

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 186
SENATE BILL 1041

AN ACT

AMENDING SECTION 13-3727, ARIZONA REVISED STATUTES; RELATING TO UNLAWFUL
RESIDENCY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3727, Arizona Revised Statutes, is amended to
3 read:

4 13-3727. Unlawful residency: persons convicted of criminal
5 offenses; exceptions; preemption; classification

6 A. It is unlawful for a person who has been convicted of a
7 dangerous crime against children as defined in section 13-705, or who has
8 been convicted of an offense committed in another jurisdiction that if
9 committed in this state would be a dangerous crime against children as
10 defined in section 13-705, AND who is required to register pursuant to
11 section 13-3821 ~~and who is classified as a level three offender pursuant~~
12 ~~to section 13-3825~~, to:

13 1. IF THE PERSON IS CLASSIFIED AS A LEVEL THREE OFFENDER PURSUANT
14 TO SECTION 13-3825, reside within one thousand feet of the real property
15 comprising any of the following:

16 ~~1.~~ (a) A private school, as defined in section 15-101, or a public
17 school that provides instruction in kindergarten programs and any
18 combination of kindergarten programs and grades one through eight.

19 ~~2.~~ (b) A private school, as defined in section 15-101, or a public
20 school that provides instruction in any combination of grades nine through
21 twelve.

22 ~~3.~~ (c) A child care facility as defined in section 36-881.

23 2. KNOWINGLY ESTABLISH A RESIDENCE AND RESIDE WITHIN ONE THOUSAND
24 FEET OF THE REAL PROPERTY ON WHICH THE PERSON'S FORMER VICTIM RESIDES.

25 3. ESTABLISH A RESIDENCE AND RESIDE WITHIN ONE THOUSAND FEET OF THE
26 REAL PROPERTY ON WHICH THE PERSON'S FORMER VICTIM RESIDES.

27 B. SUBSECTION A, PARAGRAPH 1 OF this section does not apply to any
28 of the following:

29 1. A person who establishes the person's residence before
30 September 19, 2007 or before a new school or child care facility is
31 located.

32 2. A person who is a minor.

33 3. A person who is currently serving a term of probation.

34 4. A person who has had the person's civil rights restored pursuant
35 to chapter 9 of this title.

36 5. A person who has not been convicted of a subsequent offense in
37 the previous ten years, excluding any time the person was incarcerated in
38 any federal, state, county or local jail or prison facility.

39 C. SUBSECTION A, PARAGRAPHS 2 AND 3 OF THIS SECTION DO NOT APPLY
40 TO:

41 1. A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION
42 13-3821, SUBSECTION A, PARAGRAPH 19.

43 2. A PERSON WHO RECEIVES WRITTEN CONSENT TO ESTABLISH THE RESIDENCE
44 FROM THE VICTIM OR, IF THE VICTIM IS A MINOR, FROM THE PARENT OR GUARDIAN

1 OF THE MINOR UNLESS THE PARENT OR GUARDIAN OF THE MINOR IS THE PERSON WHO
2 WAS CONVICTED.

3 D. IT IS A DEFENSE TO A PROSECUTION FOR A VIOLATION OF SUBSECTION
4 A, PARAGRAPH 3 OF THIS SECTION IF THE PERSON ESTABLISHED THE RESIDENCE
5 WITHOUT KNOWLEDGE THAT THE VICTIM RESIDED WITHIN ONE THOUSAND FEET, THE
6 PERSON MOVED WITHIN THIRTY DAYS AFTER RECEIVING ACTUAL KNOWLEDGE OF THE
7 VICTIM'S RESIDENCE AND THE PERSON DID NOT HAVE CONTACT WITH THE VICTIM
8 DURING THAT THIRTY-DAY PERIOD.

9 ~~E.~~ E. Notwithstanding any other law and as a matter of statewide
10 concern, a county, city or town shall not enact an ordinance that provides
11 for distance restrictions greater than those found in this section.

12 ~~D.~~ F. For the purposes of ~~subsection A of~~ this section,
13 measurements shall be made in a straight line in all directions, without
14 regard to intervening structures or objects, from the nearest point on the
15 property line of a parcel containing the person's residence to the nearest
16 point on the property line of a parcel containing a child care facility or
17 a school OR ON WHICH THE PERSON'S FORMER VICTIM RESIDES.

18 ~~E.~~ G. A person who violates this section is guilty of a class 1
19 misdemeanor, EXCEPT THAT A PERSON WHO COMMITS A SECOND OR SUBSEQUENT
20 VIOLATION OF SUBSECTION A, PARAGRAPH 2 OR 3 OF THIS SECTION IS GUILTY OF A
21 CLASS 6 FELONY.

APPROVED BY THE GOVERNOR APRIL 11, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2018.