



**Minutes
Tempe Family Justice Commission
September 20, 2016**

Minutes for the Tempe Family Justice Commission Meeting held on September 20, 2016 at 6:00 PM at the Tempe Public Library, Connections Café Classroom, 3500 South Rural Road Tempe, Arizona 85282.

Commission Members Present

Karyn Lathan, Chair
Angel Carbajal
Ilene L. Dode
Andi Fetzner
Patrick C. Foster
Kimberly Frick
Judith Homer
Beatrice “Bunny” Kastenbaum
Bill Richardson
Margaret “Peggy” Tinsley

Commission Members Absent

Kristen Scharlau

Staff Present

Paul Bentley, Human Services Deputy Director
Valerie Kime Trujillo, Human Services Deputy Director

Item 1 – Meeting called to order at 6:06 PM

Item 2 – Attendance

Item 3 – Public Appearances – None Present

Item 4 – Review and Approval of August 23, 2016 Minutes

Motion by Commission Member Angel Carbajal to approve minutes; second by Commission Member Margaret “Peggy” Tinsley. Motion passed unanimously.

Item 5 – Chair Remarks

Chair Karyn Lathan reported the City Council recently approved newest member Kimberly Frick for the Arizona State University Faculty Member vacancy. Commission Member Kimberly Frick introduced herself to the Commission; she currently oversees sexual violence prevention efforts at Arizona State University. Chair Karyn Lathan expressed she would like to see the Commission more involved in the community and recently signed up for Diversity Dialogues. The Diversity Dialogue program is a series of meetings which will foster community dialogue about diversity issues, cultural tolerance and inclusion. The Diversity Dialogue program is a collaboration of the Tempe Human Relations Commission and the Tempe Diversity Office. It is designed to foster community dialogues in Tempe in which issues of diversity are discussed. Chair Karyn Lathan recently learned about Challenge Day; Commission Member Angel Carbajal explained to the Commission the details of Challenge Day which focuses on anti-bullying and connecting students on a different level. Schools select students who participate. It is hosted at Tempe Union schools and funded by the Tempe Police Department.

Item 6 – Vice Chair Appointment – Discussion and Approval

Commission Member Angel Carbajal filed a motion to nominate Commission Member Bill Richardson; motion seconded; Commission Member Bill Richardson accepted as the new Family Justice Commission Vice Chair.

Item 7 – Present Legal Definitions of Data – Commission Member Angel Carbajal

Commission Member Angel Carbajal shared with the Commission a list of resources for victims compiled by Commission Member Kristen Scharlau and added the list consists of agencies frequently used by Care 7 and is categorized. This list establishes a comprehensive list of agencies involved in working with victims as stated in the strategic plan. (Attachment included)

Commission Member Angel Carbajal developed a report containing results of data as stated in the strategic plan. The report consists of crime data for sexual related offenses, aggravated assault (felony) – domestic violence related, and misdemeanor assault – domestic violence related. Accompanying the report are legal definitions from the Arizona Revised Statute. (Attachment included)

The Tempe Police Department was recently approved by City Council to hire two (2) Full-Time, Temporary Sexual Assault Investigators and are assisting with testing sexual assault kits, interview rooms will be remodeled to cater to children in creating a “much friendlier environment” and an additional room will be remodeled to better accommodate victims. The Commission acknowledges numbers of reported crimes against children are low and would like to explore why these crimes are under reported and what the Commission can do to encourage reporting.

Item 8 – City Council Report – November Update

Deputy Director Paul Bentley reviewed the City Council Report to Mayor and Council. Staff is requesting specific feedback on the Commissions Mission Statement, Accomplishments over the past twelve (12) months and goals related to City Councils Strategic Priorities for the next twelve (12) months. The City Council Priorities are as follows: safe and secure communities, strong community connections, quality of life, sustainable growth and development, and financial stability and vitality.

The Commission discussed adopting the mission statement created at the Strategic Planning session; *The Mission of the Family Justice Commission is to provide advice, recommendations, and guidance to the Mayor and City Council that promotes a coordinated community response to issues related to domestic and sexual violence.* Motion filed by to adopt the mission statement as stated in the Family Justice Commission Strategic Plan; motion seconded; Motion passed unanimously.

