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REFERENCE TITLE: **clergy; priests; duty to report**

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SB 1008

Introduced by
Senator Steele

AN ACT

AMENDING SECTIONS 8-201, 12-2233 AND 13-3620, ARIZONA REVISED STATUTES;
RELATING TO THE DUTY TO REPORT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 8-201, Arizona Revised Statutes, is amended to
3 read:

4 **8-201. Definitions**

5 In this title, unless the context otherwise requires:

6 1. "Abandoned" means the failure of the parent to provide
7 reasonable support and to maintain regular contact with the child,
8 including providing normal supervision. Abandoned includes a judicial
9 finding that a parent has made only minimal efforts to support and
10 communicate with the child. Failure to maintain a normal parental
11 relationship with the child without just cause for a period of six months
12 constitutes *prima facie* evidence of abandonment.

13 2. "Abuse" means the infliction or allowing of physical injury,
14 impairment of bodily function or disfigurement or the infliction of or
15 allowing another person to cause serious emotional damage as evidenced by
16 severe anxiety, depression, withdrawal or untoward aggressive behavior and
17 which emotional damage is diagnosed by a medical doctor or psychologist
18 and is caused by the acts or omissions of an individual who has the care,
19 custody and control of a child. Abuse includes:

20 (a) Inflicting or allowing sexual abuse pursuant to section
21 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual
22 assault pursuant to section 13-1406, molestation of a child pursuant to
23 section 13-1410, commercial sexual exploitation of a minor pursuant to
24 section 13-3552, sexual exploitation of a minor pursuant to section
25 13-3553, incest pursuant to section 13-3608 or child sex trafficking
26 pursuant to section 13-3212.

27 (b) Physical injury that results from permitting a child to enter
28 or remain in any structure or vehicle in which volatile, toxic or
29 flammable chemicals are found or equipment is possessed by any person for
30 the purpose of manufacturing a dangerous drug as defined in section
31 13-3401.

32 (c) Unreasonable confinement of a child.

33 3. "Adult" means a person who is eighteen years of age or older.

34 4. "Adult court" means the appropriate justice court, municipal
35 court or criminal division of the superior court that has jurisdiction to
36 hear proceedings concerning offenses committed by juveniles as provided in
37 sections 8-327 and 13-501.

38 5. "Award" or "commit" means to assign legal custody.

39 6. "Child", "youth" or "juvenile" means an individual who is under
40 ~~the age of~~ eighteen years *OF AGE*.

41 7. "Complaint" means a written statement of the essential facts
42 constituting a public offense that is any of the following:

43 (a) Made on an oath before a judge or commissioner of the superior
44 court or an authorized juvenile hearing officer.

45 (b) Made pursuant to section 13-3903.

(c) Accompanied by an affidavit of a law enforcement officer or employee that swears on information and belief to the accuracy of the complaint pursuant to section 13-4261.

8. "Criminal conduct allegation" means an allegation of conduct by a parent, guardian or custodian of a child or an adult member of the victim's household that, if true, would constitute any of the following:

(a) A violation of section 13-3623 involving child abuse.

(b) A felony offense that constitutes domestic violence as defined in section 13-3601.

(c) A violation of section 13-1404 or 13-1406 involving a minor.

(d) A violation of section 13-1405, 13-1410 or 13-1417.

(e) Any other act of abuse that is classified as a felony.

(f) An offense that constitutes domestic violence as defined in section 13-3601 and that involves a minor who is a victim of or was in imminent danger during the domestic violence.

9. "Custodian" means a person, other than a parent or legal guardian, who stands in loco parentis to the child or a person to whom legal custody of the child has been given by order of the juvenile court.

10. "DCS report" means a communication received by the centralized intake hotline that alleges child abuse or neglect and that meets the criteria for a report as prescribed in section 8-455.

11. "Delinquency hearing" means a proceeding in the juvenile court to determine whether a juvenile has committed a specific delinquent act as set forth in a petition.

