

REFERENCE TITLE: sex offenders; networking websites; notification

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HB 2515

Introduced by
Representative Kavanagh

AN ACT

AMENDING TITLE 13, CHAPTER 38, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING
SECTION 13-3828; RELATING TO SEX OFFENDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, chapter 38, article 3, Arizona Revised Statutes,
3 is amended by adding section 13-3828, to read:

4 13-3828. Sex offender notification: networking websites:
5 classification: definition

6 A. A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 13-3821,
7 WHOSE RISK ASSESSMENT HAS BEEN DETERMINED TO BE A LEVEL TWO OR LEVEL THREE,
8 WHO IS OTHERWISE NOT PROHIBITED FROM USING A NETWORKING WEBSITE AND WHO
9 CREATES A PROFILE OR WHO USES THE FUNCTIONALITY OF A NETWORKING WEBSITE TO
10 CONTACT OR ATTEMPT TO CONTACT OTHER NETWORKING WEBSITE USERS SHALL INCLUDE IN
11 THE PERSON'S PROFILE FOR THE NETWORKING WEBSITE AN INDICATION THAT THE PERSON
12 IS A REGISTERED SEX OFFENDER. THE PERSON SHALL ENSURE THAT THIS INFORMATION
13 IS DISPLAYED IN THE PERSON'S PROFILE FOR THE NETWORKING WEBSITE AND THAT THE
14 INFORMATION IS VISIBLE TO OR IS ABLE TO BE VIEWED BY OTHER NETWORKING WEBSITE
15 USERS AND VISITORS.

16 B. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS _____.

17 C. FOR THE PURPOSES OF THIS SECTION, "NETWORKING WEBSITE" MEANS AN
18 INTERNET WEBSITE, THE PURPOSE OF WHICH IS SOCIAL INTERACTION WITH OTHER
19 NETWORKING WEBSITE USERS, THAT CONTAINS PROFILE WEB PAGES OF THE MEMBERS OF
20 THE WEBSITE THAT INCLUDE THE NAMES OR NICKNAMES OF MEMBERS, THAT ALLOWS
21 PHOTOGRAPHS AND ANY OTHER PERSONAL OR PERSONALLY IDENTIFYING INFORMATION TO
22 BE PLACED ON THE PROFILE WEB PAGES BY MEMBERS, AND THAT PROVIDES LINKS TO
23 OTHER PROFILE WEB PAGES ON THE NETWORKING WEBSITE OF FRIENDS OR ASSOCIATES OF
24 MEMBERS THAT CAN BE ACCESSED BY OTHER MEMBERS OR VISITORS TO THE WEBSITE. A
25 NETWORKING WEBSITE PROVIDES MEMBERS OF OR VISITORS TO THE WEBSITE THE ABILITY
26 TO LEAVE MESSAGES OR COMMENTS ON THE PROFILE WEB PAGE THAT ARE VISIBLE TO ALL
27 OR SOME VISITORS TO THE PROFILE WEB PAGE AND MAY ALSO INCLUDE A FORM OF
28 ELECTRONIC MAIL FOR MEMBERS OF THE NETWORKING WEBSITE. NETWORKING WEBSITE
29 DOES NOT INCLUDE ANY OF THE FOLLOWING:

30 1. AN INTERNET WEBSITE THE PRIMARY PURPOSE OF WHICH IS THE
31 FACILITATION OF COMMERCIAL TRANSACTIONS INVOLVING GOODS OR SERVICES BETWEEN
32 ITS MEMBERS OR VISITORS.

33 2. AN INTERNET WEBSITE THE PRIMARY PURPOSE OF WHICH IS THE
34 DISSEMINATION OF NEWS.

35 3. AN INTERNET WEBSITE OF A GOVERNMENTAL ENTITY.