

Senate Engrossed House Bill

indistinguishable; visual depiction; definition.

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

CHAPTER 174
HOUSE BILL 2678

AN ACT

AMENDING SECTIONS 13-705 AND 13-3551, ARIZONA REVISED STATUTES; RELATING
TO SEXUAL EXPLOITATION OF CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-705, Arizona Revised Statutes, is amended to
3 read:

4 13-705. Dangerous crimes against children; sentences;
5 definitions

6 A. A person who is at least eighteen years of age and who is
7 convicted of a dangerous crime against children in the first degree
8 involving commercial sexual exploitation of a minor or child sex
9 trafficking and the person has previously been convicted of a dangerous
10 crime against children in the first degree shall be sentenced to
11 imprisonment in the custody of the state department of corrections for
12 natural life. A person who is sentenced to natural life is not eligible
13 for commutation, parole, work furlough, work release or release from
14 confinement on any basis for the remainder of the person's natural life.

15 B. A person who is at least eighteen years of age and who is
16 convicted of a dangerous crime against children in the first degree
17 involving sexual assault of a minor who is twelve years of age or younger
18 or sexual conduct with a minor who is twelve years of age or younger shall
19 be sentenced to life imprisonment and is not eligible for suspension of
20 sentence, probation, pardon or release from confinement on any basis
21 except as specifically authorized by section 31-233, subsection A or B
22 until the person has served thirty-five years or the sentence is commuted.
23 This subsection does not apply to masturbatory contact.

24 C. Except as otherwise provided in this section, a person who is at
25 least eighteen years of age or who has been tried as an adult and who is
26 convicted of a dangerous crime against children in the first degree
27 involving attempted first degree murder of a minor who is under twelve
28 years of age, sexual assault of a minor who is under twelve years of age,
29 sexual conduct with a minor who is under twelve years of age or
30 manufacturing methamphetamine under circumstances that cause physical
31 injury to a minor who is under twelve years of age may be sentenced to
32 life imprisonment and is not eligible for suspension of sentence,
33 probation, pardon or release from confinement on any basis except as
34 specifically authorized by section 31-233, subsection A or B until the
35 person has served thirty-five years or the sentence is commuted. If a
36 life sentence is not imposed pursuant to this subsection, the person shall
37 be sentenced to a term of imprisonment as follows:

38 <u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
39 13 years	20 years	27 years

40 D. Except as otherwise provided in this section, a person who is at
41 least eighteen years of age or who has been tried as an adult and who is
42 convicted of a dangerous crime against children in the first degree
43 involving second degree murder of a minor who is under fifteen years of
44 age may be sentenced to life imprisonment and is not eligible for
45 suspension of sentence, probation, pardon or release from confinement on

1 any basis except as specifically authorized by section 31-233, subsection
2 A or B until the person has served thirty-five years or the sentence is
3 commuted. If a life sentence is not imposed pursuant to this subsection,
4 the person shall be sentenced to a term of imprisonment as follows:

5	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
6	25 years	30 years	35 years

7 E. Except as otherwise provided in this section, a person who is
8 at least eighteen years of age or who has been tried as an adult and who
9 is convicted of a dangerous crime against children in the first degree
10 involving attempted first degree murder of a minor who is twelve, thirteen
11 or fourteen years of age, sexual assault of a minor who is twelve,
12 thirteen or fourteen years of age, taking a child for the purpose of
13 prostitution, child sex trafficking, commercial sexual exploitation of a
14 minor, sexual conduct with a minor who is twelve, thirteen or fourteen
15 years of age or manufacturing methamphetamine under circumstances that
16 cause physical injury to a minor who is twelve, thirteen or fourteen years
17 of age or involving or using minors in drug offenses shall be sentenced to
18 a term of imprisonment as follows:

19	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
20	13 years	20 years	27 years

21 A person who has been previously convicted of one predicate felony shall
22 be sentenced to a term of imprisonment as follows:

23	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
24	23 years	30 years	37 years

