

REFERENCE TITLE: sex offender registration; early termination

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

## **HB 2300**

Introduced by  
Representatives Stringer: Campbell

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; assessment; termination  
6 hearing; definitions

7 A. A person who has been convicted of or adjudicated guilty except  
8 insane for a violation or attempted violation of any of the following  
9 offenses or who has been convicted of or adjudicated guilty except insane  
10 or not guilty by reason of insanity for an offense committed in another  
11 jurisdiction that if committed in this state would be a violation or  
12 attempted violation of any of the following offenses or an offense that  
13 was in effect before September 1, 1978 and that, if committed on or after  
14 September 1, 1978, has the same elements of an offense listed in this  
15 section or who is required to register by the convicting or adjudicating  
16 jurisdiction, within ten days after the conviction or adjudication or  
17 within ten days after entering and remaining in any county of this state,  
18 shall register with the sheriff of that county:

19 1. Unlawful imprisonment pursuant to section 13-1303 if the victim  
20 is under eighteen years of age and the unlawful imprisonment was not  
21 committed by the child's parent.

22 2. Kidnapping pursuant to section 13-1304 if the victim is under  
23 eighteen years of age and the kidnapping was not committed by the child's  
24 parent.

25 3. Sexual abuse pursuant to section 13-1404 if the victim is under  
26 eighteen years of age.

27 4. Sexual conduct with a minor pursuant to section 13-1405.

28 5. Sexual assault pursuant to section 13-1406.

29 6. Sexual assault of a spouse if the offense was committed before  
30 August 12, 2005.

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

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

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

35 10. Child prostitution pursuant to section 13-3212, subsection A or  
36 subsection B, paragraph 1 or 2 committed before August 9, 2017.

37 11. Child sex trafficking pursuant to section 13-3212, subsection A  
38 or subsection B, paragraph 1 or 2 committed on or after August 9, 2017.

39 12. Commercial sexual exploitation of a minor pursuant to section  
40 13-3552.

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

42 14. Luring a minor for sexual exploitation pursuant to section  
43 13-3554.

44 15. A second or subsequent violation of indecent exposure to a  
45 person who is under fifteen years of age pursuant to section 13-1402.

1           16. A second or subsequent violation of public sexual indecency to  
2 a minor who is under fifteen years of age pursuant to section 13-1403,  
3 subsection B.

4           17. A third or subsequent violation of indecent exposure pursuant  
5 to section 13-1402.

6           18. A third or subsequent violation of public sexual indecency  
7 pursuant to section 13-1403.

8           19. A violation of section 13-3822 or 13-3824.

9           20. Unlawful age misrepresentation.

10          21. Aggravated luring a minor for sexual exploitation pursuant to  
11 section 13-3560.

12          22. Sexual extortion pursuant to section 13-1428 if the victim is  
13 under fifteen years of age.

14           B. Before the person is released from confinement the state  
15 department of corrections in conjunction with the department of public  
16 safety and each county sheriff shall complete the registration of any  
17 person who was convicted of or adjudicated guilty except insane for a  
18 violation of any offense listed under subsection A of this section.  
19 Within three days after the person's release from confinement, the state  
20 department of corrections shall forward the registered person's records to  
21 the department of public safety and to the sheriff of the county in which  
22 the registered person intends to reside. Registration pursuant to this  
23 subsection shall be consistent with subsection E of this section.

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

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

34           E. A person who has been convicted, adjudicated guilty except  
35 insane or adjudicated delinquent and who is required to register in the  
36 convicting or adjudicating state for an act that would constitute an  
37 offense specified in subsection A or C of this section and who is not a  
38 resident of this state shall be required to register pursuant to this  
39 section if the person is either:

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

43           2. Enrolled as a full-time or part-time student in any school in  
44 this state for more than fourteen consecutive days or for an aggregate  
45 period of more than thirty days in a calendar year. For the purposes of

1 this paragraph, "school" means an educational institution of any  
2 description, public or private, wherever located in this state.

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

6 G. The court may order the termination of any duty to register  
7 under this section on successful completion of probation if the person was  
8 under eighteen years of age when the offense for which the person was  
9 convicted or adjudicated guilty except insane was committed.

10 H. The court may order the suspension or termination of any duty to  
11 register under this section after a hearing held pursuant to section  
12 13-923.

