



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

House: JUD DP 10-0-0-0

HB 2889: sexual offenses; children; sentencing

Sponsor: Representative Biasiucci, LD 5

Caucus & COW

Overview

Modifies sentences for individuals convicted of dangerous crimes against children relating to certain sexual offenses.

History

An adult who is convicted of a dangerous crime against children in the first degree involving sexual assault or sexual conduct of a minor who is 12 years old or younger must be sentenced to life imprisonment and is not eligible for suspension of sentence, parole or probation unless specifically authorized in statute after serving 35 years or the sentence is commuted. If a life sentence is not imposed, statute enumerates mandatory sentencing ranges for adults convicted of dangerous crimes against children relating to sexual offenses in the first degree ([A.R.S. § 13-705](#)).

Provisions

1. Mandates that an adult convicted of the following dangerous crimes against children relating to sexual offenses in the first degree be imprisoned for the remainder of the person's natural life:
 - a) Commercial exploitation of a minor;
 - b) Child sex trafficking; and
 - c) Molestation of a child if the person has been previously convicted of molestation of a child in the first degree. (Sec. 1)
2. Specifies any person sentenced to *natural life* for the above or related offenses is not eligible for commutation, parole, work furlough, work release or any other type of release. (Sec. 1, 3, 5, 6)
3. Outlines the following sentencing ranges for an adult convicted of a first-time offense involving child molestation in the first degree: minimum 20 years; presumptive 30 years; and maximum 40 years. (Sec. 1)
4. States that a person who is convicted of knowingly trafficking an adult with the intent or knowledge that the adult will engage in prostitution because of deception, coercion or force is not eligible for suspension of sentence, probation, pardon or release unless specifically authorized in statute, the sentence imposed has been served or commutation. (Sec. 2)
5. Outlines the following enhanced sentencing ranges for adults convicted of offenses relating to child sex trafficking if the minor involved is 15, 16 or 17 years old:
 - a) The term for a first offense:
 - i. Minimum 20 years; presumptive 30 years; and maximum 40 years;
 - b) The term for a defendant who has one historical prior felony conviction:
 - i. Minimum 25 years; presumptive 35 years; and maximum 45 years;
 - c) The term for a defendant who has two or more historical prior felony convictions:

- i. Minimum 30 years; presumptive 35 years; and maximum 50 years; and
 - d) The term for a defendant who has been previously convicted of child sex trafficking of a minor who is 15, 16 or 17 years old:
 - i. Natural life. (Sec. 3)
- 6. Establishes commercial exploitation of a minor who is 15, 16 or 17 as a class 2 felony. (Sec. 5)
- 7. States a person convicted of commercial exploitation of a minor who is 15, 16 or 17 must be sentenced to imprisonment for natural life. (Sec. 5)
- 8. Specifies sexual exploitation of a minor relating to knowingly possessing any visual depiction in which a minor is engaged in exploitative or sexual conduct is a class 2 felony and in cases in which the minor is under 15 years of age, the offense is punishable to an imprisonment term of natural life. (Sec. 6)
- 9. Makes technical and conforming changes. (Sec. 1, 2, 3, 4, 6, 7, 8, 9, 10)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note