The Family Justice Commission accomplishments over the last twelve (12 months) are as follows: created and implemented the Family Justice Commission Strategic Plan, requested and received key data measures and have begun analysis, created a comprehensive communication with experts in the field, began to provide feedback and directions related to Commission priorities to Tempe Police Department and Care 7, Commission was trained on Open Meeting Laws by the City Clerk, and a new Vice Chair was appointed.

The Family Justice Commission discussed adopting the goals created at the Strategic Planning session and are as follows: Research “best practices”, identify data/terminology, report collected and analyzed data, present skeletal plan to council, have regular reporting to Mayor/Council every quarter (with yearly plan and an ask), create a list of stakeholders, finished feasibility study, finished budget, create education piece (training, PR...), tour advocacy centers, encourage Council to initiate and fund the necessary steps, provide Council with “Step 1”, market feasibility study, and deliver community story tour.

Item 9 – Strategic Planning Update

The Commission discussed the strategic directions and updated the new Commission Members on the strategic plan progress; currently, the strategic directions are in progress. Commission Members Angel Carbajal and Kristen Scharlau have accomplished the strategic direction “report collected and analyzed data”.

Item 10 – Future Agenda Items

- Strategic Planning Update – Wydale Holmes
- City Council Report – Finalize and Approve
- Arizona State University Annual Safety Report – Commission Member Patrick Foster

Item 11 – Meeting Schedule and location

Item 12 – Adjournment – Motion filed to adjourn; Motion passed unanimously

**Next meeting: Tuesday, October 25, 2016 at 6:00 PM – Tempe Public Library,
Connections Café Classroom**

Minutes prepared by: Melissa Placencia
Reviewed by: Paul Bentley

Karyn Lathan,
Chair, Tempe Family Justice Commission

RESOURCES FOR VICTIMS

Animals

Humane Society
Lost Our Home

Food/Financial/Employment

Fresh Start
Community Action Program (TCAA)
Tempe Neighbors Helping Neighbors
St. Vincent de Paul
Salvation Army

Housing

Tempe Housing Department (Section 8)
Apartment Finders

Shelters

Family Housing Hub
CASS (Singles Only)
IHELP (Singles Only)
Central Screening (Domestic Violence)

Legal Services

Community Legal Services

Adolescent/Adult Resources

Jewish Family & Children's Services
Tumbleweed
Community Bridges
Urgent Psychiatric Care
EMPACT
Valle del Sol
Adult Protective Services
Department of Child Safety
Child Crisis Center

Family Justice Commission Statistics

CRIME TYPE	2013	2014	2015	2016 ¹	YTD 2016				
MOLESTATION OF A CHILD	4	10	8	10	5				
SEXUAL ABUSE	25	30	24	20	10				
SEXUAL ASSAULT	67	89	97	124	62				
SEXUAL CONDUCT WITH MINOR	8	13	10	10	5				
AGGRAVATED ASSAULT - DV	144	151	135	144	72	AGGRAVATED ASSAULT - DV	Total	Male	Female
ARRESTEES ² - AGGRAVATED ASSAULT - DV	100	109	99	114	57	Persons arrested more than once	6	5	1
VICTIMS - AGGRAVATED ASSAULT - DV	183	197	180	206	103	Persons victimized more than once	17	4	13
ASSAULT - DV	1015	1168	1046	1166	583	ASSAULT - DV	Total	Male	Female
ARRESTEES ² - ASSAULT - DV	634	738	650	734	367	Persons arrested more than once	147	98	49
VICTIMS - ASSAULT - DV	1266	1493	1373	1530	765	Persons victimized more than once	414	129	285

¹2016 estimate based on YTD 2016 times 2

²Arrestees may reflect multiple arrests per incident and include persons who are both victims and arrestees

²Arrests can also be for warrants unrelated to these offenses.



