



ARIZONA STATE SENATE
Fiftieth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1146

indecent exposure; classification

Purpose

Expands felony classifications for repeat offenders related to indecent exposure.

Background

A person commits indecent exposure if he or she exposes his or her genitals or anus, or she exposes the areola or nipple of her breast or breasts, and another person is present, and the defendant is reckless about whether the other person, as a reasonable person, would be offended or alarmed by the act. Indecent exposure does not include an act of breast-feeding by a mother. Indecent exposure to a person who is at least 15 years old is a class 1 misdemeanor. Indecent exposure to a person who is under 15 years old is a class 6 felony (A.R.S. § 13-1402).

A person commits public sexual indecency by intentionally or knowingly engaging in an act of sexual contact, an act of oral sexual contact, an act of sexual intercourse, an act of bestiality, if another person is present, and the defendant is reckless about whether the other person, as a reasonable person, would be offended or alarmed by the act (A.R.S. § 13-1403).

A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without the person's consent (A.R.S. § 13-1406).

There is no anticipated fiscal impact to the state General Fund; however, there may be additional costs associated with increased incarceration as a result of this legislation.

Provisions

1. Classifies, as a class 6 felony, indecent exposure violations by repeat offenders that have two or more prior convictions for indecent exposure or have one or more prior convictions for sexual assault.
2. Adds that a person convicted of indecent exposure who has two or more convictions for indecent exposure or public sexual indecency involving a minor under 15 years old is guilty of a class 3 felony in addition to specified statutory sentencing terms.
3. Makes a technical change.
4. Becomes effective on the general effective date.