 (xxiv) Restraint of trade or commerce in violation of section 34-252.
30 (xxv) Terrorism.
31 (xxvi) Money laundering.
32 (xxvii) Obscene or indecent telephone communications to minors for
33 commercial purposes.
34 (xxviii) Counterfeiting marks as proscribed in section 44-1453.
35 (xxix) Animal terrorism or ecological terrorism.
36 (xxx) Smuggling of human beings.
37 (xxxi) CHILD PROSTITUTION.
38 (xxxii) SEX TRAFFICKING.
39 (xxxiii) TRAFFICKING OF PERSONS FOR FORCED LABOR OR SERVICES.
40 5. "Records" means any book, paper, writing, computer program, data,
41 image or information that is collected, recorded, preserved or maintained in
42 any form of storage medium.

1 6. "Remedy racketeering" means to enter a civil judgment pursuant to
2 this chapter or chapter 39 of this title against property or a person who is
3 subject to liability, including liability for injury to the state that is
4 caused by racketeering or by actions in concert with racketeering.

5 E. For the purposes of sections 13-2316, 13-2316.01 and 13-2316.02:

6 1. "Access" means to instruct, communicate with, store data in,
7 retrieve data from or otherwise make use of any resources of a computer,
8 computer system or network.

9 2. "Access device" means any card, token, code, account number,
10 electronic serial number, mobile or personal identification number, password,
11 encryption key, biometric identifier or other means of account access,
12 including a canceled or revoked access device, that can be used alone or in
13 conjunction with another access device to obtain money, goods, services,
14 computer or network access or any other thing of value or that can be used to
15 initiate a transfer of any thing of value.

16 3. "Computer" means an electronic device that performs logic,
17 arithmetic or memory functions by the manipulations of electronic or magnetic
18 impulses and includes all input, output, processing, storage, software or
19 communication facilities that are connected or related to such a device in a
20 system or network.

21 4. "Computer contaminant" means any set of computer instructions that
22 is designed to modify, damage, destroy, record or transmit information within
23 a computer, computer system or network without the intent or permission of
24 the owner of the information, computer system or network. Computer
25 contaminant includes a group of computer instructions, such as viruses or
26 worms, that is self-replicating or self-propagating and that is designed to
27 contaminate other computer programs or computer data, to consume computer
28 resources, to modify, destroy, record or transmit data or in some other
29 fashion to usurp the normal operation of the computer, computer system or
30 network.

31 5. "Computer program" means a series of instructions or statements, in
32 a form acceptable to a computer, that permits the functioning of a computer
33 system in a manner designed to provide appropriate products from the computer
34 system.

35 6. "Computer software" means a set of computer programs, procedures
36 and associated documentation concerned with the operation of a computer
37 system.

38 7. "Computer system" means a set of related, connected or unconnected
39 computer equipment, devices and software, including storage, media and
40 peripheral devices.

41 8. "Critical infrastructure resource" means any computer or
42 communications system or network that is involved in providing services
43 necessary to ensure or protect the public health, safety or welfare,
44 including services that are provided by any of the following:

- 1 (a) Medical personnel and institutions.
- 2 (b) Emergency services agencies.
- 3 (c) Public and private utilities, including water, power,
- 4 communications and transportation services.
- 5 (d) Fire departments, districts or volunteer organizations.
- 6 (e) Law enforcement agencies.
- 7 (f) Financial institutions.
- 8 (g) Public educational institutions.
- 9 (h) Government agencies.

10 9. "False or fraudulent pretense" means the unauthorized use of an
11 access device or the use of an access device to exceed authorized access.

12 10. "Financial instrument" means any check, draft, money order,
13 certificate of deposit, letter of credit, bill of exchange, credit card or
14 marketable security or any other written instrument as defined in section
15 13-2001 that is transferable for value.

16 11. "Network" includes a complex of interconnected computer or
17 communication systems of any type.

18 12. "Property" means financial instruments, information, including
19 electronically produced data, computer software and programs in either
20 machine or human readable form, and anything of value, tangible or
21 intangible.

22 13. "Proprietary or confidential computer security information" means
23 information about a particular computer, computer system or network that
24 relates to its access devices, security practices, methods and systems,
25 architecture, communications facilities, encryption methods and system
26 vulnerabilities and that is not made available to the public by its owner or
27 operator.

28 14. "Services" includes computer time, data processing, storage
29 functions and all types of communication functions.

