



# ARIZONA

Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	Yes	Republic

## A. Criminal Statutes

### 1. Human Trafficking and Related Offenses

#### a. Ariz. Rev. Stat. Ann. § 13-1307 (2021) – Sex Trafficking

##### i. Summary

Arizona makes it a criminal felony for a person to knowingly traffic another person who is 18 years of age or older with:

- (1) “The intent to cause the other person to engage in any prostitution or sexually explicit performance by deception, force or coercion[; or]
- (2) The knowledge that the other person will engage in any prostitution or sexually explicit performance by deception, coercion or force.”

Ariz. Rev. Stat. Ann. § 13-1307(A).

As used in Arizona’s sex trafficking statute:

“[c]oercion” includes:

- (a) Abusing or threatening to abuse the law or the legal system.
- (b) Knowingly destroying, concealing, removing, confiscating, possessing or withholding another person’s actual or purported passport or other immigration document, government issued identification document, government record or personal property.
- (c) Extortion.
- (d) Causing or threatening to cause financial harm to any person.
- (e) Facilitating or controlling another person’s access to a controlled substance.

Ariz. Rev. Stat. Ann. § 13-1307(C)(1).

“Force” includes “causing or threatening to cause serious harm to another person or physically restraining or threatening to physically restrain another person.” Ariz. Rev. Stat. Ann. § 13-1307(C)(2).

“Sexually explicit performance” means “a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interest of patrons.” Ariz. Rev. Stat. Ann. § 13-1307(C)(3).

“Traffic” means “to entice, recruit, harbor, provide, transport or otherwise obtain another person.” Ariz. Rev. Stat. Ann. § 13-1307(C)(4).

## ii. Sentencing

A person who violates [Ariz. Rev. Stat. Ann. § 13-1307] is guilty of a class 2 felony and the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served or commuted.

Ariz. Rev. Stat. Ann. § 13-1307(B), *amended by* 2021 Ariz. Sess. Laws Ch. 202, § 2 (Apr. 9, 2021).

The court shall order restitution for any violation of Ariz. Rev. Stat. Ann. § 13-1307 including the “greater of either the gross income or value to the defendant of the victim’s labor or services or the value of the victim’s labor as guaranteed under the minimum wage and overtime provisions of the fair labor standards act of 1938.” Ariz. Rev. Stat. Ann. § 13-1309.

## iii. Statute of Limitations

The government must start a prosecution for sex trafficking within seven years after it discovered or should have discovered the offense, whichever first occurs. Ariz. Rev. Stat. Ann. § 13-107(B). “The period of limitation does not run during any time when the accused is absent from the state or has no reasonably ascertainable place of abode within the state.” Ariz. Rev. Stat. Ann. § 13-107(D).

### b. Ariz. Rev. Stat. Ann. § 13-3212 (2021) – Child Sex Trafficking

#### i. Summary

A person commits child sex trafficking by knowingly:

1. Causing any minor to engage in prostitution.
2. Using any minor for the purposes of prostitution.
3. Permitting a minor who is under the person’s custody or control to engage in prostitution.
4. Receiving any benefit for or on account of procuring or placing a minor in any place or in the charge or custody of any person for the purpose of prostitution.
5. Receiving any benefit pursuant to an agreement to participate in the proceeds of prostitution of a minor.
6. Financing, managing, supervising, controlling or owning, either alone or in association with others, prostitution activity involving a minor.
7. Transporting or financing the transportation of any minor with the intent that the minor engage in prostitution.
8. Providing a means by which a minor engages in prostitution.
9. Enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the intent to cause the minor to engage in prostitution or any sexually explicit performance.
10. Enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the knowledge that the minor will engage in prostitution or any sexually explicit performance.

Ariz. Rev. Stat. Ann. § 13-3212(A).

A person who is at least eighteen years of age commits child sex trafficking by knowingly:

1. Engaging in prostitution with a minor who is under fifteen years of age.
2. Engaging in prostitution with a minor who the person knows or should have known is fifteen, sixteen or seventeen years of age.
3. Engaging in prostitution with a minor who is fifteen, sixteen or seventeen years of age.

