

COMMITTEE ON JUDICIARY  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2310  
(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 13-1407, Arizona Revised Statutes, is amended to  
3 read:

4 13-1407. Defenses

5 A. It is a defense to a prosecution pursuant to sections 13-1404 and  
6 13-1405 involving a minor if the act was done in furtherance of lawful  
7 medical practice.

8 B. It is a defense to a prosecution pursuant to sections 13-1404 and  
9 13-1405 in which the victim's lack of consent is based on incapacity to  
10 consent because the victim was fifteen, sixteen or seventeen years of age  
11 if at the time the defendant engaged in the conduct constituting the  
12 offense the defendant did not know and could not reasonably have known the  
13 age of the victim.

14 C. It is a defense to a prosecution pursuant to section 13-1402,  
15 13-1404, 13-1405 or 13-1406 if the act was done by a duly licensed  
16 physician or registered nurse or a person acting under the physician's or  
17 nurse's direction, or any other person who renders emergency care at the  
18 scene of an emergency occurrence, the act consisted of administering a  
19 recognized and lawful form of treatment that was reasonably adapted to  
20 promoting the physical or mental health of the patient and the treatment  
21 was administered in an emergency when the duly licensed physician or  
22 registered nurse or a person acting under the physician's or nurse's  
23 direction, or any other person rendering emergency care at the scene of an  
24 emergency occurrence, reasonably believed that no one competent to consent

1 could be consulted and that a reasonable person, wishing to safeguard the  
2 welfare of the patient, would consent.

3 D. It is a defense to a prosecution pursuant to section 13-1404 or  
4 13-1405 that the person was the spouse of the other person at the time of  
5 commission of the act. It is not a defense to a prosecution pursuant to  
6 section 13-1406 that the defendant was the spouse of the victim at the time  
7 of commission of the act.

8 E. It is a defense to a prosecution pursuant to sections 13-1405,  
9 13-1430 and 13-3560 if the victim is fifteen, sixteen or seventeen years of  
10 age, the defendant is ~~under nineteen years of age or attending high school~~  
11 ~~and is~~ no more than ~~twenty-four months~~ THREE YEARS older than the victim  
12 and the conduct is consensual."

13 Renumber to conform

14 Page 1, line 8, strike ", A"

15 Strike line 9

16 Line 10, strike "OR A MINOR'S GUARDIAN"; after "TO" insert "DO EITHER OF THE  
17 FOLLOWING"

18 Line 11, strike "THAT IS INCLUDED"; after "THIS" strike remainder of line

19 Line 12, strike "35.1 OF THIS"; after "TITLE" insert "IN FURTHERANCE OF  
20 FACILITATING THE SEXUAL SEDUCTION OR ABUSE OF THE MINOR"

21 Strike lines 14 and 15

22 Amend title to conform

QUANG H. NGUYEN  
CHAIRMAN

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