25 F. Except as otherwise provided in this section, a person who is at
26 least eighteen years of age or who has been tried as an adult and who is
27 convicted of a dangerous crime against children in the first degree
28 involving aggravated assault, unlawful mutilation, molestation of a child,
29 sexual exploitation of a minor, aggravated luring a minor for sexual
30 exploitation, child abuse or kidnapping shall be sentenced to a term of
31 imprisonment as follows:

32	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
33	10 years	17 years	24 years

34 A person who has been previously convicted of one predicate felony shall
35 be sentenced to a term of imprisonment as follows:

36	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
37	21 years	28 years	35 years

38 G. Except as otherwise provided in this section, if a person is at
39 least eighteen years of age or has been tried as an adult and is convicted
40 of a dangerous crime against children involving luring a minor for sexual
41 exploitation, sexual extortion or unlawful age misrepresentation and is
42 sentenced to a term of imprisonment, the term of imprisonment is as
43 follows and the person is not eligible for release from confinement on any
44 basis except as specifically authorized by section 31-233, subsection A or
45 B until the sentence imposed by the court has been served or is commuted,

1 except that if the person is convicted of unlawful age misrepresentation
2 the person is eligible for release pursuant to section 41-1604.07:

3	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
4	5 years	10 years	15 years

5 A person who has been previously convicted of one predicate felony shall
6 be sentenced to a term of imprisonment as follows and the person is not
7 eligible for suspension of sentence, probation, pardon or release from
8 confinement on any basis except as specifically authorized by section
9 31-233, subsection A or B until the sentence imposed by the court has been
10 served or is commuted, except that if the person is convicted of unlawful
11 age misrepresentation the person is eligible for release pursuant to
12 section 41-1604.07:

13	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
14	8 years	15 years	22 years

15 H. Except as otherwise provided in this section, if a person is at
16 least eighteen years of age or has been tried as an adult and is convicted
17 of a dangerous crime against children involving sexual abuse or bestiality
18 under section 13-1411, subsection A, paragraph 2 and is sentenced to a
19 term of imprisonment, the term of imprisonment is as follows and the
20 person is not eligible for release from confinement on any basis except as
21 specifically authorized by section 31-233, subsection A or B until the
22 sentence imposed by the court has been served, the person is eligible for
23 release pursuant to section 41-1604.07 or the sentence is commuted:

24	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
25	2.5 years	5 years	7.5 years

26 A person who has been previously convicted of one predicate felony shall
27 be sentenced to a term of imprisonment as follows and the person is not
28 eligible for suspension of sentence, probation, pardon or release from
29 confinement on any basis except as specifically authorized by section
30 31-233, subsection A or B until the sentence imposed by the court has been
31 served, the person is eligible for release pursuant to section 41-1604.07
32 or the sentence is commuted:

33	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
34	8 years	15 years	22 years

35 I. Except as otherwise provided in this section, a person who is at
36 least eighteen years of age or who has been tried as an adult and who is
37 convicted of a dangerous crime against children in the first degree
38 involving continuous sexual abuse of a child shall be sentenced to a term
39 of imprisonment as follows:

40	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
41	39 years	60 years	81 years

42 A person who has been previously convicted of one predicate felony shall
43 be sentenced to a term of imprisonment as follows:

44	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
45	69 years	90 years	111 years

1 J. The presumptive sentences prescribed in subsections C, D, E, ~~and~~
2 F and I of this section or subsections G and H of this section if the
3 person has previously been convicted of a predicate felony may be
4 increased or decreased pursuant to section 13-701, subsections C, D and E.

5 K. Except as provided in subsections G, H, M and N of this section,
6 a person who is sentenced for a dangerous crime against children in the
7 first degree pursuant to this section is not eligible for suspension of
8 sentence, probation, pardon or release from confinement on any basis
9 except as specifically authorized by section 31-233, subsection A or B
10 until the sentence imposed by the court has been served or commuted.

11 L. A person who is convicted of any dangerous crime against
12 children in the first degree pursuant to subsection C, D, E, ~~or~~ F or I of
13 this section and who has been previously convicted of two or more
14 predicate felonies shall be sentenced to life imprisonment and is not
15 eligible for suspension of sentence, probation, pardon or release from
16 confinement on any basis except as specifically authorized by section
17 31-233, subsection A or B until the person has served not fewer than
18 thirty-five years or the sentence is commuted.

