



ARIZONA HOUSE OF REPRESENTATIVES

HB 2613: sex offender registration; termination

PRIME SPONSOR: Representative Bowers, LD 25

BILL STATUS: [Caucus & COW](#)

Judiciary: DP 10-0-0-0

Overview

Modifies sex offender registration termination requirements and permits additional offenders to apply for termination.

History

A person convicted of a sexual offense generally must register for life ([A.R.S. § 13-3821](#)). Absent a prior conviction requiring registration, however, a person convicted for the unlawful imprisonment or kidnapping of a minor must only register for 10 years. Defendants convicted of sexual conduct with a minor may also sometimes qualify for termination of the duty to register ([A.R.S. § 13-3826](#)).

A defendant convicted of sexual conduct with a minor may qualify for termination if:

1. The defendant was under 22 years of age at the time the offense;
2. The victim was 15, 16, or 17 years of age at the time of the offense;
3. The sexual conduct was consensual;
4. The defendant did not violate the sex offender terms of probation;
5. The defendant has not committed a subsequent felony, sexual, or child sexual exploitation offense;
6. The defendant is not a *sexually violent person* and does not have a pending sexually violent person proceeding;
7. The offense did not involve more than one victim; and
8. The defendant was not sentenced to a term in state prison for the offense.

All parties, including the victim, may be heard before the court rules on the termination and may introduce reliable and relevant evidence, including hearsay evidence. The state has the burden to prove, by a preponderance of the evidence, that the defendant does not qualify.

Provisions

1. Permits a person who is required to register for any sexual offense, and who completes probation, to apply to terminate the duty to register as a sex offender if:
 - a. The defendant is at least 35 years old;
 - b. The defendant was less than 22 years old at the time of the offense;
 - c. The victim was:
 - i. At least 15 years old at the time of the offense;
 - ii. A peace officer posing as a 15, 16, or 17 year old minor; or
 - iii. A fictitious minor purported to be 15, 16, or 17 years old;
 - d. The sexual conduct was consensual, if convicted of sexual conduct with a minor;
 - e. The defendant did not violate the sex offender terms of probation;
 - f. The defendant has not committed another felony, sexual, or sexual exploitation of children offense within 10 years of conviction for the offense requiring registration;

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- g. The defendant is not a *sexually violent person* and does not have a pending sexually violent person proceeding;
 - h. The violation did not involve more than one victim;
 - i. The defendant was not sentenced to a term in state prison for the offense;
 - j. The defendant was not convicted of more than one offense involving more than one victim; and
 - k. The defendant was not convicted for an offense relating to:
 - i. Sexual assault;
 - ii. Child molestation;
 - iii. Continuous sexual child abuse;
 - iv. Violent sexual assault;
 - v. Child prostitution;
 - vi. Child sex trafficking; or
 - vii. The sexual exploitation of a minor.
2. Requires the defendant to swear, under penalty of perjury, that the defendant has complied with all of the termination requirements.
 3. Prohibits the court from approving the defendant's petition if the defendant violated any of the termination requirements.
 4. Allows the court to deny the petition if the court finds doing so is in the best interest of justice or tends to ensure the safety of the public.