START\_STATUTE13-3827.  Internet sex offender website; investigation of records; immunity; exception; definition

(L21, Ch. 83, sec. 1. Eff. Until 7/1/24)

A.  The department of public safety shall establish and maintain an internet sex offender website for the purpose of providing sex offender information to the public.  The internet sex offender website shall include the following offenders:

1.  Any offender whose risk assessment has been determined to be a level two or level three.

2.  Unless included under paragraph 1 of this subsection, any offender who was convicted of or adjudicated guilty except insane for any of the following completed offenses or the same or a substantially similar offense in another state or jurisdiction:

(a)  Sexual assault pursuant to section 13‑1406.

(b)  Sexual exploitation of a minor pursuant to section 13‑3553 if the offender is at least twenty‑one years of age and is sentenced pursuant to section 13‑705.

(c)  Commercial sexual exploitation of a minor pursuant to section 13‑3552.

(d)  Sexual abuse pursuant to section 13‑1404 if the victim is under twelve years of age.

(e)  Molestation of a child pursuant to section 13‑1410 if the victim is under twelve years of age.

(f)  Sexual conduct with a minor pursuant to section 13‑1405 if the victim is under twelve years of age.

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

(h)  Child sex trafficking pursuant to section 13‑3212, subsection A, paragraph 1, 2, 3, 4, 5, 6, 7 or 8 or subsection B, paragraph 1 or 2 committed on or after August 9, 2017.

(i)  Taking a child for the purpose of prostitution pursuant to section 13‑3206 if the victim is under twelve years of age.

(j)  Luring a minor for sexual exploitation pursuant to section 13‑3554 if the victim is under twelve years of age.

(k)  Aggravated luring a minor for sexual exploitation pursuant to section 13‑3560 if the victim is under twelve years of age.

(l)  Continuous sexual abuse of a child pursuant to section 13‑1417 if the victim is under twelve years of age.

B.  The internet sex offender website shall include the following information for each convicted or adjudicated guilty except insane sex offender in this state who is required to register pursuant to section 13‑3821:

1.  The offender's name, address and age.

2.  A current photograph.

3.  The offense committed and notification level pursuant to section 13‑3825, subsection C, if a risk assessment has been completed pursuant to section 13‑3825.

C.  The department of public safety shall annually update on the website the name, address and photograph of each sex offender.

D.  The department of public safety shall maintain a separate database and search function on the website that contains any required online identifier of sex offenders whose risk assessments have been determined to be a level two or level three and the name of any website or internet communication service where the required online identifier is being used. This information shall not be publicly connected to the name, address and photograph of a registered sex offender on the website.

E.  The department of public safety may disseminate a registered sex offender's required online identifier and the name of any corresponding website or internet communication service to a business or organization that offers electronic communication services for comparison with information that is held by the requesting business or organization. The requesting business or organization shall notify the department of public safety when a comparison of the information indicates that a registered sex offender's required online identifier is being used on the business's or organization's system.  The requesting business or organization shall not further disseminate that the person is a registered sex offender.

F.  The motor vehicle division of the department of transportation shall send copies of each sex offender's nonoperating identification license or driver license photograph to the department of public safety for inclusion on the sex offender website.

G.  The department of public safety shall annually verify the addresses of all sex offender registration records contained within the Arizona criminal justice information system.  Before including the address of a sex offender on the website, the department of public safety shall confirm that the address is correct.  To confirm a sex offender's address, the department shall conduct a search of the Arizona criminal justice information system.  If this search does not provide the necessary confirmation, the department shall use alternative public and private sector resources that are currently used for criminal investigation purposes to confirm the address.  The department of public safety is prohibited from using or releasing the information from the alternative public and private sector resources except pursuant to this section.  A custodian or public or private sector resource that releases information pursuant to this subsection is not civilly or criminally liable in any action alleging a violation of confidentiality.

H.  The department of public safety may petition the superior court for enforcement of subsection G of this section if a public or private sector resource refuses to comply.  The court shall grant enforcement if the department has reasonable grounds to believe the records sought to be inspected are relevant to confirming the identity and address of a sex offender.

I.  Except for a person who is required to register pursuant to section 13‑3821, a person who provides or fails to provide information required by this section is not civilly or criminally liable unless the act or omission is wanton or wilful.

J.  This section does not apply to an offender during any time that the offender is incarcerated in the state department of corrections.

K.  For the purpose of this section, "required online identifier":

1.  Means:

(a)  Any email address information, instant message or chat information.

(b)  A social networking platform account name or identifier.

(c)  Any identifier used for communicating on a mobile application or internet website.

(d)  A mobile telephone number.

(e)  Any mobile device identification information.

(f)  Any other similar internet communication name.

2.  Does not include a social security number, date of birth, personal password or pin number. END\_STATUTE