

State of Arizona  
House of Representatives  
Fifty-second Legislature  
First Regular Session  
2015

CHAPTER 214

House Engrossed  
**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

# HOUSE BILL 2378

AN ACT

AMENDING TITLE 13, CHAPTER 14, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1412; 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. Title 13, chapter 14, Arizona Revised Statutes, is amended  
3 by adding section 13-1412, to read:  
4 13-1412. Unlawful sexual conduct; peace officers;  
5 classification; definitions  
6 A. A PEACE OFFICER COMMITS UNLAWFUL SEXUAL CONDUCT BY KNOWINGLY  
7 ENGAGING IN SEXUAL CONTACT, ORAL SEXUAL CONTACT OR SEXUAL INTERCOURSE WITH  
8 ANY PERSON WHO IS IN THE OFFICER'S CUSTODY OR A PERSON WHO THE OFFICER KNOWS  
9 OR HAS REASON TO KNOW IS THE SUBJECT OF AN INVESTIGATION.  
10 B. UNLAWFUL SEXUAL CONDUCT WITH A VICTIM WHO IS UNDER FIFTEEN YEARS OF  
11 AGE IS A CLASS 2 FELONY. UNLAWFUL SEXUAL CONDUCT WITH A VICTIM WHO IS AT  
12 LEAST FIFTEEN YEARS OF AGE BUT LESS THAN EIGHTEEN YEARS OF AGE IS A CLASS 3  
13 FELONY. ALL OTHER UNLAWFUL SEXUAL CONDUCT IS A CLASS 5 FELONY.  
14 C. THIS SECTION DOES NOT APPLY TO EITHER OF THE FOLLOWING:  
15 1. ANY DIRECT OR INDIRECT TOUCHING OR MANIPULATING OF THE GENITALS,  
16 ANUS OR FEMALE BREAST THAT OCCURS DURING A LAWFUL SEARCH.  
17 2. AN OFFICER WHO IS MARRIED TO OR WHO IS IN A ROMANTIC OR SEXUAL  
18 RELATIONSHIP WITH THE PERSON AT THE TIME OF THE ARREST OR INVESTIGATION. THE  
19 FOLLOWING FACTORS MAY BE CONSIDERED IN DETERMINING WHETHER THE RELATIONSHIP  
20 BETWEEN THE VICTIM AND THE DEFENDANT IS CURRENTLY A ROMANTIC OR SEXUAL  
21 RELATIONSHIP:  
22 (a) THE TYPE OF RELATIONSHIP.  
23 (b) THE LENGTH OF THE RELATIONSHIP.  
24 (c) THE FREQUENCY OF THE INTERACTION BETWEEN THE VICTIM AND THE  
25 DEFENDANT.  
26 (d) IF THE RELATIONSHIP HAS TERMINATED, THE LENGTH OF TIME SINCE THE  
27 TERMINATION.  
28 D. FOR THE PURPOSES OF THIS SECTION:  
29 1. "CUSTODY" INCLUDES THE IMPOSITION OF ACTUAL OR CONSTRUCTIVE  
30 RESTRAINT PURSUANT TO AN ON-SITE ARREST, A COURT ORDER OR ANY CONTACT IN  
31 WHICH A REASONABLE PERSON WOULD NOT FEEL FREE TO LEAVE. CUSTODY DOES NOT  
32 INCLUDE DETENTION IN A CORRECTIONAL FACILITY, A JUVENILE DETENTION FACILITY  
33 OR A STATE HOSPITAL.  
34 2. "PEACE OFFICER" HAS THE SAME MEANING PRESCRIBED IN SECTION 1-215  
35 BUT DOES NOT INCLUDE ADULT OR JUVENILE CORRECTIONS OR DETENTION OFFICERS.

APPROVED BY THE GOVERNOR APRIL 6, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2015.

Passed the House March 4, 20 15

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

Speaker of the House

Pro Tempore

Chief Clerk of the House

*Jim Drake*

Passed the Senate MARCH 31, 20 15

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

Secretary of the Senate

*Charmine Bellington*

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

1st day of April, 20 15

at 11:19 o'clock A. M.

Secretary to the Governor

*Mista Bryman*

Approved this 10th day of

April

at 1:52 o'clock P. M.

Governor of Arizona

*Fang J. Ivey*

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 7th day of April, 20 15

at 8:30 o'clock A. M.

Secretary of State

*Michelle Reagan*

H.B. 2378