



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: JUD DP 7-0-0-0 | 3rd Read DP 21-5-4-0-0

SB 1051: location tracking applications; disabling prohibited

Sponsor: Senator Carroll, LD 28

Committee on Judiciary

Overview

Establishes *disabling a minor's location tracking application* as a class 2 felony offense.

History

[A.R.S. title 13](#), chapter 13 (kidnapping and related offenses) includes offenses specifically relating to minors such as *custodial interference* ([A.R.S. § 13-1302](#)), *kidnapping* ([A.R.S. § 13-1304](#)) and others. Kidnapping is a class 2 felony, and if the victim is under 15 years of age, kidnapping is a class 2 felony punishable pursuant to [A.R.S. § 13-705](#) (dangerous crimes against children). The sentence for kidnapping a victim under 15 years of age runs consecutively to any other sentence imposed on the defendant.

[A.R.S. title 13](#), chapter 14 (sexual offenses) includes numerous offenses that specifically relate to or may involve minors including *sexual abuse* ([A.R.S. § 13-1404](#)), *sexual conduct with a minor* ([A.R.S. § 13-1405](#)), *molestation of a child* ([A.R.S. § 13-1410](#)) and others. Moreover, chapter 35.1 of the criminal code (sexual exploitation of children) defines several other offenses specifically relating to minors, such as *sexual exploitation of a minor* ([A.R.S. § 13-3553](#)), *luring a minor for sexual exploitation* ([A.R.S. § 13-3554](#)) and *unlawful age misrepresentation* ([A.R.S. § 13-3561](#)).

An *electronic communication device* is defined in [A.R.S. § 13-3561](#) as any electronic device that is capable of transmitting visual depictions and includes any of the following:

- 1) a *computer, computer system or network* as defined in [A.R.S. § 13-2301](#); and
- 2) a *cellular telephone or wireless telephone* as defined in [A.R.S. § 13-4801](#).

A class 2 felony carries a presumptive sentence of five years for first time offenders ([A.R.S. § 13-702](#)).

Provisions

1. Creates the criminal offense of *disabling a minor's location tracking application*, which involves a person knowingly disabling, or coercing a minor to disable, a location tracking application or function that is installed on the minor's electronic communication device while the person is committing, or attempting to commit, any of the following:
 - a) kidnapping or a related offense under [A.R.S. title 13](#), chapter 13;
 - b) a sexual offenses under [A.R.S. title 13](#), chapter 14;
 - c) a sexual exploitation of a child offense under [A.R.S. title 13](#), chapter 35.1. (Sec. 1)
2. Classifies disabling a minor's location tracking application as a class 2 felony. (Sec. 1)
3. Defines *electronic communication device*. (Sec. 1)

<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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