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APA 7th ed.
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F.C. Stuckmeyer, Revised Code of Arizona 1928 (Phoenix, Ariz: Manufacturing Stationers., 1928)

AGLC 4th ed.
F.C. Stuckmeyer, Revised Code of Arizona 1928 (Manufacturing Stationers., 1928)

MLA 8th ed.
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OSCOLA 4th ed.
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the custody of any child, who shall wilfully cause or permit the life of such child to be endangered, or its health to be injured, or its moral welfare to be imperiled, by neglect, abuse, or immoral associations, shall be guilty of a misdemeanor. (§ 253, P. C. '13, rev.)

Article 3. Contributing to the dependency or delinquency of a child.

§ 4640. **Contributing to dependency; penalty, jurisdiction; procedure.** Any person who shall cause, encourage, or contribute to, the dependency or delinquency of a child, as these terms are defined by law, or who shall for any cause be responsible therefor, shall be guilty of a misdemeanor, and be punished by a fine not to exceed five hundred dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

The superior court shall have original jurisdiction of any prosecution hereunder, which shall be begun by information signed by the county attorney or by any probation officer and sworn to by the officer signing the same or by any reputable resident of the county. Whenever such information is filed the court may examine the prosecuting officer or any witness, and if there is reasonable ground to believe the defendant guilty of the offense charged, it shall issue a warrant of arrest, which shall be addressed to include probation officers. (§ § 256-7-8, P. C. '13, cons. & rev.)

See 14 Cal. Jur. 153.

§ 4641. **Prosecution; by whom, manner.** Probation officers may prosecute any such actions, or request the county attorney to do so. The prosecution shall be as in other criminal actions, but a departure therefrom shall not be error unless the accused is deprived of rights secured to him by the constitution of this state or of the United States. (§ § 260-1, P. C. '13, cons. & rev.)

§ 4642. **Bond conditioned on maintaining child; custody of child.** The sentence hereunder, or its execution may be suspended by the court upon condition that such person furnish a good and sufficient bond to the state in such penal sum as the court shall determine, not exceeding one thousand dollars, conditioned for the payment of such amount as the court may order, not exceeding thirty dollars per month, for the support, care and maintenance of the child to whose dependency such person has contributed, such sum to be expended under the direction and orders of the court for the purposes mentioned.

In suspending the sentence, or its execution, the court may also permit the child to remain in the custody of the defendant, upon such conditions as the court may deem proper.

Whenever it shall be made to appear to the court that any condition contained in such bond or imposed by the court in permitting the child to remain in the custody of the accused, has been breached, the court may revoke the suspension, and the sentence thereunder shall commence from the date upon which such sentence is imposed or ordered to be enforced. (§ § 263, 265, P. C. '13, cons. & rev.)

§ 4643. **Recovering penalty on bond; disposition of recovery.** A condition of any such bond shall be that it shall not be necessary to bring a separate action to recover the penalty of such bond if forfeited, but the court may cause a citation to issue to the sureties thereon, requiring that they appear at a time named by the court, not less than ten nor more than twenty days from the issuance thereof, and show cause, if any there be, why a judgment should not be entered for the penalty of such bond, and upon failure to appear or failure to show any such sufficient cause, the court shall enter such judgment in behalf of the state against the principal and such sureties. Any moneys collected or paid upon such bond, shall be paid to the clerk of the court, and applied first to the payment of all court costs and then to the care or maintenance of the child in such manner and upon such terms as the court may direct. If the money be unnecessary for the purposes last mentioned, it shall be paid within one year to the county treasurer. (§ 264, P. C. '13, rev.)

§ 4644. **Limitation on period of suspensions.** No such sentence shall be suspended, or execution stayed, for more than two years, and if at any time within such period, it shall appear to the satisfaction of the court that such person has complied with the conditions of such suspension; or is for any cause entitled to be released, the court may discharge such person. (§ 266, P. C. '13, rev.)

Article 4. Abortion.

§ 4645. **Procuring miscarriage.** Every person who provides, supplies or administers to any pregnant woman, or procures any such woman to take any medicine, drugs or substance, or uses or employs any instrument or other means whatever, with intent thereby to procure the miscarriage of such woman, unless the same is necessary to save her life, is punishable by imprisonment in the state prison not less than two years nor more than five years. Every woman who solicits of any person any medicine, drug or substance whatever, and takes the same, or who submits to any operation, or to the use of any means whatever, with intent thereby to procure a miscarriage, unless the same is necessary to preserve her

life, is punishable by imprisonment in the state prison not less than one nor more than five years. (§ § 273-4, P. C. '13, cons.)

Criminal responsibility of one other than subject or actual perpetrator of abortion. 4 A. L. R. 351.

