

REFERENCE TITLE: sex offender management board; duties

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2784

Introduced by
Representatives Bolick: Carter, Nguyen

AN ACT

AMENDING TITLE 13, CHAPTER 38, ARTICLE 3, ARIZONA REVISED STATUTES, BY
ADDING SECTION 13-3828; REPEALING SECTION 13-3828, ARIZONA REVISED
STATUTES; RELATING TO SEX OFFENDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 38, article 3, Arizona Revised
3 Statutes, is amended by adding section 13-3828, to read:

4 13-3828. Sex offender management board; duties; report;
5 immunity

6 A. THE SEX OFFENDER MANAGEMENT BOARD IS ESTABLISHED AND CONSISTS OF
7 TWENTY-FIVE MEMBERS WHO REFLECT, TO THE EXTENT POSSIBLE, REPRESENTATION OF
8 URBAN AND RURAL AREAS OF THIS STATE AND A BALANCE OF EXPERTISE IN ADULT
9 AND JUVENILE ISSUES THAT RELATE TO SEX OFFENDERS AND WHO ARE APPOINTED AS
10 FOLLOWS:

11 1. THE CHIEF JUSTICE OF THE SUPREME COURT SHALL APPOINT THE
12 FOLLOWING MEMBERS:

13 (a) ONE MEMBER WHO REPRESENTS THE JUDICIAL DEPARTMENT.

14 (b) ONE MEMBER WHO IS A SUPERIOR COURT JUDGE.

15 (c) ONE MEMBER WHO IS EITHER A JUDGE OR HEARING OFFICER IN THE
16 JUVENILE COURT.

17 2. THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS SHALL
18 APPOINT ONE MEMBER WHO REPRESENTS THE STATE DEPARTMENT OF CORRECTIONS.

19 3. THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION SHALL APPOINT
20 THE FOLLOWING MEMBERS:

21 (a) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF ECONOMIC SECURITY
22 AND WHO HAS RECOGNIZABLE EXPERTISE IN CHILD WELFARE AND CASE MANAGEMENT.

23 (b) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF CHILD SAFETY.

24 (c) ONE MEMBER WHO IS A PROVIDER OF OUT-OF-HOME PLACEMENT SERVICES
25 AND WHO HAS RECOGNIZABLE EXPERTISE IN PROVIDING SERVICES TO JUVENILES WHO
26 HAVE COMMITTED SEXUAL OFFENSES.

27 4. THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL APPOINT
28 THE FOLLOWING MEMBERS:

29 (a) ONE MEMBER WHO REPRESENTS THE HIGHWAY PATROL DIVISION IN THE
30 DEPARTMENT OF PUBLIC SAFETY.

31 (b) TWO MEMBERS WHO ARE LICENSED MENTAL HEALTH PROFESSIONALS AND
32 WHO HAVE RECOGNIZABLE EXPERTISE IN THE TREATMENT OF ADULT SEX OFFENDERS.

33 (c) TWO MEMBERS WHO ARE LICENSED MENTAL HEALTH PROFESSIONALS AND
34 WHO HAVE RECOGNIZABLE EXPERTISE IN THE TREATMENT OF JUVENILES WHO HAVE
35 COMMITTED SEXUAL OFFENSES.

36 (d) ONE MEMBER WHO IS A VICTIMS' RIGHTS ADVOCATE LAY PERSON.

37 (e) ONE MEMBER WHO IS A PUBLIC DEFENDER AND WHO HAS RECOGNIZABLE
38 EXPERTISE RELATED TO SEXUAL OFFENSES.

39 (f) ONE MEMBER WHO REPRESENTS LAW ENFORCEMENT AND WHO HAS
40 RECOGNIZABLE EXPERTISE IN ADDRESSING SEXUAL OFFENSES AND VICTIMIZATION.

41 (g) THREE MEMBERS WHO ARE RECOGNIZED EXPERTS IN THE FIELD OF SEXUAL
42 ABUSE AND WHO CAN REPRESENT SEXUAL ABUSE VICTIMS AND VICTIMS' RIGHTS
43 ORGANIZATIONS.

