

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

CHAPTER 151
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
45 the court does not find any mitigating circumstances, the court shall impose
46 an aggravated sentence.

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

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

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

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

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

14 13-2301. Definitions

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

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

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

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

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

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

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

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

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

42 1. "Dealer in property" means a person who buys and sells property as
43 a business.

44 2. "Stolen property" means property of another as defined in section
45 13-1801 that has been the subject of any unlawful taking.

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

6 C. For the purposes of this chapter:

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

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

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

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

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

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

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

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

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

39 6. "Communication service provider" has the same meaning prescribed in
40 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.

45 14. "Vector" means a living organism or molecule, including a
46 recombinant molecule or biological product that may be engineered through

1 biotechnology, that is capable of carrying a biological agent or toxin to a
2 host.

3 15. "Weapon of mass destruction" means:

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

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

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

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

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

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

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

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

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

42 (i) Homicide.

43 (ii) Robbery.

44 (iii) Kidnapping.

45 (iv) Forgery.

46 (v) Theft.

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

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

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

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

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

34 13-2314.03. County anti-racketeering revolving fund; use of
35 fund; reports

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

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

45 C. Any monies received by any department or agency of this state or
46 any political subdivision of this state from any department or agency of the

1 United States or another state as a result of participation in any
2 investigation or prosecution, whether by final judgment, settlement or
3 otherwise, shall be deposited in the fund established by this section or in
4 the fund established by section 13-2314.01.

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

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

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

38 G. On or before January 15, April 15, July 15 and October 15 of each
39 year, each political subdivision of this state receiving monies pursuant to
40 this section or section 13-2314.01 or 13-4315 or from any department or
41 agency of the United States or another state as a result of participating in
42 any investigation or prosecution shall cause to be filed with the county
43 attorney of the county in which the political subdivision is located a report
44 for the previous calendar quarter. The report shall be in a form that is
45 prescribed by the Arizona criminal justice commission and approved by the
46 director of the joint legislative budget committee. The report shall set

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

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

18 Sec. 6. Section 13-3209, Arizona Revised Statutes, is amended to read:
19 13-3209. Pandering; definitions; methods; classification

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

21 1. Places any person in the charge or custody of any other person for
22 purposes of prostitution.

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

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

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

30 Sec. 7. Section 13-3212, Arizona Revised Statutes, is amended to read:
31 13-3212. Child prostitution; classification; increased

32 punishment

33 A. A person commits child prostitution by knowingly:

34 1. Causing any minor to engage in prostitution.

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

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

38 4. Receiving any benefit for or on account of procuring or placing a
39 minor in any place or in the charge or custody of any person for the purpose
40 of prostitution.

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

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

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

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

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

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

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

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

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

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

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

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

31 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

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

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

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

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

42 ~~G.~~ H. If the minor is fifteen, sixteen or seventeen years of age,
43 child prostitution pursuant to subsection ~~A and subsection~~ B, paragraph 2 of
44 this section is a class 2 felony, the person convicted shall be sentenced
45 pursuant to this section and the person is not eligible for suspension of
46 sentence, probation, pardon or release from confinement on any basis except

1 as specifically authorized by section 31-233, subsection A or B until the
2 sentence imposed by the court has been served or commuted. The presumptive
3 term may be aggravated or mitigated within the range under this section
4 pursuant to section 13-701, subsections C, D and E. The terms are as
5 follows:

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

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

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

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
11 14 years	15.75 years	28 years

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

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
14 21 years	28 years	35 years

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

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

29 Sec. 8. Section 13-3214, Arizona Revised Statutes, is amended to read:
30 13-3214. Prostitution; classification

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

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

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

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

43 ~~D.~~ E. A person who violates this section is guilty of a class 1
44 misdemeanor, except that:
45
46

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

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

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

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

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

22 13-3551. Definitions

23 In this chapter, unless the context otherwise requires:

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

26 ~~1-~~ 2. "Communication service provider" has the same meaning
27 prescribed in section 13-3001.

28 ~~2-~~ 3. "Computer" has the same meaning prescribed in section 13-2301,
29 subsection E.

30 ~~3-~~ 4. "Computer system" has the same meaning prescribed in section
31 13-2301, subsection E.

32 ~~4-~~ 5. "Exploitive exhibition" means the actual or simulated
33 exhibition of the genitals or pubic or rectal areas of any person for the
34 purpose of sexual stimulation of the viewer.

35 ~~5-~~ 6. "Minor" means a person or persons who were under eighteen years
36 of age at the time a visual depiction was created, adapted or modified.

37 ~~6-~~ 7. "Network" has the same meaning prescribed in section 13-2301,
38 subsection E.

39 ~~7-~~ 8. "Producing" means financing, directing, manufacturing, issuing,
40 publishing or advertising for pecuniary gain.

41 ~~8-~~ 9. "Remote computing service" has the same meaning prescribed in
42 section 13-3001.

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

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

6 13-4434. Victim's right to privacy; exception; definitions

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

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

17 C. Subsection B does not apply to:

18 1. The victim's name.

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

21 3. Any records if the victim has consented to the release of the
22 information.