19 M. Notwithstanding chapter 10 of this title, a person who is at
20 least eighteen years of age or who has been tried as an adult and who is
21 convicted of a dangerous crime against children in the second degree
22 pursuant to subsection B, C, E, ~~or~~ F or I of this section is guilty of a
23 class 3 felony and if the person is sentenced to a term of imprisonment,
24 the term of imprisonment is as follows and the person is not eligible for
25 release from confinement on any basis except as specifically authorized by
26 section 31-233, subsection A or B until the person has served the sentence
27 imposed by the court, the person is eligible for release pursuant to
28 section 41-1604.07 or the sentence is commuted:

29	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
30	5 years	10 years	15 years

31 N. A person who is convicted of any dangerous crime against
32 children in the second degree and who has been previously convicted of one
33 or more predicate felonies is not eligible for suspension of sentence,
34 probation, pardon or release from confinement on any basis except as
35 specifically authorized by section 31-233, subsection A or B until the
36 sentence imposed by the court has been served, the person is eligible for
37 release pursuant to section 41-1604.07 or the sentence is commuted.

38 O. Section 13-704, subsection J and section 13-707, subsection B
39 apply to the determination of prior convictions.

40 P. The sentence imposed on a person by the court for a dangerous
41 crime against children under subsection H of this section involving sexual
42 abuse may be served concurrently with other sentences if the offense
43 involved only one victim. The sentence imposed on a person for any other
44 dangerous crime against children in the first or second degree shall be

1 consecutive to any other sentence imposed on the person at any time,
2 including sexual abuse of the same victim.

3 Q. In this section, for purposes of punishment an unborn child
4 shall be treated like a minor who is under twelve years of age.

5 R. A dangerous crime against children is in the first degree if it
6 is a completed offense and is in the second degree if it is a preparatory
7 offense, except attempted first degree murder is a dangerous crime against
8 children in the first degree.

9 S. It is not a defense to a dangerous crime against children that
10 the minor is a person posing as a minor or is otherwise fictitious if the
11 defendant knew or had reason to know the purported minor was under fifteen
12 years of age.

13 T. For the purposes of this section:

14 1. "Dangerous crime against children":

15 (a) Means any of the following that is committed against a minor
16 who is under fifteen years of age:

17 ~~(a)~~ (i) Second degree murder.

18 ~~(b)~~ (ii) Aggravated assault resulting in serious physical injury
19 or involving the discharge, use or threatening exhibition of a deadly
20 weapon or dangerous instrument.

21 ~~(c)~~ (iii) Sexual assault.

22 ~~(d)~~ (iv) Molestation of a child.

23 ~~(e)~~ (v) Sexual conduct with a minor.

24 ~~(f)~~ (vi) Commercial sexual exploitation of a minor.

25 ~~(g)~~ (vii) Sexual exploitation of a minor.

26 ~~(h)~~ (viii) Child abuse as prescribed in section 13-3623,
27 subsection A, paragraph 1.

28 ~~(i)~~ (ix) Kidnapping.

29 ~~(j)~~ (x) Sexual abuse.

30 ~~(k)~~ (xi) Taking a child for the purpose of prostitution as
31 prescribed in section 13-3206.

32 ~~(l)~~ (xii) Child sex trafficking as prescribed in section 13-3212.

33 ~~(m)~~ (xiii) Involving or using minors in drug offenses.

34 ~~(n)~~ (xiv) Continuous sexual abuse of a child.

35 ~~(o)~~ (xv) Attempted first degree murder.

36 ~~(p)~~ (xvi) Sex trafficking.

37 ~~(q)~~ (xvii) Manufacturing methamphetamine under circumstances that
38 cause physical injury to a minor.

39 ~~(r)~~ (xviii) Bestiality as prescribed in section 13-1411,
40 subsection A, paragraph 2.

41 ~~(s)~~ (xix) Luring a minor for sexual exploitation.