12. "Delinquent act" means an act by a juvenile that if committed by an adult would be a criminal offense or a petty offense, a violation of any law of this state, or of another state if the act occurred in that state, or a law of the United States, or a violation of any law that can only be violated by a minor and that has been designated as a delinquent offense, or any ordinance of a city, county or political subdivision of this state defining crime. Delinquent act does not include an offense under section 13-501, subsection A or B if the offense is filed in adult court. Any juvenile who is prosecuted as an adult or who is remanded for prosecution as an adult shall not be adjudicated as a delinquent juvenile for the same offense.

13. "Delinquent juvenile" means a child who is adjudicated to have committed a delinquent act.

14. "Department" means the department of child safety.

15. "Dependent child":

(a) Means a child who is adjudicated to be:

(i) In need of proper and effective parental care and control and who has no parent or guardian, or one who has no parent or guardian willing to exercise or capable of exercising such care and control.

(ii) Destitute or who is not provided with the necessities of life, including adequate food, clothing, shelter or medical care.

(iii) A child whose home is unfit by reason of abuse, neglect, cruelty or depravity by a parent, a guardian or any other person having custody or care of the child.

(iv) Under eight years of age and who is found to have committed an act that would result in adjudication as a delinquent juvenile or incorrigible child if committed by an older juvenile or child.

(v) Incompetent or not restorable to competency and who is alleged to have committed a serious offense as defined in section 13-706.

(b) Does not include a child who in good faith is being furnished Christian Science treatment by a duly accredited practitioner if none of the circumstances described in subdivision (a) of this paragraph exists.

16. "Detention" means the temporary confinement of a juvenile who requires secure care in a physically restricting facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress for the protection of the juvenile or the community pending court disposition or as a condition of probation.

17. "Director" means the director of the department.

18. "Health professional" has the same meaning prescribed in section 32-3201.

19. "Incorrigible child" means a child who:

(a) Is adjudicated as a child who refuses to obey the reasonable and proper orders or directions of a parent, guardian or custodian and who is beyond the control of that person.

(b) Is habitually truant from school as defined in section 15-803, subsection C.

(c) Is a runaway from the child's home or parent, guardian or custodian.

(d) Habitually behaves in such a manner as to injure or endanger the morals or health of self or others.

(e) Commits any act constituting an offense that can only be committed by a minor and that is not designated as a delinquent act.

(f) Fails to obey any lawful order of a court of competent jurisdiction given in a noncriminal action.

20. "Independent living program" includes a residential program with supervision of less than twenty-four hours a day.

21. "Juvenile court" means the juvenile division of the superior court when exercising its jurisdiction over children in any proceeding relating to delinquency, dependency or incorrigibility.

22. "Law enforcement officer" means a peace officer, sheriff, deputy sheriff, municipal police officer or constable.

23. "Medical director of a mental health agency" means a psychiatrist, or licensed physician experienced in psychiatric matters, who is designated in writing by the governing body of the agency as the person in charge of the medical services of the agency, or a psychiatrist

1 designated by the governing body to act for the director. The term
2 includes the superintendent of the state hospital.

3 24. "Mental health agency" means any private or public facility
4 that is licensed by this state as a mental health treatment agency, a
5 psychiatric hospital, a psychiatric unit of a general hospital or a
6 residential treatment center for emotionally disturbed children and that
7 uses secure settings or mechanical restraints.

8 25. "Neglect" or "neglected" means:

9 (a) The inability or unwillingness of a parent, guardian or
10 custodian of a child to provide that child with supervision, food,
11 clothing, shelter or medical care if that inability or unwillingness
12 causes unreasonable risk of harm to the child's health or welfare, except
13 if the inability of a parent, guardian or custodian to provide services to
14 meet the needs of a child with a disability or chronic illness is solely
15 the result of the unavailability of reasonable services.

16 (b) Permitting a child to enter or remain in any structure or
17 vehicle in which volatile, toxic or flammable chemicals are found or
18 equipment is possessed by any person for the purposes of manufacturing a
19 dangerous drug as defined in section 13-3401.

20 (c) A determination by a health professional that a newborn infant
21 was exposed prenatally to a drug or substance listed in section 13-3401
22 and that this exposure was not the result of a medical treatment
23 administered to the mother or the newborn infant by a health
24 professional. This subdivision does not expand a health professional's
25 duty to report neglect based on prenatal exposure to a drug or substance
26 listed in section 13-3401 beyond the requirements prescribed pursuant to
27 section 13-3620, subsection ~~E~~ F. The determination by the health
28 professional shall be based on one or more of the following:

29 (i) Clinical indicators in the prenatal period including maternal
30 and newborn presentation.

