

REFERENCE TITLE: sex offender registration; school notification

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

SB 1404

Introduced by
Senators Shamp: Carroll, Fernandez, Gowan, Kerr

AN ACT

AMENDING SECTIONS 13-3821, 13-3822 AND 13-3825, 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; definitions

6 A. A person who has been convicted of or adjudicated guilty except
7 insane for a violation or attempted violation of any of the following
8 offenses or who has been convicted of or adjudicated guilty except insane
9 or not guilty by reason of insanity for an offense committed in another
10 jurisdiction that if committed in this state would be a violation or
11 attempted violation of any of the following offenses or an offense that
12 was in effect before September 1, 1978 and that, if committed on or after
13 September 1, 1978, has the same elements of an offense listed in this
14 section or who is required to register by the convicting or adjudicating
15 jurisdiction, within ten days after the conviction or adjudication or
16 within seventy-two hours, excluding weekends and legal holidays, after
17 entering and remaining for at least seventy-two hours in any county of
18 this state, 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~~ TERMINATES when
33 the person 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, the name of any
17 website or internet communication service where the identifier is being
18 used and, if the person owns, possesses or regularly operates a motor
19 vehicle that is required to be registered under title 28, chapter 7, the
20 make, model, year of manufacture, color, vehicle identification number,
21 state of registration and license plate number of the motor vehicle.~~ The
22 sheriff shall fingerprint and photograph the person and within three days
23 thereafter shall send copies of the statement, fingerprints and
24 photographs to the department of public safety and the chief of police, if
25 any, of the place where the person resides. The information that is
26 required by this subsection shall include **ALL OF THE FOLLOWING:**

27 1. ALL NAMES BY WHICH THE PERSON IS KNOWN.

28 2. ANY REQUIRED ONLINE IDENTIFIER.

29 3. THE NAME OF ANY WEBSITE OR INTERNET COMMUNICATION SERVICE WHERE
30 THE IDENTIFIER IS BEING USED.

31 4. IF THE PERSON OWNS, POSSESSES OR REGULARLY OPERATES A MOTOR
32 VEHICLE THAT IS REQUIRED TO BE REGISTERED UNDER TITLE 28, CHAPTER 7, THE
33 MAKE, MODEL, YEAR OF MANUFACTURE, COLOR, VEHICLE IDENTIFICATION NUMBER,
34 STATE OF REGISTRATION AND LICENSE PLATE NUMBER OF THE MOTOR VEHICLE.

35 5. IF THE PERSON HAS LEGAL CUSTODY OF A CHILD WHO IS ENROLLED IN
36 SCHOOL, THE CHILD'S NAME AND ENROLLMENT STATUS.

37 6. The physical location of the person's residence, the person's
38 address and whether the person's residence is permanent or temporary,
39 ~~—~~ **EXCEPT THAT:**

40 (a) If the person has a place of residence that is different from
41 the person's address, the person shall provide the person's address, the
42 physical location of the person's residence and the name of the owner of
43 the residence if the residence is privately owned and not offered for rent
44 or lease.

1 (b) If the person receives mail at a post office box or other
2 place, the person shall provide the location and number of the post office
3 box or other place.

4 (c) If the person has more than one residence, the person shall
5 register in person and in writing every residence and address not less
6 than every ninety days with the sheriff in whose jurisdiction the person
7 is physically present.

8 (d) If the person does not have an address or a permanent place of
9 residence, the person shall provide a description and physical location of
10 any temporary residence and shall register as a transient not less than
11 every ninety days with the sheriff in whose jurisdiction the transient is
12 physically present.

13 J. On the person's initial registration and every year after the
14 person's initial registration during the month of the person's birthdate,
15 the person shall report in person to the sheriff of the county in which
16 the person is registered and confirm in writing all information required
17 by this section, any required online identifier and the name of any
18 website or internet communication service where the identifier is being
19 used and the person shall obtain a new nonoperating identification license
20 or a driver license from the motor vehicle division in the department of
21 transportation and shall carry a valid nonoperating identification license
22 or a driver license. Notwithstanding sections 28-3165 and 28-3171, the
23 license is valid for one year from the date of issuance, and the person
24 shall submit to the department of transportation proof of the person's
25 address and place of residence. The motor vehicle division shall annually
26 update the person's address and photograph and shall make a copy of the
27 photograph available to the department of public safety or to any law
28 enforcement agency. The motor vehicle division shall provide to the
29 department of public safety daily address updates for persons required to
30 register pursuant to this section.

