

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

**CHAPTER 154**  
**SENATE BILL 1286**

AN ACT

AMENDING SECTIONS 13-3825 AND 13-3827, ARIZONA REVISED STATUTES; RELATING TO  
THE INTERNET SEX OFFENDER WEBSITE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3825, Arizona Revised Statutes, is amended to  
3 read:

4 13-3825. Community notification

5 A. Within seventy-two hours after a person who was convicted or  
6 adjudicated guilty except insane is released from confinement or who was  
7 accepted under the interstate compact for the supervision of parolees and  
8 probationers and has arrived in this state, the agency that had custody or  
9 responsibility for supervision of the person who was convicted of or  
10 adjudicated guilty except insane for committing an offense for which the  
11 person was required or ordered by the court to register pursuant to section  
12 13-3821 or that has accepted supervision under the interstate compact for the  
13 supervision of parolees and probationers shall provide all of the following  
14 information to the department of public safety by entering all of the  
15 following information into the sex offender profile and notification  
16 database:

17 1. The offender's identifying information.

18 2. A risk assessment of the offender.

19 3. The offender's date of release from confinement or, if the offender  
20 is sentenced to probation without jail time, the date the sentence is  
21 imposed.

22 B. Following the tenth day after the person is released from  
23 confinement or, if the offender is sentenced to probation without jail time,  
24 the date the sentence is imposed, the department of public safety shall  
25 cross-reference the information the department receives pursuant to  
26 subsection A of this section with the sex offender registry to determine if  
27 the person is registered as required or ordered by the court pursuant to  
28 section 13-3821. If the person is not registered, the local law enforcement  
29 agency or the department of public safety shall request that the county  
30 attorney in the county in which the person was convicted or adjudicated  
31 guilty except insane petition the court for an arrest warrant to be issued  
32 and, if appropriate, notify the interstate compact administrator for this  
33 state. If the person is registered, the department of public safety shall  
34 forward the information the department received pursuant to subsection A of  
35 this section to the sheriff in the county where the person is registered.

36 C. The community notification requirements are as follows:

37 1. For level two and level three offenders, the notification must be  
38 made to the surrounding neighborhood, area schools, appropriate community  
39 groups and prospective employers. The notification must include a flyer with  
40 the offender's photograph and exact address and a summary of the offender's  
41 status and criminal background. A press release and a level two or level  
42 three flyer must be given to the local electronic and print media to enable  
43 information to be placed in a local publication.

44 2. For level one offenders, the local law enforcement agency that is  
45 responsible for notification shall maintain information about the offender.  
46 The local law enforcement agency may disseminate this information to other

1 law enforcement agencies and may give notification to the people with whom  
2 the offender resides.

3 D. After receiving the information pursuant to subsection B of this  
4 section, the sheriff shall forward the information to the chief law  
5 enforcement officer of the community in which the person resides. After  
6 reviewing the information received and any other information available to the  
7 local law enforcement agency, the local law enforcement agency shall  
8 categorize each offender and place each offender into a notification level.  
9 Within forty-five days, the local law enforcement agency shall notify the  
10 community of the offender's presence in the community pursuant to ~~the~~  
11 ~~guidelines prescribed by~~ subsection C of this section. If the community does  
12 not have a chief law enforcement officer, the sheriff shall perform the  
13 duties of the local law enforcement agency.

14 E. If a person who has been convicted of or adjudicated guilty except  
15 insane or not guilty by reason of insanity for an offense in another state  
16 registers pursuant to section 13-3821, subsection A, the sheriff in the  
17 county in which the person registers shall forward the information to the  
18 chief law enforcement officer of the community in which the person resides.  
19 The chief law enforcement officer shall contact the state in which the person  
20 was convicted or adjudicated guilty except insane or not guilty by reason of  
21 insanity and shall obtain information regarding the person. After reviewing  
22 the information received and any other information available, the local law  
23 enforcement agency shall complete the risk assessment, shall categorize the  
24 person, shall place the person into a notification level and shall enter the  
25 information into the computer system. If the law enforcement agency is  
26 unable to obtain sufficient information to complete the sex offender  
27 community notification risk assessment, the agency shall categorize the  
28 offender as a level two offender. Within forty-five days, the local law  
29 enforcement agency shall notify the community of the person's presence in the  
30 community pursuant to ~~the guidelines prescribed by~~ subsection C of this  
31 section. If the community does not have a chief law enforcement officer, the  
32 sheriff shall perform the duties of the local law enforcement agency.