44 (h) ONE MEMBER WHO IS A CLINICAL POLYGRAPH EXAMINER.

1 (i) ONE MEMBER WHO IS A CRIMINAL DEFENSE ATTORNEY AND WHO HAS
2 RECOGNIZABLE EXPERTISE RELATED TO SEXUAL OFFENSES.

3 (j) ONE MEMBER WHO IS A COUNTY DIRECTOR OF HUMAN OR SOCIAL SERVICES
4 AND WHO IS APPOINTED AFTER CONSULTATION WITH A STATEWIDE GROUP
5 REPRESENTING COUNTIES.

6 (k) TWO MEMBERS WHO ARE MEMBERS OF A BOARD OF SUPERVISORS IN A
7 COUNTY IN THIS STATE OR WHO ARE MEMBERS OF THE GOVERNING COUNCIL FOR A
8 JURISDICTION THAT IS A CONTIGUOUS CITY AND COUNTY, ONE OF WHOM REPRESENTS
9 AN URBAN OR SUBURBAN COUNTY, ONE OF WHOM REPRESENTS A RURAL COUNTY AND WHO
10 ARE APPOINTED AFTER CONSULTATION WITH A STATEWIDE GROUP REPRESENTING
11 COUNTIES.

12 5. THE DIRECTOR OF THE ARIZONA PROSECUTING ATTORNEYS' ADVISORY
13 COUNCIL SHALL APPOINT ONE MEMBER WHO REPRESENTS THE INTERESTS OF
14 PROSECUTING ATTORNEYS AND WHO HAS RECOGNIZABLE EXPERTISE IN PROSECUTING
15 SEXUAL OFFENSES.

16 6. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL APPOINT ONE
17 MEMBER WHO IS IN THE PUBLIC SCHOOL SYSTEM AND WHO HAS EXPERIENCE WITH
18 JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES.

19 B. THE MEMBERS SHALL ELECT A CHAIRPERSON AND VICE CHAIRPERSON FROM
20 AMONG THE BOARD MEMBERS. THE CHAIRPERSON'S AND VICE CHAIRPERSON'S TERM IS
21 TWO YEARS. BOARD MEMBERS MAY REELECT A CHAIRPERSON AND VICE CHAIRPERSON.

22 C. APPOINTED MEMBERS SERVE AT THE PLEASURE OF THE APPOINTING
23 AUTHORITY FOR A TERM OF FOUR YEARS. BOARD MEMBERS ARE NOT ELIGIBLE TO
24 RECEIVE COMPENSATION BUT ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES UNDER
25 TITLE 38, CHAPTER 4, ARTICLE 2.

26 D. THE BOARD SHALL DO ALL OF THE FOLLOWING:

27 1. DEVELOP, PRESCRIBE AND REVISE, AS APPROPRIATE, A STANDARD
28 PROCEDURE TO EVALUATE AND IDENTIFY ADULT SEX OFFENDERS, INCLUDING ADULT
29 SEX OFFENDERS WITH DEVELOPMENTAL DISABILITIES. THE PROCEDURES SHALL
30 PROVIDE FOR EVALUATING AND IDENTIFYING ADULT SEX OFFENDERS, SHALL
31 RECOMMEND MANAGEMENT, MONITORING AND TREATMENT BASED ON EXISTING RESEARCH
32 AND SHALL INCORPORATE THE CONCEPTS OF THE RISK-NEED-RESPONSIVITY OR
33 ANOTHER EVIDENCE-BASED CORRECTIONAL MODEL.

34 2. DEVELOP A PROCEDURE FOR EVALUATING AND IDENTIFYING, ON A
35 CASE-BY-CASE BASIS, RELIABLY LOWER-RISK SEX OFFENDERS WHOSE RISK TO
36 SEXUALLY REOFFEND MAY NOT BE FURTHER REDUCED BY PARTICIPATION IN A
37 TREATMENT PROGRAM THAT IS IMPLEMENTED PURSUANT TO PARAGRAPH 4 OF THIS
38 SUBSECTION.

