



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, Second Regular Session*

**AMENDED**  
FACT SHEET FOR H.B. 2310

grooming; classification

Purpose

Establishes the criminal classification of *child enticement* that a person commits by knowingly using various means to lure or entice a minor to distribute a visual depiction of a person's genitals or the female breast, or by committing any act in furtherance of, or to facilitate, the sexual abuse of the minor.

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 *child enticement*, which a person commits by knowingly:
  - a) using an electronic communication device, performing an act in person or through a third party, or by using any written communication to lure or entice, or attempt to lure or entice, a minor into distributing a visual depiction of a person's genitals or the female breast; or
  - b) committing any act in furtherance of, or to facilitate, the sexual abuse of the minor.

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 *child enticement* to the list of offenses that are eligible for the Romeo and Juliet prosecution defense.
4. Exempts, from being classified as *child enticement*, the distribution of a visual depiction that taken as a whole has serious literary, artistic, political or scientific value for minors.
5. Defines terms.
6. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Modifies the elements necessary to commit *grooming* by specifying that the defendant must have:
  - a) seduced, lured, or enticed a minor to distribute photographs of a person's genitals, rather than sex organs; or
  - b) committed any act, rather than any criminal offense, in furtherance of facilitating the sexual seduction or abuse of the minor.
2. Removes modifications made to the Romeo and Juliet prosecution defense to again require that the ages of the victim and defendant be no more than 24 months apart, rather than 3 years apart.

Amendments Adopted by Committee of the Whole

1. Modifies the name of the crime being established from *grooming* to *child enticement*.
2. Modifies various elements necessary to commit the crime of *child enticement*.
3. Provides an exemption to the crime of *child enticement* to allow for the distribution of visual depictions that taken as a whole have serious literary, artistic, political or scientific value for minors.

House Action

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

Senate Action

JUD            3/21/24    DPA    4-3-0

Prepared by Senate Research

April 30, 2024

ZD/cs