33 F. On receiving notice pursuant to section 13-3822 that a person who  
34 is required to register has moved from the person's address, the chief law  
35 enforcement officer of the community to which the person has relocated may  
36 notify that community of the person's relocation to the community, pursuant  
37 to subsection D of this section. If the community does not have a local law  
38 enforcement agency, the sheriff of the county to which the person has  
39 relocated shall notify the community of the person's relocation.

40 G. In cooperation with the county probation department or the state  
41 department of corrections, a law enforcement agency may delegate all or part  
42 of the notification process for offenders on community supervision to the  
43 county probation department or to the state department of corrections, as  
44 appropriate.

45 H. Information concerning a person who is required to register  
46 pursuant to section 13-3821, who is subject to the provisions of community

1 notification and who is a student at a public or private institution of  
2 postsecondary education or who is employed or carries on a vocation, with or  
3 without compensation, at a public or private institution of postsecondary  
4 education shall be promptly made available by the county sheriff to the law  
5 enforcement agency having jurisdiction for performing community notification  
6 pursuant to ~~guidelines prescribed by~~ subsection C of this section. The law  
7 enforcement agency shall notify the institution's administration and shall  
8 complete appropriate campus notification pursuant to ~~guidelines prescribed by~~  
9 subsection C of this section.

10 I. This section does not prohibit law enforcement officers from giving  
11 a community notice of any circumstances or persons that pose a danger to the  
12 community under circumstances that are not provided for under this section.

13 J. Except as provided in subsection K of this section, this section  
14 applies to all persons who are subject to the registration requirements in  
15 section 13-3821 whether or not the person was convicted or adjudicated guilty  
16 except insane before or after June 1, 1996.

17 K. This section does not apply to persons who are subject to the  
18 registration requirements in section 13-3821 as a result of offenses  
19 adjudicated by a juvenile court unless ordered by the court.

20 L. Notwithstanding subsections B and D of this section, the agency  
21 that had custody or responsibility for supervision of an offender or the  
22 court that sentenced the offender who was convicted of or adjudicated guilty  
23 except insane for committing an offense that subjects the offender to the  
24 registration requirements of section 13-3821 and who committed the offense  
25 before June 1, 1996 may conduct a risk assessment for the offender as  
26 existing resources are available pursuant to ~~guidelines prescribed by~~  
27 subsection C of this section. Community notification pursuant to this  
28 section and sex offender website notification pursuant to section 13-3827,  
29 **SUBSECTION A, PARAGRAPH 1** shall only be conducted after the risk assessment  
30 is complete.

31 M. The court may continue, defer or terminate community notification  
32 after a hearing held pursuant to section 13-923.

33 Sec. 2. Section 13-3827, Arizona Revised Statutes, is amended to read:  
34 13-3827. Internet sex offender website; investigation of  
35 records; immunity; exception; definition

36 A. The department of public safety shall establish and maintain an  
37 internet sex offender website ~~for offenders whose risk assessment has been~~  
38 ~~determined to be a level two or level three. FOR~~ the purpose of ~~the internet~~  
39 ~~sex offender website is to provide~~ **PROVIDING** sex offender information to the  
40 public. **THE INTERNET SEX OFFENDER WEBSITE SHALL INCLUDE THE FOLLOWING**  
41 **OFFENDERS:**

- 42 1. ANY OFFENDER WHOSE RISK ASSESSMENT HAS BEEN DETERMINED TO BE A  
43 LEVEL TWO OR LEVEL THREE.  
44 2. UNLESS INCLUDED UNDER PARAGRAPH 1 OF THIS SUBSECTION, ANY OFFENDER  
45 WHO WAS CONVICTED OF OR ADJUDICATED GUILTY EXCEPT INSANE FOR ANY OF THE

1 FOLLOWING COMPLETED OFFENSES OR THE SAME OR SUBSTANTIALLY SIMILAR OFFENSE IN  
2 ANOTHER STATE OR JURISDICTION:

3 (a) SEXUAL ASSAULT PURSUANT TO SECTION 13-1406.

