



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
First Regular Session

House: JUD DP 4-3-1-0 | 3<sup>rd</sup> Read DPA 41-19-0-0-0  
Senate: JUD DPA/SE 6-1-0-0 | 3<sup>rd</sup> Read DPA 30-0-0-0-0

**HB 2169: sexual conduct; minor; classification; sentence**

**S/E: child sex doll; exploitation**

**Sponsor: Representative Nguyen, LD 1**

**Senate Engrossed**

The House Engrossed version of HB 2169 raises the felony classification for sexual conduct with a minor of at least 15 years of age from class 6 to class 4 if the offender is older than 20 years of age.

The Senate adopted a strike-everything amendment that does the following:

## **Overview**

An emergency measure that establishes new class 4 felony criminal offenses of *possessing a child sex doll*, *trafficking a child sex doll* and *importing a child sex doll*, and changes existing class 2 felony offense of *sexual exploitation of a minor* to include conduct involving child sex dolls that use the face, image or likeness of a real infant or minor under the age of 12.

## **History**

Under current law, a person commits *sexual exploitation of a minor* by knowingly:

- 1) Recording, filming, photographing, developing or duplicating any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct; or
- 2) Distributing, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing or exchanging any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct.

Sexual exploitation of a minor is a class 2 felony and is punishable as a dangerous crime against children (DCAC) if the minor is under 15 years of age ([A.R.S. § 13-3553](#)). DCACs are a category of criminal offenses that may be treated differently when they involve a defendant who is at least 18 years old (or tried as an adult) and a victim who is below 15 years old (or an unborn child). Statute specifies numerous offenses that may be punishable as a DCAC, meaning that they can be subject to increased prison sentences and special provisions regarding the defendant's eligibility for probation or early release ([A.R.S. § 13-705](#)).

The *culpable mental states* that are used throughout the criminal code, including *knowingly* and *intentionally* (or *with intent to*) are defined in statute ([A.R.S. § 13-105](#)).

The following states have enacted criminal statutes directed at child-like sex dolls:

- 1) Florida ([Fla. Stat. § 847.011](#));
- 2) Hawaii ([Haw. Rev. Stat. § 712-1216.5](#));
- 3) South Dakota ([S.D. Codified Laws § 22-24A-1.1](#));
- 4) Tennessee ([Tenn. Code Ann. § 39-17-910](#)); and
- 5) Utah ([Utah Code Ann. § 76-10-1236](#)).

**Provisions**

1. Establishes the criminal offense of *possessing a child sex doll*, a class 4 felony, which a person commits by intentionally or knowingly possessing a child sex doll. (Sec. 1)
2. Creates the criminal offense of *trafficking a child sex doll*, a class 4 felony, which a person commits by knowingly manufacturing, distributing, selling, transferring, offering to sell, advertising, providing, shipping, delivering for shipment, offering to deliver for shipment or possessing with the intent to manufacture, distribute, sell, ship or transfer a child sex doll. (Sec. 1)
3. Specifies that, in a prosecution for *trafficking a child sex doll*, unless satisfactorily explained, the possession of two or more child sex dolls may give rise to an inference that a person intends to commit *trafficking a child sex doll*. (Sec. 1)
4. Establishes the criminal offense of *importing a child sex doll*, a class 4 felony, which a person commits by knowingly transporting a child sex doll into Arizona by any means with the intent to distribute, sell or transfer the child sex doll. (Sec. 1)
5. Exempts from the above criminal offenses a common carrier transporting a container with a child sex doll if the common carrier does not have knowledge of the container's contents. (Sec. 1)
6. On or before December 31, 2024 and each year thereafter, requires the Administrative Office of the Courts to submit a report to the President of the Senate, the Speaker of the House of Representatives and the Minority Leaders of both bodies that lists, by county, the total number of persons who have been convicted of the offenses listed above. (Sec. 1)
7. Adds that a person can commit the existing class 2 felony offense of *sexual exploitation of a minor* by knowingly possessing, manufacturing, distributing, advertising, ordering, offering to sell, selling or purchasing a child sex doll that uses the face, image or likeness of a real infant or minor under the age of 12 with the intent to replicate the physical features of the real infant or minor. (Sec. 2)
8. For purposes of the above criminal offenses, defines *child sex doll* as an anatomically correct doll, mannequin or robot that both:
  - a) Has the features of or features that resemble those of an infant or a child who is under 12 years old; and
  - b) Is intended to be used for sexual stimulation or gratification. (Sec. 1)
9. Contains an emergency clause. (Sec. 3)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input checked="" type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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