

REFERENCE TITLE: sex offender registration; requirement

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HB 2569

Introduced by
Representatives Ash: Lesko, Mason

AN ACT

AMENDING SECTION 13-3821, ARIZONA REVISED STATUTES; RELATING TO REGISTRATION
OF SEX OFFENDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3821, Arizona Revised Statutes, is amended to
3 read:

4 13-3821. Persons required to register; procedure;
5 identification card; assessment; definitions

6 A. A person who has been convicted of a violation or attempted
7 violation of any of the following offenses or who has been convicted of an
8 offense committed in another jurisdiction that if committed in this state
9 would be a violation or attempted violation of any of the following offenses
10 or an offense that was in effect before September 1, 1978 and that, if
11 committed on or after September 1, 1978, has the same elements of an offense
12 listed in this section or who is required to register by the convicting
13 jurisdiction, within ten days after the conviction or within ten days after
14 entering and remaining in any county of this state, shall register with the
15 sheriff of that county:

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

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

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

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

25 5. Sexual assault pursuant to section 13-1406.

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

28 7. Molestation of a child pursuant to section 13-1410.

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

30 9. Taking a child for the purpose of prostitution pursuant to section
31 13-3206.

32 10. Child prostitution pursuant to section 13-3212.

33 11. Commercial sexual exploitation of a minor pursuant to section
34 13-3552.

35 12. Sexual exploitation of a minor pursuant to section 13-3553.

36 13. Luring a minor for sexual exploitation pursuant to section 13-3554.

37 14. Sex trafficking of a minor pursuant to section 13-1307.

38 15. A second or subsequent violation of indecent exposure to a person
39 under fifteen years of age pursuant to section 13-1402.

40 16. A second or subsequent violation of public sexual indecency to a
41 minor under the age of fifteen years pursuant to section 13-1403,
42 subsection B.

43 17. A third or subsequent violation of indecent exposure pursuant to
44 section 13-1402.

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

3 19. A violation of section 13-3822 or 13-3824.

4 20. Unlawful age misrepresentation.

5 21. Aggravated luring a minor for sexual exploitation pursuant to
6 section 13-3560.

7 B. Before the person is released from confinement the state department
8 of corrections in conjunction with the department of public safety and each
9 county sheriff shall complete the registration of any person who was
10 convicted of a violation of any offense listed under subsection A of this
11 section. Within three days after the person's release from confinement, the
12 state department of corrections shall forward the registered person's records
13 to the department of public safety and to the sheriff of the county in which
14 the registered person intends to reside. Registration pursuant to this
15 subsection shall be consistent with subsection E of this section.

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

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

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

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

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

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

42 G. The court may order the termination of any duty to register under
43 this section on successful completion of probation if **EITHER OF THE FOLLOWING**
44 **APPLIES:**

1 1. The person was under eighteen years of age when the offense for
2 which the person was convicted was committed.

3 2. THE PERSON HAS HAD HIS CIVIL RIGHTS RESTORED, IS NOT A DANGER TO
4 PUBLIC SAFETY AND, IF APPLICABLE, HAS RECEIVED AN ABSOLUTE DISCHARGE FROM
5 IMPRISONMENT.

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

8 I. At the time of registering, the person shall sign or affix an
9 electronic fingerprint to a statement giving such information as required by
10 the director of the department of public safety, including all names by which
11 the person is known, any required online identifier and the name of any
12 website or internet communication service where the identifier is being used.
13 The sheriff shall fingerprint and photograph the person and within three days
14 thereafter shall send copies of the statement, fingerprints and photographs
15 to the department of public safety and the chief of police, if any, of the
16 place where the person resides. The information that is required by this
17 subsection shall include the physical location of the person's residence and
18 the person's address. If the person has a place of residence that is
19 different from the person's address, the person shall provide the person's
20 address, the physical location of the person's residence and the name of the
21 owner of the residence if the residence is privately owned and not offered
22 for rent or lease. If the person receives mail at a post office box, the
23 person shall provide the location and number of the post office box. If the
24 person does not have an address or a permanent place of residence, the person
25 shall provide a description and physical location of any temporary residence
26 and shall register as a transient not less than every ninety days with the
27 sheriff in whose jurisdiction the transient is physically present.

28 J. On the person's initial registration and every year after the
29 person's initial registration, the person shall confirm any required online
30 identifier and the name of any website or internet communication service
31 where the identifier is being used and the person shall obtain a new
32 nonoperating identification license or a driver license from the motor
33 vehicle division in the department of transportation and shall carry a valid
34 nonoperating identification license or a driver license. Notwithstanding
35 sections 28-3165 and 28-3171, the license is valid for one year from the date
36 of issuance, and the person shall submit to the department of transportation
37 proof of the person's address and place of residence. The motor vehicle
38 division shall annually update the person's address and photograph and shall
39 make a copy of the photograph available to the department of public safety or
40 to any law enforcement agency. The motor vehicle division shall provide to
41 the department of public safety daily address updates for persons required to
42 register pursuant to this section.

43 K. Except as provided in subsection E or L of this section, the clerk
44 of the superior court in the county in which a person has been convicted of a
45 violation of any offense listed under subsection A of this section or has

1 been ordered to register pursuant to subsection C or D of this section shall
2 notify the sheriff in that county of the conviction within ten days after
3 entry of the judgment.

4 L. Within ten days after entry of judgment, a court not of record
5 shall notify the arresting law enforcement agency of an offender's conviction
6 of a violation of section 13-1402. Within ten days after receiving this
7 information, the law enforcement agency shall determine if the offender is
8 required to register pursuant to this section. If the law enforcement agency
9 determines that the offender is required to register, the law enforcement
10 agency shall provide the information required by section 13-3825 to the
11 department of public safety and shall make community notification as required
12 by law.

13 M. A person who is required to register pursuant to this section
14 because of a conviction for the unlawful imprisonment of a minor or the
15 kidnapping of a minor is required to register, absent additional or
16 subsequent convictions, for a period of ten years from the date that the
17 person is released from prison, jail, probation, community supervision or
18 parole and the person has fulfilled all restitution obligations.
19 Notwithstanding this subsection, a person who has a prior conviction for an
20 offense for which registration is required pursuant to this section is
21 required to register for life.

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

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

41 P. Any person who is required to register under subsection A of this
42 section shall register the person's required online identifier and the name
43 of any website or internet communication service where the identifier is
44 being used or is intended to be used with the sheriff from and after December
45 31, 2007, regardless of whether the person was required to register an

1 identifier at the time of the person's initial registration under this
2 section.

3 Q. On conviction of any offense for which a person is required to
4 register pursuant to this section, in addition to any other penalty
5 prescribed by law, the court shall order the person to pay an additional
6 assessment of two hundred fifty dollars. This assessment is not subject to
7 any surcharge. The court shall transmit the monies received pursuant to this
8 section to the county treasurer. The county treasurer shall transmit the
9 monies received to the state treasurer. The state treasurer shall deposit
10 the monies received in the sex offender monitoring fund established by
11 section 13-3828. Notwithstanding any other law, the court shall not waive
12 the assessment imposed pursuant to this section.

13 R. For the purposes of this section:

14 1. "Address" means the location at which the person receives mail.

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

19 3. "Residence" means the person's dwelling place, whether permanent or
20 temporary.