

**Reporting Reasonable Suspicion of a Crime IC
Social Security Act Title XI Part A**

2ND Edition
REVISION 2

Section 1150B (b) (1)

2012

APPROVED

REASONABLE SUSPICION: A particularized and objective basis, supported by specific and articulable facts for suspecting a person of criminal activity.

(Black's Law Dictionary)

INTENTIONALLY: ...with respect to a result or to conduct described by a statute defining an offense that a person's objective is to cause that result or to engage in that conduct. **(ARS 13-105(10)(a))**

KNOWINGLY: ...with respect to conduct or a circumstance described by a statute defining an offense...a person is aware or believes that the person's conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission. **(ARS 13-105(10)(b))**

SEXUAL ABUSE: **(ARS 13-1404(A))**

A person **intentionally** or **knowingly** engages in **sexual contact** **5 FELONY** with any person fifteen or more years of age **without consent** of that person.

SEXUAL ASSAULT: **(ARS 13-1406(A))**

A person **intentionally** or **knowingly** engages in **2 FELONY**

- 1) Sexual intercourse, or
- 2) Oral sexual contact

with any person **without consent** of such person.

DEFENSE TO PROSECUTION: **(ARS 13-1407(C))**

- If the act was done by a duly **licensed physician** or **registered nurse**, or a person **acting under** the physician's or nurse's **direction**, or
- Any person who **renders emergency care** at the scene of an emergency occurrence; and
 - 1) The act consisted of administering a recognized and lawful form of treatment that was

reasonably adapted to **promoting the physical or mental health** of the patient, and treatment was administered in an emergency; and ...(the person administering the treatment).....

reasonably believed that no one **competent to consent** could be consulted, and that a **reasonable person**, wishing to **safeguard the welfare** of the patient, would consent.

SEXUAL CONTACT: **(ARS 13-1401(2))**

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 **any object** or **causing** a person to engage in such contact.

SEXUAL INTERCOURSE:

(ARS 13-1401(3))

- 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.

WITHOUT CONSENT includes any of the following:

(ARS 13-1401(5)(a-d))

- The victim is **coerced by immediate** use or threatened use of force against a person or property.
- The victim is **incapable to consent** by reason of:
 - 1) Mental disorder,
 - 2) Mental defect,
 - 3) Drugs, alcohol, sleep or any other similar impairment of cognition and
- Such **condition is known** or should have **reasonably been known** to the defendant.

• **MENTAL DEFECT MEANS:**

- 1) 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.
- The victim is **intentionally deceived** as to the nature of the act or
 - The victim is **intentionally deceived** to **erroneously believe** that the person is the victim's spouse.

SEXUAL MISCONDUCT; BEHAVIORAL HEALTH PROFESSIONAL:

- A licensed behavioral health professional, psychiatrist or psychologist who
- Intentionally or knowingly engages in sexual intercourse with a client who is currently under his care or supervision.

**(ARS 13-1418(A))
6 FELONY**

FALSE REPORTING TO LAW ENFORCEMENT AGENCIES: (ARS 13-2907.01)

- It is unlawful for a person to **knowingly** make to a law enforcement agency of this state or a political subdivision of this state a **false, fraudulent** or **unfounded** report or statement or
- To **knowingly misrepresent** a fact for the **purpose of interfering** with the **orderly operation** of a law enforcement agency or **misleading** a peace officer.

1 MISDEMEANOR

THIS GUIDELINE WAS PREPARED ON BEHALF OF THE TASK FORCE AGAINST SENIOR ABUSE IN THE OFFICE OF THE ATTORNEY GENERAL. THE INFORMATION CONTAINED IN THIS GUIDELINE IS FOR EDUCATIONAL PURPOSES ONLY AND DOES NOT SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY LICENSED TO PRACTICE LAW IN ARIZONA. ADDITIONALLY, THE OFFICE OF THE ARIZONA ATTORNEY GENERAL CANNOT REPRESENT INDIVIDUAL CONSUMERS.