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

SENATE BILL 1696

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

Section 1. Title 38, chapter 3, Arizona Revised Statutes, is amended by adding article 11, to read:

ARTICLE 11. SEXUALLY EXPLICIT MATERIALS

38-539.01. Sexually explicit materials; prohibition; violation; classification; definitions

A. THIS STATE, A STATE AGENCY OR A CITY, TOWN, COUNTY OR A POLITICAL SUBDIVISION OF THIS STATE SHALL NOT EXPOSE MINORS TO SEXUALLY EXPLICIT MATERIALS AND SHALL PROHIBIT ITS CONTRACTORS FROM EXPOSING MINORS TO SEXUALLY EXPLICIT MATERIALS.

B. A FACILITY OR PROPERTY OWNED, LEASED OR MANAGED BY A PERSON OR ENTITY PRESCRIBED BY SUBSECTION A OF THIS SECTION MAY NOT BE USED FOR FILMING OR FACILITATING SEXUALLY EXPLICIT ACTS.

C. A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A CLASS 5 FELONY.

D. FOR THE PURPOSES OF THIS SECTION:

1. "SEXUAL CONDUCT" MEANS ACTS OF MASTURBATION, SEXUAL INTERCOURSE OR PHYSICAL CONTACT WITH A PERSON'S CLOTHED OR UNCLOTHED GENITALS, PUBIC AREA OR BUTTOCKS OR THE FEMALE BREAST.

2. "SEXUAL EXCITEMENT" MEANS THE CONDITION OF HUMAN MALE OR FEMALE GENITALS WHEN IN A STATE OF SEXUAL STIMULATION OR AROUSAL.

3. "SEXUALLY EXPLICIT MATERIALS" INCLUDES TEXTUAL, VISUAL OR AUDIO MATERIALS OR MATERIALS ACCESSED VIA ANY OTHER MEDIUM THAT DEPICT ANY OF THE FOLLOWING:

   (a) SEXUAL CONDUCT.

   (b) SEXUAL EXCITEMENT.

   (c) ULTIMATE SEXUAL ACTS.

4. "ULTIMATE SEXUAL ACTS" MEANS SEXUAL INTERCOURSE, VAGINAL OR ANAL, FELLATIO, CUNNILINGUS, BESTIALITY OR SODOMY.