39 3. DEVELOP AND IMPLEMENT METHODS OF INTERVENTION FOR ADULT SEX
40 OFFENDERS. THE METHODS MUST PRIORITIZE THE PHYSICAL AND PSYCHOLOGICAL
41 SAFETY OF VICTIMS AND POTENTIAL VICTIMS AND, IF THE METHODS DO NOT REDUCE
42 THE SAFETY OF VICTIMS AND POTENTIAL VICTIMS, THE METHODS MUST ALSO BE
43 APPROPRIATE TO THE ASSESSED NEEDS OF THE PARTICULAR OFFENDER.

1 4. DEVELOP, IMPLEMENT AND REVISE, AS APPROPRIATE, GUIDELINES AND
2 STANDARDS TO TREAT ADULT SEX OFFENDERS, INCLUDING ADULT SEX OFFENDERS WITH
3 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. THE GUIDELINES AND STANDARDS
4 MUST INCORPORATE THE CONCEPTS OF THE RISK-NEED-RESPONSIVITY OR ANOTHER
5 EVIDENCE-BASED CORRECTIONAL MODEL. THE GUIDELINES AND STANDARDS MAY BE
6 USED IN THE TREATMENT OF OFFENDERS WHO ARE PLACED ON PROBATION, IMPRISONED
7 IN THE STATE DEPARTMENT OF CORRECTIONS OR PLACED ON COMMUNITY SUPERVISION.
8 PROGRAMS IMPLEMENTED PURSUANT TO THE GUIDELINES AND STANDARDS MUST:

9 (a) BE AS FLEXIBLE AS POSSIBLE SO THAT THE PROGRAMS MAY BE ACCESSED
10 BY EACH ADULT SEX OFFENDER TO PREVENT THE OFFENDER FROM HARMING VICTIMS
11 AND POTENTIAL VICTIMS.

12 (b) INCLUDE A CONTINUING MONITORING PROCESS AND A CONTINUUM OF
13 TREATMENT OPTIONS THAT ARE AVAILABLE TO AN ADULT SEX OFFENDER AS THE
14 OFFENDER PROCEEDS THROUGH THE CRIMINAL JUSTICE SYSTEM. TREATMENT OPTIONS
15 MUST BE DETERMINED BY A CURRENT RISK ASSESSMENT AND EVALUATION AND MAY
16 INCLUDE GROUP COUNSELING, INDIVIDUAL COUNSELING, FAMILY COUNSELING,
17 OUTPATIENT TREATMENT, INPATIENT TREATMENT, SHARED LIVING ARRANGEMENTS OR
18 TREATMENT IN A THERAPEUTIC COMMUNITY.

19 (c) TO THE EXTENT POSSIBLE, BE ACCESSIBLE TO ALL ADULT SEX
20 OFFENDERS IN THE CRIMINAL JUSTICE SYSTEM, INCLUDING THOSE OFFENDERS WITH
21 BEHAVIORAL, MENTAL HEALTH AND CO-OCCURRING DISORDERS. THE PROCEDURES FOR
22 EVALUATION, IDENTIFICATION, TREATMENT AND MONITORING DEVELOPED PURSUANT TO
23 THIS PARAGRAPH MUST BE IMPLEMENTED ONLY TO THE EXTENT THAT MONIES ARE
24 AVAILABLE FOR THE PROGRAMS.

25 5. ESTABLISH A COMMITTEE TO MAKE RECOMMENDATIONS TO THE BOARD ON
26 REVISING THE GUIDELINES AND STANDARDS DEVELOPED PURSUANT TO PARAGRAPH 4 OF
27 THIS SUBSECTION. AT LEAST EIGHTY PERCENT OF THE MEMBERS OF THE COMMITTEE
28 MUST BE APPROVED TREATMENT PROVIDERS.

29 6. DEVELOP AN ANNUAL PLAN TO ALLOCATE MONIES DEPOSITED IN THE STATE
30 GENERAL FUND PURSUANT TO SECTION 13-3821, SUBSECTION Q AND SECTION
31 13-3824, SUBSECTION B. THE BOARD SHALL COORDINATE SPENDING MONIES FROM
32 THE STATE GENERAL FUND WITH ANY MONIES SPENT BY THE STATE DEPARTMENT OF
33 CORRECTIONS, THE DEPARTMENT OF PUBLIC SAFETY OR THE JUDICIAL DEPARTMENT TO
34 IDENTIFY, EVALUATE AND TREAT ADULT SEX OFFENDERS AND JUVENILES WHO HAVE
35 COMMITTED SEXUAL OFFENSES. THE LEGISLATURE SHALL APPROPRIATE MONIES FROM
36 THE STATE GENERAL FUND IN ACCORDANCE WITH THE PLAN.