31 (ii) History of substance use or abuse.

32 (iii) Medical history.

33 (iv) Results of a toxicology or other laboratory test on the mother
34 or the newborn infant.

35 (d) Diagnosis by a health professional of an infant under one year
36 of age with clinical findings consistent with fetal alcohol syndrome or
37 fetal alcohol effects.

38 (e) Deliberate exposure of a child by a parent, guardian or
39 custodian to sexual conduct as defined in section 13-3551 or to sexual
40 contact, oral sexual contact or sexual intercourse as defined in section
41 13-1401, bestiality as prescribed in section 13-1411 or explicit sexual
42 materials as defined in section 13-3507.

43 (f) Any of the following acts committed by the child's parent,
44 guardian or custodian with reckless disregard as to whether the child is
45 physically present:

- (i) Sexual contact as defined in section 13-1401.
- (ii) Oral sexual contact as defined in section 13-1401.
- (iii) Sexual intercourse as defined in section 13-1401.
- (iv) Bestiality as prescribed in section 13-1411.

26. "Newborn infant" means a child who is under thirty days of age.

27. "Petition" means a written statement of the essential facts that allege delinquency, incorrigibility or dependency.

28. "Prevention" means the creation of conditions, opportunities and experiences that encourage and develop healthy, self-sufficient children and that occur before the onset of problems.

29. "Protective supervision" means supervision that is ordered by the juvenile court of children who are found to be dependent or incorrigible.

30. "Qualified young adult" means a former dependent child who is at least eighteen years of age and not over twenty-one years of age, who meets the criteria for an extended foster care program pursuant to section 8-521.02 and who signs a voluntary agreement to participate in the program.

31. "Referral" means a report that is submitted to the juvenile court and that alleges that a child is dependent or incorrigible or that a juvenile has committed a delinquent or criminal act.

32. "Secure care" means confinement in a facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress.

33. "Serious emotional injury" means an injury that is diagnosed by a medical doctor or a psychologist and that does any one or a combination of the following:

- (a) Seriously impairs mental faculties.
- (b) Causes serious anxiety, depression, withdrawal or social dysfunction behavior to the extent that the child suffers dysfunction that requires treatment.
- (c) Is the result of sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, child sex trafficking pursuant to section 13-3212, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553 or incest pursuant to section 13-3608.

34. "Serious physical injury" means an injury that is diagnosed by a medical doctor and that does any one or a combination of the following:

- (a) Creates a reasonable risk of death.
- (b) Causes serious or permanent disfigurement.
- (c) Causes significant physical pain.
- (d) Causes serious impairment of health.
- (e) Causes the loss or protracted impairment of an organ or limb.

1 (f) Is the result of sexual abuse pursuant to section 13-1404,
2 sexual conduct with a minor pursuant to section 13-1405, sexual assault
3 pursuant to section 13-1406, molestation of a child pursuant to section
4 13-1410, child sex trafficking pursuant to section 13-3212, commercial
5 sexual exploitation of a minor pursuant to section 13-3552, sexual
6 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
7 section 13-3608.

8 35. "Shelter care" means the temporary care of a child in any
9 public or private facility or home that is licensed by this state and that
10 offers a physically nonsecure environment that is characterized by the
11 absence of physically restricting construction or hardware and that
12 provides the child access to the surrounding community.

13 36. "Young adult administrative review" means an administrative
14 review of a voluntary extended foster care case plan with the qualified
15 young adult, the department's case specialist or designee, an independent
16 party who is not responsible for the case management of or the delivery of
17 services to the qualified young adult and any other individual the young
18 adult invites.

19 Sec. 2. Section 12-2233, Arizona Revised Statutes, is amended to
20 read:

21 12-2233. Clergyman or priest and penitent

22 In a civil action a clergyman or priest shall not, ~~without the~~
23 ~~consent of the person making a confession,~~ be examined as to any
24 confession made to him in his character as clergyman or priest in the
25 course of discipline enjoined by the church to which he belongs **UNLESS THE**
CLERGYMAN OR PRIEST DETERMINES THAT THE CONFESSION INVOLVES ONGOING ABUSE.

