

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HOUSE BILL 2309

AN ACT

AMENDING SECTION 13-3826, ARIZONA REVISED STATUTES; RELATING TO THE
REGISTRATION OF SEX OFFENDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-3826, Arizona Revised Statutes, is amended to
3 read:
4 13-3826. Petition to terminate sex offender registration;
5 hearing; notice
6 A. A defendant ~~who is convicted of a violation of section 13-1405,~~
7 who is ORDERED OR required to register pursuant to section 13-3821 and who
8 successfully completes a term of probation may petition the court for an
9 order to terminate any duty to register and shall serve a copy of the
10 petition on the prosecutor. In the petition, the defendant shall avow,
11 under penalty of perjury, all of the following:
12 1. The defendant was under twenty-two years of age at the time the
13 offense was committed.
14 2. The victim was fifteen, sixteen or seventeen years of age at the
15 time of the offense OR WAS A PEACE OFFICER POSING AS A FIFTEEN, SIXTEEN OR
16 SEVENTEEN YEAR OLD.
17 3. The ~~sexual~~ conduct ~~was consensual~~ DID NOT INVOLVE THE USE OF
18 THREATS OR FORCE.
19 4. The defendant did not violate any of the sex offender terms of
20 the defendant's probation.
21 5. The defendant has not subsequently committed another felony
22 offense or any offense included in chapter 14 or 35.1 of this title.
23 6. A court has not determined that probable cause exists to believe
24 the defendant is a sexually violent person pursuant to title 36, chapter
25 37 or that a sexually violent person proceeding pursuant to title 36,
26 chapter 37 is not currently pending.
27 7. The violation did not involve more than one victim.
28 8. The defendant was not sentenced to a term of imprisonment in the
29 state department of corrections for the offense for which the defendant
30 was required to register.
31 9. THE DEFENDANT WAS NOT CONVICTED OF A VIOLATION OR ATTEMPTED
32 VIOLATION OF SECTION 13-1406, 13-1410, 13-1417, 13-3206, 13-3212, 13-3552,
33 13-3553 OR 13-3560.
34 B. On receipt of the petition, the court shall set a hearing and
35 provide sufficient notice to the state to allow victim notification. The
36 state has the burden of establishing by a preponderance of the evidence
37 that a factor listed in subsection A of this section has not been met. At
38 the hearing, any party may introduce any reliable and relevant evidence,
39 including hearsay evidence. Before ruling on the petition, the court must
40 provide all parties, including the victim, with the opportunity to be
41 heard.
42 C. The court shall deny the petition if the court finds that any
43 factor listed in subsection A of this section is not met.
44 D. Notwithstanding subsection C of this section, the court may deny
45 a petition if the court finds that a denial is in the best interests of
46 justice or tends to ensure the safety of the public.