

Senate Engrossed

interactive computer service; prostitution; violation

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1077

AN ACT

AMENDING SECTION 13-705, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 32, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3213; RELATING TO PROSTITUTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-705, Arizona Revised Statutes, is amended to
3 read:

4 13-705. Dangerous crimes against children; sentences;
5 definitions

6 A. A person who is at least eighteen years of age and who is
7 convicted of a dangerous crime against children in the first degree
8 involving commercial sexual exploitation of a minor or child sex
9 trafficking and the person has previously been convicted of a dangerous
10 crime against children in the first degree shall be sentenced to
11 imprisonment in the custody of the state department of corrections for
12 natural life. A person who is sentenced to natural life is not eligible
13 for commutation, parole, work furlough, work release or release from
14 confinement on any basis for the remainder of the person's natural life.

15 B. A person who is at least eighteen years of age and who is
16 convicted of a dangerous crime against children in the first degree
17 involving sexual assault of a minor who is twelve years of age or younger
18 or sexual conduct with a minor who is twelve years of age or younger shall
19 be sentenced to life imprisonment and is not eligible for suspension of
20 sentence, probation, pardon or release from confinement on any basis
21 except as specifically authorized by section 31-233, subsection A or B
22 until the person has served thirty-five years or the sentence is commuted.
23 This subsection does not apply to masturbatory contact.

24 C. Except as otherwise provided in this section, a person who is at
25 least eighteen years of age or who has been tried as an adult and who is
26 convicted of a dangerous crime against children in the first degree
27 involving attempted first degree murder of a minor who is under twelve
28 years of age, sexual assault of a minor who is under twelve years of age,
29 sexual conduct with a minor who is under twelve years of age or
30 manufacturing methamphetamine under circumstances that cause physical
31 injury to a minor who is under twelve years of age may be sentenced to
32 life imprisonment and is not eligible for suspension of sentence,
33 probation, pardon or release from confinement on any basis except as
34 specifically authorized by section 31-233, subsection A or B until the
35 person has served thirty-five years or the sentence is commuted. If a
36 life sentence is not imposed pursuant to this subsection, the person shall
37 be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
13 years	20 years	27 years

38
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40 D. Except as otherwise provided in this section, a person who is at
41 least eighteen years of age or who has been tried as an adult and who is
42 convicted of a dangerous crime against children in the first degree
43 involving second degree murder of a minor who is under fifteen years of
44 age may be sentenced to life imprisonment and is not eligible for
45 suspension of sentence, probation, pardon or release from confinement on

1 any basis except as specifically authorized by section 31-233, subsection
2 A or B until the person has served thirty-five years or the sentence is
3 commuted. If a life sentence is not imposed pursuant to this subsection,
4 the person shall be sentenced to a term of imprisonment as follows:

5	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
6	25 years	30 years	35 years

7 E. Except as otherwise provided in this section, a person who is at
8 least eighteen years of age or who has been tried as an adult and who is
9 convicted of a dangerous crime against children in the first degree
10 involving attempted first degree murder of a minor who is twelve, thirteen
11 or fourteen years of age, sexual assault of a minor who is twelve,
12 thirteen or fourteen years of age, taking a child for the purpose of
13 prostitution, child sex trafficking, UNLAWFUL USE OF INTERACTIVE COMPUTER
14 SERVICE FOR THE PURPOSE OF FACILITATING, PROMOTING OR SOLICITING
15 PROSTITUTION, commercial sexual exploitation of a minor sexual conduct
16 with a minor who is twelve, thirteen or fourteen years of age,
17 manufacturing methamphetamine under circumstances that cause physical
18 injury to a minor who is twelve, thirteen or fourteen years of age or
19 involving or using minors in drug offenses shall be sentenced to a term of
20 imprisonment as follows:

21	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
22	13 years	20 years	27 years

23 A person who has been previously convicted of one predicate felony shall
24 be sentenced to a term of imprisonment as follows:

25	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
26	23 years	30 years	37 years

27 F. Except as otherwise provided in this section, a person who is at
28 least eighteen years of age or who has been tried as an adult and who is
29 convicted of a dangerous crime against children in the first degree
30 involving aggravated assault, unlawful mutilation, molestation of a child,
31 sexual exploitation of a minor, aggravated luring a minor for sexual
32 exploitation, child abuse or kidnapping shall be sentenced to a term of
33 imprisonment as follows:

34	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
35	10 years	17 years	24 years

36 A person who has been previously convicted of one predicate felony shall
37 be sentenced to a term of imprisonment as follows:

38	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
39	21 years	28 years	35 years