26 Sec. 3. Section 13-3620, Arizona Revised Statutes, is amended to
27 read:

28 13-3620. Duty to report abuse, physical injury, neglect and
29 denial or deprivation of medical or surgical care
30 or nourishment of minors; medical records;
31 exception; violation; classification; definitions

32 A. Any person who reasonably believes that a minor is or has been
33 the victim of physical injury, abuse, child abuse, a reportable offense or
34 neglect that appears to have been inflicted on the minor by other than
35 accidental means or that is not explained by the available medical history
36 as being accidental in nature or who reasonably believes there has been a
37 denial or deprivation of necessary medical treatment or surgical care or
38 nourishment with the intent to cause or allow the death of an infant who
39 is protected under section 36-2281 shall immediately report or cause
40 reports to be made of this information to a peace officer, to the
41 department of child safety or to a tribal law enforcement or social
42 services agency for any Indian minor who resides on an Indian reservation,
43 except if the report concerns a person who does not have care, custody or
44 control of the minor, the report shall be made to a peace officer only. A

1 member of the clergy, a Christian Science practitioner or a priest who has
2 received a confidential communication or a confession ~~in that person's~~
3 ~~note~~ ABOUT ABUSE THAT HAS ALREADY OCCURRED WHILE SERVING as a member of
4 the clergy, as a Christian Science practitioner or as a priest ~~in~~
5 OPERATING UNDER the course of the discipline enjoined by the church to
6 which the member of the clergy, the Christian Science practitioner or the
7 priest belongs may withhold reporting of the communication or confession
8 ~~if UNLESS~~ the member of the clergy, the Christian Science practitioner or
9 the priest determines that ~~it is reasonable and necessary within the~~
10 ~~concepts of the religion~~ THERE IS REASONABLE SUSPICION TO BELIEVE THAT THE
11 ABUSE IS ONGOING, WILL CONTINUE OR MAY BE A THREAT TO OTHER MINORS. This
12 exemption applies only to the communication or confession and not to
13 personal observations the member of the clergy, the Christian Science
14 practitioner or the priest may otherwise make of the minor. For the
15 purposes of this subsection, "person" means:

16 1. Any physician, physician's assistant, optometrist, dentist,
17 osteopathic physician, chiropractor, podiatrist, behavioral health
18 professional, nurse, psychologist, counselor or social worker who develops
19 the reasonable belief in the course of treating a patient.

20 2. Any peace officer, child welfare investigator, child safety
21 worker, member of the clergy, priest or Christian Science practitioner.

22 3. The parent, stepparent or guardian of the minor.

23 4. School personnel, domestic violence victim advocates or sexual
24 assault victim advocates who develop the reasonable belief in the course
25 of their employment.

26 5. Any other person who has responsibility for the care or
27 treatment of the minor.

28 6. Any person who is employed as the immediate or next higher level
29 supervisor to or administrator of a person who is listed in paragraph 1,
30 2, 4 or 5 of this subsection and who develops the reasonable belief in the
31 course of the supervisor's or administrator's employment, except that if
32 the supervisor or administrator reasonably believes that the report has
33 been made by a person who is required to report pursuant to paragraph 1,
34 2, 4 or 5 of this subsection, the supervisor or administrator is not
35 required to report pursuant to this paragraph.

36 B. A MEMBER OF THE CLERGY, A CHRISTIAN SCIENCE PRACTITIONER OR A
37 PRIEST WHO HAS KNOWLEDGE OR A REASONABLE SUSPICION THAT A PERSON IS
38 COMMITTING OR MAY COMMIT CHILD ABUSE OR NEGLECT SHALL IMMEDIATELY REPORT
39 OR CAUSE REPORTS TO BE MADE OF THIS INFORMATION TO A PEACE OFFICER, TO THE
40 DEPARTMENT OF CHILD SAFETY OR TO A TRIBAL LAW ENFORCEMENT OR SOCIAL
41 SERVICES AGENCY FOR ANY INDIAN MINOR WHO RESIDES ON AN INDIAN RESERVATION,
42 EXCEPT IF THE REPORT CONCERNS A PERSON WHO DOES NOT HAVE CARE, CUSTODY OR
43 CONTROL OF THE MINOR, THE REPORT SHALL BE MADE TO A PEACE OFFICER ONLY.
44 THIS SUBSECTION DOES NOT APPLY TO A CONFIDENTIAL OR PENITENTIAL
45 COMMUNICATION UNLESS THE MEMBER OF THE CLERGY, A CHRISTIAN SCIENCE

