



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2310

grooming; classification

Purpose

Establishes the criminal classification of *grooming* that a person commits by knowingly using various means to seduce, lure or entice a minor to commit any criminal offense in furtherance of facilitating the sexual seduction or abuse of the minor, or to distribute any photographs that depict a person's sex organs.

Background

Position of trust means a person who is or was any of the following: 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 18 years old 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 18 years old 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 10 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](#)).

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 5 felony carries a presumptive prison sentence of 1.5 years, and 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. Establishes the criminal classification of *grooming*, which a person commits by knowingly using an electronic communication device, performing an act in person or through a third party, or by using any written communication to seduce, lure or entice, or attempt to seduce, lure or entice, a minor into:
 - a) committing any criminal offense in furtherance of facilitating the sexual seduction or abuse of the minor; or
 - b) distributing photographs that depict a person's sex organs.

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2. Classifies a violation of *grooming* as a class 5 felony, or a class 4 felony if the defendant is in a position of trust.
3. Adds *grooming* to the list of offenses that are eligible for the Romeo and Juliet prosecution defense.
4. Modifies the Romeo and Juliet prosecution defense by:
 - a) allowing the defendant to be no more than three years 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.
5. Becomes effective on the general effective date.

House Action

JUD	1/24/24	DPA	6-2-1-0
3 rd Read	2/6/24		44-11-2-0-3

Prepared by Senate Research

March 19, 2024

ZD/cs