Ariz. Rev. Stat. Ann. § 13-3212(B).

“Sexually explicit performance” means “a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interest of patrons.” Ariz. Rev. Stat. Ann. § 13-3212(M), *amended by* 2021 Ariz. Sess. Laws Ch. 202, § 3 (Apr. 9, 2021).

“It is not a defense to a prosecution under subsection A and subsection B, paragraphs 1 and 2 of this section that the other person is a peace officer posing as a minor or a person assisting a peace officer posing as a minor.” Ariz. Rev. Stat. Ann. § 13-3212(C).

## ii. Sentencing

If the minor is under 15 years of age, child sex trafficking pursuant to subsection A of this section “is a class 2 felony and is punishable pursuant to [Ariz. Rev. Stat. Ann. §] 13-705.” Ariz. Rev. Stat. Ann. § 13-3212(E).

“Child sex trafficking pursuant to subsection B, paragraph 1 of this section is a class 2 felony and is punishable pursuant to [Ariz. Rev. Stat. Ann. §] 13-705.” Ariz. Rev. Stat. Ann. § 13-3212(F).

Arizona law sets minimum, presumptive, and maximum prison terms for these offenses. The court may consider aggravating or mitigating factors when setting the sentence, including prior felony convictions. The law requires the felon to serve the entire sentence, with few exceptions.

Except as provided in subsection K of this section, child sex trafficking pursuant to Ariz. Rev. Stat. Ann. § 13-3212(B)(3) is a class 5 felony. If the sentence includes probation, the court shall order a prison term in the county jail for not less than 180 days. The court may suspend 90 days of the jail sentence if the person has not previously been convicted of a similar violation and successfully completes an appropriate court-ordered education or treatment program. Ariz. Rev. Stat. Ann. § 13-3212(J), *amended by* 2021 Ariz. Sess. Laws Ch. 202, § 3 (Apr. 9, 2021).

If the person previously was convicted of child sex trafficking or attempted child sex trafficking pursuant to Ariz. Rev. Stat. Ann. § 13-3212, child sex trafficking pursuant to Ariz. Rev. Stat. Ann. § 13-3212(B)(3) “is a class 2 felony and the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by Ariz. Rev. Stat. Ann. § 31-233(A) or (B) until the sentence imposed has been served or commuted.” Ariz. Rev. Stat. Ann. § 13-3212(K), *amended by* 2021 Ariz. Sess. Laws Ch. 202, § 3 (Apr. 9, 2021).

The state may allege and prove “any other sentencing enhancements as provided by law.” Ariz. Rev. Stat. Ann. § 13-3212(L), *amended by* 2021 Ariz. Sess. Laws Ch. 202, § 3 (Apr. 9, 2021).

A person who takes away any minor from the minor’s father, mother, guardian, or other person having the legal custody of the minor, for the purpose of prostitution, is guilty of a class 4 felony. If the minor is under fifteen years of age, taking a child for the purpose of prostitution is a class 2 felony and is punishable pursuant to [Ariz. Rev. Stat. Ann.] § 13-705.

Ariz. Rev. Stat. § 13-3206, *amended by* 2021 Ariz. Sess. Laws Ch. 435, § 7 (July 9, 2021).

The court shall order restitution for any violation of Ariz. Rev. Stat. Ann. § 13-3212(A)(9) or (10), including the “greater of either the gross income or value to the defendant of the victim’s labor or services or the value of the victim’s labor as guaranteed under the minimum wage and overtime provisions of the fair labor standards act of 1938.” Ariz. Rev. Stat. Ann. § 13-1309.

**iii. Statute of Limitations**

The government may start a prosecution for a violation of Ariz. Rev. Stat. Ann. § 13-3212 or any attempt to commit such an offense at any time. Ariz. Rev. Stat. Ann. § 13-107(A), *amended by* 2021 Ariz. Sess. Laws Ch. 435, § 3 (July 9, 2021).

