

Senate Engrossed

internet sex offender website; offenses

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1236

AN ACT

AMENDING SECTION 13-3827, ARIZONA REVISED STATUTES; RELATING TO
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 13-3827, Arizona Revised Statutes, is amended to
3 read:

4 13-3827. Internet sex offender website; investigation of
5 records; immunity; exception; definitions

6 A. The department of public safety shall establish and maintain an
7 internet sex offender website for the purpose of providing sex offender
8 information to the public. The internet sex offender website shall
9 include the following offenders:

10 1. Any offender whose risk assessment has been determined to be a
11 level two or level three.

12 2. Unless included under paragraph 1 of this subsection, any
13 offender who **AT THE TIME OF THE OFFENSE WAS EIGHTEEN YEARS OF AGE OR OLDER**
14 **AND WHO** was convicted of or adjudicated guilty except insane for any of
15 the following ~~completed~~ offenses, **WHETHER COMPLETED OR PREPARATORY**, or the
16 same or a substantially similar offense in another state or jurisdiction:

17 (a) Sexual assault pursuant to section 13-1406.

18 (b) Sexual exploitation of a minor pursuant to section 13-3553 if
19 the offender is at least twenty-one years of age and is sentenced pursuant
20 to section 13-705.

21 (c) Commercial sexual exploitation of a minor pursuant to section
22 13-3552.

23 (d) Sexual abuse pursuant to section 13-1404 if **EITHER OF THE**
24 **FOLLOWING APPLIES:**

25 (i) The victim is under twelve years of age.

26 (ii) **THE OFFENDER IS SENTENCED PURSUANT TO SECTION 13-705 AND THE**
27 **OFFENDER WAS TWENTY-ONE YEARS OF AGE OR OLDER AT THE TIME OF THE**
28 **COMMISSION OF THE OFFENSE.**

29 (e) Molestation of a child pursuant to section 13-1410 if **EITHER OF**
30 **THE FOLLOWING APPLIES:**

31 (i) The victim is under twelve years of age.

32 (ii) **THE OFFENDER IS SENTENCED PURSUANT TO SECTION 13-705 AND THE**
33 **OFFENDER WAS TWENTY-ONE YEARS OF AGE OR OLDER AT THE TIME OF THE**
34 **COMMISSION OF THE OFFENSE.**

35 (f) Sexual conduct with a minor pursuant to section 13-1405 if
36 **EITHER OF THE FOLLOWING APPLIES:**

37 (i) The victim is under twelve years of age.

38 (ii) **THE OFFENDER IS SENTENCED PURSUANT TO SECTION 13-705 AND THE**
39 **OFFENDER WAS TWENTY-ONE YEARS OF AGE OR OLDER AT THE TIME OF THE**
40 **COMMISSION OF THE OFFENSE.**

41 (g) Child prostitution pursuant to section 13-3212, subsection A or
42 subsection B, paragraph 1 or 2 committed before August 9, 2017.

43 (h) Child sex trafficking pursuant to section 13-3212, subsection
44 ~~A, paragraph 1, 2, 3, 4, 5, 6, 7 or 8 or~~ **COMMITTED ON OR AFTER AUGUST 9,**
45 **2017 IF EITHER OF THE FOLLOWING APPLIES:**

1 (i) THE VICTIM IS UNDER TWELVE YEARS OF AGE.
2 (ii) THE OFFENDER IS SENTENCED PURSUANT TO SECTION 13-705 AND THE
3 OFFENDER WAS TWENTY-ONE YEARS OF AGE OR OLDER AT THE TIME OF THE
4 COMMISSION OF THE OFFENSE.
5 (i) CHILD SEX TRAFFICKING PURSUANT TO SECTION 13-3212, subsection
6 B, paragraph 1 or 2 committed on or after August 9, 2017.
7 (j) Taking a child for the purpose of prostitution pursuant to
8 section 13-3206 if EITHER OF THE FOLLOWING APPLIES:
9 (i) The victim is under twelve years of age.
10 (ii) THE OFFENDER IS SENTENCED PURSUANT TO SECTION 13-705 AND THE
11 OFFENDER WAS TWENTY-ONE YEARS OF AGE OR OLDER AT THE TIME OF THE
12 COMMISSION OF THE OFFENSE.
13 (k) Luring a minor for sexual exploitation pursuant to section
14 13-3554 if EITHER OF THE FOLLOWING APPLIES:
15 (i) The victim is under twelve years of age.
16 (ii) THE OFFENDER IS SENTENCED PURSUANT TO SECTION 13-705 AND THE
17 OFFENDER WAS TWENTY-ONE YEARS OF AGE OR OLDER AT THE TIME OF THE
18 COMMISSION OF THE OFFENSE.
19 (l) Aggravated luring a minor for sexual exploitation pursuant to
20 section 13-3560 if EITHER OF THE FOLLOWING APPLIES:
21 (i) The victim is under twelve years of age.
22 (ii) THE OFFENDER IS SENTENCED PURSUANT TO SECTION 13-705 AND THE
23 OFFENDER WAS TWENTY-ONE YEARS OF AGE OR OLDER AT THE TIME OF THE
24 COMMISSION OF THE OFFENSE.
25 (m) Continuous sexual abuse of a child pursuant to section 13-1417
26 if EITHER OF THE FOLLOWING APPLIES:
27 (i) The victim is under twelve years of age.
28 (ii) THE OFFENDER IS SENTENCED PURSUANT TO SECTION 13-705 AND THE
29 OFFENDER WAS TWENTY-ONE YEARS OF AGE OR OLDER AT THE TIME OF THE
30 COMMISSION OF THE OFFENSE.
31 B. The internet sex offender website shall include the following
32 information for each convicted or adjudicated guilty except insane sex
33 offender in this state who is required to register pursuant to section
34 13-3821:
35 1. The offender's name, address and age.
36 2. A current photograph.
37 3. The offense committed and notification level pursuant to section
38 13-3825, subsection C, if a risk assessment has been completed pursuant to
39 section 13-3825.
40 C. The department of public safety shall annually update on the
41 website the name, address and photograph of each sex offender.
42 D. The department of public safety shall maintain a separate
43 database and search function on the website that contains any required
44 online identifier of sex offenders whose risk assessments have been
45 determined to be a level two or level three and the name of any website or

