

Sex Crimes: Definitions and Penalties

Arizona

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Sexual Assault

Question	Answer
How is it defined?	A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.
What are the punishments for this crime?	<p>The penalties for committing sexual assault vary based on the offender's criminal history, the age of the victim, and whether or not the offender knowingly inflicted physical harm. The incarceration term ranges from 5.25 years as a minimum for general first offenders to 28 years as a maximum for offenders with two prior felony convictions. If the sexual assault involved the intentional infliction of serious physical injury, the offender may be sentenced to life imprisonment. If the sexual assault involved a victim under 12 years old, the offender may also be sentenced to life imprisonment.</p> <p>Note: Arizona has detailed sentencing standards for felonies and convicted persons face longer periods of incarceration if they have been convicted multiple times, if the crime was a dangerous one against children, if sexual assault involved the use of date-rape drugs, or if their crime was a "dangerous" one (involved a dangerous weapon or inflicted serious harm on a victim).</p> <p>(See §§ 13-702, 13-703, 13-704, 13-705, 13-706, 13-1423)</p>
Anything else I should know?	<p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Sexual intercourse: penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva. • Oral sexual contact: oral contact with the penis, vulva or anus. • Without consent: includes when the victim is (a) coerced by the immediate use or threatened use of force against a person or property; (b) incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonable been known to the offender; (c) intentionally deceived as to the nature of the act; or (d) intentionally deceived to erroneously believe that the person is the victim's spouse.
Statutory citation(s)	Ariz. Rev. Stat. Ann. §§ 13-1401, 13-1406, 13-702–706, 13-1423

Sexual Abuse

Question	Answer
How is it defined?	<p>A person commits sexual abuse by intentionally or knowingly engaging in sexual contact:</p> <ul style="list-style-type: none"> • With any person who is 15 or more years of age without consent of that person; or • With any person who is under 15 years of age if the sexual contact involves only the female breast <p>If the victim is 15, 16, or 17 years old, consent is immaterial (i.e., not a defense) if the offender was in a position of trust.</p>
What are the punishments for this crime?	<p>Sexual abuse is either a Class 5 felony or a Class 3 felony. A Class 5 felony carries a sentence for first time offenders of between 0.5 years and 2.5 years, depending on the presence of aggravating and mitigating factors. If the victim is under the age of 15 years old, the sexual abuse is a Class 3 felony, punishable by 13 to 27 years imprisonment for first time offenders.</p> <p>Note: Arizona has detailed sentencing standards for felonies and convicted persons face longer periods of incarceration if they have been convicted multiple times, if the crime was a dangerous one against children, or if their crime was a “dangerous” one (involved a dangerous weapon or inflicted serious harm on a victim).</p> <p>(See §§ 13-702, 13-703, 13-704, 13-705, 13-706, 13-1423)</p>
Anything else I should know?	<p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Sexual contact: any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact. • Without consent: includes when the victim is (a) coerced by the immediate use or threatened use of force against a person or property; (b) incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonable been known to the offender; (c) intentionally deceived as to the nature of the act; or (d) intentionally deceived to erroneously believe that the person is the victim’s spouse. • Position of trust: means a person who is or was any of the following: (a) a minor’s parent, stepparent, adoptive parent, legal guardian, or foster parent; (b) the minor’s teacher; (c) the minor’s coach or instructor; (d) the minor’s clergyman or priest; or € engaged in a sexual or romantic relationship with the minor’s parent, adoptive parent, legal guardian, foster parent, or stepparent.
Statutory citation(s)	Ariz. Rev. Stat. Ann. §§ 13-1401, 13-1404, 13-702–706, 13-1423

Unlawful Sexual Conduct; Adult Probation Department Employees; Juvenile Court Employees