**c. Ariz. Rev. Stat. Ann. § 13-1308 (2017) – Trafficking of Persons for Forced Labor or Services**

**i. Summary**

“It is unlawful for a person to either:

- (1) Knowingly traffic another person with the intent to or knowledge that the other person will be subject to forced labor or services.
- (2) Knowingly benefit, financially or by receiving anything of value, from participation in a venture that has engaged in an act in violation of” Ariz. Rev. Stat. Ann. §§ 13-1306, 13-1307, 13-1308, or 13-3212(A)(9) or (10).

Ariz. Rev. Stat. Ann. § 13-1308(A).

For purposes of Ariz. Rev. Stat. Ann. § 13-308:

“Forced labor or services”:

- (a) Means labor or services that are performed or provided by another person and that are obtained through a person’s either:
  - (i) Causing or threatening to cause serious physical injury to any person.
  - (ii) Restraining or threatening to physically restrain another person.
  - (iii) Knowingly destroying, concealing, removing, confiscating, possessing or withholding another person’s actual or purported passport or other immigration document, government issued identification document, government record or personal property.
  - (iv) Abusing or threatening to abuse the law or the legal system.
  - (v) Extortion.
  - (vi) Causing or threatening to cause financial harm to any person.
  - (vii) Facilitating or controlling another person’s access to a controlled substance.
- (b) Does not include ordinary household chores and reasonable disciplinary measures between a parent or legal guardian and the parent’s or legal guardian’s child.

Ariz. Rev. Stat. Ann. § 13-1308(C)(1).

“Traffic” means “to entice, recruit, harbor, provide, transport or otherwise obtain another person by deception, coercion or force.” Ariz. Rev. Stat. Ann. § 13-1308(C)(2).

**ii. Sentencing**

A violation of Ariz. Rev. Stat. Ann. § 13-308 is a class 2 felony. Ariz. Rev. Stat. Ann. § 13-1308(B).

The court shall order restitution for any violation of Ariz. Rev. Stat. Ann. § 13-1308 including the “greater of either the gross income or value to the defendant of the victim’s labor or services or the value of the victim’s labor as guaranteed under the minimum wage and overtime provisions of the fair labor standards act of 1938.” Ariz. Rev. Stat. Ann. § 13-1309.

**iii. Statute of Limitations**

The government must begin a prosecution for forced labor or services trafficking within seven years after it discovered or should have discovered the offense, whichever first occurs. Ariz. Rev. Stat. Ann. § 13-107(B). “The period of limitation does not run during any time when the accused is absent from the state or has no reasonably ascertainable place of abode within the state.” Ariz. Rev. Stat. Ann. § 13-107(D).

**d. Ariz. Rev. Stat. Ann. § 13-1306 (2005) – Unlawfully Obtaining Labor or Services**

**i. Summary**

Under Arizona law,

[i]t is unlawful for a person to knowingly obtain [i] the labor or services of another person by doing any of the following:

- (1) Causing or threatening to cause bodily injury to that person or another person.
- (2) Restraining or threatening to restrain that person or another person without lawful authority and against that person’s will.
- (3) Withholding that person’s governmental records, identifying information or other personal property.

Ariz. Rev. Stat. Ann. § 13-1306(A).

**ii. Sentencing**

A person who violates Ariz. Rev. Stat. Ann. § 13-1306 is guilty of a class 4 felony. Ariz. Rev. Stat. Ann. § 13-1306(B).

The court shall order restitution for any violation of Ariz. Rev. Stat. Ann. § 13-1306 including the “greater of either the gross income or value to the defendant of the victim’s labor or services or the value of the victim’s labor as guaranteed under the minimum wage and overtime provisions of the fair labor standards act of 1938.” Ariz. Rev. Stat. Ann. § 13-1309.

**iii. Statute of Limitations**

The government must begin a prosecution for unlawfully obtaining labor or services within seven years after it discovered or should have discovered the offense, whichever first occurs. Ariz. Rev. Stat. Ann. § 13-107(B). “The period of limitation does not run during any time when the accused is absent from the state or has no reasonably ascertainable place of abode within the state.” Ariz. Rev. Stat. Ann. § 13-107(D).

**e. Ariz. Rev. Stat. Ann. § 13-2323 (2011) – Participating or Assisting in a Human Smuggling Organization**

**i. Summary**

A “human smuggling organization” is an “ongoing formal or informal association of persons in which members or associates individually or collectively engage in the smuggling of human beings.” Ariz. Rev. Stat. Ann. § 13-105(23).