4 (b) SEXUAL EXPLOITATION OF A MINOR PURSUANT TO SECTION 13-3553 IF THE  
5 OFFENDER IS AT LEAST TWENTY-ONE YEARS OF AGE AND IS SENTENCED PURSUANT TO  
6 SECTION 13-705.

7 (c) COMMERCIAL SEXUAL EXPLOITATION OF A MINOR PURSUANT TO SECTION  
8 13-3552.

9 (d) SEXUAL ABUSE PURSUANT TO SECTION 13-1404 IF THE VICTIM IS UNDER  
10 TWELVE YEARS OF AGE.

11 (e) MOLESTATION OF A CHILD PURSUANT TO SECTION 13-1410 IF THE VICTIM  
12 IS UNDER TWELVE YEARS OF AGE.

13 (f) SEXUAL CONDUCT WITH A MINOR PURSUANT TO SECTION 13-1405 IF THE  
14 VICTIM IS UNDER TWELVE YEARS OF AGE.

15 (g) CHILD PROSTITUTION PURSUANT TO SECTION 13-3212, SUBSECTION A OR  
16 SUBSECTION B, PARAGRAPH 1 OR 2.

17 (h) TAKING A CHILD FOR THE PURPOSE OF PROSTITUTION PURSUANT TO SECTION  
18 13-3206 IF THE VICTIM IS UNDER TWELVE YEARS OF AGE.

19 (i) LURING A MINOR FOR SEXUAL EXPLOITATION PURSUANT TO SECTION 13-3554  
20 IF THE VICTIM IS UNDER TWELVE YEARS OF AGE.

21 (j) AGGRAVATED LURING A MINOR FOR SEXUAL EXPLOITATION PURSUANT TO  
22 SECTION 13-3560 IF THE VICTIM IS UNDER TWELVE YEARS OF AGE.

23 (k) CONTINUOUS SEXUAL ABUSE OF A CHILD PURSUANT TO SECTION 13-1417 IF  
24 THE VICTIM IS UNDER TWELVE YEARS OF AGE.

25 B. The internet sex offender website shall include the following  
26 information for each convicted or adjudicated guilty except insane sex  
27 offender in this state who is required to register pursuant to section  
28 13-3821:

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

30 2. A current photograph.

31 3. The offense committed and notification level pursuant to section  
32 13-3825, subsection C, if a risk assessment has been completed pursuant to  
33 section 13-3825.

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

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

43 E. The department of public safety may disseminate a registered sex  
44 offender's required online identifier and the name of any corresponding  
45 website or internet communication service to a business or organization that  
46 offers electronic communication services for comparison with information that

1 is held by the requesting business or organization. The requesting business  
2 or organization shall notify the department of public safety when a  
3 comparison of the information indicates that a registered sex offender's  
4 required online identifier is being used on the business's or organization's  
5 system. The requesting business or organization shall not further  
6 disseminate that the person is a registered sex offender.

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

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

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

31 I. Except for a person who is required to register pursuant to section  
32 13-3821, a person who provides or fails to provide information required by  
33 this section is not civilly or criminally liable unless the act or omission  
34 is wanton or wilful.

35 J. THIS SECTION DOES NOT APPLY TO AN OFFENDER DURING ANY TIME THAT THE  
36 OFFENDER IS INCARCERATED IN THE STATE DEPARTMENT OF CORRECTIONS.

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

1           Sec. 3. Applicability

2           A. Section 13-3827, Arizona Revised Statutes, as amended by this act,  
3 applies to a person who is convicted of or adjudicated guilty except insane  
4 for an offense that is listed in section 13-3827, subsection A, Arizona  
5 Revised Statutes, as amended by this act, and that was committed before, on  
6 or after the effective date of this act.

7           B. Notwithstanding section 13-3827, Arizona Revised Statutes, as  
8 amended by this act, the department of public safety is not required to  
9 include the name and information of an offender on the internet sex offender  
10 website until July 1, 2017 if the offender was convicted of an offense listed  
11 in section 13-3827, subsection A, paragraph 2, Arizona Revised Statutes, as  
12 added by this act, before the effective date of this act.

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.