Question	Answer
How is it defined?	<p>Unlawful sexual conduct of an adult probation department employee or juvenile court employee occurs if the offender knowingly coerces the victim to engage in sexual contact, oral sexual contact, or sexual intercourse by either:</p> <ul style="list-style-type: none"> • Threatening to negatively influence the victim’s supervision or release status; or • Offering to positively influence the victim’s supervision or release status. <p>For the purposes of this law, a victim is defined as either (a) subject to conditions of release or supervision by a court or (b) a minor who was referred to the juvenile court</p>
What are the punishments for this crime?	<p>If the victim is under 15 years of age, the crime is punishable as a Class 2 felony with a term of imprisonment ranging between 4 years and 12.5 years for first time offenders.</p> <p>If the victim is at least 15 years of age and under 18 years of age, the crime is a Class 3 felony punishable by between 2.5 and 8.75 years imprisonment for first time offenders.</p> <p>All other unlawful sexual contact is a Class 5 felony punishable by between 0.75 and 2.5 years imprisonment for first time offenders.</p> <p>Note: Arizona has detailed sentencing standards for felonies and convicted persons face longer periods of incarceration if they have been convicted multiple times, if the crime was a dangerous one against children, or if their crime was a “dangerous” one (involved a dangerous weapon or inflicted serious harm on a victim).</p> <p>(See §§ 13-702, 13-703, 13-704, 13-705, 13-706, 13-1423)</p>
Anything else I should know?	<p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Adult probation department employee or juvenile court employee: an employee of an adult probation department or the juvenile court who either: (a) Through the course of employment, directly provides treatment, care, control or supervision to a victim or (b) Provides presentence or predisposition reports directly to a court regarding the victim. • Oral sexual contact: oral contact with the penis, vulva or anus. • Sexual contact: any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact. • Sexual intercourse: penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.

	<ul style="list-style-type: none"> • Victim: a person who is subject to conditions of release or supervision by a court or a minor who has been referred to the juvenile court.
Statutory citation(s)	Ariz. Rev. Stat. Ann. §§ 13-1401, 13-1409, 13-702–706, 13-1423

Unlawful sexual conduct; peace officers

Question	Answer
How is it defined?	<p>A peace officer commits unlawful sexual conduct by knowingly engaging in sexual contact, oral sexual contact or sexual intercourse with any person who is either:</p> <ul style="list-style-type: none"> • In the officer's custody; or • A person who the officer knows or has reason to know is the subject of an investigation. <p>This does apply to either: (1) indirect touching or manipulating of the genitals, anus, or female breast that occurs during a lawful search; or (2) an officer who is married to or in a romantic or sexual relationship with the person at the time of the arrest or investigation.</p>
What are the punishments for this crime?	<ul style="list-style-type: none"> • If the victim is under 15 years of age, the crime is punishable as a Class 2 felony with a term of imprisonment ranging between 4 years and 12.5 years for first time offenders. <p>If the victim is at least 15 years of age and under 18 years of age, the crime is a Class 3 felony punishable by between 2.5 and 8.75 years imprisonment for first time offenders.</p> <p>All other unlawful sexual contact is a Class 5 felony punishable by between 0.75 and 2.5 years imprisonment for first time offenders.</p> <p>Note: Arizona has detailed sentencing standards for felonies and convicted persons face longer periods of incarceration if they have been convicted multiple times, if the crime was a dangerous one against children, or if their crime was a “dangerous” one (involved a dangerous weapon or inflicted serious harm on a victim).</p> <p>(See §§ 13-702, 13-703, 13-704, 13-705, 13-706, 13-1423)</p>
Anything else I should know?	<p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Custody: includes the imposition of actual or constructive restraint pursuant to an on-site arrest, a court order or any contact in which a reasonable person would not feel free to leave. Custody does not include detention in a correctional facility, a juvenile detention facility or a state hospital. • Peace officer: means sheriffs of counties, constables, marshals, policemen of cities and towns, commissioned personnel of the department of public safety, peace officers who are appointed by a multicounty water conservation district and who have received a certificate from the Arizona peace officer