37 7. CONSULT ON, APPROVE AND REVISE, AS NECESSARY, THE SEX OFFENDER
38 COMMUNITY NOTIFICATION RISK ASSESSMENT. THE BOARD SHALL CONSIDER RESEARCH
39 ON ADULT SEX OFFENDER RISK ASSESSMENT AND SHALL CONSIDER AS ONE ELEMENT
40 THE RISK POSED BY AN ADULT SEX OFFENDER WHO SUFFERS FROM PSYCHOPATHY OR A
41 PERSONALITY DISORDER THAT MAKES THE PERSON MORE LIKELY TO ENGAGE IN
42 SEXUALLY VIOLENT PREDATORY OFFENSES.

43 8. RESEARCH, EITHER THROUGH DIRECT EVALUATION OR THROUGH A REVIEW
44 OF RELEVANT RESEARCH ARTICLES AND SEX OFFENDER TREATMENT EMPIRICAL DATA,
45 AND ANALYZE, THROUGH A COMPREHENSIVE REVIEW OF EVIDENCE-BASED PRACTICES,

1 THE EFFECTIVENESS OF THE EVALUATION, IDENTIFICATION AND TREATMENT POLICIES
2 AND PROCEDURES FOR ADULT SEX OFFENDERS THAT ARE DEVELOPED PURSUANT TO
3 PARAGRAPH 4 OF THIS SUBSECTION. THIS RESEARCH SHALL SPECIFICALLY INCLUDE
4 REVIEWING AND RESEARCHING RECIDIVISM AND FACTORS THAT CONTRIBUTE TO
5 RECIDIVISM FOR SEX OFFENDERS, THE EFFECTIVE USE OF COGNITIVE BEHAVIORAL
6 THERAPY TO PREVENT RECIDIVISM, THE USE OF POLYGRAPHS IN TREATMENT AND THE
7 CONTAINMENT MODEL FOR ADULT SEX OFFENDER MANAGEMENT AND TREATMENT AND ITS
8 EFFECTIVE APPLICATION. THE BOARD SHALL REVISE THE GUIDELINES AND
9 STANDARDS FOR EVALUATION, IDENTIFICATION AND TREATMENT, AS APPROPRIATE,
10 BASED ON THE RESULTS OF THE BOARD'S RESEARCH AND ANALYSIS. THE BOARD
11 SHALL ALSO DEVELOP AND PRESCRIBE A SYSTEM TO IMPLEMENT THE GUIDELINES AND
12 STANDARDS THAT ARE DEVELOPED PURSUANT TO PARAGRAPH 4 OF THIS SUBSECTION.

13 9. IN COLLABORATION WITH THE STATE DEPARTMENT OF CORRECTIONS, THE
14 JUDICIAL DEPARTMENT AND THE BOARD OF EXECUTIVE CLEMENCY, DEVELOP AND
15 REVISE, AS APPROPRIATE, CRITERIA FOR MEASURING AN ADULT SEX OFFENDER'S
16 PROGRESS IN TREATMENT. THE CRITERIA SHALL ASSIST THE COURT AND THE BOARD
17 OF EXECUTIVE CLEMENCY IN DETERMINING WHETHER AN ADULT SEX OFFENDER MAY
18 APPROPRIATELY BE RELEASED FROM INCARCERATION, WHETHER THE ADULT SEX
19 OFFENDER'S LEVEL OF SUPERVISION MAY BE REDUCED OR WHETHER THE ADULT SEX
20 OFFENDER MAY APPROPRIATELY BE DISCHARGED FROM PROBATION OR COMMUNITY
21 SUPERVISION. AT A MINIMUM, THE CRITERIA MUST BE DESIGNED TO ASSIST THE
22 COURT AND THE BOARD OF EXECUTIVE CLEMENCY IN DETERMINING WHETHER THE ADULT
23 SEX OFFENDER COULD BE APPROPRIATELY SUPERVISED IN THE COMMUNITY IF THE
24 OFFENDER WERE RELEASED FROM INCARCERATION, RELEASED TO A REDUCED LEVEL OF
25 SUPERVISION OR DISCHARGED FROM PROBATION OR COMMUNITY SUPERVISION. THE
26 CRITERIA MAY NOT LIMIT THE DECISION-MAKING AUTHORITY OF THE COURT OR THE
27 BOARD OF EXECUTIVE CLEMENCY.