31 K. Except as provided in subsection E or L of this section, the
32 clerk of the superior court in the county in which a person has been
33 convicted of or adjudicated guilty except insane for a violation of any
34 offense listed under subsection A of this section or has been ordered to
35 register pursuant to subsection C or D of this section shall notify the
36 sheriff in that county of the conviction or adjudication within ten days
37 after entry of the judgment.

38 L. Within ten days after entry of judgment, a court not of record
39 shall notify the arresting law enforcement agency of an offender's
40 conviction of or adjudication of guilty except insane for a violation of
41 section 13-1402. Within ten days after receiving this information, the
42 law enforcement agency shall determine if the offender is required to
43 register pursuant to this section. If the law enforcement agency
44 determines that the offender is required to register, the law enforcement
45 agency shall provide the information required by section 13-3825 to the

1 department of public safety and shall make community notification as
2 required by law.

3 M. A person who is required to register pursuant to this section
4 because of a conviction or adjudication of guilty except insane for the
5 unlawful imprisonment of a minor or the kidnapping of a minor is required
6 to register, absent additional or subsequent convictions or adjudications,
7 for a period of ten years from the date that the person is released from
8 prison, jail, probation, community supervision or parole and the person
9 has fulfilled all restitution obligations. Notwithstanding this
10 subsection, a person who has a prior conviction or adjudication of guilty
11 except insane for an offense for which registration is required pursuant
12 to this section is required to register for life.

13 N. A person who is required to register pursuant to this section
14 and who is a student at a public or private institution of postsecondary
15 education or who is employed, with or without compensation, at a public or
16 private institution of postsecondary education or who carries on a
17 vocation at a public or private institution of postsecondary education
18 shall notify the county sheriff having jurisdiction of the institution of
19 postsecondary education. The person who is required to register pursuant
20 to this section shall also notify the sheriff of each change in enrollment
21 or employment status at the institution.

22 O. At the time of registering, the sheriff shall secure a
23 sufficient sample of blood or other bodily substances for deoxyribonucleic
24 acid testing and extraction from a person who has been convicted of or
25 adjudicated guilty except insane for an offense committed in another
26 jurisdiction that if committed in this state would be a violation or
27 attempted violation of any of the offenses listed in subsection A of this
28 section or an offense that was in effect before September 1, 1978 and
29 that, if committed on or after September 1, 1978, has the same elements of
30 an offense listed in subsection A of this section or who is required to
31 register by the convicting or adjudicating jurisdiction. The sheriff
32 shall transmit the sample to the department of public safety.

33 P. Any person who is required to register under subsection A of
34 this section shall register the person's required online identifier and
35 the name of any website or internet communication service where the
36 identifier is being used or is intended to be used with the sheriff from
37 and after December 31, 2007, regardless of whether the person was required
38 to register an identifier at the time of the person's initial registration
39 under this section.

40 Q. On conviction of or adjudication of guilty except insane for any
41 offense for which a person is required to register pursuant to this
42 section, in addition to any other penalty prescribed by law, the court
43 shall order the person to pay an additional assessment of \$250. This
44 assessment is not subject to any surcharge. The court shall transmit the
45 monies received pursuant to this section to the county treasurer. The

1 county treasurer shall transmit the monies received to the state
2 treasurer. The state treasurer shall deposit the monies received in the
3 state general fund. Notwithstanding any other law, the court shall not
4 waive the assessment imposed pursuant to this section.

5 R. A person who is required to register pursuant to this section
6 shall verify the person's residence and address if requested by the
7 department of public safety pursuant to section 13-3827, subsection G.

8 S. For the purposes of this section:

9 1. "Address" means all locations at which the person receives mail.

10 2. "LEGAL CUSTODY" MEANS THE RIGHT TO HAVE PHYSICAL POSSESSION OF A
11 CHILD.

12 ~~2.~~ 3. "Required online identifier" means any electronic email
13 address information or instant message, chat, social networking or other
14 similar internet communication name but does not include a social security
15 number, date of birth or pin number.

16 ~~3.~~ 4. "Residence" means:

17 (a) The person's dwelling place, whether permanent or temporary.

18 (b) If the person is transient and does not spend at least three
19 nights in any location or place within ~~thirty days~~ A THIRTY-DAY PERIOD,
20 the ~~geographical~~ GEOGRAPHIC areas of the county where the person spends
21 the nights.