1 PRACTITIONER OR A PRIEST DETERMINES THAT THE ABUSE OR NEGLECT IS STILL
2 OCCURRING OR WILL OCCUR IN THE FUTURE.

3 ~~B.~~ C. A report is not required under this section either:

4 1. For conduct prescribed by sections 13-1404 and 13-1405 if the
5 conduct involves only minors who are fourteen, fifteen, sixteen or
6 seventeen years of age and there is nothing to indicate that the conduct
7 is other than consensual.

8 2. If a minor is of elementary school age, the physical injury
9 occurs accidentally in the course of typical playground activity during a
10 school day, occurs on the premises of the school that the minor attends
11 and is reported to the legal parent or guardian of the minor and the
12 school maintains a written record of the incident.

13 ~~C.~~ D. If a physician, psychologist or behavioral health
14 professional receives a statement from a person other than a parent,
15 stepparent, guardian or custodian of the minor during the course of
16 providing sex offender treatment that is not court ordered or that does
17 not occur while the offender is incarcerated in the state department of
18 corrections or the department of juvenile corrections, the physician,
19 psychologist or behavioral health professional may withhold the reporting
20 of that statement if the physician, psychologist or behavioral health
21 professional determines it is reasonable and necessary to accomplish the
22 purposes of the treatment.

23 ~~D.~~ E. Reports shall be made immediately either electronically or
24 by telephone. The reports shall contain the following information, if
25 known:

26 1. The names and addresses of the minor and the minor's parents or
27 the person or persons having custody of the minor.

28 2. The minor's age and the nature and extent of the minor's abuse,
29 child abuse, physical injury or neglect, including any evidence of
30 previous abuse, child abuse, physical injury or neglect.

31 3. Any other information that the person believes might be helpful
32 in establishing the cause of the abuse, child abuse, physical injury or
33 neglect.

34 ~~E.~~ F. A health care professional who is regulated pursuant to
35 title 32 and who, after a routine newborn physical assessment of a newborn
36 infant's health status or following notification of positive toxicology
37 screens of a newborn infant, reasonably believes that the newborn infant
38 may be affected by the presence of alcohol or a drug listed in section
39 13-3401 shall immediately report this information, or cause a report to be
40 made, to the department of child safety. For the purposes of this
41 subsection, "newborn infant" means a newborn infant who is under thirty
42 days of age.

43 ~~F.~~ G. Any person other than one required to report or cause
44 reports to be made under subsection A ~~OR~~ B of this section who reasonably
45 believes that a minor is or has been a victim of abuse, child abuse,

1 physical injury, a reportable offense or neglect may report the
2 information to a peace officer or to the department of child safety,
3 except if the report concerns a person who does not have care, custody or
4 control of the minor, the report shall be made to a peace officer only.

5 ~~G.~~ H. A person who has custody or control of medical records of a
6 minor for whom a report is required or authorized under this section shall
7 make the records, or a copy of the records, available to a peace officer,
8 child welfare investigator or child safety worker investigating the
9 minor's neglect, child abuse, physical injury or abuse on written request
10 for the records signed by the peace officer, child welfare investigator or
11 child safety worker. Records disclosed pursuant to this subsection are
12 confidential and may be used only in a judicial or administrative
13 proceeding or investigation resulting from a report required or authorized
14 under this section.

15 ~~H.~~ I. When reports are received by a peace officer, the officer
16 shall immediately notify the department of child safety. Notwithstanding
17 any other statute, when the department receives these reports, it shall
18 immediately notify a peace officer in the appropriate jurisdiction.