40 G. Except as otherwise provided in this section, if a person is at
41 least eighteen years of age or has been tried as an adult and is convicted
42 of a dangerous crime against children involving luring a minor for sexual
43 exploitation, sexual extortion or unlawful age misrepresentation and is
44 sentenced to a term of imprisonment, the term of imprisonment is as
45 follows and the person is not eligible for release from confinement on any

1 basis except as specifically authorized by section 31-233, subsection A or
2 B until the sentence imposed by the court has been served or is commuted,
3 except that if the person is convicted of unlawful age misrepresentation
4 the person is eligible for release pursuant to section 41-1604.07:

5	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
6	5 years	10 years	15 years

7 A person who has been previously convicted of one predicate felony shall
8 be sentenced to a term of imprisonment as follows and the person is not
9 eligible for suspension of sentence, probation, pardon or release from
10 confinement on any basis except as specifically authorized by section
11 31-233, subsection A or B until the sentence imposed by the court has been
12 served or is commuted, except that if the person is convicted of unlawful
13 age misrepresentation the person is eligible for release pursuant to
14 section 41-1604.07:

15	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
16	8 years	15 years	22 years

17 H. Except as otherwise provided in this section, if a person is at
18 least eighteen years of age or has been tried as an adult and is convicted
19 of a dangerous crime against children involving sexual abuse or bestiality
20 under section 13-1411, subsection A, paragraph 2 and is sentenced to a
21 term of imprisonment, the term of imprisonment is as follows and the
22 person is not eligible for release from confinement on any basis except as
23 specifically authorized by section 31-233, subsection A or B until the
24 sentence imposed by the court has been served, the person is eligible for
25 release pursuant to section 41-1604.07 or the sentence is commuted:

26	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
27	2.5 years	5 years	7.5 years

28 A person who has been previously convicted of one predicate felony shall
29 be sentenced to a term of imprisonment as follows and the person is not
30 eligible for suspension of sentence, probation, pardon or release from
31 confinement on any basis except as specifically authorized by section
32 31-233, subsection A or B until the sentence imposed by the court has been
33 served, the person is eligible for release pursuant to section 41-1604.07
34 or the sentence is commuted:

35	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
36	8 years	15 years	22 years

37 I. Except as otherwise provided in this section, a person who is at
38 least eighteen years of age or who has been tried as an adult and who is
39 convicted of a dangerous crime against children in the first degree
40 involving continuous sexual abuse of a child shall be sentenced to a term
41 of imprisonment as follows:

42	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
43	39 years	60 years	81 years

1 A person who has been previously convicted of one predicate felony shall
2 be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
69 years	90 years	111 years

5 J. The presumptive sentences prescribed in subsections C, D, E, F
6 and I of this section or subsections G and H of this section if the person
7 has previously been convicted of a predicate felony may be increased or
8 decreased pursuant to section 13-701, subsections C, D and E.

9 K. Except as provided in subsections G, H, M and N of this section,
10 a person who is sentenced for a dangerous crime against children in the
11 first degree pursuant to this section is not eligible for suspension of
12 sentence, probation, pardon or release from confinement on any basis
13 except as specifically authorized by section 31-233, subsection A or B
14 until the sentence imposed by the court has been served or commuted.

15 L. A person who is convicted of any dangerous crime against
16 children in the first degree pursuant to subsection C, D, E, F or I of
17 this section and who has been previously convicted of two or more
18 predicate felonies shall be sentenced to life imprisonment and is not
19 eligible for suspension of sentence, probation, pardon or release from
20 confinement on any basis except as specifically authorized by section
21 31-233, subsection A or B until the person has served not fewer than
22 thirty-five years or the sentence is commuted.

23 M. Notwithstanding chapter 10 of this title, a person who is at
24 least eighteen years of age or who has been tried as an adult and who is
25 convicted of a dangerous crime against children in the second degree
26 pursuant to subsection B, C, E, F or I of this section is guilty of a
27 class 3 felony and if the person is sentenced to a term of imprisonment,
28 the term of imprisonment is as follows and the person is not eligible for
29 release from confinement on any basis except as specifically authorized by
30 section 31-233, subsection A or B until the person has served the sentence
31 imposed by the court, the person is eligible for release pursuant to
32 section 41-1604.07 or the sentence is commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
5 years	10 years	15 years

35 N. A person who is convicted of any dangerous crime against
36 children in the second degree and who has been previously convicted of one
37 or more predicate felonies is not eligible for suspension of sentence,
38 probation, pardon or release from confinement on any basis except as
39 specifically authorized by section 31-233, subsection A or B until the
40 sentence imposed by the court has been served, the person is eligible for
41 release pursuant to section 41-1604.07 or the sentence is commuted.

