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Senate Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

SENATE BILL 1382

AN ACT

AMENDING SECTION 13-3821, 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

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 ~~shall~~ 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 pursuant to section 13-1406.01.

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

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

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

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

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

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

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

36 14. A second or subsequent violation of indecent exposure to a person
37 under the age of fifteen years pursuant to section 13-1402, subsection B.

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

41 16. A third or subsequent violation of indecent exposure pursuant to
42 section 13-1402.

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

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

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

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

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

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

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

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

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

39 G. The court may order the termination of any duty to register under
40 this section upon successful completion of probation if the person was under
41 eighteen years of age when the offense for which the person was convicted was
42 committed.

1 H. At the time of registering, the person shall sign a statement in
2 writing giving such information as required by the director of the department
3 of public safety, including all names by which the person is known. The
4 sheriff shall fingerprint and photograph the person and within three days
5 thereafter shall send copies of the statement, fingerprints and photographs
6 to the criminal identification section within the department of public safety
7 and the chief of police, if any, of the place where the person resides.

8 I. Upon the person's initial registration and every year after the
9 person's initial registration, the person shall obtain a new nonoperating
10 identification license or a driver license from the motor vehicle division in
11 the department of transportation and shall carry a valid nonoperating
12 identification license or a driver license. Notwithstanding sections 28-3165
13 and 28-3171, the license shall be valid for one year from the date of
14 issuance, and the person shall submit to the department of transportation
15 proof of the person's address. The motor vehicle division shall annually
16 update the person's photograph and shall make a copy of the photograph
17 available to the criminal identification section of the department of public
18 safety or to any law enforcement agency.

19 J. Except as provided in subsection E or K of this section, the clerk
20 of the superior court in the county in which a person has been convicted of a
21 violation of any offense listed under subsection A of this section or has
22 been ordered to register pursuant to subsection C or D of this section shall
23 notify the sheriff in that county of the conviction within ten days after
24 entry of the judgment.

25 K. Within ten days after entry of judgment, a court not of record
26 shall notify the arresting law enforcement agency of an offender's conviction
27 of a violation of section 13-1402. Within ten days after receiving this
28 information, the law enforcement agency shall determine if the offender is
29 required to register pursuant to this section. If the law enforcement agency
30 determines that the offender is required to register, the law enforcement
31 agency shall provide the information required by section 13-3825 to the
32 department of public safety and shall make community notification as required
33 by law.

34 L. A person who is required to register pursuant to this section
35 because of a conviction for the unlawful imprisonment of a minor or the
36 kidnapping of a minor is required to register, absent additional or
37 subsequent convictions, for a period of ten years from the date that the
38 person is released from prison, jail, probation, community supervision or
39 parole and the person has fulfilled all restitution obligations.
40 Notwithstanding this subsection, a person who has a prior conviction for an
41 offense for which registration is required pursuant to this section is
42 required to register for life.

1 M. A person who is required to register pursuant to this section and
2 who is a student at a public or private institution of postsecondary
3 education or who is employed, with or without compensation, at a public or
4 private institution of postsecondary education or who carries on a vocation
5 at a public or private institution of postsecondary education shall notify
6 the county sheriff having jurisdiction of the institution of postsecondary
7 education. The person required to register pursuant to this section shall
8 also notify the sheriff of each change in enrollment or employment status at
9 the institution.