	<p>standards and training board, police officers who are appointed by community college district governing boards and who have received a certificate from the Arizona peace officer standards and training board, police officers who are appointed by the Arizona board of regents and who have received a certificate from the Arizona peace officer standards and training board, police officers who are appointed by the governing body of a public airport and who have received a certificate from the Arizona peace officer standards and training board, peace officers who are appointed by a private postsecondary institution and who have received a certificate from the Arizona peace officer standards and training board and special agents from the office of the attorney general, or of a county attorney, and who have received a certificate from the Arizona peace officer standards and training board.</p> <ul style="list-style-type: none"> • Oral sexual contact: oral contact with the penis, vulva or anus. • Sexual contact: any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact. • Sexual intercourse: penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.
Statutory Citation(s)	Ariz. Rev. Stat. Ann. §§ 13-1401, 13-1412, 13-702–706, 13-1423

Unlawful sexual conduct; correctional facilities

Question	Answer
How is it defined?	<p>A person commits unlawful sexual conduct by intentionally or knowingly engaging in any act of a sexual nature with an “offender” (i.e., “prisoner”) who is:</p> <ul style="list-style-type: none"> • In the custody of the state department of corrections, the department of juvenile corrections, a private prison facility, a juvenile detention facility or a city or county jail; or • Under the supervision of either department or a city or county. <p>This law defines defendant “persons” as anyone (1) employed by the state department of corrections or juvenile corrections; (2) employed by a private prison facility, juvenile detention facility, or city or county jail; (3) contracts to provide services with the departments of corrections or juvenile corrections, or any private prison facilities; or (4) an official visitor, volunteer, or agency representative for any of the aforementioned entities.</p>
What are the punishments for this crime?	<p>If the victim is under 15 years of age, the crime is punishable as a Class 2 felony with a term of imprisonment ranging between 4 years and 12.5 years for first time offenders.</p> <p>If the victim is at least 15 years of age and under 17 years of age, the crime is a Class 3 felony punishable by between 2.5 and 8.75 years imprisonment for first time offenders.</p>

	<p>All other unlawful sexual contact is a Class 5 felony punishable by between 0.75 and 2.5 years imprisonment for first time offenders.</p> <p>Note: Arizona has detailed sentencing standards for felonies and convicted persons face longer periods of incarceration if they have been convicted multiple times, if the crime was a dangerous one against children, or if their crime was a “dangerous” one (involved a dangerous weapon or inflicted serious harm on a victim).</p> <p>(See §§ 13-702, 13-703, 13-704, 13-705, 13-706, 13-1423)</p>
<p>Anything else I should know?</p>	<p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Person (i.e., the defendant): means anyone who is either (1) employed by the state department of corrections or juvenile corrections; (2) employed by a private prison facility, juvenile detention facility, or city or county jail; (3) contracts to provide services with the departments of corrections or juvenile corrections, or any private prison facilities; or (4) an official visitor, volunteer, or agency representative for any of the aforementioned entities. • Any act of a sexual nature: Includes the following: (a) any completed, attempted, threatened or requested touching of the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks with the intent to arouse or gratify sexual desire; (b) any act of exposing the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks with the intent to arouse or gratify sexual desire; and (c) any act of photographing, videotaping, filming, digitally recording or otherwise viewing, with or without a device, a prisoner or offender with the intent to arouse or gratify sexual desire, either: (i) while the prisoner or offender is in a state of undress or partial dress; or (ii) while the prisoner or offender is urinating or defecating.
<p>Statutory Citation(s)</p>	<p>Ariz. Rev. Stat. Ann. §§ 13-1401, 13-1419, 13-702–706, 13-1423</p>

Molestation of a Child

Question	Answer
<p>How is it defined?</p>	<p>A person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage in sexual contact, (except sexual contact with the female breast) with a child who is under 15 years of age.</p>