42 O. Section 13-704, subsection J and section 13-707, subsection B
43 apply to the determination of prior convictions.

44 P. The sentence imposed on a person by the court for a dangerous
45 crime against children under subsection H of this section involving sexual

1 abuse may be served concurrently with other sentences if the offense
2 involved only one victim. The sentence imposed on a person for any other
3 dangerous crime against children in the first or second degree shall be
4 consecutive to any other sentence imposed on the person at any time,
5 including sexual abuse of the same victim.

6 Q. In this section, for purposes of punishment an unborn child
7 shall be treated like a minor who is under twelve years of age.

8 R. A dangerous crime against children is in the first degree if it
9 is a completed offense and is in the second degree if it is a preparatory
10 offense, except attempted first degree murder is a dangerous crime against
11 children in the first degree.

12 S. It is not a defense to a dangerous crime against children that
13 the minor is a person posing as a minor or is otherwise fictitious if the
14 defendant knew or had reason to know the purported minor was under fifteen
15 years of age.

16 T. For the purposes of this section:

17 1. "Dangerous crime against children":

18 (a) Means any of the following that is committed against a minor
19 who is under fifteen years of age or against a person posing as a minor if
20 the defendant knew or had reason to know that the purported minor was
21 under fifteen years of age:

22 (i) Second degree murder.

23 (ii) Aggravated assault resulting in serious physical injury or
24 involving the discharge, use or threatening exhibition of a deadly weapon
25 or dangerous instrument.

26 (iii) Sexual assault.

27 (iv) Molestation of a child.

28 (v) Sexual conduct with a minor.

29 (vi) Commercial sexual exploitation of a minor.

30 (vii) Sexual exploitation of a minor.

31 (viii) Child abuse as prescribed in section 13-3623, subsection A,
32 paragraph 1.

33 (ix) Kidnapping.

34 (x) Sexual abuse.

35 (xi) Taking a child for the purpose of prostitution as prescribed
36 in section 13-3206.

37 (xii) Child sex trafficking as prescribed in section 13-3212.

38 (xiii) Involving or using minors in drug offenses.

39 (xiv) Continuous sexual abuse of a child.

40 (xv) Attempted first degree murder.

41 (xvi) Sex trafficking.

42 (xvii) Manufacturing methamphetamine under circumstances that cause
43 physical injury to a minor.

44 (xviii) Bestiality as prescribed in section 13-1411, subsection A,
45 paragraph 2.

- 1 (xix) Luring a minor for sexual exploitation.
- 2 (xx) Aggravated luring a minor for sexual exploitation.
- 3 (xxi) Unlawful age misrepresentation.
- 4 (xxii) Unlawful mutilation.
- 5 (xxiii) Sexual extortion as prescribed in section 13-1428.
- 6 (xxiv) UNLAWFUL USE OF INTERACTIVE COMPUTER SERVICE FOR PURPOSE OF
- 7 FACILITATING, PROMOTING OR SOLICITING PROSTITUTION AS PRESCRIBED IN
- 8 SECTION 13-3213, SUBSECTION B.

9 (b) For the purposes of subdivision (a), items (vi) and (vii) of
10 this paragraph, includes a visual depiction that is indistinguishable from
11 an actual minor who is under fifteen years of age.

12 2. "Predicate felony" means any felony involving child abuse
13 pursuant to section 13-3623, subsection A, paragraph 1, a sexual offense,
14 conduct involving the intentional or knowing infliction of serious
15 physical injury or the discharge, use or threatening exhibition of a
16 deadly weapon or dangerous instrument, or a dangerous crime against
17 children in the first or second degree.

18 Sec. 2. Title 13, chapter 32, Arizona Revised Statutes, is amended
19 by adding section 13-3213, to read:

20 13-3213. Unlawful use of interactive computer service for
21 purpose of facilitating, promoting or soliciting
22 prostitution; classification; definitions

23 A. A PERSON OR AGENT OF AN ENTERPRISE WHO KNOWINGLY CONTROLS,
24 KEEPS, MAINTAINS, MANAGES, OPERATES OR OWNS AN INTERACTIVE COMPUTER
25 SERVICE OR INFORMATION CONTENT PROVIDER IN THIS STATE FOR THE PRIMARY
26 PURPOSE OF FACILITATING, PROMOTING OR SOLICITING PROSTITUTION PURSUANT TO
27 SECTION 13-3214, PANDERING PURSUANT TO SECTION 13-3209 OR CHILD SEX
28 TRAFFICKING PURSUANT TO SUBSECTION 13-3212 INVOLVING A MINOR WHO IS
29 FIFTEEN, SIXTEEN OR SEVENTEEN YEARS OF AGE IS GUILTY OF A CLASS 5 FELONY.