City of Tempe
January 1, 2013 – June 30, 2016

Statistics Provided by SPARC
8/30/2016



Arizona State Legislature

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Fifty-second Legislature - Second Regular Session

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13-1401. Definitions; factors

A. In this chapter, unless the context otherwise requires:

1. "Oral sexual contact" means oral contact with the penis, vulva or anus.
2. "Position of trust" means a person who is or was any of the following:
 - (a) The minor's parent, stepparent, adoptive parent, legal guardian or foster parent.
 - (b) The minor's teacher.
 - (c) The minor's coach or instructor, whether the coach or instructor is an employee or volunteer.
 - (d) The minor's clergyman or priest.
 - (e) Engaged in a sexual or romantic relationship with the minor's parent, adoptive parent, legal guardian, foster parent or stepparent.
3. "Sexual contact" means any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact.
4. "Sexual intercourse" means penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.
5. "Spouse" means a person who is legally married and cohabiting.
6. "Teacher" means a certificated teacher as defined in section 15-501 or any other person who provides instruction to pupils in any school district, charter school or accommodation school, the Arizona state schools for the deaf and the blind or a private school in this state.
7. "Without consent" includes any of the following:
 - (a) The victim is coerced by the immediate use or threatened use of force against a person or property.
 - (b) The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For the purposes of this subdivision, "mental defect" means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another.
 - (c) The victim is intentionally deceived as to the nature of the act.
 - (d) The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.

B. The following factors may be considered in determining whether a relationship is currently or was previously a sexual or romantic relationship pursuant to subsection A, paragraph 2, subdivision (e) of this section:

1. The type of relationship.
2. The length of the relationship.
3. The frequency of the interaction between the two persons.
4. If the relationship has terminated, the length of time since the termination.

13-1203. Assault; classification

A. A person commits assault by:

- 1. Intentionally, knowingly or recklessly causing any physical injury to another person; or**
- 2. Intentionally placing another person in reasonable apprehension of imminent physical injury; or**
- 3. Knowingly touching another person with the intent to injure, insult or provoke such person.**

B. Assault committed intentionally or knowingly pursuant to subsection A, paragraph 1 is a class 1 misdemeanor. Assault committed recklessly pursuant to subsection A, paragraph 1 or assault pursuant to subsection A, paragraph 2 is a class 2 misdemeanor. Assault committed pursuant to subsection A, paragraph 3 is a class 3 misdemeanor.

13-1204. Aggravated assault; classification; definitions

A. A person commits aggravated assault if the person commits assault as prescribed by section 13-1203 under any of the following circumstances:

1. If the person causes serious physical injury to another.
2. If the person uses a deadly weapon or dangerous instrument.
3. If the person commits the assault by any means of force that causes temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part or a fracture of any body part.

4. If the person commits the assault while the victim is bound or otherwise physically restrained or while the victim's capacity to resist is substantially impaired.

5. If the person commits the assault after entering the private home of another with the intent to commit the assault.

6. If the person is eighteen years of age or older and commits the assault on a minor under fifteen years of age.

7. If the person commits assault as prescribed by section 13-1203, subsection A, paragraph 1 or 3 and the person is in violation of an order of protection issued against the person pursuant to section 13-3602 or 13-3624.

8. If the person commits the assault knowing or having reason to know that the victim is any of the following:

- (a) A peace officer, or a person summoned and directed by the officer while engaged in the execution of any official duties or if the assault results from the execution of the peace officer's official duties.

- (b) A constable, or a person summoned and directed by the constable while engaged in the execution of any official duties or if the assault results from the execution of the constable's official duties.

- (c) A firefighter, fire investigator, fire inspector, emergency medical technician or paramedic engaged in the execution of any official duties, or a person summoned and directed by such individual while engaged in the execution of any official duties or if the assault results from the execution of the official duties of the firefighter, fire investigator, fire inspector, emergency medical technician or paramedic.

- (d) A teacher or other person employed by any school and the teacher or other employee is on the grounds of a school or grounds adjacent to the school or is in any part of a building or vehicle used for school purposes, any teacher or school nurse visiting a private home in the course of the teacher's or nurse's professional duties or any teacher engaged in any authorized and organized classroom activity held on other than school grounds.

- (e) A health care practitioner who is certified or licensed pursuant to title 32, chapter 13, 15, 17 or 25, or a person summoned and directed by the licensed health care practitioner while engaged in the person's professional duties. This subdivision does not apply if the person who commits the assault is seriously mentally ill, as defined in section 36-550, or is afflicted with alzheimer's disease or related dementia.

- (f) A prosecutor while engaged in the execution of any official duties or if the assault results from the execution of the prosecutor's official duties.

- (g) A code enforcement officer as defined in section 39-123 while engaged in the execution of any official duties or if the assault results from the execution of the code enforcement officer's official duties.

