



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
First Regular Session

Senate: JUD DP 3-1-3-0 | 3<sup>rd</sup> Read DPA 16-14-0-0-0

House: JUD DP 5-3-0-0-0-0

## **SB 1698: unlawful exposure; minors; sentencing; reporting**

**Sponsor: Senator Wadsack, LD 17**

**House Engrossed**

### **Overview**

Establishes *unlawful exposure to an adult oriented performance or business* as a class 4 felony offense punishable as a dangerous crime against children (DCAC) and requires a person convicted of the offense to register as a sex offender. Defines relevant terms and includes this offense in certain existing child safety statutes.

### **History**

#### ***Reportable Offenses***

Current law creates a duty for certain persons who have responsibility for the care or treatment of a minor, such as certain family members, medical professionals or school personnel, who reasonably believe that the minor has been the victim of non-accidental physical injury, abuse, child abuse, a reportable offense or neglect to immediately report this information to applicable authorities. A *reportable offense* includes, among other offenses, violation of [A.R.S. § 13-3506.01](#), which criminalizes sending harmful items to minors by electronic means ([A.R.S. § 13-3620](#)). The terms *abuse* and *neglect* (or *neglected*), among others, are defined in statute for purposes of all of A.R.S. Title 8 (concerning child safety) ([A.R.S. § 8-201](#)).

#### ***Adult Oriented Businesses***

Statute defines an *adult oriented business* to include adult arcades, adult bookstores or video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, adult theaters, massage establishments that offer adult service or nude model studios. All of the terms that comprise this definition are further defined individually ([A.R.S. § 11-811](#)).

#### ***Dangerous Crimes Against Children***

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](#)).

#### ***Sex Offender Registration***

Statute requires persons who are convicted of or adjudicated guilty except insane for specified sex offenses to register as a sex offender, among other requirements ([A.R.S. § 13-3821](#)). It is a generally a class 4 felony offense for a person who is subject to the registration requirement to fail to register or meet other statutory requirements in [A.R.S. § 13-3821](#) ([A.R.S. § 13-3824](#)).

### **Provisions**

1. Establishes *unlawful exposure to an adult oriented performance or adult oriented business* as a criminal offense involving a person who knowingly does any of the following:

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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- a) Allows a minor under the person's custody or control to view an adult oriented performance or enter an adult oriented business;
  - b) Allows a minor to enter or remain in an adult oriented business or a building or part of a building where an adult oriented performance is occurring; or
  - c) Performs or allows another person under the person's custody or control to perform an adult oriented performance in view of a minor. (Sec. 5)
2. Classifies this offense as a class 4 felony punishable as a DCAC. (Sec. 5)
  3. Defines an *adult oriented performance* as an in-person show or performance, with or without consideration, that includes any of the following:
    - a) A person who appears in a state of nudity or who is seminude;
    - b) A person whose performance is characterized by the exposure of specific anatomical areas or specific sexual activities; or
    - c) A performance that is *harmful to minors*, as that phrase is defined in [A.R.S. § 13-3501](#). (Sec. 5)
  4. Provides that, for purposes of this offense, *adult oriented business* has the same definition prescribed in [A.R.S. § 11-811](#).
  5. Changes the definition of *adult oriented business* in [A.R.S. § 11-811](#) to include establishments that conduct or host sexually explicit performances, and separately defines *sexually explicit* as having an intention to arouse or satisfy the sexual desires or to appeal to the prurient interest. (Sec. 2)
  6. Includes this new offense as a *reportable offense* under [A.R.S. § 13-3620](#) and also adds the offense to the definitions of *abuse* and *neglect* (or *neglected*) for purposes of A.R.S. Title 8 (relating to child safety). (Sec. 1, 6)
  7. Requires a person convicted of or adjudicated guilty except insane for this new offense to register as a sex offender and meet other requirements outlined in [A.R.S. § 13-3821](#). (Sec. 7)
  8. Makes technical and conforming changes. (Sec. 2, 3, 4, 6, 7)