30 B. A PERSON OR AGENT OF AN ENTERPRISE WHO VIOLATES SUBSECTION A OF
31 THIS SECTION AND WHO HAS DIRECT KNOWLEDGE OF THE OCCURRENCE OF CHILD SEX
32 TRAFFICKING INVOLVING A MINOR WHO IS UNDER FIFTEEN YEARS OF AGE IS GUILTY
33 OF A CLASS 2 FELONY AND IS PUNISHABLE PURSUANT TO SECTION 13-705.

34 C. A PERSON OR AGENT OF AN ENTERPRISE WHO VIOLATES SUBSECTION A OR
35 B OF THIS SECTION AND WHO KNOWINGLY EXPOSES SEXUAL MATERIAL THAT IS
36 HARMFUL TO MINORS WITHOUT USING REASONABLE AGE VERIFICATION METHODS
37 PRESCRIBED BY SECTION 18-701 TO VERIFY THAT AN INDIVIDUAL WHO ATTEMPTS TO
38 ACCESS THE MATERIAL IS EIGHTEEN YEARS OF AGE OR OLDER IS GUILTY OF A CLASS
39 4 FELONY,

40 D. IT IS A VIOLATION OF THIS SECTION FOR A PERSON OR AGENT OF AN
41 ENTERPRISE TO RECEIVE, AGREE TO RECEIVE OR SOLICIT ANY BENEFIT, INCLUDING
42 SERVICE FEES, IF THE PERSON OR AGENT HAS ACTUAL KNOWLEDGE THAT THE
43 SPECIFIC BENEFIT IS DERIVED FROM THE FACILITATION OF AN OFFENSE LISTED IN
44 SUBSECTION A OF THIS SECTION.

1 E. IT IS A DEFENSE TO A PROSECUTION UNDER OF THIS SECTION IF A
2 PERSON OR AGENT OF AN ENTERPRISE IS A LAW ENFORCEMENT OFFICER WHO IS
3 ACTING IN THE OFFICER'S OFFICIAL CAPACITY WITHIN THE SCOPE OF THE
4 OFFICER'S AUTHORITY AND IN THE LINE OF DUTY.

5 F. IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT A
6 PERSON OR AGENT OF AN ENTERPRISE DOES NOT KNOW THE MINOR IS UNDER EIGHTEEN
7 YEARS OF AGE.

8 G. FOR THE PURPOSES OF THIS SECTION:

9 1. "AGENT" MEANS AN OFFICER, DIRECTOR OR EMPLOYEE OF AN ENTERPRISE
10 OR ANY OTHER PERSON WHO IS AUTHORIZED TO ACT ON BEHALF OF THE ENTERPRISE.

11 2. "INFORMATION CONTENT PROVIDER" MEANS A PERSON OR ENTITY THAT IS
12 RESPONSIBLE, IN WHOLE OR IN PART, FOR CREATING OR DEVELOPING INFORMATION
13 THAT IS PROVIDED THROUGH THE INTERNET OR ANY OTHER INTERACTIVE COMPUTER
14 SERVICE.

15 3. "INTERACTIVE COMPUTER SERVICE":

16 (a) MEANS AN INFORMATION SERVICE, SYSTEM OR ACCESS SOFTWARE
17 PROVIDER THAT PROVIDES OR ENABLES COMPUTER ACCESS BY MULTIPLE USERS TO A
18 COMPUTER SERVER, INCLUDING A SERVICE OR SYSTEM THAT PROVIDES ACCESS TO THE
19 INTERNET AND SYSTEMS OR SERVICES THAT ARE OPERATED OR OFFERED BY LIBRARIES
20 OR EDUCATIONAL INSTITUTIONS.

21 (b) DOES NOT INCLUDE A SERVICE THAT IS PRIMARILY ENGAGED IN GENERAL
22 PURPOSE SEARCH INDEXING, CLOUD COMPUTING OR PROVIDING ADVERTISING SERVICES
23 TO THE GENERAL PUBLIC, CABLE, VIDEO OR BROADBAND INTERNET ACCESS SERVICES
24 OR TELECOMMUNICATIONS SERVICES, UNLESS THE SERVICE IS SPECIFICALLY
25 MARKETED FOR THE PROMOTION OF ILLEGAL ACTS OF PROSTITUTION.

26 4. "INTERNET" HAS THE SAME MEANING PRESCRIBED IN SECTION 41-2671.

27 5. "SERVICE FEES" MEANS THE COSTS THAT ARE ASSOCIATED WITH
28 OBTAINING A PROFILE OR POSTING ADVERTISEMENTS.

29 6. "SEXUAL MATERIAL THAT IS HARMFUL TO MINORS" HAS THE SAME MEANING
30 PRESCRIBED IN SECTION 18-701.