1 internet communication service where the required online identifier is
2 being used. This information shall not be publicly connected to the name,
3 address and photograph of a registered sex offender on the website.

4 E. The department of public safety or THE third party responsible
5 for maintaining the internet sex offender website shall make available to
6 an authorized organization a registered sex offender's required online
7 identifier and the name of any corresponding website or internet
8 communication service ~~to an authorized organization~~ for comparison with
9 information that is held by the authorized organization. The authorized
10 organization shall notify the department of public safety when a
11 comparison of the information indicates that a registered sex offender's
12 required online identifier is being used on the authorized organization's
13 system. The authorized organization shall not further disseminate that
14 the person is a registered sex offender.

15 F. The motor vehicle division of the department of transportation
16 shall send copies of each sex offender's nonoperating identification
17 license or driver license photograph to the department of public safety
18 for inclusion on the sex offender website.

19 G. The department of public safety shall annually verify the
20 addresses of all sex offender registration records contained within the
21 Arizona criminal justice information system. Before including the address
22 of a sex offender on the website, the department of public safety shall
23 confirm that the address is correct. To confirm a sex offender's address,
24 the department shall conduct a search of the Arizona criminal justice
25 information system. If this search does not provide the necessary
26 confirmation, the department shall use alternative public and private
27 sector resources that are currently used for criminal investigation
28 purposes to confirm the address. The department of public safety is
29 prohibited from using or releasing the information from the alternative
30 public and private sector resources except pursuant to this section. A
31 custodian or public or private sector resource that releases information
32 pursuant to this subsection is not civilly or criminally liable in any
33 action alleging a violation of confidentiality.

34 H. The department of public safety may petition the superior court
35 for enforcement of subsection G of this section if a public or private
36 sector resource refuses to comply. The court shall grant enforcement if
37 the department has reasonable grounds to believe the records sought to be
38 inspected are relevant to confirming the identity and address of a sex
39 offender.

40 I. Except for a person who is required to register pursuant to
41 section 13-3821, a person who provides or fails to provide information
42 required by this section is not civilly or criminally liable unless the
43 act or omission is wanton or wilful.

44 J. This section does not apply to an offender during any time that
45 the offender is incarcerated in the state department of corrections.

1 K. For the purpose of this section:

2 1. "Authorized organization" means an internet communication
3 service or related safety organization that is approved by the department
4 or third party responsible for maintaining the internet sex offender
5 website to access required online identifiers.

6 2. "Required online identifier":

7 (a) Means:

8 (i) Any email address information, instant message or chat
9 information.

10 (ii) A social networking platform account name or identifier.

11 (iii) Any identifier used for communicating on a mobile application
12 or internet website.

13 (iv) A mobile telephone number.

14 (v) Any mobile device identification information.

15 (vi) Any other similar internet communication name.

16 (b) Does not include a social security number, date of birth,
17 personal password or pin number.

18 Sec. 2. Applicability

19 A. Section 13-3827, Arizona Revised Statutes, as amended by this
20 act, applies to persons who are convicted of or adjudicated guilty except
21 insane for an offense that is listed in section 13-3827, subsection A,
22 Arizona Revised Statutes, as amended by this act, and that was committed
23 before, on or after the effective date of this act.

24 B. Notwithstanding section 13-3827, Arizona Revised Statutes, as
25 amended by this act, and within twelve months after the effective date of
26 this act, the department of public safety shall include on the internet
27 sex offender website the names and information of all offenders who were
28 convicted of an offense listed in section 13-3827, subsection A,
29 paragraph 2, Arizona Revised Statutes, as amended by this act, before the
30 effective date of this act.