

House Engrossed Senate Bill

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 226

# **SENATE BILL 1130**

AN ACT

AMENDING TITLE 13, CHAPTER 14, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1409; AMENDING SECTION 13-1419, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-2907.04; RELATING TO UNLAWFUL SEXUAL CONDUCT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, chapter 14, Arizona Revised Statutes, is amended  
3 by adding section 13-1409, to read:

4 13-1409. Unlawful sexual conduct; adult probation department  
5 employees; juvenile court employees; classification;  
6 definitions

7 A. AN ADULT PROBATION DEPARTMENT EMPLOYEE OR JUVENILE COURT EMPLOYEE  
8 COMMITS UNLAWFUL SEXUAL CONDUCT IF THE EMPLOYEE KNOWINGLY COERCES THE VICTIM  
9 TO ENGAGE IN SEXUAL CONTACT, ORAL SEXUAL CONTACT OR SEXUAL INTERCOURSE BY  
10 EITHER:

11 1. THREATENING TO NEGATIVELY INFLUENCE THE VICTIM'S SUPERVISION OR  
12 RELEASE STATUS.

13 2. OFFERING TO POSITIVELY INFLUENCE THE VICTIM'S SUPERVISION OR  
14 RELEASE STATUS.

15 B. UNLAWFUL SEXUAL CONDUCT WITH A VICTIM WHO IS UNDER FIFTEEN YEARS OF  
16 AGE IS A CLASS 2 FELONY. UNLAWFUL SEXUAL CONDUCT WITH A VICTIM WHO IS AT  
17 LEAST FIFTEEN YEARS OF AGE AND UNDER EIGHTEEN YEARS OF AGE IS A CLASS 3  
18 FELONY. ALL OTHER UNLAWFUL SEXUAL CONDUCT IS A CLASS 5 FELONY.

19 C. FOR THE PURPOSES OF THIS SECTION:

20 1. "ADULT PROBATION DEPARTMENT EMPLOYEE OR JUVENILE COURT EMPLOYEE"  
21 MEANS AN EMPLOYEE OF AN ADULT PROBATION DEPARTMENT OR THE JUVENILE COURT WHO  
22 EITHER:

23 (a) THROUGH THE COURSE OF EMPLOYMENT, DIRECTLY PROVIDES TREATMENT,  
24 CARE, CONTROL OR SUPERVISION TO A VICTIM.

25 (b) PROVIDES PRESENTENCE OR PREDISPOSITION REPORTS DIRECTLY TO A COURT  
26 REGARDING THE VICTIM.

27 2. "VICTIM" MEANS A PERSON WHO IS EITHER OF THE FOLLOWING:

28 (a) SUBJECT TO CONDITIONS OF RELEASE OR SUPERVISION BY A COURT.

29 (b) A MINOR WHO HAS BEEN REFERRED TO THE JUVENILE COURT.

30 Sec. 2. Section 13-1419, Arizona Revised Statutes, is amended to read:

31 13-1419. Unlawful sexual conduct; correctional facilities;  
32 classification; definition

33 A. A person commits unlawful sexual conduct by intentionally or  
34 knowingly engaging in any act of a sexual nature with an offender who is in  
35 the custody of the state department of corrections, the department of  
36 juvenile corrections, a private prison facility, A JUVENILE DETENTION  
37 FACILITY or a city or county jail or with an offender who is under the  
38 supervision of either department or a city or county. For the purposes of  
39 this subsection, "person" means a person who:

40 1. Is employed by the state department of corrections or the  
41 department of juvenile corrections.

42 2. Is employed by a private prison facility, A JUVENILE DETENTION  
43 FACILITY or a city or county jail.



Passed the House April 19, 20 11,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

Passed the Senate February 3, 20 11,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]  
President of the Senate

Charmaine Bellefleur  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**  
This Bill was received by the Governor this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Governor of Arizona

**S.B. 1130**

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**  
This Bill was received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 19, 20 11

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

20 day of April, 20 11

at 12:09 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 25<sup>th</sup> day of

April

at 11:12 o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 25<sup>th</sup> day of April, 20 11

S.B. 1130

at 2:45 o'clock  M.

[Signature]  
Secretary of State