START\_STATUTE13-3821.  Persons required to register; procedure; identification card; assessment; definitions

A.  A person who has been convicted of or adjudicated guilty except insane for a violation or attempted violation of any of the following offenses or who has been convicted of or adjudicated guilty except insane or not guilty by reason of insanity for an offense committed in another jurisdiction that if committed in this state would be a violation or attempted violation of any of the following offenses or an offense that was in effect before September 1, 1978 and that, if committed on or after September 1, 1978, has the same elements of an offense listed in this section or who is required to register by the convicting or adjudicating jurisdiction, within ten days after the conviction or adjudication or within seventy‑two hours, excluding weekends and legal holidays, after entering and remaining for at least seventy‑two hours in any county of this state, shall register with the sheriff of that county:

1.  Unlawful imprisonment pursuant to section 13‑1303 if the victim is under eighteen years of age and the unlawful imprisonment was not committed by the child's parent.

2.  Kidnapping pursuant to section 13‑1304 if the victim is under eighteen years of age and the kidnapping was not committed by the child's parent.

3.  Sexual abuse pursuant to section 13‑1404 if the victim is under eighteen years of age.

4.  Sexual conduct with a minor pursuant to section 13‑1405.

5.  Sexual assault pursuant to section 13‑1406.

6.  Sexual assault of a spouse if the offense was committed before August 12, 2005.

7.  Molestation of a child pursuant to section 13‑1410.

8.  Continuous sexual abuse of a child pursuant to section 13‑1417.

9.  Taking a child for the purpose of prostitution pursuant to section 13‑3206.

10.  Child prostitution pursuant to section 13‑3212, subsection A or subsection B, paragraph 1 or 2 committed before August 9, 2017.

11.  Child sex trafficking pursuant to section 13‑3212, subsection A or subsection B, paragraph 1 or 2 committed on or after August 9, 2017.

12.  Commercial sexual exploitation of a minor pursuant to section 13‑3552.

13.  Sexual exploitation of a minor pursuant to section 13‑3553.

14.  Luring a minor for sexual exploitation pursuant to section 13‑3554.

15.  A second or subsequent violation of indecent exposure to a person who is under fifteen years of age pursuant to section 13‑1402.

16.  A second or subsequent violation of public sexual indecency to a minor who is under fifteen years of age pursuant to section 13‑1403, subsection B.

17.  A third or subsequent violation of indecent exposure pursuant to section 13‑1402.

18.  A third or subsequent violation of public sexual indecency pursuant to section 13‑1403.

19.  A violation of section 13‑3822 or 13‑3824.

20.  Unlawful age misrepresentation.

21.  Aggravated luring a minor for sexual exploitation pursuant to section 13‑3560.

22.  Sexual extortion pursuant to section 13‑1428 if the victim is under fifteen years of age.

B.  Before the person is released from confinement the state department of corrections in conjunction with the department of public safety and each county sheriff shall complete the registration of any person who was convicted of or adjudicated guilty except insane for a violation of any offense listed under subsection A of this section. Within three days after the person's release from confinement, the state department of corrections shall forward the registered person's records to the department of public safety and to the sheriff of the county in which the registered person intends to reside.  Registration pursuant to this subsection shall be consistent with subsection E of this section.

C.  Notwithstanding subsection A of this section, the judge who sentences a defendant for any violation of chapter 14 or 35.1 of this title or for an offense for which there was a finding of sexual motivation pursuant to section 13‑118 may require the person who committed the offense to register pursuant to this section.

D.  The court may require a person who has been adjudicated delinquent for an act that would constitute an offense specified in subsection A or C of this section to register pursuant to this section. Any duty to register under this subsection shall terminate when the person reaches twenty‑five years of age.

E.  A person who has been convicted, adjudicated guilty except insane or adjudicated delinquent and who is required to register in the convicting or adjudicating state for an act that would constitute an offense specified in subsection A or C of this section and who is not a resident of this state shall be required to register pursuant to this section if the person is either:

1.  Employed full‑time or part‑time in this state, with or without compensation, for more than fourteen consecutive days or for an aggregate period of more than thirty days in a calendar year.

2.  Enrolled as a full‑time or part‑time student in any school in this state for more than fourteen consecutive days or for an aggregate period of more than thirty days in a calendar year.  For the purposes of this paragraph, "school" means an educational institution of any description, public or private, wherever located in this state.

F.  Any duty to register under subsection D or E of this section for a juvenile adjudication terminates when the person reaches twenty‑five years of age.

G.  The court may order the termination of any duty to register under this section on successful completion of probation if the person was under eighteen years of age when the offense for which the person was convicted or adjudicated guilty except insane was committed.

H.  The court may order the suspension or termination of any duty to register under this section after a hearing held pursuant to section 13‑923.

