

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

**CHAPTER 295**  
**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  
46 prostitution, sexual conduct with a minor who is twelve, thirteen or fourteen

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

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

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

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

43 G. Except as provided in subsection E of this section, a person  
44 sentenced for a dangerous crime against children in the first degree pursuant  
45 to this section is not eligible for suspension of sentence, probation, pardon  
46 or release from confinement on any basis except as specifically authorized by

1 section 31-233, subsection A or B until the sentence imposed by the court has  
2 been served or commuted.

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

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

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

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

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

42 M. For the purposes of this section:

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

45 (a) Second degree murder.

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

4 (c) Sexual assault.

5 (d) Molestation of a child.

6 (e) Sexual conduct with a minor.

7 (f) Commercial sexual exploitation of a minor.

8 (g) Sexual exploitation of a minor.

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

11 (i) Kidnapping.

12 (j) Sexual abuse.

13 (k) Taking a child for the purpose of prostitution as ~~defined~~  
14 ~~PRESCRIBED~~ in section 13-3206.

15 (l) Child prostitution as ~~defined~~ ~~PRESCRIBED~~ in section 13-3212.

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

17 (n) Continuous sexual abuse of a child.

18 (o) Attempted first degree murder.

19 (p) Sex trafficking.

20 (q) Manufacturing methamphetamine under circumstances that cause  
21 physical injury to a minor.

22 (r) ~~BESTIALITY AS PRESCRIBED IN SECTION 13-1411, SUBSECTION A,~~  
23 ~~PARAGRAPH 2.~~

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

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

34 Sec. 3. Section 13-1403, Arizona Revised Statutes, is amended to read:

35 ~~13-1403. Public sexual indecency; public sexual indecency to a~~  
36 ~~minor; classifications~~

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

41 1. An act of sexual contact.

42 2. An act of oral sexual contact.

43 3. An act of sexual intercourse.

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

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

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

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

9 13-1411. Bestiality; classification; definition

10 A. A PERSON COMMITS BESTIALITY BY KNOWINGLY DOING EITHER OF THE  
11 FOLLOWING:

12 1. ENGAGING IN ORAL SEXUAL CONTACT, SEXUAL CONTACT OR SEXUAL  
13 INTERCOURSE WITH AN ANIMAL.

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

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

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

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

25 C. THIS SECTION DOES NOT APPLY TO:

26 1. ACCEPTED VETERINARY MEDICAL PRACTICES PERFORMED BY A LICENSED  
27 VETERINARIAN OR VETERINARY TECHNICIAN.

28 2. INSEMINATION OF ANIMALS BY THE SAME SPECIES, BRED FOR COMMERCIAL  
29 PURPOSES.

30 3. ACCEPTED ANIMAL HUSBANDRY PRACTICES THAT PROVIDE NECESSARY CARE FOR  
31 ANIMALS BRED FOR COMMERCIAL PURPOSES.

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

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

APPROVED BY THE GOVERNOR MAY 24, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 24, 2006.