



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2310: grooming; classification

Sponsor: Representative Grantham, LD 14

Committee on Judiciary

Overview

Establishes *grooming* as a criminal offense classified as either a class 4 felony or a class 5 felony depending on the relationship between the defendant and the victim.

History

[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](#)).

For purposes of certain sexual offenses involving minor victims, statute defines *position of trust* to include a person who is or was any of the following in relation to a minor:

- 1) the minor's parent, stepparent, grandparent, adoptive parent, legal guardian, aunt, uncle or foster parent;
- 2) the minor's teacher or any school employee or volunteer at the minor's school who is eighteen years of age or older;
- 3) the minor's coach or instructor, whether the coach or instructor is an employee or volunteer;
- 4) the minor's clergyman or priest or any person who is at least eighteen years of age and who worked or volunteered for a religious organization that hosted events or activities where the minor was in attendance;
- 5) engaged in a sexual or romantic relationship with the minor's parent, adoptive parent, grandparent, aunt, uncle, legal guardian, foster parent, stepparent, step-grandparent or sibling;
- 6) related to the minor by blood or marriage within the third degree and is at least ten years older than the minor;
- 7) the minor's employer; or
- 8) an employee of a group home or residential treatment facility where the minor resides or has previously resided ([A.R.S. § 13-1401](#)).

An *electronic communication device* is defined in [A.R.S. § 13-3561](#) as any electronic device that is capable of transmitted 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](#).

Provisions

1. Creates the criminal offense of *grooming*, which involves a person knowingly using an electronic communication device as defined in [A.R.S. § 13-3561](#), performing an act in person or through a third party or using any written communication to seduce, lure or entice or attempt to seduce, lure or entice a minor, a minor's guardian or another person whom the person believes to be a minor or a minor's guardian to:
 - a) commit any offense in [A.R.S. title 13](#), chapters 14 (sexual offenses) or 35.1 (sexual exploitation of children);
 - b) distribute photographs that depict a person's sex organs;
 - c) engage in any unlawful conduct with a minor or another person whom the person believes to be a minor. (Sec. 1)
2. Classifies grooming as a class 5 felony unless the defendant is in a position of trust, in which case the offense becomes a class 4 felony. (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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