30 Sec. 4. Section 13-2314.01, Arizona Revised Statutes, is amended to
31 read:

32 13-2314.01. Anti-racketeering revolving fund: use of fund:
33 reports

34 A. The anti-racketeering revolving fund is established. The attorney
35 general shall administer the fund under the conditions and for the purposes
36 provided by this section. Monies in the fund are exempt from the lapsing
37 provisions of section 35-190.

38 B. Any prosecution and investigation costs, including attorney fees,
39 recovered for the state by the attorney general as a result of enforcement of
40 civil and criminal statutes pertaining to any offense included in the
41 definition of racketeering in section 13-2301, subsection D, paragraph 4 or
42 section 13-2312, whether by final judgment, settlement or otherwise, shall be
43 deposited in the fund established by this section.

1 C. Any monies received by any department or agency of this state or
2 any political subdivision of this state from any department or agency of the
3 United States or another state as a result of participation in any
4 investigation or prosecution, whether by final judgment, settlement or
5 otherwise, shall be deposited in the fund established by this section or, if
6 the recipient is a political subdivision of this state, may be deposited in
7 the fund established by section 13-2314.03.

8 D. Any monies obtained as a result of a forfeiture by any department
9 or agency of this state under this title or under federal law shall be
10 deposited in the fund established by this section. Any monies or other
11 property obtained as a result of a forfeiture by any political subdivision of
12 this state or the federal government may be deposited in the fund established
13 by this section. Monies deposited in the fund pursuant to this section or
14 section 13-4315 shall accrue interest and shall be held for the benefit of
15 the agency or agencies responsible for the seizure or forfeiture to the
16 extent of their contribution. Except as provided in subsections F and G of
17 this section, the monies and interest shall be distributed within thirty days
18 of application to the agency or agencies responsible for the seizure or
19 forfeiture. Monies in the fund used by the attorney general for capital
20 projects in excess of one million dollars are subject to review by the joint
21 committee on capital review.

22 E. Monies in the fund may be used for the following:

23 1. The funding of gang prevention programs, substance abuse prevention
24 programs, substance abuse education programs, **PROGRAMS THAT PROVIDE**
25 **ASSISTANCE TO VICTIMS OF A CRIMINAL OFFENSE THAT IS LISTED IN SECTION 13-2301**
26 and witness protection pursuant to section 41-196 or for any purpose
27 permitted by federal law relating to the disposition of any property that is
28 transferred to a law enforcement agency.

29 2. The investigation and prosecution of any offense included in the
30 definition of racketeering in section 13-2301, subsection D, paragraph 4 or
31 section 13-2312, including civil enforcement.

32 3. The payment of the relocation expenses of any law enforcement
33 officer and the officer's immediate family if the law enforcement officer is
34 the victim of a bona fide threat that occurred because of the law enforcement
35 officer's duties.

36 F. On or before January 15, April 15, July 15 and October 15 of each
37 year, each department or agency of this state receiving monies pursuant to
38 this section or section 13-2314.03 or 13-4315 or from any department or
39 agency of the United States or another state as a result of participation in
40 any investigation or prosecution shall file with the attorney general a
41 report for the previous calendar quarter. The report shall be in a form that
42 is prescribed by the Arizona criminal justice commission and approved by the
43 director of the joint legislative budget committee. The report shall set
44 forth the sources of all monies and all expenditures. The report shall not
45 include any identifying information about specific investigations. If a

1 department or agency of this state fails to file a report within forty-five
2 days after the report is due and there is no good cause as determined by the
3 Arizona criminal justice commission, the attorney general shall make no
4 expenditures from the fund for the benefit of the department or agency until
5 the report is filed. The attorney general is responsible for collecting all
6 reports from departments and agencies of this state and transmitting the
7 reports to the Arizona criminal justice commission at the time that the
8 report required pursuant to subsection G of this section is submitted.

