

Arizona Peace Officer Standards and Training

Basic Curriculum Model Lesson Plan

LESSON TITLE: SUBSTANTIVE CRIMINAL LAW 2.11

SUBJECT:	Substantive Criminal Law
AZ POST DESIGNATION:	2.11 Chapter 35 Obscenity
HOURS:	.5
COURSE CONTENT:	An analysis of the most frequently used statutes in this chapter.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will: <ul style="list-style-type: none">2.11.35.1 Given a copy of A.R.S. Title 13 and a written, verbal or visual description depicting the possible commission of the following crime(s), identify if a crime occurred and, if so, the appropriate code section and crime classification:<ul style="list-style-type: none">A. Obscene materials (A.R.S. §§13-3502, 13-3504, 13-3506 through 13-3509 and 13-3512).

DATE FIRST PREPARED: November 2000

PREPARED BY: SME Committee

REVIEWED – REVISED:	SME Committee	DATE: May 2002
REVIEWED – REVISED :	AZ POST (Word)	DATE: June 2003
REVIEWED – REVISED :	Sgt. George Sloane, TPD	DATE: January 2004
REVIEWED – REVISED:	SME Committee	DATE: January 2009
REVIEWED – REVISED:	SME Committee	DATE: November 2011
REVIEWED – REVISED:	SME Committee	DATE: August 2019
REVIEWED – REVISED:	SME Committee	DATE: June 2021
REVIEWED – REVISED :	AZPOST (DocX)	DATE: January 2022
REVIEWED – REVISED:		DATE:
REVIEWED – REVISED:		DATE:
AZ POST – APPROVAL:	Steve Enteman	DATE: August 2019
AZ POST – APPROVAL:	Mandy Faust	DATE: June 2021
AZ POST – APPROVAL:	Lori Wait	DATE: January 2022

INSTRUCTOR REFERENCES: A.R.S. Title 13

CLASS LEVEL: Student

TRAINING AIDS: <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY: Interactive lecture.

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 2-11 Ch 35 Obscenity

DATE RELEASED TO THE SHARE FILE: August 2023

I. INTRODUCTION

- A. Instructor – (self) introduction.
- B. Preview of performance objectives. **INSTRUCTOR NOTE:** Use if taught as a “Stand alone” lesson plan.

II. 13-3502 – PRODUCTION, PUBLICATION, SALE, POSSESSION AND PRESENTATION OF OBSCENE ITEMS

P. O. 2.11.35.1A

- A. A person is guilty of a felony who, with knowledge of the character of the item involved, knowingly:
 - 1. Prints, copies, manufactures, prepares, produces or reproduces any obscene item for purposes of sale or commercial distribution.
 - 2. Publishes, sells, rents, lends, transports or transmits in intra-state commerce, imports, sends (or causes to be sent) into this state for sale or commercial distribution or commercially distributes or exhibits any obscene item or offers to do any such things.
 - 3. Has in his/her possession with intent to sell, rent, lend, transport or commercially distribute any obscene item.
 - 4. Presents (or participates in presenting) the live, recorded or exhibited performance of any obscene item to the public or an audience for consideration or commercial purpose.

III. 13-3504 – COERCING ACCEPTANCE OF OBSCENE ARTICLES OR PUBLICATIONS

P. O. 2.11.35.1A

- A. No person, firm, company, etc., shall (as a condition to any sale or delivery of any paper, magazine, book, periodical or publication) require that the purchaser receive any other item, article, book or other publication which is obscene.
- B. This is a felony.

IV. 13-3506 – FURNISHING OBSCENE OR HARMFUL ITEMS TO MINORS

P. O. 2.11.35.1A

- A. It is unlawful for any person, with knowledge of the character of the item involved, to recklessly furnish, present, provide, make available, give, lend, show, advertise or distribute to minors any item which is harmful to minors.
- B. A violation of this section is a Class 4 felony.

V. 13-3507 – PUBLIC DISPLAY OF EXPLICIT SEXUAL MATERIALS

P. O. 2.11.35.1A

- A. It is unlawful for any person knowingly to place explicit sexual material upon public display or

knowingly to fail to take prompt action to remove such a display from property in his/her possession or under his/her control after learning of its existence.

- B. A violation of this section is a Class 6 felony.

VI. 13-3509 – DUTY TO REPORT

P. O. 2.11.35.1A

- A. A person who is asked to record, film, photograph, develop or duplicate any visual or print medium depicting sexual activity (whether or not the person would be compensated), shall immediately report, or cause a report to be made of, such request to a municipal or county peace officer.

- B. A violation of this section is a Class 6 felony.

VII. 13-3512 – OBSCENE OR INDECENT TELEPHONE COMMUNICATIONS TO MINORS FOR COMMERCIAL PURPOSES

P. O. 2.11.35.1A

- A. It is unlawful for any person to knowingly make by means of a telephone, directly or by a recording device, any obscene or indecent communication for commercial purposes to any person who is under the age of 18 years.

- B. A violation of this section is a Class 4 felony.

VIII. 13-3506.01 – FURNISHING HARMFUL ITEMS TO MINORS; INTERNET ACTIVITY

P. O. 2.11.35.1A

- A. It is unlawful for any person, with knowledge of the character of the item involved to intentionally or knowingly transmit or send to a minor by means of electronic mail, personal messaging or any other direct internet communication an item that is harmful to minors when the person knows or believes at the time of the transmission that a minor in this state will receive the item.

- B. This section does not apply to:

1. Posting material on an internet website, bulletin board or newsgroup.
2. Sending material via a mailing list or listserv that is not administered by the sender.
3. A mailing list or listserv is a method of internet communication where a message is sent to an internet address and then is re-transmitted to one (1) or more subscribers to the mailing list or listserv.

- C. The term “internet” means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the transmission control protocol or internet protocol or any successor protocol to transmit information.

- D. The term “internet web site” means a location where material placed in a computer server-based file archive is publicly accessible, over the internet, using hypertext transfer protocol or any successor protocol.
- E. It is not a defense to a prosecution for a violation of this section that the recipient of the transmission was a peace officer posing as a minor.
- F. A violation of this section is a Class 4 felony.
- G. Failure to report a violation of this section is a Class 6 felony as prescribed by Section 13-3620.

IX. CONCLUSION

- A. Review of performance objectives.
- B. Final questions and answers.
- C. Instructor closing comment(s).