



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

House: JUD DP 10-0-0-0

HB 2674: sex offender registration; termination

Sponsor: Representative Bowers, LD 25

Committee on Caucus & COW

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:

- a) The defendant was under 22 years of age at the time of the offense;
- b) The victim was 15, 16, or 17 years of age at the time of the offense;
- c) The sexual conduct was consensual;
- d) The defendant did not violate the sex offender terms of probation;
- e) The defendant has not committed a subsequent felony, sexual, or child sexual exploitation offense;
- f) The defendant is not a sexually violent person and does not have a pending sexually violent person proceeding;
- g) The offense did not involve more than one victim; and
- h) 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 ([A.R.S. § 13-3826](#)).

Provisions

1. Stipulates a person may petition the court for an order to terminate the duty to register if the person was *at least 35 years old at the time of the petition* and was younger than 22 years old at the time the offense was committed. (Sec. 1)
2. Allows the person to petition the court for an order to terminate the duty to register, provided the person meets all other requirements, if the victim was a peace officer posing as a 15, 16 or 17-year-old minor. (Sec. 1)
3. States if the person was required to register because of a violation regarding sexual conduct with a minor who was at least 15 years old, then the person may petition to terminate the duty

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to register, provided the person meets all other requirements, if the sexual conduct was consensual. (Sec. 1)

4. States a person may only petition the court for an order to terminate the duty to register if the person meets all other requirements and has not been sentenced for another related offense for at least ten years after the person was sentenced for the original offense for which the person was required to register. (Sec. 1)
5. Specifies that a person is not eligible to petition the court for an order to terminate the duty to register if the person has been convicted of more than one offense involving more than one victim. (Sec. 1)
6. Makes a person ineligible to petition the court for an order to terminate the duty to register if the person has been convicted of sexual assault, child molestation, sexual abuse of a child, offenses relating to child prostitution or sexual exploitation of a minor. (Sec. 1)
7. Makes technical and conforming changes. (Sec. 1)