42 ~~(t)~~ (xx) Aggravated luring a minor for sexual exploitation.

43 ~~(u)~~ (xxi) Unlawful age misrepresentation.

44 ~~(v)~~ (xxii) Unlawful mutilation.

45 ~~(w)~~ (xxiii) Sexual extortion as prescribed in section 13-1428.

1 (b) FOR THE PURPOSES OF SUBDIVISION (a), ITEMS (vi) AND (vii) OF
2 THIS PARAGRAPH, INCLUDES A VISUAL DEPICTION THAT IS INDISTINGUISHABLE FROM
3 AN ACTUAL MINOR WHO IS UNDER FIFTEEN YEARS OF AGE.

4 2. "Predicate felony" means any felony involving child abuse
5 pursuant to section 13-3623, subsection A, paragraph 1, a sexual offense,
6 conduct involving the intentional or knowing infliction of serious
7 physical injury or the discharge, use or threatening exhibition of a
8 deadly weapon or dangerous instrument, or a dangerous crime against
9 children in the first or second degree.

10 Sec. 2. Section 13-3551, Arizona Revised Statutes, is amended to
11 read:

12 13-3551. Definitions

13 In this chapter, unless the context otherwise requires:

14 1. "Advertising" or "advertisement" means any message in any medium
15 that offers or solicits any person to engage in sexual conduct in this
16 state.

17 2. "Communication service provider" has the same meaning prescribed
18 in section 13-3001.

19 3. "Computer" has the same meaning prescribed in section 13-2301,
20 subsection E.

21 4. "Computer system" has the same meaning prescribed in section
22 13-2301, subsection E.

23 5. "Exploitive exhibition" means the actual or simulated exhibition
24 of the genitals or pubic or rectal areas of any person for the purpose of
25 sexual stimulation of the viewer.

26 6. "INDISTINGUISHABLE" MEANS A VISUAL DEPICTION SUCH THAT A PERSON
27 VIEWING THE DEPICTION WOULD REASONABLY CONCLUDE THAT THE DEPICTION IS OF
28 AN ACTUAL MINOR.

29 ~~6-~~ 7. "Minor":

30 (a) Means a person or persons who were under eighteen years of age
31 at the time a visual depiction was created, adapted or modified.

32 (b) INCLUDES A VISUAL DEPICTION THAT IS INDISTINGUISHABLE FROM AN
33 ACTUAL MINOR.

34 ~~7-~~ 8. "Network" has the same meaning prescribed in section
35 13-2301, subsection E.

36 ~~8-~~ 9. "Producing" means financing, directing, manufacturing,
37 issuing, publishing or advertising for pecuniary gain.

38 ~~9-~~ 10. "Remote computing service" has the same meaning prescribed
39 in section 13-3001.

40 ~~10-~~ 11. "Sexual conduct" means actual or simulated:

41 (a) Sexual intercourse, including genital-genital, oral-genital,
42 anal-genital or oral-anal, whether between persons of the same or opposite
43 sex.

44 (b) Penetration of the vagina or rectum by any object except when
45 done as part of a recognized medical procedure.

1 (c) Sexual bestiality.

2 (d) Masturbation, for the purpose of sexual stimulation of the
3 viewer.

4 (e) Sadomasochistic abuse for the purpose of sexual stimulation of
5 the viewer.

6 (f) Defecation or urination for the purpose of sexual stimulation
7 of the viewer.

8 ~~11.~~ 12. "Simulated" means any depicting of the genitals or rectal
9 areas that gives the appearance of sexual conduct or incipient sexual
10 conduct.

11 ~~12.~~ 13. "Visual depiction" includes each visual image that is
12 contained in an undeveloped film, videotape or photograph or data stored
13 in any form, **REGARDLESS OF WHETHER THE IMAGE IS CREATED OR MODIFIED BY**
14 **MEANS OF COMPUTER SOFTWARE, ARTIFICIAL INTELLIGENCE OR OTHER DIGITAL**
15 **EDITING TOOLS**, and that is capable of conversion into a visual image.

APPROVED BY THE GOVERNOR MAY 12, 2025.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2025.