23 4. The ~~address or~~ GENERAL location at which the reported crime
24 occurred.

25 D. FOR THE PURPOSES OF THIS SECTION:

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

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

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

33 32-4255. Unlawful practice; classification; civil penalties;
34 injunctive relief

35 A. It is unlawful for any person to practice or in any manner to claim
36 to practice massage therapy OR TO ADVERTISE MASSAGE THERAPY SERVICES unless
37 that person is licensed pursuant to this chapter. A person who engages in an
38 activity requiring a license pursuant to this chapter or who uses any word,
39 title or representation in violation of section 32-4252 that implies that the
40 person is licensed to engage in the practice of massage therapy, OR WHO
41 ADVERTISES MASSAGE THERAPY SERVICES WITHOUT BEING LICENSED PURSUANT TO THIS
42 CHAPTER is guilty of a class 1 misdemeanor.

43 B. The board may investigate any person to the extent necessary to
44 determine if the person is engaged in the unlawful practice of massage
45 therapy. If an investigation indicates that a person may be practicing
46 massage therapy unlawfully, the board shall inform the person of the alleged

1 violation. The board may refer the matter for prosecution regardless of
2 whether the person ceases the unlawful practice of massage therapy.

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

8 D. A person who aids or requires another person to directly or
9 indirectly violate this chapter or board rules, who permits a license to be
10 used by another person or who acts with the intent to violate this chapter or
11 board rules is subject to a civil penalty of not more than one thousand
12 dollars for each violation and not more than five thousand dollars for each
13 subsequent violation. The board shall hold a hearing before it imposes this
14 penalty.

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

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

20 32-4260. Advertising requirements; civil penalty; definitions

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

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

25 2. THE BUSINESS LICENSE NUMBER OF AT LEAST ONE BUSINESS LICENSE HELD
26 BY THE MESSAGE THERAPY BUSINESS IF THE ADVERTISEMENT DOES NOT OFFER THE
27 SERVICES OF A SPECIFIC MESSAGE THERAPIST.

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

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

33 1. FIVE HUNDRED DOLLARS FOR A FIRST VIOLATION.

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

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

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

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

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

45 G. IT IS AN AFFIRMATIVE DEFENSE IN A CIVIL ACTION FOR A VIOLATION OF
46 SUBSECTION B OF THIS SECTION THAT THE MESSAGE THERAPIST WHOSE SERVICES WERE

1 OFFERED IN AN ADVERTISEMENT FOR MASSAGE THERAPY SERVICES WAS EIGHTEEN YEARS
2 OF AGE OR OLDER AT THE TIME THE ADVERTISEMENT WAS PUBLISHED.

3 H. FOR THE PURPOSES OF THIS SECTION:

4 1. "ADVERTISEMENT" MEANS ANY MESSAGE IN ANY MEDIUM THAT OFFERS OR
5 SOLICITS ANY PERSON TO RETAIN THE SERVICES OF THE MASSAGE THERAPIST OR
6 MASSAGE THERAPY BUSINESS DEPICTED IN THE ADVERTISEMENT.

7 2. "MASSAGE THERAPY BUSINESS" MEANS A PERSON OR BUSINESS ASSOCIATION
8 THAT FURNISHES, OFFERS TO FURNISH OR ADVERTISES THE FURNISHING OF MASSAGE
9 THERAPISTS AS ONE OF ITS PRIMARY BUSINESS PURPOSES FOR ANY FEE, TIP OR OTHER
10 CONSIDERATION.

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

13 41-113. Human trafficking victim assistance fund; definition

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

18 B. THE GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES SHALL
19 ESTABLISH PROGRAM PRIORITIES FOR THE FUND. THE OFFICE SHALL SPEND MONIES IN
20 THE FUND TO PROVIDE ASSISTANCE TO VICTIMS OF SEX TRAFFICKING PRESCRIBED IN
21 SECTION 13-1307 AND TRAFFICKING OF PERSONS FOR FORCED LABOR OR SERVICES
22 PRESCRIBED IN SECTION 13-1308.

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

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

26 Sec. 15. Severability

27 If a provision of this act or its application to any person or
28 circumstance is held invalid, the invalidity does not affect other provisions
29 or applications of the act that can be given effect without the invalid
30 provision or application, and to this end the provisions of this act are
31 severable.

32 Sec. 16. Intent

33 It is the intent of this legislature to protect the privacy of crime
34 victims by preventing the disclosure of a victim's identifying and locating
35 information that may be contained in records pertaining to the criminal case.
36 The legislature finds that crime victims in this state have constitutional
37 rights to justice and due process, to be treated with fairness, to
38 restitution and to have all rules governing criminal procedure protect
39 victims' rights and to have these rules be subject to amendment or repeal by
40 the legislature to ensure the protection of these rights. Further, the
41 legislature has the constitutional authority to enact substantive and
42 procedural laws to define, implement, preserve and protect the rights
43 guaranteed to victims. Section 13-4434, Arizona Revised Statutes, as amended
44 by this act is enacted pursuant to these rights and this constitutional grant
45 of authority.

H.B. 2454

APPROVED BY THE GOVERNOR APRIL 22, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2014.