

Senate Engrossed

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 189

SENATE BILL 1146

AN ACT

AMENDING SECTION 13-1402, 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 13-1402, Arizona Revised Statutes, is amended to
3 read:

4 13-1402. Indecent exposure; exception; classification

5 A. A person commits indecent exposure if he or she exposes his or her
6 genitals or anus or she exposes the areola or nipple of her breast or breasts
7 and another person is present, and the defendant is reckless about whether
8 the other person, as a reasonable person, would be offended or alarmed by the
9 act.

10 B. Indecent exposure does not include an act of breast-feeding by a
11 mother.

12 C. Indecent exposure to a person who is fifteen or more years of age
13 is a class 1 misdemeanor, EXCEPT THAT IT IS A CLASS 6 FELONY IF THE DEFENDANT
14 HAS TWO OR MORE PRIOR CONVICTIONS FOR A VIOLATION OF THIS SECTION OR HAS ONE
15 OR MORE PRIOR CONVICTIONS FOR A VIOLATION OF SECTION 13-1406. Indecent
16 exposure to a person who is under fifteen years of age is a class 6 felony.

17 D. A person who is convicted of a felony violation of this section and
18 who has two or more historical prior felony convictions for a violation of
19 this section or section 13-1403 involving indecent exposure or public sexual
20 indecency to a minor who is under fifteen years of age IS GUILTY OF A CLASS 3
21 FELONY AND shall be sentenced to a term of imprisonment as follows:

22	<u>Mitigated</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>	<u>Aggravated</u>
23	6 years	8 years	10 years	12 years	15 years

24 E. The presumptive term imposed pursuant to subsection D of this
25 section may be mitigated or aggravated pursuant to section 13-701,
26 subsections D and E.

APPROVED BY THE GOVERNOR APRIL 5, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 5, 2012.

Passed the House April 2, 2012

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate February 9, 2012

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

Charmine Belington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

4 day of April, 2012,

at 10:30 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 5th day of

April, 2012;

at 10:10 o'clock A M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 5th day of April, 2012,

at 4:20 o'clock P M.

[Signature]
acting Secretary of State

S.B. 1146