What are the punishments for this crime?	<p>Molestation of a child is a Class 2 felony and is classified as a “Dangerous Crime Against Children,” punishable by imprisonment of between 10 and 24 years for first time offenders.</p> <p>Note: Arizona has detailed sentencing standards for felonies and convicted persons face longer periods of incarceration if they have been convicted multiple times, if the crime was a dangerous one against children, or if their crime was a “dangerous” one (involved a dangerous weapon or inflicted serious harm on a victim).</p> <p>(See §§ 13-702, 13-703, 13-704, 13-705, 13-706, 13-1423)</p>
Anything else I should know?	<p>Note: this statute was ruled unconstitutional in a federal district court case. <i>May v. Ryan</i>, 245 F. Supp. 3d 1145, 1163 (D. Ariz. 2017). The <i>May</i> court held that the statute was unconstitutional, as it placed a burden of proving that the defendant <i>did not</i> have “sexual intent” in engaging in sexual contact with the child. The court ruled that placing such a burden on the defendant violates the due process clause (i.e., it is instead the state’s job to prove that the contact was <i>affirmatively</i> made with sexual intent). The district court’s decision is currently pending on appeal with the Ninth Circuit.</p> <p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Sexual contact: any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact.
Statutory citation(s)	Ariz. Rev. Stat. Ann. §§ 13-1401, 13-1410, 13-702–706, 13-1423

Statutory Rape

Question	Answer
How is it defined?	<p>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 of age.</p> <p>Valid defenses:</p> <ul style="list-style-type: none"> • If the victim is 15, 16 or 17 years old, an offender may defend himself or herself by showing that he or she did not know and could not reasonable have known the age of the victim. • If the victim is 15, 16, or 17 years old, an offender may defend himself or herself if he or she is under 19 years old or is attending high school, is no more than 24 months older than the victim, and the conduct was consensual.

<p>What are the punishments for this crime?</p>	<p>If the victim is under 15 years of age, the crime is punishable as a Class 2 felony and a “Dangerous Crime Against Children,” with a term of imprisonment ranging between 13 years and 27 years.</p> <p>If the victim is at least 15 years of age, the crime is a Class 6 felony punishable by between .5 and 2 years imprisonment for first time offenders.</p> <p>If the victim is at least 15 years of age and the offender is or was in a position of trust (and is not otherwise eligible for a reduction or suspension of the sentence), the crime is a Class 2 felony with a term of imprisonment ranging between 4 years and 12.5 years for first time offenders.</p> <p>Note: Arizona has detailed sentencing standards for felonies and convicted persons face longer periods of incarceration if they have been convicted multiple times, if the crime was a dangerous one against children, or if their crime was a “dangerous” one (involved a dangerous weapon or inflicted serious harm on a victim).</p> <p>(See §§ 13-702, 13-703, 13-704, 13-705, 13-706, 13-1423)</p>
<p>Anything else I should know?</p>	<p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Oral sexual contact: oral contact with the penis, vulva or anus. • Sexual contact: any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact. • Sexual intercourse: penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva. • Position of trust: means a person who is or was any of the following: (a) a minor’s parent, stepparent, adoptive parent, legal guardian, or foster parent; (b) the minor’s teacher; (c) the minor’s coach or instructor; (d) the minor’s clergyman or priest; or € engaged in a sexual or romantic relationship with the minor’s parent, adoptive parent, legal guardian, foster parent, or stepparent
<p>Statutory citation(s)</p>	<p>Ariz. Rev. Stat. Ann. §§ §§ 13-1401, 13-1405, 13-1407, 13-702–706, 13-1423</p>

Sodomy

Question	Answer
<p>How is it defined?</p>	<ul style="list-style-type: none"> • Alaska does not outright prohibit sodomy • Any state laws that outright prohibit sodomy are unconstitutional under <i>Lawrence v. Texas</i>, 539 U.S. 588 (2003).

How is it defined?	<ul style="list-style-type: none">• Arizona does not appear to criminalize sodomy. <p>Any state laws that outright prohibit sodomy are unconstitutional under <i>Lawrence v. Texas</i>, 539 U.S. 588 (2003).</p>
What are the punishments for this crime?	N/A
What are the punishments for this crime?	N/A
Anything else I should know?	N/A
Anything else I should know?	N/A
Statutory citation(s):	N/A
Statutory Citation(s):	N/A