



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR H.B. 2242

sexual conduct; minor; classification; sentence

Purpose

Increases the penalty for *sexual conduct with a minor* who is at least 15 years old from a class 6 felony to a class 4 felony. Modifies the statutory defense to a prosecution for *sexual conduct with a minor*.

Background

A person commits *sexual conduct with a minor* by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under 18 years old. Sexual conduct with a minor who is under 15 years old is a class 2 felony and is punishable as a dangerous crime against children. Sexual conduct with a minor who is at least 15 years old is a class 6 felony, unless the offender is or was in a position of trust, in which case the offense is a class 2 felony and the offender is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis ([A.R.S. § 13-1405](#)).

It is a defense to a prosecution of *sexual conduct with a minor* if the victim is 15, 16 or 17 years old, the defendant is under 19 years old or is attending high school, and is no more than 24 months older than the victim, and the conduct is consensual. This is often referred to as the Romeo and Juliet defense ([A.R.S. § 13-1407](#)).

A class 6 felony carries a presumptive prison sentence of 1 year, while a class 4 felony carries a presumptive prison sentence of 2.5 years. Fines for felonies may be up to \$150,000 ([A.R.S. §§ 13-702](#) and [13-801](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Increases, from a class 6 felony to a class 4 felony, the penalty for *sexual conduct with a minor* who is at least 15 years old.
2. Modifies the Romeo and Juliet prosecution defense by:
 - a) allowing the defendant to be no more than 36 months older than the victim, rather than no more than 24 months older; and
 - b) removing the requirement that the defendant be under 19 years old or attending high school.
3. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Removes modifications made to the Romeo and Juliet prosecution defense.

Amendments Adopted by Committee of the Whole

- Removes the requirement that person who commits *sexual conduct with a minor who is under 15 years old* be sentenced to one year in jail if the convicted person is placed on probation.

Amendments Adopted by Conference Committee

- Restores modifications made to the Romeo and Juliet prosecution defense to allow for the defendant to be no more than 36 months older than the victim, rather than 24 months older than the victim, in order for the defense to apply.

House Action

JUD 2/7/24 DPA
3rd Read 2/27/24

5-2-0-2
41-17-1-0-1

Senate Action

JUD 3/14/24 DPA 4-3-0
3rd Read 4/1/24 19-8-3

Prepared by Senate Research

April 16, 2024

ZD/cs