

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**
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. 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.