

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1268

AN ACT

AMENDING SECTIONS 13-1307, 13-3211 AND 13-3212, ARIZONA REVISED STATUTES;
REPEALING SECTION 13-3213, ARIZONA REVISED STATUTES; RELATING TO
PROSTITUTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1307, Arizona Revised Statutes, is amended to
3 read:

4 13-1307. Sex trafficking; classification

5 A. It is unlawful for a person to knowingly recruit, entice, harbor,
6 transport, provide or obtain by any means another person WHO IS EIGHTEEN
7 YEARS OF AGE OR OLDER with the intent of causing the other person to engage
8 in prostitution by force, fraud or coercion.

9 B. IT IS UNLAWFUL FOR A PERSON TO RECRUIT, ENTICE, HARBOR, TRANSPORT,
10 PROVIDE OR OBTAIN BY ANY MEANS ANOTHER PERSON WHO IS UNDER EIGHTEEN YEARS OF
11 AGE WITH THE INTENT OF CAUSING THE OTHER PERSON TO ENGAGE IN PROSTITUTION.

12 ~~B.~~ C. A person who violates this section is guilty of a class 2
13 felony, except that, ~~if~~ if the offense is committed against a person who is
14 under fifteen years of age, the offense is a dangerous crime against children
15 punishable pursuant to section 13-604.01.

16 Sec. 2. Section 13-3211, Arizona Revised Statutes, is amended to read:

17 13-3211. Definitions

18 ~~For the purposes of~~ IN this chapter, unless the context otherwise
19 requires:

20 1. "Employee" means a person who conducts lawful or unlawful business
21 for another person under a master-servant relationship or as an independent
22 contractor and who is compensated by wages, commissions, tips or other
23 valuable consideration.

24 2. "House of prostitution" means any building, structure or place THAT
25 IS used for the purpose of prostitution or lewdness or where acts of
26 prostitution occur.

27 3. "Operate and maintain" means to organize, design, perpetuate or
28 control. Operate and maintain includes providing financial support by paying
29 utilities, rent, maintenance costs or advertising costs, supervising
30 activities or work schedules, and directing or furthering the aims of the
31 enterprise.

32 4. "Oral sexual contact" means oral contact with the penis, vulva or
33 anus.

34 5. "Prostitution" means engaging in or agreeing or offering to engage
35 in sexual conduct ~~with another person~~ OR OFFERING TO PAY FOR SEXUAL CONDUCT
36 under a fee arrangement with ~~that person or~~ any other person FOR MONEY OR ANY
37 OTHER VALUABLE CONSIDERATION.

38 6. "Prostitution enterprise" means any corporation, partnership,
39 association or other legal entity or any group of individuals associated in
40 fact although not a legal entity engaged in providing prostitution services.

41 7. "Sadomasochistic abuse" means flagellation or torture by or ~~upon~~ ON
42 a person who is nude or clad in undergarments or in revealing or bizarre
43 costume or the condition of being fettered, bound or otherwise physically
44 restrained on the part of one so clothed.

1 8. "Sexual conduct" means sexual contact, sexual intercourse, oral
2 sexual contact or sadomasochistic abuse.

3 9. "Sexual contact" means any direct or indirect fondling or
4 manipulating of any part of the genitals, anus or female breast.

5 10. "Sexual intercourse" means penetration into the penis, vulva or
6 anus by any part of the body or by any object.

7 Sec. 3. Section 13-3212, Arizona Revised Statutes, is amended to read:

8 13-3212. Child prostitution; classification

9 A. A person commits child prostitution by knowingly:

10 1. Causing any minor to engage in prostitution.

11 2. Using any minor for **THE** purposes of prostitution.

12 3. Permitting a minor **WHO IS** under ~~such~~ **THE** person's custody or
13 control to engage in prostitution.

14 4. Receiving any benefit for or on account of procuring or placing a
15 minor in any place or in the charge or custody of any person for the purpose
16 of prostitution.

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

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

21 7. Transporting or financing the transportation of any minor ~~through~~
22 ~~or across this state~~ with the intent that ~~such~~ **THE** minor engage in
23 prostitution.

24 **8. ENGAGING IN OR ATTEMPTING TO ENGAGE IN PROSTITUTION WITH A MINOR.**

25 **B. IT IS NOT A DEFENSE TO A PROSECUTION PURSUANT TO THIS SECTION IF**
26 **THE DEFENDANT ENGAGED IN THE CONDUCT CONSTITUTING THE OFFENSE WITH A MINOR**
27 **AND AT THE TIME OF THE OFFENSE THE DEFENDANT DID NOT KNOW AND COULD NOT**
28 **REASONABLY HAVE KNOWN THE AGE OF THE MINOR.**

29 ~~B-~~ **C. Child prostitution is a class 2 felony, and EXCEPT THAT** if the
30 minor is **EITHER:**

31 1. Under fifteen years of age, it is punishable pursuant to section
32 13-604.01.

33 2. **FIFTEEN, SIXTEEN OR SEVENTEEN YEARS OF AGE AND AT THE TIME OF THE**
34 **OFFENSE THE DEFENDANT COULD NOT REASONABLY HAVE KNOWN THE AGE OF THE MINOR,**
35 **IT IS A CLASS 4 FELONY.**

36 Sec. 4. Repeal

37 Section 13-3213, Arizona Revised Statutes, is repealed.

38 Sec. 5. Emergency

39 This act is an emergency measure that is necessary to preserve the
40 public peace, health or safety and is operative immediately as provided by
41 law.