



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
First Regular Session

House: JUD DP 10-0-0-0 | 3<sup>rd</sup> Read 51-1-8-0

Senate: JUD DPA/SE 7-0-1-0 | 3<sup>rd</sup> Read 30-0-0-0

Final Vote: 57-1-2-0

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**HB 2889: ~~sexual offenses; children; sentencing~~**

**NOW: sentencing; sexual offenses; children**

**Sponsor: Representative Biasiucci, LD 5**

**Transmitted to the Governor**

The House Engrossed version of HB 2889 enhanced sentences for adults convicted of dangerous crimes against children relating to certain sexual offenses.

The Senate adopted a same-subject strike-everything amendment with minor changes.

## **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, and if the person had previously been convicted of a dangerous crime against children in the first degree, be imprisoned for the remainder of the person's natural life:
  - a) Commercial sexual exploitation of a minor; and
  - b) Child sex trafficking. (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. Mandates a person who is convicted of commercial sexual exploitation of a minor be sentenced to a term of imprisonment as follows: minimum 13 years; presumptive 20 years; and maximum 27 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. States a sentence imposed on a person for a conviction of child sex trafficking must be consecutive to any other sentence imposed on the person. (Sec. 3)
6. 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 13 years; presumptive 20 years; and maximum 27 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 40 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)
7. Increases the penalty of child sex trafficking from a *class 6 felony* to a *class 5 felony*, unless the person has been previously convicted of child sex trafficking. (Sec. 3)
8. States a person who has been previously convicted of child sex trafficking and who later commits, or attempts, child sex trafficking by engaging in prostitution of a minor who is 15, 16 or 17 years old, is guilty of a class 2 felony. (Sec. 3)
9. Establishes commercial exploitation of a minor who is 15, 16 or 17 as a class 2 felony. (Sec. 5)
10. Outlines the following sentencing ranges for adults convicted of commercial sexual exploitation of a minor who is 15, 16 or 17 years old:
  - a) The term for a first offense:
    - i. Minimum 13 years; presumptive 20 years; and maximum 27 years;
  - b) The term for a defendant who has one historical prior felony convictions:
    - 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 40 years; and maximum 50 years. (Sec. 5)
11. Makes technical and conforming changes. (Sec. 1, 2, 3, 4, 6, 7, 8, 9)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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