



ARIZONA HOUSE OF REPRESENTATIVES

HB 2309: sex offender registration; termination

PRIME SPONSOR: Representative Bowers, LD 25

BILL STATUS: [House Engrossed](#)

Legend:

Amendments – **BOLD** and **Stricken** (Committee)

Abstract

Relating to sex offender registration.

Provisions

1. Expands the current option for specific defendants to petition the court to end the defendant's duty to register as a sex offender by including:
 - a. All offenses that a person could be ordered or required to register for, except:
 - i. Sexual assault ([A.R.S. § 13-1406](#))
 - ii. Molestation ([A.R.S. § 13-1410](#))
 - iii. Continuous sexual abuse of a child ([A.R.S. § 13-1417](#))
 - iv. Taking a child for prostitution ([A.R.S. § 13-3206](#))
 - v. Child sex trafficking ([A.R.S. § 13-3212](#))
 - vi. Commercial sexual exploitation of a child ([A.R.S. § 13-3552](#))
 - vii. Sexual exploitation of a minor ([A.R.S. § 13-3553](#))
 - viii. Aggravated luring of a minor for sexual exploitation ([A.R.S. § 13-3560](#))
 - b. Offenses where the victim was a peace officer posing as a minor 15 years of age or older.
 - c. Conduct that did not involve the use of threats or force. (Sec 1)

Current Law

A.R.S. Title 13, Ch. 38, Article 3 governs the registration and monitoring of sex offenders. [A.R.S. § 13-3821](#) outlines which offenses require a person to register as a sex offender. Sex offender registration is a lifetime duty in Arizona, except in the following situations:

- If the offender was adjudicated delinquent for the offense requiring registration, the duty to register ends when the offender reaches age 25 (A.R.S. § 13-3821(D)).
- If the offender is on probation, under 22 years of age and was convicted of an offense that occurred before the offender turned 18, the offender can ask the court to consider ending the offender's duty to register. ([A.R.S. § 13-923](#))

[Laws 2016, Ch. 105](#) added an additional option for terminating a person's duty to register as a sex offender. The statute requires the person to meet specific criteria, including:

- The original conviction was for sexual conduct with a minor ([A.R.S. § 13-1405](#));
- The defendant successfully completed probation;
- The defendant was under 22 years old at the time of the offense;
- The victim was 15-17 years old;
- The conduct was consensual;
- The defendant did not violate sex offender terms of probation;
- The defendant hasn't committed another felony or any sex offense;
- A court hasn't made a finding that the person might be a sexually violent person;
- There wasn't more than one victim; and
- The defendant wasn't sentenced to prison for the registerable offense.

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note