



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: JUD DP 5-2-0-0 | 3rd Read DPA 23-5-2-0-0

House: JUD DP 9-0-0-0 | 3rd Read DP 57-1-2-0-0

SB 1232: sexual conduct; minor; punishment

Sponsor: Senator Shamp, LD 29

Transmitted to the Governor

Overview

Classifies sexual conduct with a minor as a class 1 felony punishable by natural life imprisonment if the minor is 12 years old or younger and suffers serious physical injury.

History

A person commits *sexual conduct with a minor* by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under 18 years of age. Current law classifies sexual conduct with a minor of at least 15 years of age as a class 6 felony. If the sexual conduct occurred between a minor and an adult in a position of trust, then the offense is classified as a class 2 felony. Sexual conduct with a minor under the age of 15 is classified as a class 2 felony and is punishable as a dangerous crime against children under [A.R.S. § 13-705](#) ([A.R.S. § 13-1405](#)).

The criminal code defines *serious physical injury* to include any physical injury that creates a reasonable risk of death, or that causes serious and permanent disfigurements, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb. Other relevant terms, such as *intentionally* and *knowingly*, are also defined for purposes of the criminal code (A.R.S. § 13-105). Additionally, the criminal code defines *sexual intercourse, oral sexual contact* and *position of trust* for purposes of certain sexual offenses, including sexual conduct with a minor (A.R.S. § 13-1401).

Statutory requirements for capital sentencing, including are outlined in [A.R.S. title 13](#), chapter 7.1. In prosecutions for eligible offenses where the death penalty was either not alleged or was alleged by not imposed, the court must determine whether to impose a sentence of life or natural life. In making this determination, the court is required to consider the aggravating and mitigating circumstances listed in [A.R.S. § 13-701](#) and any statement made by the victim, and the court is also permitted to consider any other evidence introduced before sentencing or at any other sentencing proceeding ([A.R.S. § 13-752](#)).

Provisions

1. Classifies sexual conduct with a minor as a class 1 felony punishable by natural life imprisonment subject to the procedures in [A.R.S. § 13-752](#) if both the following circumstances are met:
 - a) the minor is 12 years old or younger;
 - b) the minor suffer serious physical injury. (Sec. 1)
2. States that a defendant who is sentenced to natural life is not eligible for commutation, parole, work furlough, work release or release from confinement on any basis. (Sec. 1)

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