

REFERENCE TITLE: **sexually explicit materials; government; prohibition**

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1696

Introduced by
Senators Hoffman: Kern, Wadsack; Representatives Jones, McGarr, Smith

AN ACT

AMENDING TITLE 38, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 11; RELATING TO SEXUALLY EXPLICIT MATERIALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 38, chapter 3, Arizona Revised Statutes, is
3 amended by adding article 11, to read:
4 ARTICLE 11. SEXUALLY EXPLICIT MATERIALS
5 38-539.01. Sexually explicit materials; prohibition;
6 violation; classification; definitions
7 A. AN OFFICE, BOARD OR COMMISSION OF THIS STATE OR A POLITICAL
8 SUBDIVISION OF THIS STATE SHALL NOT EXPOSE MINORS TO SEXUALLY EXPLICIT
9 MATERIALS AND SHALL PROHIBIT ITS CONTRACTORS FROM EXPOSING MINORS TO
10 SEXUALLY EXPLICIT MATERIALS.
11 B. A FACILITY OR PROPERTY OWNED, LEASED OR MANAGED BY A PERSON OR
12 ENTITY PRESCRIBED BY SUBSECTION A OF THIS SECTION MAY NOT BE USED FOR
13 FILMING OR FACILITATING SEXUALLY EXPLICIT ACTS.
14 C. A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A CLASS 5
15 FELONY.
16 D. FOR THE PURPOSES OF THIS SECTION:
17 1. "SEXUAL CONDUCT" MEANS ACTS OF MASTURBATION, SEXUAL INTERCOURSE
18 OR PHYSICAL CONTACT WITH A PERSON'S CLOTHED OR UNCLOTHED GENITALS, PUBIC
19 AREA, BUTTOCKS OR THE FEMALE BREAST.
20 2. "SEXUAL EXCITEMENT" MEANS THE CONDITION OF HUMAN MALE OR FEMALE
21 GENITALS WHEN IN A STATE OF SEXUAL STIMULATION OR AROUSAL.
22 3. "SEXUALLY EXPLICIT MATERIALS" INCLUDES TEXTUAL, VISUAL OR AUDIO
23 MATERIALS OR MATERIALS ACCESSED VIA ANY OTHER MEDIUM THAT DEPICT ANY OF
24 THE FOLLOWING:
25 (a) SEXUAL CONDUCT.
26 (b) SEXUAL EXCITEMENT.
27 (c) ULTIMATE SEXUAL ACTS.
28 4. "ULTIMATE SEXUAL ACTS" MEANS SEXUAL INTERCOURSE, VAGINAL OR
29 ANAL, FELLATIO, CUNNILINGUS, BESTIALITY OR SODOMY.