28 10. IN COLLABORATION WITH THE STATE DEPARTMENT OF CORRECTIONS, THE
29 JUDICIAL DEPARTMENT AND THE BOARD OF EXECUTIVE CLEMENCY, ESTABLISH
30 STANDARDS FOR COMMUNITY ENTITIES THAT PROVIDE SUPERVISION AND TREATMENT
31 SPECIFICALLY DESIGNED FOR ADULT SEX OFFENDERS WHO HAVE DEVELOPMENTAL
32 DISABILITIES. AT A MINIMUM, THE STANDARDS MUST DETERMINE WHETHER AN
33 ENTITY WOULD PROVIDE ADEQUATE SUPPORT AND SUPERVISION TO MINIMIZE ANY
34 THREAT THAT THE ADULT SEX OFFENDER MAY POSE TO THE COMMUNITY.

35 11. RESEARCH, ANALYZE AND MAKE RECOMMENDATIONS THAT REFLECT BEST
36 PRACTICES FOR LIVING ARRANGEMENTS FOR AND THE LOCATION OF ADULT SEX
37 OFFENDERS WITHIN THE COMMUNITY, INCLUDING SHARED LIVING ARRANGEMENTS. AT
38 A MINIMUM, THE BOARD SHALL CONSIDER THE SAFETY ISSUES RAISED BY THE
39 LOCATION OF SEX OFFENDER RESIDENCES, ESPECIALLY IN PROXIMITY TO PUBLIC OR
40 PRIVATE SCHOOLS AND CHILD CARE FACILITIES, AND PUBLIC NOTIFICATION OF THE
41 LOCATION OF SEX OFFENDER RESIDENCES. THE BOARD SHALL ADOPT AND REVISE AS
42 APPROPRIATE THE GUIDELINES AS IT DEEMS APPROPRIATE REGARDING THE LIVING
43 ARRANGEMENTS AND LOCATION OF ADULT SEX OFFENDERS AND ADULT SEX OFFENDER
44 HOUSING. THE BOARD SHALL ACCOMPLISH THE REQUIREMENTS SPECIFIED IN THIS
45 PARAGRAPH WITHIN EXISTING APPROPRIATIONS.

1 12. ON OR BEFORE JANUARY 31, 2024, DEVELOP A DATA COLLECTION PLAN,
2 INCLUDING ASSOCIATED COSTS, IN CONSULTATION WITH THE RESEARCH AND
3 EVALUATION PROFESSIONALS ON THE BOARD AND WITHIN THE DEPARTMENT OF PUBLIC
4 SAFETY. THE BOARD SHALL SUBMIT A REPORT ON THE DATA COLLECTION PLAN TO
5 THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE,
6 OR ANY SUCCESSOR COMMITTEES. ON OR BEFORE JULY 1, 2025, THE BOARD SHALL
7 REVISE THE GUIDELINES AND STANDARDS FOR APPROVED PROVIDERS THAT ARE
8 DEVELOPED PURSUANT TO PARAGRAPHS 4 AND 14 OF THIS SUBSECTION TO REQUIRE
9 EVALUATORS, TREATMENT PROVIDERS AND POLYGRAPH EXAMINERS TO COLLECT DATA
10 PURSUANT TO THE DATA COLLECTION PLAN. IF THE BOARD DETERMINES THAT IT
11 CANNOT REVISE THE GUIDELINES AND STANDARDS BY JULY 1, 2025, THE BOARD
12 SHALL REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES
13 AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, ON THE STATUS OF THE REPORT
14 ON OR BEFORE JANUARY 31, 2025.