A person commits the crime of:

participating in a human smuggling organization by any of the following:

1. Intentionally organizing, managing, directing, supervising or financing a human smuggling organization with the intent to promote or further the criminal objectives of the human smuggling organization.
2. Knowingly directing or instructing others to engage in violence or intimidation to promote or further the criminal objectives of a human smuggling organization.
3. Furnishing advice or direction in the conduct, financing or management of a human smuggling organization’s affairs with the intent to promote or further the criminal objectives of a human smuggling organization.
4. Intentionally promoting or furthering the criminal objectives of a human smuggling organization by inducing or committing any act or omission by a public servant in violation of the public servant’s official duty.

Ariz. Rev. Stat. Ann. § 13-2323(A).

“A person commits the crime of assisting a human smuggling organization by committing any felony offense, whether completed or preparatory, at the direction of or in association with any human smuggling organization.” Ariz. Rev. Stat. Ann. § 13-2323(B).

**ii. Sentencing**

Participating in a human smuggling organization is a class 2 felony. Ariz. Rev. Stat. Ann. § 13-2323(C).

Assisting a human smuggling organization is a class 3 felony. Ariz. Rev. Stat. Ann. § 13-2323(D).

Special sentencing provisions apply to human smuggling organizations and trafficking.

A person convicted of committing any felony offense with the intent to promote, further or assist a human smuggling organization that operates for the goal or purpose of human trafficking or human smuggling shall not be eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

Ariz. Rev. Stat. Ann. § 13-715. In addition to any enhanced sentence, “[t]he presumptive, minimum and maximum sentence for the offense shall be increased by three years if the offense is a class 4, 5 or 6 felony or shall be increased by five years if the offense is a class 2 or 3 felony.” Ariz. Rev. Stat. Ann. § 13-715.

“[T]he court shall require the convicted person to make restitution to the ... victim or to the immediate family of the victim if the victim has died[] in the full amount of the economic loss.” Ariz. Rev. Stat. Ann. § 13-603(C).

### iii. Statute of Limitations

The government must begin a prosecution for participating or assisting in a human smuggling organization within seven years after it discovered or should have discovered the offense, whichever first occurs. Ariz. Rev. Stat. Ann. § 13-107(B). “The period of limitation does not run during any time when the accused is absent from the state or has no reasonably ascertainable place of abode within the state.” Ariz. Rev. Stat. Ann. § 13-107(D).

#### f. Ariz. Rev. Stat. Ann. § 13-1304 (2009) – Kidnapping

The crime of kidnapping includes knowingly restraining another person with the intent to hold the victim for involuntary servitude. Ariz. Rev. Stat. Ann. § 13-1304(A)(2).

#### g. Ariz. Rev. Stat. Ann. § 13-3214 (2014) – Affirmative Defense

It is an affirmative defense to a prosecution for prostitution “that the defendant committed the acts constituting prostitution as a direct result of being a victim of sex trafficking.” Ariz. Rev. Stat. Ann. § 13-3214(D).

#### h. Ariz. Rev. Stat. Ann. § 13-909 (2019) – Vacating the Conviction of a Sex Trafficking Victim

The court shall vacate a prostitution conviction when the person’s participation in the offense was a direct result of being a victim of sex trafficking pursuant to section 13-1307. Ariz. Rev. Stat. Ann. § 13-909(A).

“A conviction vacated pursuant to this section does not qualify as a historical prior felony conviction and cannot be alleged for any purpose pursuant to sections 13-703 or 13-707.” Ariz. Rev. Stat. Ann. § 13-909(E). A person also does not have to disclose the vacated conviction on applications for employment, housing, financial aid, or loans. Ariz. Rev. Stat. Ann. § 13-909(F).

#### i. Ariz. Rev. Stat. Ann. § 8-201 (2019) – Child Abuse and Trafficking

Arizona’s child protection statutes define “abuse” to include child sex trafficking and sexual exploitation of a minor. Ariz. Rev. Stat. Ann. § 8-201(2)(a).