9 G. On or before January 25, April 25, July 25 and October 25 of each
10 year, the attorney general shall file with the Arizona criminal justice
11 commission a report for the previous calendar quarter. The report shall be
12 in a form that is prescribed by the Arizona criminal justice commission and
13 approved by the director of the joint legislative budget committee. The
14 report shall set forth the sources of all monies and all expenditures. The
15 report shall not include any identifying information about specific
16 investigations. If the attorney general fails to file a report within sixty
17 days after the report is due and there is no good cause as determined by the
18 Arizona criminal justice commission, the attorney general shall make no
19 expenditures from the fund for the benefit of the attorney general until the
20 report is filed. If a political subdivision of this state fails to file a
21 report with the county attorney pursuant to section 13-2314.03 within
22 forty-five days after the report is due and there is no good cause as
23 determined by the Arizona criminal justice commission, the attorney general
24 shall make no expenditures from the fund for the benefit of the political
25 subdivision until the report is filed.

26 H. On or before September 30 of each year, the Arizona criminal
27 justice commission shall compile the attorney general report and the reports
28 of all departments and agencies of this state into a single comprehensive
29 report and shall submit a copy of the report to the governor, the director of
30 the department of administration, the president of the senate, the speaker of
31 the house of representatives, the director of the joint legislative budget
32 committee and the secretary of state.

33 Sec. 5. Section 13-2314.03, Arizona Revised Statutes, is amended to
34 read:

35 13-2314.03. County anti-racketeering revolving fund; use of
36 fund; reports

37 A. The board of supervisors of a county shall establish a county
38 anti-racketeering revolving fund administered by the county attorney under
39 the conditions and for the purposes provided by this section.

40 B. Any prosecution and investigation costs, including attorney fees,
41 recovered for the county as a result of enforcement of civil and criminal
42 statutes pertaining to any offense included in the definition of racketeering
43 in section 13-2301, subsection D, paragraph 4 or section 13-2312, whether by
44 final judgment, settlement or otherwise, shall be deposited in the fund
45 established by the board of supervisors.

1 C. Any monies received by any department or agency of this state or
2 any political subdivision of this state from any department or agency of the
3 United States or another state as a result of participation in any
4 investigation or prosecution, whether by final judgment, settlement or
5 otherwise, shall be deposited in the fund established by this section or in
6 the fund established by section 13-2314.01.

7 D. Any monies obtained as a result of a forfeiture by the county
8 attorney under this title or under federal law shall be deposited in the fund
9 established by this section. Any monies or other property obtained as a
10 result of a forfeiture by any political subdivision of this state or the
11 federal government may be deposited in the fund established by this section
12 or in the fund established by section 13-2314.01. Monies deposited in the
13 fund pursuant to this section or section 13-4315 shall accrue interest and
14 shall be held for the benefit of the agency or agencies responsible for the
15 seizure or forfeiture to the extent of their contribution. Except as
16 provided in subsections F and G of this section, the monies and interest
17 shall be distributed to the agency or agencies responsible for the seizure or
18 forfeiture within thirty days of application.

19 E. Monies in the fund may be used for the funding of gang prevention
20 programs, substance abuse prevention programs, substance abuse education
21 programs, [PROGRAMS THAT PROVIDE ASSISTANCE TO VICTIMS OF A CRIMINAL OFFENSE](#)
22 [THAT IS LISTED IN SECTION 13-2301](#) and witness protection pursuant to section
23 11-536 or for any purpose permitted by federal law relating to the
24 disposition of any property that is transferred to a law enforcement agency.
25 Monies in the fund may be used for the investigation and prosecution of any
26 offense included in the definition of racketeering in section 13-2301,
27 subsection D, paragraph 4 or section 13-2312, including civil enforcement.

28 F. On or before January 25, April 25, July 25 and October 25 of each
29 year, the county attorney shall cause to be filed with the Arizona criminal
30 justice commission a report for the previous calendar quarter. The report
31 shall be in a form that is prescribed by the Arizona criminal justice
32 commission and approved by the director of the joint legislative budget
33 committee. The report shall set forth the sources of all monies and all
34 expenditures. The report shall not include any identifying information about
35 specific investigations. If the county attorney fails to file a report
36 within sixty days after it is due and there is no good cause as determined by
37 the Arizona criminal justice commission, the county attorney shall make no
38 expenditures from the fund for the benefit of the county attorney until the
39 report is filed.