15 13. DEVELOP, PRESCRIBE AND REVISE, AS APPROPRIATE, A STANDARD
16 PROCEDURE TO EVALUATE AND IDENTIFY JUVENILES WHO HAVE COMMITTED SEXUAL
17 OFFENSES, INCLUDING JUVENILES WITH DEVELOPMENTAL DISABILITIES. THE
18 PROCEDURE SHALL PROVIDE FOR EVALUATING AND IDENTIFYING JUVENILE OFFENDERS,
19 SHALL RECOMMEND BEHAVIOR MANAGEMENT, MONITORING, TREATMENT AND COMPLIANCE
20 AND SHALL INCORPORATE THE CONCEPTS OF THE RISK-NEED-RESPONSIVITY OR
21 ANOTHER EVIDENCE-BASED CORRECTIONAL MODEL BASED ON THE KNOWLEDGE THAT ALL
22 UNLAWFUL SEXUAL BEHAVIOR POSES A RISK TO THE COMMUNITY AND THAT CERTAIN
23 JUVENILES MAY HAVE THE CAPACITY TO CHANGE THEIR BEHAVIOR WITH APPROPRIATE
24 INTERVENTION AND TREATMENT. THE BOARD SHALL DEVELOP AND IMPLEMENT METHODS
25 OF INTERVENTION FOR JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES, WHICH
26 METHODS MUST HAVE AS A PRIORITY THE PHYSICAL AND PSYCHOLOGICAL SAFETY OF
27 VICTIMS AND POTENTIAL VICTIMS AND, AS LONG AS THE METHODS DO NOT REDUCE
28 THE SAFETY OF VICTIMS AND POTENTIAL VICTIMS, WHICH ARE APPROPRIATE TO THE
29 NEEDS OF THE PARTICULAR JUVENILE OFFENDER.

30 14. DEVELOP, IMPLEMENT AND REVISE, AS APPROPRIATE, GUIDELINES AND
31 STANDARDS TO TREAT JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES, INCLUDING
32 JUVENILES WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. THE
33 GUIDELINES AND STANDARDS MUST INCORPORATE THE CONCEPTS OF THE
34 RISK-NEED-RESPONSIVITY OR ANOTHER EVIDENCE-BASED CORRECTIONAL MODEL. THE
35 GUIDELINES AND STANDARDS MAY BE USED FOR JUVENILE OFFENDERS WHO ARE PLACED
36 ON PROBATION OR PLACED UNDER THE JURISDICTION OF THE DEPARTMENT OF
37 JUVENILE CORRECTIONS. PROGRAMS IMPLEMENTED PURSUANT TO THE GUIDELINES AND
38 STANDARDS MUST:

39 (a) BE AS FLEXIBLE AS POSSIBLE SO THAT THE PROGRAMS MAY BE ACCESSED
40 BY EACH JUVENILE OFFENDER TO PREVENT THE JUVENILE FROM HARMING VICTIMS AND
41 POTENTIAL VICTIMS.

42 (b) INCLUDE A CONTINUING MONITORING PROCESS AND A CONTINUUM OF
43 TREATMENT OPTIONS THAT ARE AVAILABLE TO A JUVENILE OFFENDER AS THE
44 JUVENILE PROCEEDS THROUGH THE JUVENILE JUSTICE SYSTEM. TREATMENT OPTIONS
45 MAY INCLUDE GROUP COUNSELING, INDIVIDUAL COUNSELING, FAMILY COUNSELING,

1 OUTPATIENT TREATMENT, INPATIENT TREATMENT, SHARED LIVING ARRANGEMENTS AND
2 TREATMENT IN A THERAPEUTIC COMMUNITY.

3 (c) TO THE EXTENT POSSIBLE, BE ACCESSIBLE TO ALL JUVENILES WHO HAVE
4 COMMITTED SEXUAL OFFENSES AND WHO ARE IN THE JUVENILE JUSTICE SYSTEM,
5 INCLUDING JUVENILES WITH BEHAVIORAL, MENTAL HEALTH OR CO-OCCURRING
6 DISORDERS.