13 I. At the time of registering, the person shall sign or affix an  
14 electronic fingerprint to a statement giving such information as required  
15 by the director of the department of public safety, including all names by  
16 which the person is known, any required online identifier and the name of  
17 any website or internet communication service where the identifier is  
18 being used. The sheriff shall fingerprint and photograph the person and  
19 within three days thereafter shall send copies of the statement,  
20 fingerprints and photographs to the department of public safety and the  
21 chief of police, if any, of the place where the person resides. The  
22 information that is required by this subsection shall include the physical  
23 location of the person's residence and the person's address. If the  
24 person has a place of residence that is different from the person's  
25 address, the person shall provide the person's address, the physical  
26 location of the person's residence and the name of the owner of the  
27 residence if the residence is privately owned and not offered for rent or  
28 lease. If the person receives mail at a post office box, the person shall  
29 provide the location and number of the post office box. If the person has  
30 more than one residence or does not have an address or a permanent place  
31 of residence, the person shall provide a description and physical location  
32 of any temporary residence and shall register as a transient not less than  
33 every ninety days with the sheriff in whose jurisdiction the transient is  
34 physically present.

35 J. On the person's initial registration and every year after the  
36 person's initial registration, the person shall confirm any required  
37 online identifier and the name of any website or internet communication  
38 service where the identifier is being used and the person shall obtain a  
39 new nonoperating identification license or a driver license from the motor  
40 vehicle division in the department of transportation and shall carry a  
41 valid nonoperating identification license or a driver license.  
42 Notwithstanding sections 28-3165 and 28-3171, the license is valid for one  
43 year from the date of issuance, and the person shall submit to the  
44 department of transportation proof of the person's address and place of  
45 residence. The motor vehicle division shall annually update the person's

1 address and photograph and shall make a copy of the photograph available  
2 to the department of public safety or to any law enforcement agency. The  
3 motor vehicle division shall provide to the department of public safety  
4 daily address updates for persons required to register pursuant to this  
5 section.

6 K. Except as provided in subsection E or L of this section, the  
7 clerk of the superior court in the county in which a person has been  
8 convicted of or adjudicated guilty except insane for a violation of any  
9 offense listed under subsection A of this section or has been ordered to  
10 register pursuant to subsection C or D of this section shall notify the  
11 sheriff in that county of the conviction or adjudication within ten days  
12 after entry of the judgment.

13 L. Within ten days after entry of judgment, a court not of record  
14 shall notify the arresting law enforcement agency of an offender's  
15 conviction of or adjudication of guilty except insane for a violation of  
16 section 13-1402. Within ten days after receiving this information, the  
17 law enforcement agency shall determine if the offender is required to  
18 register pursuant to this section. If the law enforcement agency  
19 determines that the offender is required to register, the law enforcement  
20 agency shall provide the information required by section 13-3825 to the  
21 department of public safety and shall make community notification as  
22 required by law.

23 M. A person who is required to register pursuant to this section  
24 because of a conviction or adjudication of guilty except insane for the  
25 unlawful imprisonment of a minor or the kidnapping of a minor is required  
26 to register, absent additional or subsequent convictions or adjudications,  
27 for a period of ten years from the date that the person is released from  
28 prison, jail, probation, community supervision or parole and the person  
29 has fulfilled all restitution obligations. Notwithstanding this  
30 subsection, a person who has a prior conviction or adjudication of guilty  
31 except insane for an offense for which registration is required pursuant  
32 to this section is required to register for life.

33 N. A person who is required to register pursuant to this section  
34 and who is a student at a public or private institution of postsecondary  
35 education or who is employed, with or without compensation, at a public or  
36 private institution of postsecondary education or who carries on a  
37 vocation at a public or private institution of postsecondary education  
38 shall notify the county sheriff having jurisdiction of the institution of  
39 postsecondary education. The person who is required to register pursuant  
40 to this section shall also notify the sheriff of each change in enrollment  
41 or employment status at the institution.

42 O. At the time of registering, the sheriff shall secure a  
43 sufficient sample of blood or other bodily substances for deoxyribonucleic  
44 acid testing and extraction from a person who has been convicted of or  
45 adjudicated guilty except insane for an offense committed in another

1 jurisdiction that if committed in this state would be a violation or  
2 attempted violation of any of the offenses listed in subsection A of this  
3 section or an offense that was in effect before September 1, 1978 and  
4 that, if committed on or after September 1, 1978, has the same elements of  
5 an offense listed in subsection A of this section or who is required to  
6 register by the convicting or adjudicating jurisdiction. The sheriff  
7 shall transmit the sample to the department of public safety.