40 G. On or before January 15, April 15, July 15 and October 15 of each
41 year, each political subdivision of this state receiving monies pursuant to
42 this section or section 13-2314.01 or 13-4315 or from any department or
43 agency of the United States or another state as a result of participating in
44 any investigation or prosecution shall cause to be filed with the county
45 attorney of the county in which the political subdivision is located a report

1 for the previous calendar quarter. The report shall be in a form that is
2 prescribed by the Arizona criminal justice commission and approved by the
3 director of the joint legislative budget committee. The report shall set
4 forth the sources of all monies and all expenditures. The report shall not
5 include any identifying information about specific investigations. If a
6 political subdivision of this state fails to file a report within forty-five
7 days after the report is due and there is no good cause as determined by the
8 Arizona criminal justice commission, the county attorney shall make no
9 expenditures from the fund for the benefit of the political subdivision until
10 the report is filed. The county attorney shall be responsible for collecting
11 all reports from political subdivisions within that county and transmitting
12 the reports to the Arizona criminal justice commission at the time that the
13 county report required pursuant to subsection F of this section is submitted.

14 H. On or before September 30 of each year, the Arizona criminal
15 justice commission shall compile all county attorney reports into a single
16 comprehensive report and all political subdivision reports into a single
17 comprehensive report and submit a copy of each comprehensive report to the
18 governor, the president of the senate, the speaker of the house of
19 representatives, the director of the joint legislative budget committee and
20 the secretary of state.

21 Sec. 6. Section 13-3209, Arizona Revised Statutes, is amended to read:

22 13-3209. Pandering; definitions; methods; classification

23 A person is guilty of a class 5 felony who knowingly:

24 1. Places any person in the charge or custody of any other person for
25 purposes of prostitution.

26 2. Places any person in a house of prostitution with the intent that
27 such person ~~lead a life of prostitution~~ BECOME A PROSTITUTE OR ENGAGE IN AN
28 ACT OF PROSTITUTION.

29 3. Compels, induces or encourages any person to reside with that
30 person, or with any other person, for the purpose of prostitution.

31 4. Compels, induces or encourages any person to ~~lead a life of~~
32 ~~prostitution~~ BECOME A PROSTITUTE OR ENGAGE IN AN ACT OF PROSTITUTION.

33 Sec. 7. Section 13-3212, Arizona Revised Statutes, is amended to read:

34 13-3212. Child prostitution; classification; increased
35 punishment

36 A. A person commits child prostitution by knowingly:

37 1. Causing any minor to engage in prostitution.

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

39 3. Permitting a minor who is under the person's custody or control to
40 engage in prostitution.

41 4. Receiving any benefit for or on account of procuring or placing a
42 minor in any place or in the charge or custody of any person for the purpose
43 of prostitution.

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

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

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

B. A person who is at least eighteen years of age commits child prostitution by knowingly:

1. Engaging in prostitution with a minor who is under fifteen years of age.

2. Engaging in prostitution with a minor who the person knows **OR SHOULD HAVE KNOWN** is fifteen, sixteen or seventeen years of age.

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

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

D. Notwithstanding any other law, a sentence imposed on a person for a violation of subsection A or subsection B, paragraph 2 of this section involving a minor who is fifteen, sixteen or seventeen years of age shall be consecutive to any other sentence imposed on the person at any time.

E. Child prostitution pursuant to subsection A of this section is a class 2 felony if the minor is under fifteen years of age and is punishable pursuant to section 13-705.

F. Child prostitution pursuant to subsection B, paragraph 1 of this section is a class 2 felony and is punishable pursuant to section 13-705.

G. IF THE MINOR IS FIFTEEN, SIXTEEN OR SEVENTEEN YEARS OF AGE, CHILD PROSTITUTION PURSUANT TO SUBSECTION A OF THIS SECTION IS A CLASS 2 FELONY, THE PERSON CONVICTED SHALL BE SENTENCED PURSUANT TO THIS SECTION AND THE PERSON IS NOT ELIGIBLE FOR SUSPENSION OF SENTENCE, PROBATION, PARDON OR RELEASE FROM CONFINEMENT ON ANY BASIS EXCEPT AS SPECIFICALLY AUTHORIZED BY SECTION 31-233, SUBSECTION A OR B UNTIL THE SENTENCE IMPOSED BY THE COURT HAS BEEN SERVED OR COMMUTED. THE PRESUMPTIVE TERM MAY BE AGGRAVATED OR MITIGATED WITHIN THE RANGE UNDER THIS SECTION PURSUANT TO SECTION 13-701, SUBSECTIONS C, D AND E. THE TERMS ARE AS FOLLOWS:

1. THE TERM FOR A FIRST OFFENSE IS AS FOLLOWS:

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
10 YEARS	13.5 YEARS	24 YEARS

