

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 58

HOUSE BILL 2438

AN ACT

AMENDING SECTION 13-1405, ARIZONA REVISED STATUTES; RELATING TO SEXUAL OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1405, Arizona Revised Statutes, is amended to
3 read:

4 13-1405. Sexual conduct with a minor; classification;
5 definition

6 A. A person commits sexual conduct with a minor by intentionally or
7 knowingly engaging in sexual intercourse or oral sexual contact with any
8 person who is under eighteen years of age.

9 B. Sexual conduct with a minor who is under fifteen years of age is a
10 class 2 felony and is punishable pursuant to section 13-705. Sexual conduct
11 with a minor who is at least fifteen years of age is a class 6 felony.
12 Sexual conduct with a minor who is at least fifteen years of age is a class 2
13 felony if the person is OR WAS the minor's parent, stepparent, adoptive
14 parent, legal guardian, OR foster parent or the minor's teacher or clergyman
15 or priest and the convicted person is not eligible for suspension of
16 sentence, probation, pardon or release from confinement on any basis except
17 as specifically authorized by section 31-233, subsection A or B until the
18 sentence imposed has been served or commuted.

19 C. For the purposes of this section, "teacher" means a certificated
20 teacher as defined in section 15-501 or any other person who directly
21 provides academic instruction to pupils in any school district, charter
22 school, OR accommodation school, the Arizona state schools for the deaf and
23 the blind or a private school in this state.

APPROVED BY THE GOVERNOR APRIL 12, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 12, 2011.

Passed the House March 2, 2011

Passed the Senate April 6, 2011

by the following vote: 57 Ayes,

by the following vote: 29 Ayes,

0 Nays, 3 Not Voting

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

Cheryl Laube
Chief Clerk of the House

Charmine Bellinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

7 day of April, 2011

at 10:55 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 12th day of

April

at 9:25 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 12th day of April, 2011

at 4:01 o'clock P. M.

[Signature]
Secretary of State

H.B. 2438