8 P. Any person who is required to register under subsection A of  
9 this section shall register the person's required online identifier and  
10 the name of any website or internet communication service where the  
11 identifier is being used or is intended to be used with the sheriff from  
12 and after December 31, 2007, regardless of whether the person was required  
13 to register an identifier at the time of the person's initial registration  
14 under this section.

15 Q. On conviction of or adjudication of guilty except insane for any  
16 offense for which a person is required to register pursuant to this  
17 section, in addition to any other penalty prescribed by law, the court  
18 shall order the person to pay an additional assessment of two hundred  
19 fifty dollars. This assessment is not subject to any surcharge. The  
20 court shall transmit the monies received pursuant to this section to the  
21 county treasurer. The county treasurer shall transmit the monies received  
22 to the state treasurer. The state treasurer shall deposit the monies  
23 received in the state general fund. Notwithstanding any other law, the  
24 court shall not waive the assessment imposed pursuant to this section.

25 R. A person who is required to register pursuant to this section  
26 shall verify the person's address if requested by the department of public  
27 safety pursuant to section 13-3827, subsection G.

28 S. A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO THIS SECTION  
29 MAY PETITION THE COURT FOR AN ORDER TERMINATING ANY DUTY TO REGISTER IF  
30 THE PERSON HAS BEEN REGISTERED FOR AT LEAST TEN YEARS FOR AN OFFENSE  
31 COMMITTED AS AN ADULT OR FOR AT LEAST FIVE YEARS FOR AN OFFENSE COMMITTED  
32 WHEN THE PERSON WAS UNDER EIGHTEEN YEARS OF AGE, UNLESS TERMINATED EARLIER  
33 PURSUANT TO SECTION 13-3826 OR SUBSECTION G OR H OF THIS SECTION. ON  
34 RECEIPT OF THE PETITION, THE COURT SHALL SET A HEARING AND PROVIDE  
35 SUFFICIENT NOTICE TO THE STATE TO ALLOW VICTIM NOTIFICATION. THE  
36 PETITIONER HAS THE BURDEN OF ESTABLISHING BY CLEAR AND CONVINCING EVIDENCE  
37 THAT THE PETITIONER HAS NOT COMMITTED A SEX OFFENSE SINCE BEING REQUIRED  
38 TO REGISTER, IS NOT LIKELY TO REOFFEND AND IS NOT A DANGER TO THE SAFETY  
39 OF OTHERS. AT THE HEARING, THE PETITIONER MAY BE REPRESENTED BY AN  
40 ATTORNEY, CALL WITNESSES AND INTRODUCE ANY RELIABLE AND RELEVANT EVIDENCE.  
41 BEFORE RULING ON THE PETITION, THE COURT SHALL PROVIDE ALL PARTIES,  
42 INCLUDING THE VICTIM, WITH THE OPPORTUNITY TO BE HEARD. THE COURT SHALL  
43 STATE ON THE RECORD THE SPECIFIC REASONS FOR THE COURT'S DECISION. WITHIN  
44 THIRTY CALENDAR DAYS AFTER THE COURT'S DECISION, THE PETITIONER MAY FILE A  
45 PETITION FOR SPECIAL ACTION WITH THE ARIZONA COURT OF APPEALS PURSUANT TO

1 THE RULES OF PROCEDURE FOR SPECIAL ACTIONS. THE FILING OF THE PETITION  
2 FOR SPECIAL ACTION IS GOVERNED BY THE RULES OF PROCEDURE FOR SPECIAL  
3 ACTIONS, EXCEPT THAT THE COURT OF APPEALS SHALL EXERCISE JURISDICTION AND  
4 DECIDE THE MERITS OF THE CLAIMS RAISED.

5 ~~§~~ T. For the purposes of this section:

6 1. "Address" means the location at which the person receives mail.

7 2. "Required online identifier" means any electronic e-mail address  
8 information or instant message, chat, social networking or other similar  
9 internet communication name, but does not include a social security  
10 number, date of birth or pin number.

11 3. "Residence" means the person's dwelling place, whether permanent  
12 or temporary.