2. THE TERM FOR A DEFENDANT WHO HAS ONE HISTORICAL PRIOR FELONY CONVICTION IS AS FOLLOWS:

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
17 YEARS	24 YEARS	31 YEARS

3. THE TERM FOR A DEFENDANT WHO HAS TWO OR MORE HISTORICAL PRIOR FELONY CONVICTIONS IS AS FOLLOWS:

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
24 YEARS	31 YEARS	38 YEARS

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

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

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

2. The term for a defendant who has one historical prior felony conviction ~~for a violation of this section~~ is as follows:

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

3. The term for a defendant who has two or more historical prior felony convictions ~~for a violation of this section~~ is as follows:

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

~~H.~~ I. Child prostitution pursuant to subsection B, paragraph 3 of this section is a class 6 felony. If the court sentences the person to a term of probation, the court shall order that as an initial term of probation the person be imprisoned in the county jail for not less than one hundred eighty consecutive days. This jail term shall commence on the date of sentencing. The court may suspend ninety days of the jail sentence if the person has not previously been convicted of a violation of this section, a violation of section 13-3214 or a violation of any city or town ordinance that prohibits prostitution and that has the same or substantially similar elements as section 13-3214 and the person successfully completes an appropriate court ordered education or treatment program.

~~I.~~ J. ~~Nothing in~~ This section ~~precludes~~ DOES NOT PRECLUDE the state from alleging and proving any other sentencing enhancements as provided by law.

Sec. 8. Section 13-3214, Arizona Revised Statutes, is amended to read:

13-3214. Prostitution; classification

A. It is unlawful for a person to knowingly engage in prostitution.

B. This section does not prohibit cities or towns from enacting and enforcing ordinances to suppress and prohibit prostitution that provide a punishment for misdemeanor violations that is at least as stringent as provided in this section.

1 C. For the purposes of sentencing under this section, a previous
2 violation of any city or town ordinance that prohibits prostitution and that
3 has the same or substantially similar elements as this section shall be
4 deemed to be a previous violation of this section.

5 D. IT IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION UNDER THIS SECTION
6 THAT THE DEFENDANT COMMITTED THE ACTS CONSTITUTING PROSTITUTION AS A DIRECT
7 RESULT OF BEING A VICTIM OF SEX TRAFFICKING.

8 ~~D.~~ E. A person who violates this section is guilty of a class 1
9 misdemeanor, except that:

10 1. A person who is convicted of a first violation of this section
11 shall be sentenced to serve not less than fifteen consecutive days in jail
12 and is not eligible for probation or suspension of execution of sentence
13 until the entire sentence is served.

14 2. A person who is convicted of a second violation of this section
15 shall be sentenced to serve not less than thirty consecutive days in jail and
16 is not eligible for probation or suspension of execution of sentence until
17 the entire sentence is served.

18 3. A person who is convicted of a third violation of this section
19 shall be sentenced to serve not less than sixty consecutive days in jail, is
20 not eligible for probation or suspension of execution of sentence until the
21 entire sentence is served and shall complete an appropriate court ordered
22 education or treatment program.

23 4. A person who has previously been convicted of three or more
24 violations of this section and who commits a subsequent violation of this
25 section is guilty of a class 5 felony, shall be sentenced to serve not less
26 than one hundred eighty consecutive days in jail and is not eligible for
27 probation or suspension of execution of sentence until the entire sentence is
28 served. This paragraph does not prohibit a person from being sentenced to
29 serve a period of incarceration in the state department of corrections.

30 Sec. 9. Section 13-3551, Arizona Revised Statutes, is amended to read:

31 13-3551. Definitions

32 In this chapter, unless the context otherwise requires:

33 1. "ADVERTISING" OR "ADVERTISEMENT" MEANS ANY MESSAGE IN ANY MEDIUM
34 THAT OFFERS OR SOLICITS ANY PERSON TO ENGAGE IN SEXUAL CONDUCT IN THIS STATE.

35 ~~1.~~ 2. "Communication service provider" has the same meaning
36 prescribed in section 13-3001.

37 ~~2.~~ 3. "Computer" has the same meaning prescribed in section 13-2301,
38 subsection E.

39 ~~3.~~ 4. "Computer system" has the same meaning prescribed in section
40 13-2301, subsection E.