- (h) A state or municipal park ranger while engaged in the execution of any official duties or if the assault results from the execution of the park ranger's official duties.

- (i) A public defender while engaged in the execution of any official duties or if the assault results from the execution of the public defender's official duties.

(j) A judicial officer while engaged in the execution of any official duties or if the assault results from the execution of the judicial officer's official duties.

9. If the person knowingly takes or attempts to exercise control over any of the following:

(a) A peace officer's or other officer's firearm and the person knows or has reason to know that the victim is a peace officer or other officer employed by one of the agencies listed in paragraph 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection and is engaged in the execution of any official duties.

(b) Any weapon other than a firearm that is being used by a peace officer or other officer or that the officer is attempting to use, and the person knows or has reason to know that the victim is a peace officer or other officer employed by one of the agencies listed in paragraph 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection and is engaged in the execution of any official duties.

(c) Any implement that is being used by a peace officer or other officer or that the officer is attempting to use, and the person knows or has reason to know that the victim is a peace officer or other officer employed by one of the agencies listed in paragraph 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection and is engaged in the execution of any official duties. For the purposes of this subdivision, "implement" means an object that is designed for or that is capable of restraining or injuring an individual. Implement does not include handcuffs.

10. If the person meets both of the following conditions:

(a) Is imprisoned or otherwise subject to the custody of any of the following:

(i) The state department of corrections.

(ii) The department of juvenile corrections.

(iii) A law enforcement agency.

(iv) A county or city jail or an adult or juvenile detention facility of a city or county.

(v) Any other entity that is contracting with the state department of corrections, the department of juvenile corrections, a law enforcement agency, another state, any private correctional facility, a county, a city or the federal bureau of prisons or other federal agency that has responsibility for sentenced or unsentenced prisoners.

(b) Commits an assault knowing or having reason to know that the victim is acting in an official capacity as an employee of any of the entities listed in subdivision (a) of this paragraph.

11. If the person uses a simulated deadly weapon.

B. A person commits aggravated assault if the person commits assault by either intentionally, knowingly or recklessly causing any physical injury to another person, intentionally placing another person in reasonable apprehension of imminent physical injury or knowingly touching another person with the intent to injure the person, and both of the following occur:

1. The person intentionally or knowingly impedes the normal breathing or circulation of blood of another person by applying pressure to the throat or neck or by obstructing the nose and mouth either manually or through the use of an instrument.

2. Any of the circumstances exists that are set forth in section 13-3601, subsection A, paragraph 1, 2, 3, 4, 5 or 6.

C. A person who is convicted of intentionally or knowingly committing aggravated assault on a peace officer while the officer is engaged in the execution of any official duties pursuant to subsection A, paragraph 1 or 2 of this section shall be sentenced to imprisonment for not less than the presumptive sentence authorized under chapter 7 of this title and is not

eligible for suspension of sentence, commutation or release on any basis until the sentence imposed is served.

D. Except pursuant to subsections E and F of this section, aggravated assault pursuant to subsection A, paragraph 1 or 2, paragraph 9, subdivision (a) or paragraph 11 of this section is a class 3 felony except if the aggravated assault is a violation of subsection A, paragraph 1 or 2 of this section and the victim is under fifteen years of age it is a class 2 felony punishable pursuant to section 13-705. Aggravated assault pursuant to subsection A, paragraph 3 or subsection B of this section is a class 4 felony. Aggravated assault pursuant to subsection A, paragraph 9, subdivision (b) or paragraph 10 of this section is a class 5 felony. Aggravated assault pursuant to subsection A, paragraph 4, 5, 6, 7 or 8 or paragraph 9, subdivision (c) of this section is a class 6 felony.

E. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of this section committed on a peace officer while the officer is engaged in the execution of any official duties is a class 2 felony. Aggravated assault pursuant to subsection A, paragraph 3 of this section committed on a peace officer while the officer is engaged in the execution of any official duties is a class 3 felony. Aggravated assault pursuant to subsection A, paragraph 8, subdivision (a) of this section committed on a peace officer while the officer is engaged in the execution of any official duties is a class 5 felony unless the assault results in any physical injury to the peace officer while the officer is engaged in the execution of any official duties, in which case it is a class 4 felony.