#### j. Ariz. R. Crim. P. 29.8 – Confidentiality Protocol

Rule 29.8 of the Arizona Rules of Criminal Procedure provides:

- (a) **Confidentiality.** If a court grants an application submitted by a sex trafficking victim, all paper and electronic records of the vacated conviction become confidential. The record may be disclosed upon request to the sex trafficking victim but otherwise may be disclosed only by court order for good cause. The court must order that the pertinent law enforcement agencies and prosecuting agencies make notations in their records that the conviction was vacated and the applicant was a crime victim.
- (b) **Order.** The clerk must transmit the order vacating the conviction of a sex trafficking victim to the arresting agency, the prosecuting agency, the Department of Public Safety, and the applicant.

Ariz. R. Crim. P. 29.8.

#### k. Ariz. Rev. Stat. Ann. § 13-2301 (2021) – Racketeering

Child sex trafficking, sex trafficking, and trafficking of persons for forced labor or services are predicate crimes for Arizona’s racketeering statute if committed for financial gain. Ariz. Rev. Stat. Ann. § 13-2301(D)(4).

**2. Online Child Sexual Exploitation and Child Pornography Offenses**

Ariz. Rev. Stat. Ann. § 13-3351 – Definitions

Ariz. Rev. Stat. Ann. § 13-3552 – Commercial Sexual Exploitation of a Minor

Ariz. Rev. Stat. Ann. § 13-3553 – Sexual Exploitation of a Minor

Ariz. Rev. Stat. Ann. § 13-3554 – Luring a Minor for Sexual Exploitation

Ariz. Rev. Stat. Ann. § 13-3557 – Equipment; Forfeiture

Ariz. Rev. Stat. Ann. § 13-3558 – Admitting Minors to Public Displays of Sexual Conduct

Ariz. Rev. Stat. Ann. § 13-3559 – Reporting Suspected Visual Depictions of Sexual Exploitation of a Minor; Immunity

Ariz. Rev. Stat. Ann. § 13-3560 – Aggravated Luring a Minor for Sexual Exploitation

Ariz. Rev. Stat. Ann. § 13-3561 – Unlawful Age Misrepresentation

Ariz. Rev. Stat. Ann. § 13-3562 – Notice to Communication Service Providers of Website Hosting Alleged Sexual Exploitation of Children

**3. Ariz. Rev. Stat. Ann. § 13-3821 (2021) – Sex Offender Registry**

With limited exceptions, a person convicted of taking a child for the purpose of child sex trafficking, child prostitution, child sex trafficking, commercial sexual exploitation of a minor, sexual exploitation of a minor, and luring a minor for sexual exploitation must register as a sex offender. Ariz. Rev. Stat. Ann. § 13-3821, *amended by* 2021 Ariz. Sess. Laws Ch. 435, § 8 (July 9, 2021).

**B. Civil Liability Statutes**

**1. Ariz. Rev. Stat. Ann. § 13-807 (2012) – Civil Lawsuits**

**a. Summary**

Convicted defendants, including those who plead no contest, cannot deny in any later civil proceeding brought by the victim or the state the allegations of the criminal offense of which they were found guilty. Ariz. Rev. Stat. Ann. § 13-807.

**b. Damages and Other Relief**

“An order of restitution in favor of a person does not preclude that person from bringing a separate civil action [lawsuit] and proving in that action [lawsuit] damages in excess of the amount of the restitution order that is actually paid.” Ariz. Rev. Stat. Ann. § 13-807.

**c. Statute of Limitations**

The statute of limitations for any civil lawsuit based on the offender’s criminal conduct against the victim is extended for one year from the final disposition of the criminal proceedings. Ariz. Rev. Stat. Ann. § 12-511(A). A victim may file a civil lawsuit against the offender regardless of whether the offender was criminally prosecuted. Ariz. Rev. Stat. Ann. § 12-511(G)(1).

A lawsuit related to racketeering offenses, which includes trafficking and sexual exploitation of a minor, must be commenced within seven years after actual discovery of the violation. Ariz. Rev. Stat. Ann. § 13-2314(H), *amended*



by 2021 Ariz. Sess. Laws Ch. 327, § 1 (May 5, 2021). The statute of limitations does not begin to run during the time that the claimant either is under 18 years of age or is of unsound mind. Ariz. Rev. Stat. Ann. § 12-502.