I.  At the time of registering, the person shall sign or affix an electronic fingerprint to a statement giving such information as required by the director of the department of public safety, including all names by which the person is known, any required online identifier, the name of any website or internet communication service where the identifier is being used and, if the person owns, possesses or regularly operates a motor vehicle that is required to be registered under title 28, chapter 7, the make, model, year of manufacture, color, vehicle identification number, state of registration and license plate number of the motor vehicle.  The sheriff shall fingerprint and photograph the person and within three days thereafter shall send copies of the statement, fingerprints and photographs to the department of public safety and the chief of police, if any, of the place where the person resides.  The information that is required by this subsection shall include the physical location of the person's residence, the person's address and whether the person's residence is permanent or temporary.  If the person has a place of residence that is different from the person's address, the person shall provide the person's address, the physical location of the person's residence and the name of the owner of the residence if the residence is privately owned and not offered for rent or lease. If the person receives mail at a post office box or other place, the person shall provide the location and number of the post office box or other place. If the person has more than one residence, the person shall register in person and in writing every residence and address not less than every ninety days with the sheriff in whose jurisdiction the person is physically present.  If the person does not have an address or a permanent place of residence, the person shall provide a description and physical location of any temporary residence and shall register as a transient not less than every ninety days with the sheriff in whose jurisdiction the transient is physically present.

J.  On the person's initial registration and every year after the person's initial registration during the month of the person's birthdate, the person shall report in person to the sheriff of the county in which the person is registered and confirm in writing all information required by this section, any required online identifier and the name of any website or internet communication service where the identifier is being used and the person shall obtain a new nonoperating identification license or a driver license from the motor vehicle division in the department of transportation and shall carry a valid nonoperating identification license or a driver license.  Notwithstanding sections 28‑3165 and 28‑3171, the license is valid for one year from the date of issuance, and the person shall submit to the department of transportation proof of the person's address and place of residence.  The motor vehicle division shall annually update the person's address and photograph and shall make a copy of the photograph available to the department of public safety or to any law enforcement agency.  The motor vehicle division shall provide to the department of public safety daily address updates for persons required to register pursuant to this section.

K.  Except as provided in subsection E or L of this section, the clerk of the superior court in the county in which a person has been convicted of or adjudicated guilty except insane for a violation of any offense listed under subsection A of this section or has been ordered to register pursuant to subsection C or D of this section shall notify the sheriff in that county of the conviction or adjudication within ten days after entry of the judgment.

L.  Within ten days after entry of judgment, a court not of record shall notify the arresting law enforcement agency of an offender's conviction of or adjudication of guilty except insane for a violation of section 13‑1402.  Within ten days after receiving this information, the law enforcement agency shall determine if the offender is required to register pursuant to this section.  If the law enforcement agency determines that the offender is required to register, the law enforcement agency shall provide the information required by section 13‑3825 to the department of public safety and shall make community notification as required by law.

M.  A person who is required to register pursuant to this section because of a conviction or adjudication of guilty except insane for the unlawful imprisonment of a minor or the kidnapping of a minor is required to register, absent additional or subsequent convictions or adjudications, for a period of ten years from the date that the person is released from prison, jail, probation, community supervision or parole and the person has fulfilled all restitution obligations.  Notwithstanding this subsection, a person who has a prior conviction or adjudication of guilty except insane for an offense for which registration is required pursuant to this section is required to register for life.

N.  A person who is required to register pursuant to this section and who is a student at a public or private institution of postsecondary education or who is employed, with or without compensation, at a public or private institution of postsecondary education or who carries on a vocation at a public or private institution of postsecondary education shall notify the county sheriff having jurisdiction of the institution of postsecondary education. The person who is required to register pursuant to this section shall also notify the sheriff of each change in enrollment or employment status at the institution.

O.  At the time of registering, the sheriff shall secure a sufficient sample of blood or other bodily substances for deoxyribonucleic acid testing and extraction from a person who has been convicted of or adjudicated guilty except insane for an offense committed in another jurisdiction that if committed in this state would be a violation or attempted violation of any of the offenses listed in subsection A of this section or an offense that was in effect before September 1, 1978 and that, if committed on or after September 1, 1978, has the same elements of an offense listed in subsection A of this section or who is required to register by the convicting or adjudicating jurisdiction.  The sheriff shall transmit the sample to the department of public safety.

P.  Any person who is required to register under subsection A of this section shall register the person's required online identifier and the name of any website or internet communication service where the identifier is being used or is intended to be used with the sheriff from and after December 31, 2007, regardless of whether the person was required to register an identifier at the time of the person's initial registration under this section.

Q.  On conviction of or adjudication of guilty except insane for any offense for which a person is required to register pursuant to this section, in addition to any other penalty prescribed by law, the court shall order the person to pay an additional assessment of $250.  This assessment is not subject to any surcharge.  The court shall transmit the monies received pursuant to this section to the county treasurer. The county treasurer shall transmit the monies received to the state treasurer.  The state treasurer shall deposit the monies received in the state general fund.  Notwithstanding any other law, the court shall not waive the assessment imposed pursuant to this section.

R.  A person who is required to register pursuant to this section shall verify the person's residence and address if requested by the department of public safety pursuant to section 13‑3827, subsection G.

S.  For the purposes of this section:

1.  "Address" means all locations at which the person receives mail.

2.  "Required online identifier" means any electronic email address information or instant message, chat, social networking or other similar internet communication name but does not include a social security number, date of birth or pin number.

3.  "Residence" means:

(a)  The person's dwelling place, whether permanent or temporary.

(b)  If the person is transient and does not spend at least three nights in any location or place within thirty days, the geographical areas of the county where the person spends the nights.

4.  "Transient" means a person who does not have a single and permanent dwelling place. END\_STATUTE