

How would anyone find out about children having sexual activity?

Arizona law requires that a person having responsibility for caring or treating a child who has observed or examined a minor and has reason to believe the minor has been a victim of certain sexual offenses, such as sexual abuse, sexual conduct with a minor, molestation of a minor and others, must report the information to a peace officer or Child Protective Services. Failure to report is currently a misdemeanor but may soon become a felony.

Financial Responsibility of Parenting

Recognize that if a pregnancy and child result from sexual intercourse, the parents have a legal responsibility to provide reasonable support for the care of the child, regardless of the age of the parent.

Definitions

“Felony” - offenses range from class 1 to class 6. Class 1 felonies include murder. Class 6 felonies are the least serious.”

“Misdemeanor” - offenses range from class 1 to class 3 and are offenses for which a prison sentence cannot be imposed (although a jail sentence can be imposed).

“Dangerous crimes against children” - means any of the following that is committed against a minor who is under 15 years of age: sexual abuse, sexual conduct with a minor, sexual assault, molestation of a child. Conviction of a dangerous crime against a child imposes severe penalties and possible lengthy sentencing options.

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Sexual Offenses In Arizona Information for Parents and Teens

Arizona Revised Statutes
(A.R.S)
Title 13, Chapter 14

The information provided herein is very simplified and does not completely describe or explain all of the sexual offenses in Arizona law. Nothing in this pamphlet should be considered legal advice. If you have legal questions, please contact an attorney.

What is a sexual offense in Arizona?

Arizona Revised Statutes (A.R.S.), Title 13, Criminal Code, Chapter 14, Sexual Offenses, defines six (6) primary sexual offenses. They are:

1. **Indecent Exposure** - (A.R.S. 13-402)
 - exposure of private parts of the male or female - including the female breast - in the presence of another and not caring if the other person would be upset. This includes acts of mooning or flashing. Indecent exposure is a class 1 misdemeanor **unless** the victim is a minor under the age of 15 years, in which event the offense is a class 6 felony.
2. **Public Sexual Indecency** - (A.R.S. 13-1403)
 - engaging in any of the following without caring if another person would be upset:
 - a. Touching private parts of another or causing someone else to do it
 - b. Having sexual intercourse
 - c. Having oral sexual contact

Public sexual indecency is a class 1 misdemeanor. However, if the victim is a minor under the age of 15 years, the offense becomes a class 5 felony.

3. **Sexual Abuse** - (A.R.S. 13-1404) - engaging in sexual contact with a person age 15 or older without consent or engaging in contact only with the female breast if the person is less than 15 years of age. This offense is categorized as a class 5 felony if the victim is **under the age of 15 years**, the offense becomes a class 3 felony, punishable under the sentencing criteria of “dangerous crimes against children.”
4. **Sexual Conduct with a Minor** - (A.R.S. 13-1405)
 - engaging in sexual intercourse or oral sexual contact with any person under the age of 18 years. Sexual conduct with a minor who is at least 15 years of age is a class 6 felony. However, if the victim is **under the age of 15 years**, the offense becomes a class 2 felony, punishable under the sentencing criteria of “dangerous crimes against children.”
5. **Sexual Assault** - (A.R.S. 13-1406) - engaging in sexual intercourse or oral sexual contact with any person, regardless of age, without consent of such person is a class 2 felony. However, sexual assault involving a victim **under the age of 15 years** is punishable under the sentencing criteria of “dangerous crimes against children.”
6. **Molestation of a Child** - (A.R.S. 13-1410) - engaging or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child **under the age of 15 years**. (This does not have to be skin-to-skin contact.) Molestation of a child is a class 2 felony, punishable under the sentencing criteria of “dangerous crimes against children.”

What are the punishments?

There is a difference in the allowable punishment depending on the age of the victim.

Conviction of any of the sexual offenses described in paragraphs 4 and 5, if the victim is **under the age of 15 years**, is punishable under the “dangerous crimes against children” statute with the terms of sentence being more severe than those imposed when the victim is over the age of 15 years. The differences in sentencing can be dramatic as in the case of sexual assault or sexual conduct with a minor, where, if the victim is 12, 13, or 14 years of age, the sentencing range is from **13 to 27 calendar years**. If the victim is under the age of 12, the sentence is **life without release until at least 35 years have been served**.

These types of charges are not specific to adults who victimize children. (Young people can also be accused of these crimes, and if convicted, they may face very serious consequences in the adult criminal system.) These very lengthy sentences could be imposed on someone as young as age 14 because Arizona law allows for the prosecution of children as young as 14 years of age in the adult criminal court. This is a decision made by the prosecutors who file the charges and decide whether the case should be heard in adult or juvenile court.

Consent can provide a defense to the charge of sexual conduct with a minor but only if the victim is 15, 16, or 17 years of age, the defendant is less than age 19 or attending high school, and is no more than 24 months older than the victim. **Again, children under the age of 15 cannot legally consent to any sexual activity.**

If convicted of a misdemeanor, the term of imprisonment is fixed by the court and is served in a facility other than within custody of the state department of corrections (i.e., county jail).