41 ~~4.~~ 5. "Exploitive exhibition" means the actual or simulated
42 exhibition of the genitals or pubic or rectal areas of any person for the
43 purpose of sexual stimulation of the viewer.

~~5-~~ 6. "Minor" means a person or persons who were under eighteen years of age at the time a visual depiction was created, adapted or modified.

~~6-~~ 7. "Network" has the same meaning prescribed in section 13-2301, subsection E.

~~7-~~ 8. "Producing" means financing, directing, manufacturing, issuing, publishing or advertising for pecuniary gain.

~~8-~~ 9. "Remote computing service" has the same meaning prescribed in section 13-3001.

~~9-~~ 10. "Sexual conduct" means actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same or opposite sex.

(b) Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure.

(c) Sexual bestiality.

(d) Masturbation, for the purpose of sexual stimulation of the viewer.

(e) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

(f) Defecation or urination for the purpose of sexual stimulation of the viewer.

~~10-~~ 11. "Simulated" means any depicting of the genitals or rectal areas that gives the appearance of sexual conduct or incipient sexual conduct.

~~11-~~ 12. "Visual depiction" includes each visual image that is contained in an undeveloped film, videotape or photograph or data stored in any form and that is capable of conversion into a visual image.

Sec. 10. Section 13-3552, Arizona Revised Statutes, is amended to read:

13-3552. Commercial sexual exploitation of a minor:
classification

A. A person commits commercial sexual exploitation of a minor by knowingly:

1. Using, employing, persuading, enticing, inducing or coercing a minor to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct.

2. Using, employing, persuading, enticing, inducing or coercing a minor to expose the genitals or anus or the areola or nipple of the female breast for financial or commercial gain.

3. Permitting a minor under the person's custody or control to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct.

4. Transporting or financing the transportation of any minor through or across this state with the intent that the minor engage in prostitution,

1 exploitive exhibition or other sexual conduct for the purpose of producing a
2 visual depiction or live act depicting such conduct.

3 5. USING AN ADVERTISEMENT FOR PROSTITUTION AS DEFINED IN SECTION
4 13-3211 THAT CONTAINS A VISUAL DEPICTION OF A MINOR.

5 B. SUBSECTION A, PARAGRAPH 5 OF THIS SECTION DOES NOT APPLY TO AN ACT
6 THAT IS PROHIBITED BY SECTION 13-3555 OR TO WEBSITES OR INTERNET SERVICE
7 PROVIDERS THAT HOST ADVERTISEMENTS CREATED AND PUBLISHED BY THIRD PARTIES AND
8 DO NOT PARTICIPATE IN CREATING OR PUBLISHING THE ADVERTISEMENTS.

9 ~~B.~~ C. Commercial sexual exploitation of a minor is a class 2 felony
10 and if the minor is under fifteen years of age it is punishable pursuant to
11 section 13-705.

12 Sec. 11. Section 13-4434, Arizona Revised Statutes, is amended to
13 read:

14 13-4434. Victim's right to privacy; exception; definitions

15 A. The victim has the right at any court proceeding not to testify
16 regarding ~~the victim's addresses, telephone numbers, places of employment or~~
17 ~~other~~ ANY IDENTIFYING OR locating information unless the victim consents or
18 the court orders disclosure on finding that a compelling need for the
19 information exists. A court proceeding on the motion shall be in camera.

20 B. A victim's ~~contact and~~ identifying AND LOCATING information that is
21 obtained, compiled or reported by a law enforcement agency OR PROSECUTION
22 AGENCY shall be redacted by the originating agency ~~in publicly accessible~~ AND
23 PROSECUTION AGENCIES FROM records pertaining to the criminal case involving
24 the victim INCLUDING DISCOVERY DISCLOSED TO THE DEFENDANT.

25 C. Subsection B does not apply to:

26 1. The victim's name.

27 2. Any records that are transmitted between law enforcement and
28 prosecution agencies or a court.

29 3. Any records if the victim has consented to the release of the
30 information.

31 4. The ~~address or~~ GENERAL location at which the reported crime
32 occurred.

33 D. FOR THE PURPOSES OF THIS SECTION:

34 1. "IDENTIFYING INFORMATION" INCLUDES A VICTIM'S DATE OF BIRTH, SOCIAL
35 SECURITY NUMBER AND OFFICIAL STATE OR GOVERNMENT ISSUED DRIVER LICENSE OR
36 IDENTIFICATION NUMBER.

