



ARIZONA HOUSE OF REPRESENTATIVES

57th Legislature, 2nd Regular Session

Majority Research Staff

House: JUD DPA 8-0-1-0

HB 2720: prostitution; assessment; anti-human trafficking fund

Sponsor: Representative Bliss, LD 1

Caucus & COW

Overview

Creates a \$200 assessment for individuals convicted of certain prostitution offenses and enhances the offense of purchasing prostitution to a class 6 felony.

History

Statute mandates that a person is guilty of a class 1 misdemeanor if he knowingly engages in prostitution and outlines penalties for those who are convicted of engaging in prostitution to include:

1. 15 consecutive days in jail if it is the person's first offence;
2. 30 consecutive days in jail if it is the person's second offence; and
3. 60 consecutive days in jail if it is the person's third offense ([A.R.S. § 13-3214](#)).

If a person has been convicted of the aforementioned offense three times, any subsequent violations are enhanced to a class 5 felony and require the person to serve at least 180 consecutive days in jail and makes him illegible for probation or suspension of sentence ([A.R.S. § 13-3214](#)).

Statute directs the Department of Public Safety (DPS) to establish the Anti-Human Trafficking Fund and directs DPS to allocate monies within the fund to any anti-human trafficking program that provides:

1. assistance and analytical services to law enforcement agencies for the purpose of reducing human trafficking;
2. services to victims;
3. training to law enforcement agencies, prosecutorial agencies and the public on preventing and identifying human trafficking ([A.R.S. § 41-1736](#)).

Provisions

1. Clarifies the definition of prostitution and makes a distinction between offering to engage in sexual conduct under a fee arrangement and paying for the same. (Sec. 2)
2. Establishes that any person convicted of paying for, agreeing to pay for or offering to pay for sexual conduct under a fee arrangement is guilty of a class 6 felony and is ineligible for probation or suspension of sentence and is required to serve a mandatory sentence of:
 - a. 15 consecutive days in jail if it is the person's first offence;
 - b. 30 consecutive days in jail if it is the person's second offence; and
 - c. 60 consecutive days in jail if it is the person's third offense. (Sec. 2)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

3. Establishes that if a person has been convicted of the aforementioned offense three times, any subsequent violations are enhanced to a class 4 felony and require the person to serve at least 180 consecutive days in jail. (Sec. 2)
4. Requires any person convicted of paying for, agreeing to pay for or offering to pay for sexual conduct to pay a fee of \$200 which cannot be waived by the court and must be deposited into the Anti-Human Trafficking Grant Fund. (Sec. 1)
5. Makes technical and conforming changes. (Sec. 2, 3)

Amendments

Committee on Judiciary

1. Specifies that only a defendant charged with offering or agreeing to receive a fee for engaging in sexual conduct may assert as an affirmative defense that the conduct occurred due to being a victim of sex trafficking.
2. Directs that any fee collected due to a conviction of paying for sexual conduct must be used exclusively to provide services for victims of sex trafficking.