

CHEUVRONT FLOOR AMENDMENT

SENATE AMENDMENTS TO H.B. 2389

(Reference to the Waring floor amendment)

1 Page 19, line 2, strike the quotation marks

2 Between lines 2 and 3, insert:

3 "Sec. 10. Section 13-1407, Arizona Revised Statutes, is amended to
4 read:

5 13-1407. Defenses

6 A. It is a defense to a prosecution pursuant to sections 13-1404 and
7 13-1405 involving a minor if the act was done in furtherance of lawful
8 medical practice.

9 B. It is a defense to a prosecution pursuant to sections 13-1404 and
10 13-1405 in which the victim's lack of consent is based on incapacity to
11 consent because the victim was fifteen, sixteen or seventeen years of age if
12 at the time the defendant engaged in the conduct constituting the offense the
13 defendant did not know and could not reasonably have known the age of the
14 victim.

15 C. It is a defense to a prosecution pursuant to section 13-1402,
16 13-1404, 13-1405 or 13-1406 if the act was done by a duly licensed physician
17 or registered nurse or a person acting under the physician's or nurse's
18 direction, or any other person who renders emergency care at the scene of an
19 emergency occurrence, the act consisted of administering a recognized and
20 lawful form of treatment that was reasonably adapted to promoting the
21 physical or mental health of the patient and the treatment was administered
22 in an emergency when the duly licensed physician or registered nurse or a
23 person acting under the physician's or nurse's direction, or any other person
24 rendering emergency care at the scene of an emergency occurrence, reasonably
25 believed that no one competent to consent could be consulted and that a
26 reasonable person, wishing to safeguard the welfare of the patient, would
27 consent.

28 D. It is a defense to a prosecution pursuant to section 13-1404 or
29 13-1405 that the person was the spouse of the other person at the time of

1 commission of the act. It is not a defense to a prosecution pursuant to
2 section 13-1406 that the defendant was the spouse of the victim at the time
3 of commission of the act.

4 E. It is a defense to a prosecution pursuant to section 13-1404 or
5 13-1410 that the defendant was not motivated by a sexual interest. It is a
6 defense to a prosecution pursuant to section 13-1404 involving a victim under
7 fifteen years of age that the defendant was not motivated by a sexual
8 interest.

9 F. It is a defense to a prosecution pursuant to section 13-1405 if the
10 victim is fifteen, sixteen or seventeen years of age, the defendant is under
11 ~~nineteen~~ TWENTY years of age or attending high school and is no more than
12 ~~twenty-four~~ THIRTY-SIX months older than the victim and the conduct is
13 consensual.’”

14 Amend title to conform

5/12/08
1:09 PM
S: MM/dr