F. Aggravated assault pursuant to:

1. Subsection A, paragraph 1 or 2 of this section is a class 2 felony if committed on a prosecutor.

2. Subsection A, paragraph 3 of this section is a class 3 felony if committed on a prosecutor.

3. Subsection A, paragraph 8, subdivision (f) of this section is a class 5 felony if the assault results in physical injury to a prosecutor.

G. For the purposes of this section:

1. "Judicial officer" means a justice of the supreme court, judge, justice of the peace or magistrate or a commissioner or hearing officer of a state, county or municipal court.

2. "Prosecutor" means a county attorney, a municipal prosecutor or the attorney general and includes an assistant or deputy county attorney, municipal prosecutor or attorney general.

13-3601. Domestic violence; definition; classification; sentencing option; arrest and procedure for violation; weapon seizure

A. "Domestic violence" means any act that is a dangerous crime against children as defined in section 13-705 or an offense prescribed in section 13-1102, 13-1103, 13-1104, 13-1105, 13-1201, 13-1202, 13-1203, 13-1204, 13-1302, 13-1303, 13-1304, 13-1406, 13-1425, 13-1502, 13-1503, 13-1504, 13-1602 or 13-2810, section 13-2904, subsection A, paragraph 1, 2, 3 or 6, section 13-2910, subsection A, paragraph 8 or 9, section 13-2915, subsection A, paragraph 3 or section 13-2916, 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623, if any of the following applies:

1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.

2. The victim and the defendant have a child in common.

3. The victim or the defendant is pregnant by the other party.

4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.

5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:

(a) The type of relationship.

(b) The length of the relationship.

(c) The frequency of the interaction between the victim and the defendant.

(d) If the relationship has terminated, the length of time since the termination.

B. A peace officer, with or without a warrant, may arrest a person if the officer has probable cause to believe that domestic violence has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether the offense is a felony or a misdemeanor and whether the offense was committed within or without the presence of the peace officer. In cases of domestic violence involving the infliction of physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, the peace officer shall arrest a person who is at least fifteen years of age, with or without a warrant, if the officer has probable cause to believe that the offense has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether the offense was committed within or without the presence of the peace officer, unless the officer has reasonable grounds to believe that the circumstances at the time are such that the victim will be protected from further injury. Failure to make an arrest does not give rise to civil liability except pursuant to section 12-820.02. In order to arrest both parties, the peace officer shall have probable cause to believe that both parties independently have committed an act of domestic violence. An act of self-defense that is justified under chapter 4 of this title is not deemed to be an act of domestic violence. The release procedures available under section 13-3883, subsection A, paragraph 4 and section 13-3903 are not applicable to arrests made pursuant to this subsection.

C. A peace officer may question the persons who are present to determine if a firearm is present on the premises. On learning or observing that a firearm is present on the premises, the peace officer may temporarily seize the firearm if the firearm is in plain view or was found pursuant to a consent to search and if the officer reasonably believes that the firearm would expose the victim or another person in the household to a risk of serious bodily injury or death. A firearm that is owned or possessed by the victim shall not be seized unless there is probable cause to believe that both parties independently have committed an act of domestic violence.

D. If a firearm is seized pursuant to subsection C of this section, the peace officer shall give the owner or possessor of the firearm a receipt for each seized firearm. The receipt shall indicate the identification or serial number or other identifying characteristic of each seized firearm. Each seized firearm shall be held for at least seventy-two hours by the law enforcement agency that seized the firearm.

E. If a firearm is seized pursuant to subsection C of this section, the victim shall be notified by a peace officer before the firearm is released from temporary custody.

F. If there is reasonable cause to believe that returning a firearm to the owner or possessor may endanger the victim, the person who reported the assault or threat or another person in the household, the prosecutor shall file a notice of intent to retain the firearm in the appropriate superior, justice or municipal court. The prosecutor shall serve notice on the owner or possessor of the firearm by certified mail. The notice shall state that the firearm will be retained for not more than six months following the date of seizure. On receipt of the notice, the owner or possessor may request a hearing for the return of the firearm, to dispute the grounds for seizure or to request an earlier return date. The court shall hold the hearing within ten days after receiving the owner's or possessor's request for a hearing. At the hearing, unless the court determines that the return of the firearm may endanger the victim, the person who reported the assault or threat or another person in the household, the court shall order the return of the firearm to the owner or possessor.