37 2. "LOCATING INFORMATION" INCLUDES THE VICTIM'S ADDRESS, TELEPHONE
38 NUMBER, E-MAIL ADDRESS AND PLACE OF EMPLOYMENT.

39 Sec. 12. Section 32-4255, Arizona Revised Statutes, is amended to
40 read:

41 32-4255. Unlawful practice; classification; civil penalties;
42 injunctive relief

43 A. It is unlawful for any person to practice or in any manner to claim
44 to practice massage therapy OR TO ADVERTISE MASSAGE THERAPY SERVICES unless
45 that person is licensed pursuant to this chapter. A person who engages in an

1 activity requiring a license pursuant to this chapter or who uses any word,
2 title or representation in violation of section 32-4252 that implies that the
3 person is licensed to engage in the practice of massage therapy, **OR WHO**
4 **ADVERTISES MASSAGE THERAPY SERVICES WITHOUT BEING LICENSED PURSUANT TO THIS**
5 **CHAPTER** is guilty of a class 1 misdemeanor.

6 B. The board may investigate any person to the extent necessary to
7 determine if the person is engaged in the unlawful practice of massage
8 therapy. If an investigation indicates that a person may be practicing
9 massage therapy unlawfully, the board shall inform the person of the alleged
10 violation. The board may refer the matter for prosecution regardless of
11 whether the person ceases the unlawful practice of massage therapy.

12 C. The board, through the appropriate county attorney, ~~OR~~ city
13 attorney or the office of the attorney general, may apply for injunctive
14 relief in any court of competent jurisdiction or enjoin any person from
15 committing any act in violation of this chapter. Injunctive proceedings are
16 in addition to all penalties and other remedies prescribed in this chapter.

17 D. A person who aids or requires another person to directly or
18 indirectly violate this chapter or board rules, who permits a license to be
19 used by another person or who acts with the intent to violate this chapter or
20 board rules is subject to a civil penalty of not more than one thousand
21 dollars for each violation and not more than five thousand dollars for each
22 subsequent violation. The board shall hold a hearing before it imposes this
23 penalty.

24 E. The board shall deposit, pursuant to sections 35-146 and 35-147,
25 all monies it collects from civil penalties pursuant to this section in the
26 state general fund.

27 Sec. 13. Title 32, chapter 42, article 3, Arizona Revised Statutes, is
28 amended by adding section 32-4260, to read:

29 32-4260. Advertising requirements; civil penalty; definitions

30 A. A MESSAGE THERAPIST OR MESSAGE THERAPY BUSINESS SHALL NOT ADVERTISE
31 MESSAGE THERAPY SERVICES UNLESS THE ADVERTISEMENT INCLUDES EITHER:

32 1. THE MESSAGE THERAPY LICENSE NUMBER OF THE MESSAGE THERAPIST IF THE
33 ADVERTISEMENT IS FOR THE SERVICES OF A SPECIFIC MESSAGE THERAPIST.

34 2. THE BUSINESS LICENSE NUMBER OF AT LEAST ONE BUSINESS LICENSE HELD
35 BY THE MESSAGE THERAPY BUSINESS IF THE ADVERTISEMENT DOES NOT OFFER THE
36 SERVICES OF A SPECIFIC MESSAGE THERAPIST.

37 B. A MESSAGE THERAPIST OR MESSAGE THERAPY BUSINESS SHALL RETAIN ON
38 FILE, FOR AT LEAST ONE YEAR, PROOF OF THE AGE OF ANY MESSAGE THERAPIST WHOSE
39 SERVICES ARE OFFERED IN ANY ADVERTISEMENT OF MESSAGE THERAPY SERVICES.

40 C. A MESSAGE THERAPIST OR MESSAGE THERAPY BUSINESS THAT VIOLATES THIS
41 SECTION IS SUBJECT TO A CIVIL PENALTY OF:

42 1. FIVE HUNDRED DOLLARS FOR A FIRST VIOLATION.

43 2. ONE THOUSAND FIVE HUNDRED DOLLARS FOR A SECOND VIOLATION.

44 3. FIVE THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT VIOLATION.

1 D. THE ATTORNEY GENERAL, COUNTY ATTORNEY OR CITY OR TOWN ATTORNEY MAY
2 BRING AN ACTION TO ENFORCE THIS SECTION.

3 E. THE COURT SHALL DEPOSIT ANY CIVIL PENALTIES COLLECTED PURSUANT TO
4 SUBSECTION C OF THIS SECTION INTO THE HUMAN TRAFFICKING VICTIMS ASSISTANCE
5 FUND ESTABLISHED BY SECTION 41-113.

