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REFERENCE TITLE: **sex offenders; registration; lifetime probation**

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HB 2304

Introduced by
Representatives Nelson: Allen J, Quelland, Weiers JP, Yarbrough

AN ACT

AMENDING SECTIONS 13-902 AND 13-3824, ARIZONA REVISED STATUTES; RELATING TO SEX OFFENDER REGISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-902, Arizona Revised Statutes, is amended to
3 read:
4 13-902. Periods of probation
5 A. Unless terminated sooner, probation may continue for the following
6 periods:
7 1. For a class 2 felony, seven years.
8 2. For a class 3 felony, five years.
9 3. For a class 4 felony, four years.
10 4. For a class 5 or 6 felony, three years.
11 5. For a class 1 misdemeanor, three years.
12 6. For a class 2 misdemeanor, two years.
13 7. For a class 3 misdemeanor, one year.
14 B. Notwithstanding subsection A of this section, unless terminated
15 sooner, probation may continue for the following periods:
16 1. For a violation of section 28-1381 or 28-1382, five years.
17 2. For a violation of section 28-1383, ten years.
18 C. When the court has required, as a condition of probation, that the
19 defendant make restitution for any economic loss related to the defendant's
20 offense and that condition has not been satisfied, the court at any time
21 ~~prior to~~ BEFORE the termination or expiration of probation may extend the
22 period within the following limits:
23 1. For a felony, not more than three years.
24 2. For a misdemeanor, not more than one year.
25 D. Notwithstanding any other provision of law, justice courts and
26 municipal courts may impose the probation periods specified in subsection A,
27 paragraphs 5, 6 and 7 and subsection B, paragraph 1 of this section.
28 E. After conviction of a felony offense or an attempt to commit any
29 offense that is included in chapter 14 or 35.1 of this title or section
30 13-2308.01, 13-2923 or 13-3623, if probation is available, probation may
31 continue for a term not less than the term that is specified in subsection A
32 of this section up to and including life and that the court believes is
33 appropriate for the ends of justice.
34 F. AFTER CONVICTION OF A VIOLATION OF SECTION 13-3824, SUBSECTION A,
35 IF A TERM OF PROBATION IS IMPOSED AND THE OFFENSE FOR WHICH THE PERSON WAS
36 REQUIRED TO REGISTER WAS A FELONY, THE COURT SHALL IMPOSE A TERM OF LIFETIME
37 PROBATION.
38 Sec. 2. Section 13-3824, Arizona Revised Statutes, is amended to read:
39 13-3824. Violation; classification; assessment; lifetime
40 probation
41 A. A person who is subject to registration under this article and who
42 fails to comply with the requirements of this article is guilty of a class 4
43 felony. ~~, except that~~
44 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, a person who fails to
45 comply with section 13-3821, subsection I is guilty of a class 1 misdemeanor
46 and, in addition to any other penalty prescribed by law, the court shall

1 order the person to pay an additional assessment of two hundred fifty
2 dollars. This assessment is not subject to any surcharge. The court shall
3 transmit the monies received pursuant to this ~~section~~ SUBSECTION to the
4 county treasurer. The county treasurer shall transmit the monies received to
5 the state treasurer. The state treasurer shall deposit the monies received
6 in the sex offender monitoring fund established by section 13-3828.
7 Notwithstanding any other law, the court shall not waive the assessment
8 imposed pursuant to this ~~section~~ SUBSECTION.