19 ~~I.~~ J. Any person who is required to receive reports pursuant to
20 subsection A ~~OR~~ B of this section may take or cause to be taken
21 photographs of the minor and the vicinity involved. Medical examinations
22 of the involved minor may be performed.

23 ~~J.~~ K. A person who furnishes a report, information or records
24 required or authorized under this section, or a person who participates in
25 a judicial or administrative proceeding or investigation resulting from a
26 report, information or records required or authorized under this section,
27 is immune from any civil or criminal liability by reason of that action
28 unless the person acted with malice or unless the person has been charged
29 with or is suspected of abusing or neglecting the child or children in
30 question.

31 ~~K.~~ L. Except for the attorney client privilege or the privilege
32 under subsection ~~L.~~ M of this section, no privilege applies to any:

33 1. Civil or criminal litigation or administrative proceeding in
34 which a minor's neglect, dependency, abuse, child abuse, physical injury
35 or abandonment is an issue.

36 2. Judicial or administrative proceeding resulting from a report,
37 information or records submitted pursuant to this section.

38 3. Investigation of a minor's child abuse, physical injury, neglect
39 or abuse conducted by a peace officer or the department of child safety.

40 ~~L.~~ M. In any civil or criminal litigation in which a child's
41 neglect, dependency, physical injury, abuse, child abuse or abandonment is
42 an issue, a member of the clergy, a Christian Science practitioner or a
43 priest shall not, without his consent, be examined as a witness concerning
44 any confession made to him in his role as a member of the clergy, a
45 Christian Science practitioner or a priest in the course of the discipline

1 enjoined by the church to which he belongs UNLESS THE MEMBER OF THE
2 CLERGY, CHRISTIAN SCIENCE PRACTITIONER OR PRIEST DETERMINES THERE IS
3 REASONABLE SUSPICION TO BELIEVE THAT THE DEPENDENCY, PHYSICAL INJURY,
4 ABUSE, CHILD ABUSE OR ABANDONMENT IS ONGOING OR THAT DEPENDENCY, PHYSICAL
5 INJURY, ABUSE, CHILD ABUSE OR ABANDONMENT MAY OCCUR IN THE FUTURE. This
6 subsection does not discharge a member of the clergy, a Christian Science
7 practitioner or a priest from the duty to report pursuant to subsection A
8 OR B of this section.

9 ~~H~~ N. If psychiatric records are requested pursuant to subsection
10 ~~G~~ H of this section, the custodian of the records shall notify the
11 attending psychiatrist, who may excise from the records, before they are
12 made available:

- 13 1. Personal information about individuals other than the patient.
- 14 2. Information regarding specific diagnosis or treatment of a
15 psychiatric condition, if the attending psychiatrist certifies in writing
16 that release of the information would be detrimental to the patient's
17 health or treatment.

18 ~~H~~ O. If any portion of a psychiatric record is excised pursuant
19 to subsection ~~H~~ N of this section, a court, on application of a peace
20 officer, child welfare investigator or child safety worker, may order that
21 the entire record or any portion of the record that contains information
22 relevant to the reported abuse, child abuse, physical injury or neglect be
23 made available to the peace officer, child welfare investigator or child
24 safety worker investigating the abuse, child abuse, physical injury or
25 neglect.

26 ~~O~~ P. A person who violates this section is guilty of a class 1
27 misdemeanor, except if the failure to report involves a reportable
28 offense, the person is guilty of a class 6 felony.

29 ~~P~~ Q. For the purposes of this section:

- 30 1. "Abuse" has the same meaning prescribed in section 8-201.
- 31 2. "Child abuse" means child abuse pursuant to section 13-3623.
- 32 3. "Neglect" has the same meaning prescribed in section 8-201.
- 33 4. "Reportable offense" means any of the following:
 - 34 (a) Any offense listed in chapters 14 and 35.1 of this title or
35 section 13-3506.01.
 - 36 (b) Surreptitious photographing, videotaping, filming or digitally
37 recording or viewing a minor pursuant to section 13-3019.
 - 38 (c) Child sex trafficking pursuant to section 13-3212.
 - 39 (d) Incest pursuant to section 13-3608.
 - 40 (e) Unlawful mutilation pursuant to section 13-1214.