

House Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 7

HOUSE BILL 2374

AN ACT

AMENDING SECTION 13-3212, ARIZONA REVISED STATUTES; RELATING TO PROSTITUTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3212, Arizona Revised Statutes, is amended to
3 read:

4 13-3212. Child prostitution; classification; increased punishment

5 A. A person commits child prostitution by knowingly:

6 1. Causing any minor to engage in prostitution.

7 2. Using any minor for the purposes of prostitution.

8 3. Permitting a minor who is under the person's custody or control to
9 engage in prostitution.

10 4. Receiving any benefit for or on account of procuring or placing a
11 minor in any place or in the charge or custody of any person for the purpose
12 of prostitution.

13 5. Receiving any benefit pursuant to an agreement to participate in
14 the proceeds of prostitution of a minor.

15 6. Financing, managing, supervising, controlling or owning, either
16 alone or in association with others, prostitution activity involving a minor.

17 7. Transporting or financing the transportation of any minor with the
18 intent that the minor engage in prostitution.

19 8. PROVIDING A MEANS BY WHICH A MINOR ENGAGES IN PROSTITUTION.

20 B. A person who is at least eighteen years of age commits child
21 prostitution by knowingly:

22 1. Engaging in prostitution with a minor who is under fifteen years of
23 age.

24 2. Engaging in prostitution with a minor who the person knows or
25 should have known is fifteen, sixteen or seventeen years of age.

26 3. Engaging in prostitution with a minor who is fifteen, sixteen or
27 seventeen years of age.

28 C. It is not a defense to a prosecution under subsection A and
29 subsection B, paragraphs 1 and 2 of this section that the other person is a
30 peace officer posing as a minor or a person assisting a peace officer posing
31 as a minor.

32 D. Notwithstanding any other law, a sentence imposed on a person for a
33 violation of subsection A or subsection B, paragraph 2 of this section
34 involving a minor who is fifteen, sixteen or seventeen years of age shall be
35 consecutive to any other sentence imposed on the person at any time.

36 E. Child prostitution pursuant to subsection A of this section is a
37 class 2 felony if the minor is under fifteen years of age and is punishable
38 pursuant to section 13-705.

39 F. Child prostitution pursuant to subsection B, paragraph 1 of this
40 section is a class 2 felony and is punishable pursuant to section 13-705.

41 G. If the minor is fifteen, sixteen or seventeen years of age, child
42 prostitution pursuant to subsection A of this section is a class 2 felony,
43 the person convicted shall be sentenced pursuant to this section and the
44 person is not eligible for suspension of sentence, probation, pardon or
45 release from confinement on any basis except as specifically authorized by
46 section 31-233, subsection A or B until the sentence imposed by the court has
47 been served or commuted. The presumptive term may be aggravated or mitigated

1 within the range under this section pursuant to section 13-701, subsections
2 C, D and E. The terms are as follows:

3 1. The term for a first offense is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
10 years	13.5 years	24 years

6 2. The term for a defendant who has one historical prior felony
7 conviction is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
17 years	24 years	31 years

10 3. The term for a defendant who has two or more historical prior
11 felony convictions is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
24 years	31 years	38 years

14 H. If the minor is fifteen, sixteen or seventeen years of age, child
15 prostitution pursuant to subsection B, paragraph 2 of this section is a class
16 2 felony, the person convicted shall be sentenced pursuant to this section
17 and the person is not eligible for suspension of sentence, probation, pardon
18 or release from confinement on any basis except as specifically authorized by
19 section 31-233, subsection A or B until the sentence imposed by the court has
20 been served or commuted. The presumptive term may be aggravated or mitigated
21 within the range under this section pursuant to section 13-701, subsections
22 C, D and E. The terms are as follows:

23 1. The term for a first offense is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
7 years	10.5 years	21 years

26 2. The term for a defendant who has one historical prior felony
27 conviction is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
14 years	15.75 years	28 years

30 3. The term for a defendant who has two or more historical prior
31 felony convictions is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
21 years	28 years	35 years

34 I. Child prostitution pursuant to subsection B, paragraph 3 of this
35 section is a class 6 felony. If the court sentences the person to a term of
36 probation, the court shall order that as an initial term of probation the
37 person be imprisoned in the county jail for not less than one hundred eighty
38 consecutive days. This jail term shall commence on the date of sentencing.
39 The court may suspend ninety days of the jail sentence if the person has not
40 previously been convicted of a violation of this section, a violation of
41 section 13-3214 or a violation of any city or town ordinance that prohibits
42 prostitution and that has the same or substantially similar elements as
43 section 13-3214 and the person successfully completes an appropriate court
44 ordered education or treatment program.

45 J. This section does not preclude the state from alleging and proving
46 any other sentencing enhancements as provided by law.

APPROVED BY THE GOVERNOR MARCH 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 11, 2016.

Passed the House January 28, 2016

Passed the Senate March 7, 2016

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

[Signature]
Chief Clerk of the House Pro Tempore

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this
8th day of March, 2016

at 2:48 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 11th day of
March

at 2:18 o'clock P. M.
[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State
this 11 day of March, 2016

at 3:54 o'clock P. M.

[Signature]
Secretary of State