G. A peace officer is not liable for any act or omission in the good faith exercise of the officer's duties under subsections C, D, E and F of this section.

H. Each indictment, information, complaint, summons or warrant that is issued and that involves domestic violence shall state that the offense involved domestic violence and shall be designated by the letters DV. A domestic violence charge shall not be dismissed or a domestic violence conviction shall not be set aside for failure to comply with this subsection.

I. A person who is arrested pursuant to subsection B of this section may be released from custody in accordance with the Arizona rules of criminal procedure or any other applicable statute. Any order for release, with or without an appearance bond, shall include pretrial release conditions that are necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for additional conditions that the court deems appropriate, including participation in any counseling programs available to the defendant.

J. When a peace officer responds to a call alleging that domestic violence has been or may be committed, the officer shall inform in writing any alleged or potential victim of the procedures and resources available for the protection of the victim including:

1. An order of protection pursuant to section 13-3602, an injunction pursuant to section 25-315 and an injunction against harassment pursuant to section 12-1809.
2. The emergency telephone number for the local police agency.
3. Telephone numbers for emergency services in the local community.
4. Websites for local resources related to domestic violence.

K. A peace officer is not civilly liable for noncompliance with subsection J of this section.

L. If a person is convicted of an offense involving domestic violence and the victim was pregnant at the time of the commission of the offense, at the time of sentencing the court shall take into consideration the fact that the victim was pregnant and may increase the sentence.

M. An offense that is included in domestic violence carries the classification prescribed in the section of this title in which the offense is classified. If the defendant committed a felony offense listed in subsection A of this section against a pregnant victim and knew that the victim was pregnant or if the defendant committed a felony offense causing physical injury to a pregnant victim and knew that the victim was pregnant, the maximum sentence otherwise authorized for that violation shall be increased by up to two years.

N. When a peace officer responds to a call alleging that domestic violence has been or may be committed, the officer shall determine if a minor is present. If a minor is present, the peace officer shall conduct a child welfare check to determine if the child is safe and if the child might be a victim of domestic violence or child abuse.

13-1410. Molestation of a child; classification

A. A person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child who is under fifteen years of age.

B. Molestation of a child is a class 2 felony that is punishable pursuant to section 13-705.

13-1405. Sexual conduct with a minor; classification

A. A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age.

B. Sexual conduct with a minor who is under fifteen years of age is a class 2 felony and is punishable pursuant to section 13-705. Sexual conduct with a minor who is at least fifteen years of age is a class 6 felony. Sexual conduct with a minor who is at least fifteen years of age is a class 2 felony if the person is or was in a position of trust and the convicted 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 has been served or commuted.

13-1406. Sexual assault; classification; increased punishment

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

B. Sexual assault is a class 2 felony, and the person convicted shall be sentenced pursuant to this section 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. If the victim is under fifteen years of age, sexual assault is punishable pursuant to section 13-705. The presumptive term may be aggravated or mitigated within the range under this section pursuant to section 13-701, subsections C, D and E. If the sexual assault involved the intentional or knowing administration of flunitrazepam, gamma hydroxy butyrate or ketamine hydrochloride without the victim's knowledge, the presumptive, minimum and maximum sentence for the offense shall be increased by three years. The additional sentence imposed pursuant to this subsection is in addition to any enhanced sentence that may be applicable. The term for a first offense is as follows:

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

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

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

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

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

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

D. Notwithstanding section 13-703, section 13-704, section 13-705, section 13-706, subsection A and section 13-708, subsection D, if the sexual assault involved the intentional or knowing infliction of serious physical injury, the person may be sentenced to life imprisonment and 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 at least twenty-five years have been served or the sentence is commuted. If the person was at least eighteen years of age and the victim was twelve years of age or younger, the person shall be sentenced pursuant to section 13-705.

13-1404. Sexual abuse; classification

A. A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast.

B. It is not a defense to a prosecution for a violation of this section that the other person consented if the other person was fifteen, sixteen or seventeen years of age and the defendant was in a position of trust.

C. Sexual abuse is a class 5 felony unless the victim is under fifteen years of age in which case sexual abuse is a class 3 felony punishable pursuant to section 13-705.