

REFERENCE TITLE: date rape drug; increased sentence

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

HB 2204

Introduced by
Representative Poelstra

AN ACT

AMENDING SECTION 13-1406, ARIZONA REVISED STATUTES; RELATING TO SEXUAL
OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1406, Arizona Revised Statutes, is amended to
3 read:

4 13-1406. Sexual assault; classification; increased punishment

5 A. A person commits sexual assault by intentionally or knowingly
6 engaging in sexual intercourse or oral sexual contact with any person without
7 consent of such person.

8 B. Sexual assault is a class 2 felony, and the person convicted shall
9 be sentenced pursuant to this section and the person is not eligible for
10 suspension of sentence, probation, pardon or release from confinement on any
11 basis except as specifically authorized by section 31-233, subsection A or B
12 until the sentence imposed by the court has been served or commuted. If the
13 victim is under fifteen years of age, sexual assault is punishable pursuant
14 to section 13-604.01. The presumptive term may be aggravated or mitigated
15 within the range under this section pursuant to section 13-702, subsections
16 B, C and D. If the sexual assault involved the intentional or knowing
17 administration of flunitrazepam, gamma hydroxy butyrate or ketamine
18 hydrochloride without the victim's knowledge,--:

19 1. The presumptive, minimum and maximum sentence for the offense shall
20 be increased by three years IF THE VICTIM IS AT LEAST EIGHTEEN YEARS OF AGE.

21 2. THE PRESUMPTIVE, MINIMUM AND MAXIMUM SENTENCE FOR THE OFFENSE SHALL
22 BE INCREASED BY SIX YEARS IF THE VICTIM IS LESS THAN EIGHTEEN YEARS OF AGE.

23 The additional sentence imposed pursuant to this subsection is in addition to
24 any enhanced sentence that may be applicable. The term for a first offense
25 is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
5.25 years	7 years	14 years

28 The term for a defendant who has one historical prior felony conviction is as
29 follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
7 years	10.5 years	21 years

32 The term for a defendant who has two or more historical prior felony
33 convictions is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
14 years	15.75 years	28 years

36 C. The sentence imposed on a person for a sexual assault shall be
37 consecutive to any other sexual assault sentence imposed on the person at any
38 time.

39 D. Notwithstanding sections 13-604 and 13-604.01, if the sexual
40 assault involved the intentional or knowing infliction of serious physical
41 injury, the person may be sentenced to life imprisonment and is not eligible
42 for suspension of sentence, probation, pardon or release from confinement on
43 any basis except as specifically authorized by section 31-233, subsection A
44 or B until at least twenty-five years have been served or the sentence is
45 commuted. If the person was at least eighteen years of age and the victim
46 was twelve years of age or younger, the person shall be sentenced pursuant to
47 section 13-604.01, subsection A.