6 F. IT IS AN AFFIRMATIVE DEFENSE IN A CIVIL ACTION FOR A VIOLATION OF
7 SUBSECTION A OF THIS SECTION THAT THE MESSAGE THERAPIST OR MESSAGE THERAPY
8 BUSINESS POSSESSED A VALID LICENSE AT THE TIME THE ADVERTISEMENT WAS
9 PUBLISHED.

10 G. IT IS AN AFFIRMATIVE DEFENSE IN A CIVIL ACTION FOR A VIOLATION OF
11 SUBSECTION B OF THIS SECTION THAT THE MESSAGE THERAPIST WHOSE SERVICES WERE
12 OFFERED IN AN ADVERTISEMENT FOR MESSAGE THERAPY SERVICES WAS EIGHTEEN YEARS
13 OF AGE OR OLDER AT THE TIME THE ADVERTISEMENT WAS PUBLISHED.

14 H. FOR THE PURPOSES OF THIS SECTION:

15 1. "ADVERTISEMENT" MEANS ANY MESSAGE IN ANY MEDIUM THAT OFFERS OR
16 SOLICITS ANY PERSON TO RETAIN THE SERVICES OF THE MESSAGE THERAPIST OR
17 MESSAGE THERAPY BUSINESS DEPICTED IN THE ADVERTISEMENT.

18 2. "MESSAGE THERAPY BUSINESS" MEANS A PERSON OR BUSINESS ASSOCIATION
19 THAT FURNISHES, OFFERS TO FURNISH OR ADVERTISES THE FURNISHING OF MESSAGE
20 THERAPISTS AS ONE OF ITS PRIMARY BUSINESS PURPOSES FOR ANY FEE, TIP OR OTHER
21 CONSIDERATION.

22 Sec. 14. Title 41, chapter 1, article 1, Arizona Revised Statutes, is
23 amended by adding section 41-113, to read:

24 41-113. Human trafficking victim assistance fund; definition

25 A. THE HUMAN TRAFFICKING VICTIM ASSISTANCE FUND IS ESTABLISHED
26 CONSISTING OF MONIES RECEIVED PURSUANT TO SECTIONS 9-500.10 AND 32-4260. THE
27 DIRECTOR SHALL ADMINISTER THE FUND FOR THE PURPOSES PRESCRIBED IN THIS
28 SECTION.

29 B. THE GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES SHALL
30 ESTABLISH PROGRAM PRIORITIES FOR THE FUND. THE OFFICE SHALL SPEND MONIES IN
31 THE FUND TO PROVIDE ASSISTANCE TO VICTIMS OF SEX TRAFFICKING PRESCRIBED IN
32 SECTION 13-1307 AND TRAFFICKING OF PERSONS FOR FORCED LABOR OR SERVICES
33 PRESCRIBED IN SECTION 13-1308.

34 C. MONIES IN THE FUND DO NOT REVERT TO THE STATE GENERAL FUND.

35 D. FOR THE PURPOSES OF THIS SECTION, "DIRECTOR" MEANS THE DIRECTOR OF
36 THE GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES.

37 Sec. 15. Severability

38 If a provision of this act or its application to any person or
39 circumstance is held invalid, the invalidity does not affect other provisions
40 or applications of the act that can be given effect without the invalid
41 provision or application, and to this end the provisions of this act are
42 severable.

1 Sec. 16. Intent

2 It is the intent of this legislature to protect the privacy of crime
3 victims by preventing the disclosure of a victim's identifying and locating
4 information that may be contained in records pertaining to the criminal case.
5 The legislature finds that crime victims in this state have constitutional
6 rights to justice and due process, to be treated with fairness, to
7 restitution and to have all rules governing criminal procedure protect
8 victims' rights and to have these rules be subject to amendment or repeal by
9 the legislature to ensure the protection of these rights. Further, the
10 legislature has the constitutional authority to enact substantive and
11 procedural laws to define, implement, preserve and protect the rights
12 guaranteed to victims. Section 13-4434, Arizona Revised Statutes, as amended
13 by this act is enacted pursuant to these rights and this constitutional grant
14 of authority.