### C. Additional Statutes Specific to Human Trafficking

#### 1. Ariz. Rev. Stat. Ann. § 23-355 (2008) – Payment of Wages

An employee may bring a civil lawsuit to recover treble the amount of unpaid wages. Ariz. Rev. Stat. Ann. § 23-355(A). Additional penalties apply for failing to pay the amount ordered by a court. Ariz. Rev. Stat. Ann. § 23-361.01.

More information can be found at: <https://www.azica.gov/labor-wage-claims-frequently-asked-questions>.

#### 2. Ariz. Rev. Stat. Ann. § 41-114 (2017) – Human Trafficking Victim Assistance Fund

The Human Trafficking Victim Assistance Fund provides assistance to victims of sex trafficking prescribed in Ariz. Rev. Stat. Ann. § 13-307, child sex trafficking prescribed in Ariz. Rev. Stat. Ann. § 13-3212(A)(9) or (10), and trafficking of persons for forced labor or services prescribed in Ariz. Rev. Stat. Ann. § 13-308. Ariz. Rev. Stat. Ann. § 41-114.

Civil penalties imposed for failure to comply with Ariz. Rev. Stat. Ann. § 9-500.10 (escort and escort agency advertising requirements) and Ariz. Rev. Stat. Ann. § 32-4260 (massage therapy advertising requirements) support the fund.

### D. Significant Cases

#### 1. *State v. Burgess*, 428 P.3d 192 (Ariz. Ct. App. 2018)

The defendant contacted two female individuals via phone calls and text messages after seeing an online advertisement for female escorts. The advertisement described the escorts as being 18 years old and contained explicit sexual content. The escorts, who were actually undercover police officers, responded to the defendant's calls and informed him that they were 16 years old and that half an hour would cost USD 160. The defendant met them at their hotel room to "hang out," paid them a reduced sum, gave them a pack of cigarettes, and prepared to engage in sexual relations. As the defendant began to undress, the two undercover officers went into the bathroom while other officers entered and arrested the defendant. The defendant was convicted of child prostitution under Ariz. Rev. Stat. Ann. § 13-3212(B)(2).

The defendant argued on appeal that Ariz. Rev. Stat. Ann. § 13-3212(C) was unconstitutional because it "lacks a rational basis in a prosecution for in-person solicitation of a child prostitute because the defendant can see for himself that the prostitute is an adult." That statute provides that "it is not a defense to prosecution [for child prostitution] that the other person is a police officer posing as a minor." The appellate court held the statute to be constitutional because, under the rational basis test, the statute was related to the legitimate government purpose of protecting children from being sexually exploited.

#### 2. *State v. Hood*, 484 P.3d 636 (Ariz. Ct. App. 2021)

The defendant met a 16-year-old female who told him she was 19 and became her "pimp." He placed solicitations in local publications, directed her to walk in areas known for prostitution, set the prices for her sexual services, and collected her earnings. He also had sexual contact with her and recorded one encounter. The defendant was convicted of child sex trafficking and sexual exploitation of a minor, among other offenses.

The defendant argued on appeal that knowledge of the victim's age was an essential element of Ariz. Rev. Stat. Ann. § 12-3212(A)(1), which states that a person commits child sex trafficking by knowingly "[c]ausing any minor to engage in prostitution." The appellate court held that the offenses of child sex trafficking and sexual exploitation of a minor do not require proof that a defendant knew the victim was a minor at the time of the sexual conduct.

### 3. *Stave v. Hazlett*, 205 Ariz. 523 (Ct. App. 2003)

At issue in this case was the constitutionality of three Arizona statutes. The first statute, Ariz. Rev. Stat. Ann. § 13-3553, stated:

- A. A person commits sexual exploitation of a minor by knowingly:
  - 1. Recording, filming, photographing, developing or duplicating any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct.
  - 2. Distributing, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing or exchanging any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct.
- B. If any visual depiction of sexual exploitation of a minor is admitted into evidence, the court shall seal that evidence at the conclusion of any grand jury proceeding, hearing or trial.
- C. Sexual exploitation of a minor is a class 2 felony and if the minor is under fifteen years of age it is punishable pursuant to § 13-705.

