

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 22
HOUSE BILL 2087

AN ACT

AMENDING SECTIONS 13-3821 AND 13-3827, 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 13-3821, 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 or adjudicated guilty except
7 insane for a violation or attempted violation of any of the following
8 offenses or who has been convicted of or adjudicated guilty except insane or
9 not guilty by reason of insanity for an offense committed in another
10 jurisdiction that if committed in this state would be a violation or
11 attempted violation of any of the following offenses or an offense that was
12 in effect before September 1, 1978 and that, if committed on or after
13 September 1, 1978, has the same elements of an offense listed in this section
14 or who is required to register by the convicting or adjudicating
15 jurisdiction, within ten days after the conviction or adjudication or within
16 ten days after entering and remaining in any county of this state, shall
17 register with the sheriff of that county:

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

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

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

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

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

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

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

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

32 9. Taking a child for the purpose of prostitution pursuant to section
33 13-3206.

34 10. Child prostitution pursuant to section 13-3212, subsection A or
35 subsection B, paragraph 1 or 2.

36 11. Commercial sexual exploitation of a minor pursuant to section
37 13-3552.

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

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

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

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

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

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

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

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

6 20. Unlawful age misrepresentation.

7 21. Aggravated luring a minor for sexual exploitation pursuant to
8 section 13-3560.

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

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

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

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

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

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

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

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

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

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

1 to subsection C or D of this section shall notify the sheriff in that county
2 of the conviction or adjudication within ten days after entry of the
3 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 or adjudication of guilty except insane for a violation of section
7 13-1402. Within ten days after receiving this information, the law
8 enforcement agency shall determine if the offender is required to register
9 pursuant to this section. If the law enforcement agency determines that the
10 offender is required to register, the law enforcement agency shall provide
11 the information required by section 13-3825 to the department of public
12 safety and shall make community notification as required by law.

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

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

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

1 P. Any person who is required to register under subsection A of this
2 section shall register the person's required online identifier and the name
3 of any website or internet communication service where the identifier is
4 being used or is intended to be used with the sheriff from and after December
5 31, 2007, regardless of whether the person was required to register an
6 identifier at the time of the person's initial registration under this
7 section.

8 Q. On conviction of or adjudication of guilty except insane for any
9 offense for which a person is required to register pursuant to this section,
10 in addition to any other penalty prescribed by law, the court shall order the
11 person to pay an additional assessment of two hundred fifty dollars. This
12 assessment is not subject to any surcharge. The court shall transmit the
13 monies received pursuant to this section to the county treasurer. The county
14 treasurer shall transmit the monies received to the state treasurer. The
15 state treasurer shall deposit the monies received in the state general fund.
16 Notwithstanding any other law, the court shall not waive the assessment
17 imposed pursuant to this section.

18 R. A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO THIS SECTION SHALL
19 VERIFY THE PERSON'S ADDRESS IF REQUESTED BY THE DEPARTMENT OF PUBLIC SAFETY
20 PURSUANT TO SECTION 13-3827, SUBSECTION G.

21 ~~R.~~ S. For the purposes of this section:

- 22 1. "Address" means the location at which the person receives mail.
- 23 2. "Required online identifier" means any electronic e-mail address
24 information or instant message, chat, social networking or other similar
25 internet communication name, but does not include a social security number,
26 date of birth or pin number.
- 27 3. "Residence" means the person's dwelling place, whether permanent or
28 temporary.

29 Sec. 2. Section 13-3827, Arizona Revised Statutes, is amended to read:
30 13-3827. Internet sex offender website; investigation of
31 records; immunity; definition

32 A. The department of public safety shall establish and maintain an
33 internet sex offender website for offenders whose risk assessment has been
34 determined to be a level two or level three. The purpose of the internet sex
35 offender website is to provide sex offender information to the public.

36 B. The internet sex offender website shall include the following
37 information for each convicted or adjudicated guilty except insane sex
38 offender in this state who is required to register pursuant to section
39 13-3821:

- 40 1. The offender's name, address and age.
- 41 2. A current photograph.
- 42 3. The offense committed and notification level pursuant to section
43 13-3825, subsection C, if a risk assessment has been completed pursuant to
44 section 13-3825.

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

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

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

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

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

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

1 I. EXCEPT FOR A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION
2 13-3821, a person who provides or fails to provide information required by
3 this section is not civilly or criminally liable unless the act or omission
4 is wanton or wilful.

5 J. For the purpose of this section, "required online identifier" means
6 any electronic e-mail address information or instant message, chat, social
7 networking or other similar internet communication name, but does not include
8 a social security number, date of birth or pin number.

APPROVED BY THE GOVERNOR MARCH 17, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 17, 2015.