



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: JUD DPA 6-2-1-0-0-0 | 3rd Read DPA 44-11-2-0-3

Senate: JUD DPA 4-3-0-0 | 3rd Read DPA 27-2-1-0-0

HB 2310: grooming; classification

NOW: child enticement; classification; definition

Sponsor: Representative Grantham, LD 14

Senate Engrossed

Overview

Establishes *child enticement* as a criminal offense classified as either a class 5 felony or a class 4 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;
- 8) an employee of a group home or residential treatment facility where the minor resides or has previously resided ([A.R.S. § 13-1401](#)).

[A.R.S. § 13-1407](#) contains several defenses that a defendant can raise in a prosecution for certain sexual offenses. Subsection E of that statute—commonly referred to as the *Romeo and Juliet Law*—provides a defense to a prosecution for sexual conduct with a minor ([A.R.S.](#)

[§ 13-1405](#)) or aggravated luring a minor for sexual exploitation ([A.R.S. § 13-3560](#)) if all of the following circumstances are met:

- 1) the victim is 15, 16 or 17 years old;
- 2) the defendant is under 19 years old or attending high school and is no more than 24 months older than the victim;
- 3) the conduct is consensual.

Provisions

1. Creates the criminal offense of *child enticement*, which involves a person knowingly doing either of the following:
 - a) using an electronic communication device, performing an act in person or through a third party or using any written communication to lure or entice or attempt to lure or entice a minor to distribute a visual depiction of a person's genitals or the female breast;
 - b) committing any act in furtherance of or to facilitate the sexual abuse of the minor. (Sec. 2)
2. Classifies child enticement 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. 2)
3. Makes the Romeo and Juliet Law applicable in prosecutions for child enticement. (Sec. 1)
4. For purposes of child enticement, prescribed definitions as follows:
 - a) *electronic communication device* has the same meaning as in [A.R.S. § 13-3561](#);
 - b) *sexual abuse* includes any offense in [A.R.S. title 13](#), chapter 14 (sexual offenses) or 35.1 (sexual exploitation of children);
 - c) *visual depiction* has the same meaning as in [A.R.S. § 13-3551](#). (Sec. 2)

<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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