7 15. ESTABLISH A COMMITTEE TO MAKE RECOMMENDATIONS TO THE BOARD TO
8 REVISE THE GUIDELINES AND STANDARDS DEVELOPED PURSUANT TO PARAGRAPH 14 OF
9 THIS SUBSECTION. AT LEAST EIGHTY PERCENT OF THE MEMBERS OF THE COMMITTEE
10 MUST BE APPROVED TREATMENT PROVIDERS.

11 16. RESEARCH AND ANALYZE THE EFFECTIVENESS OF THE EVALUATION,
12 IDENTIFICATION AND TREATMENT PROCEDURES DEVELOPED PURSUANT TO PARAGRAPH 14
13 OF THIS SUBSECTION FOR JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES. THE
14 BOARD SHALL REVISE THE GUIDELINES AND STANDARDS FOR EVALUATION,
15 IDENTIFICATION AND TREATMENT, AS APPROPRIATE, BASED ON THE RESULTS OF THE
16 BOARD'S RESEARCH AND ANALYSIS. THE BOARD SHALL ALSO DEVELOP AND PRESCRIBE
17 A SYSTEM TO IMPLEMENT THE GUIDELINES AND STANDARDS THAT ARE DEVELOPED
18 PURSUANT TO PARAGRAPH 14 OF THIS SUBSECTION.

19 17. IN COLLABORATION WITH LAW ENFORCEMENT AGENCIES IN THIS STATE,
20 VICTIM ADVOCACY ORGANIZATIONS, THE DEPARTMENT OF EDUCATION AND THE
21 DEPARTMENT OF PUBLIC SAFETY, DEVELOP AND REVISE, AS APPROPRIATE, FOR USE
22 BY SCHOOLS EDUCATIONAL MATERIALS REGARDING GENERAL INFORMATION ABOUT ADULT
23 SEX OFFENDERS AND JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES, SAFETY
24 CONCERNS RELATED TO THE OFFENDERS AND OTHER RELEVANT MATERIALS. THE BOARD
25 SHALL PROVIDE THE MATERIALS TO THE DEPARTMENT OF EDUCATION, AND THE
26 DEPARTMENT OF EDUCATION SHALL MAKE THE MATERIALS AVAILABLE TO SCHOOLS IN
27 THIS STATE.

28 E. IF SUFFICIENT MONIES ARE APPROPRIATED TO THE DEPARTMENT OF
29 PUBLIC SAFETY, THE BOARD MAY REQUEST THAT INDIVIDUALS OR ENTITIES THAT
30 PROVIDE EVALUATION, TREATMENT OR POLYGRAPH SERVICES SPECIFICALLY TO SEX
31 OFFENDERS THAT CONFORM WITH THE STANDARDS DEVELOPED BY THE BOARD PURSUANT
32 TO SUBSECTION D, PARAGRAPH 4 OF THIS SECTION SUBMIT TO THE BOARD DATA AND
33 INFORMATION AS DETERMINED BY THE BOARD. THE BOARD MAY USE THIS DATA AND
34 INFORMATION TO EVALUATE THE EFFECTIVENESS OF THE GUIDELINES AND STANDARDS
35 DEVELOPED PURSUANT TO THIS SECTION FOR ALL OF THE FOLLOWING:

36 1. TO EVALUATE THE EFFECTIVENESS OF INDIVIDUALS OR ENTITIES
37 PROVIDING EVALUATION, TREATMENT OR POLYGRAPH SERVICES SPECIFICALLY TO SEX
38 OFFENDERS.

39 2. FOR ANY OTHER PURPOSE CONSISTENT WITH THIS SECTION.

40 F. MEMBERS OF THE BOARD ARE IMMUNE FROM PERSONAL LIABILITY WITH
41 RESPECT TO ALL ACTIONS THAT ARE TAKEN IN GOOD FAITH AND WITHIN THE SCOPE
42 OF THE BOARD'S AUTHORITY.

43 Sec. 2. Delayed repeal

44 Section 13-3828, Arizona Revised Statutes, as added by this act, is
45 repealed from and after June 30, 2026.