Pregnancy as element of offense of attempt to procure a miscarriage or of homicide predicated on such attempt. 10 A. L. R. 314.

Admissibility in prosecution for abortion of evidence of other abortions or attempted abortions by accused on same woman. 39 A. L. R. 106.

See 1 Cal. Jur. 101; 1 R. C. L. 70.

§ 4646. Advertising to produce abortion or prevent conception. Every person who wilfully writes, composes, or publishes any notice or advertisement of any medicine or means for producing or facilitating a miscarriage or abortion, or for the prevention of conception; or who offers his services by any notice, advertisement, or otherwise, to assist in the accomplishment of any such purposes, is guilty of a misdemeanor. (§ 318, P. C. '13.)

Article 5. Bigamy, incest and sodomy.

§ 4647. Bigamy defined; punishment. Every person having a husband or wife living, who marries any other person is guilty of bigamy, and punishable by fine not exceeding two thousand dollars, and by imprisonment in the state prison not exceeding ten years. This section does not extend to any person whose husband or wife by the former marriage has been absent for five successive years, without being known to such person within that time to be living; nor to any person whose former marriage has been pronounced void, annulled, or dissolved by the judgment of a competent court. (§ § 275-6-7, P. C. '13, cons.)

P. C. 1901, § 246, was rendered ineffective by acts of Congress which defined and provided for the punishment of bigamy in the territories. Territory v. Alexander, (1907), 11 Ariz. 172, 89 Pac. 514.

To constitute bigamy or polygamy it is not necessary that the second or subsequent marriage should be valid. United States v. Tenney, (1886), 2 Ariz. 127, 11 Pac. 472.

An information charging bigamy need not state the time and place of the first marriage or allege that the person who performed the second marriage was legally authorized to perform marriages. Ford v. State, (1920), 21 Ariz. 567, 192 Pac. 1117.

Mistaken belief in existence, validity or effect of divorce or separation as defense to prosecution for bigamy. 57 A. L. R. 792.

Religious belief as affecting crime of bigamy. 24 A. L. R. 1237.

See 4 Cal. Jur. 337; 3 R. C. L. 796.

§ 4648. Marrying husband or wife of another. Every person who knowingly and wilfully marries the husband or wife of another, in any case in which such husband or wife would be guilty of bigamy, is punishable by a fine not less than two thousand dollars or by imprisonment in the state prison not exceeding three years. (§ 278, P. C. '13, rev.)

See 4 Cal. Jur. 336.

§ 4649. Incest. Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who commit fornication or adultery with each other, are punishable by imprisonment in the state prison not exceeding ten years. (§ 279, P. C. '13.)

See 13 Cal. Jur. 967; 14 R. C. L. 29.

§ 4650. Sodomy. Any person who shall commit sodomy, or the crime against nature, with mankind or beast, shall be punished by imprisonment in the state prison not more than five years nor less than one year. Said crime may be committed by the penetration of the mouth or rectum of any human being by the organ of any male person; proof of emission shall not be required, and any sexual penetration, however slight, shall be sufficient. (§ § 280-1, P. C. '13, cons. & rev.)

Under P. C. 1901, § 252, the infamous crime against nature could not be committed by the penetration of the mouth of another person. Weaver v. Territory, (1912), 14 Ariz. 268, Ann. Cas. 1914 A, 1289, 127 Pac. 724.

See 23 Cal. Jur. 393; 8 R. C. L. 333.

§ 4651. Fellatio and cunnilingus. Any person who shall wilfully commit any lewd or lascivious act upon or with the body of any part or member thereof, of any male or female person, with the intent of arousing, appealing to or gratifying the lust or passion or sexual desires of either of such persons, in any unnatural manner, shall be guilty of a felony and imprisoned not less than one year nor more than five years. (§ 1, Ch. 2, L. '17.)

An instruction in the language of this section is improper in a prosecution under P. C. 1913, § 282, because it leaves out the element of childhood of the person upon whom the act was committed and requires that the conduct of defendant be unnatural in character, but such instruction is without prejudice where there is no dispute as to the age of the victim. Bocchi v. State, (1923), 25 Ariz. 37, 212 Pac. 463.

See 23 Cal. Jur. 394; 8 R. C. L. 334.

Article 6. Violating sepulture and remains of the dead.

§ 4652. Mutilation or removal of dead body. Every person who mutilates, disinters or removes from the place of sepulture the dead body of a human being, without authority of law; or who removes any part of the dead body of a human being from any grave or other place where the same has been buried, or from any place where the same has been deposited while awaiting burial, with intent to sell the same, or to dissect it, without authority of law, or from malice or wantonness, is guilty of a felony. (§ § 283-4, P. C. '13, cons. & rev.)

See 8 Cal. Jur. 930; 8 R. C. L. 694.