The second statute, Ariz. Rev. Stat. Ann. § 13-3555, stated:

- A. It is unlawful for any person depicted in a visual depiction or live act as a participant in any exploitive exhibition or sexual conduct to masquerade as a minor.
- B. It is unlawful for any person knowingly to produce, record, film, photograph, develop, duplicate, distribute, transport, exhibit, electronically transmit, sell, purchase or exchange any visual depiction whose text, title or visual representation depicts a participant in any exploitive exhibition or sexual conduct as a minor even though any such participant is an adult.
- C. Any person who violates this section is guilty of a class 1 misdemeanor.

The third statute, Ariz. Rev. Stat. Ann. § 13-3556, stated:

In a prosecution relating to the sexual exploitation of children, the trier of fact may draw the inference that a participant is a minor if the visual depiction or live act through its title, text or visual representation depicts the participant as a minor.

Defendants were indicted on multiple counts of sexual exploitation of a minor in violation of Ariz. Rev. Stat. Ann. § 13-3553 due to allegations that they possessed computer images of minors engaged in sexual conduct. Defendants argued that Ariz. Rev. Stat. Ann. § 13-3553 was unconstitutionally overbroad.

The appellate court held that Ariz. Rev. Stat. Ann. § 13-3553 was constitutional and not overbroad because the statute was intended to prohibit only visual depictions of *actual* children. However, the court held that Ariz. Rev. Stat. Ann. § 13-3555 was unconstitutionally overbroad because it overly proscribed expressive conduct. The court also held that Ariz. Rev. Stat. Ann. § 13-3556 was unconstitutionally overbroad because it permitted the trier of fact to convict a person under Ariz. Rev. Stat. Ann. § 13-3553 even if no *actual* child was a participant in the depiction or live act.

## E. Academic Research/Papers

Krystle M. Fernandez, Comment, *Victims or Criminals? The Intricacies of Dealing with Juvenile Victims of Sex Trafficking and Why the Distinction Matters*, 45 ARIZ. ST. L.J. 859 (2013).

Andrew Hall, Note, *The Uniform Act on Prevention of and Remedies for Human Trafficking*, 56 ARIZ. L. REV. 853 (2014).

## F. Resources

Arizona Human Trafficking Council:

<https://endsextrafficking.az.gov/human-trafficking/commission/arizona-human-trafficking-council>

National Human Trafficking Hotline (Arizona):

<https://humantraffickinghotline.org/state/arizona>

Shared Hope International, Arizona Report Card (2019):

[http://sharedhope.org/PICframe9/reportcards/PIC\\_RC\\_2019\\_AZ.pdf](http://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_AZ.pdf)

Shared Hope International, Arizona Analysis and Recommendations (2019):

[http://sharedhope.org/PICframe9/analysis/PIC\\_AR\\_2019\\_AZ.pdf](http://sharedhope.org/PICframe9/analysis/PIC_AR_2019_AZ.pdf)

Southern Arizona Against Sexual Assault:

<https://www.sacasa.org/resources/human-trafficking/>

Southern Arizona Anti-Trafficking Unified Response Network:

<https://www.sacasa.org/trafficking/>

Training and Resources United to Stop Trafficking (TRUST):

<https://trustaz.org/>

Arizona Attorney General's Office Combatting Human Trafficking:

<https://www.azag.gov/criminal/trafficking>

Sex Trafficking and Rights Restoration, Arizona Secretary of State:

<https://azsos.gov/services/acp/starr>

U.S. Department of Health & Human Services, *Arizona: Efforts to Combat Trafficking* (2017):

[https://www.acf.hhs.gov/sites/default/files/documents/otip/arizona\\_profile\\_efforts\\_to\\_combat\\_human\\_trafficking.pdf](https://www.acf.hhs.gov/sites/default/files/documents/otip/arizona_profile_efforts_to_combat_human_trafficking.pdf)

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