22 5. "SCHOOL" MEANS A PUBLIC OR NONPUBLIC KINDERGARTEN PROGRAM,
23 COMMON SCHOOL OR HIGH SCHOOL.

24 ~~4.~~ 6. "Transient" means a person who does not have a single and
25 permanent dwelling place.

26 Sec. 2. Section 13-3822, Arizona Revised Statutes, is amended to
27 read:

28 13-3822. Notice of moving from place of residence or change
29 of name, electronic information or vehicle
30 information; forwarding of information;
31 definitions

32 A. Within seventy-two hours, excluding weekends and legal holidays,
33 after moving to or from the person's residence or to a different county or
34 after changing the person's name or address, a person who is required to
35 register under this article shall inform the sheriff in person and in
36 writing of the person's new residences and whether the residence or
37 residences are temporary or permanent and the person's address or new
38 name. If the person moves to a location that is not a residence and the
39 person receives mail anywhere, including a post office box, the person
40 shall notify the sheriff of the person's address. If the person has more
41 than one residence the person shall register in person and in writing
42 every residence and address not less than every ninety days with the
43 sheriff in whose jurisdiction the person is physically present. If the
44 person does not have an address or a permanent place of residence, the
45 person shall register as a transient not less than every ninety days with

1 the sheriff in whose jurisdiction the transient is physically present. A
2 person who transitions from a permanent residence to a temporary residence
3 or transient status shall notify the sheriff in person and in writing
4 within seventy-two hours, excluding weekends and legal holidays, of the
5 change. Within three days after receipt of such information, the sheriff
6 of the county from which the person moves shall forward it to the
7 department of public safety and the chief of police, if any, of the place
8 from which the person moves, and shall forward a copy of the statement,
9 fingerprints and photograph of the person to the sheriff and chief of
10 police, if any, of the place to which the person has moved.

11 B. If the person is subject to community notification requirements,
12 the sheriff of the county from which the person moves shall advise the
13 local law enforcement agency of the county to which the person moves of
14 the move. If the person moves out of this state, the sheriff of the
15 county from which the person moves shall advise the local law enforcement
16 agency in the jurisdiction to which the person moves. The local law
17 enforcement agency shall contact the department of public safety following
18 ten days after being notified to determine if the person has
19 reregistered. If the person has not reregistered, the local law
20 enforcement agency shall notify the local law enforcement agency in the
21 county in which the person last resided. Any law enforcement agency in
22 the county in which the person last resided shall conduct an investigation
23 and shall submit a report to the appropriate county attorney.

24 C. A person who is required to register pursuant to this article
25 shall notify the sheriff either in person or electronically within
26 seventy-two hours, excluding weekends and legal holidays, after a person
27 makes any change to any required online identifier, and before any use of
28 a changed or new required online identifier to communicate on the
29 internet. Within three days after receipt of the information, the sheriff
30 shall forward the information to the department of public safety. Within
31 three days after receipt of the information from the sheriff, the
32 department of public safety shall update the person's information in the
33 department of public safety database.

34 D. A person who is required to register pursuant to this article
35 shall notify the sheriff either in person or electronically within
36 seventy-two hours, excluding weekends and legal holidays, after the person
37 makes any change in the make, model, color or license plate of any motor
38 vehicle that the person owns or regularly operates.

39 E. A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE
40 AND WHO HAS LEGAL CUSTODY OF A CHILD WHO IS ENROLLED IN SCHOOL SHALL
41 NOTIFY THE SHERIFF IN PERSON OR ELECTRONICALLY WITHIN SEVENTY-TWO HOURS,
42 EXCLUDING WEEKENDS AND LEGAL HOLIDAYS, AFTER THE PERSON MAKES ANY CHANGES
43 TO THE ENROLLMENT STATUS OF THE PERSON'S CHILD AT THE CHILD'S SCHOOL.

44 ~~E.~~ F. For the purposes of this section:

45 1. "Address" means all locations at which the person receives mail.

1 2. "LEGAL CUSTODY" MEANS THE RIGHT TO HAVE PHYSICAL POSSESSION OF A
2 CHILD.

3 ~~2.~~ 3. "Required online identifier" means any electronic email
4 address information or instant message, chat, social networking or other
5 similar internet communication name but does not include a social security
6 number, date of birth or pin number.

7 ~~3.~~ 4. "Residence" means:

8 (a) The person's dwelling place, whether permanent or temporary.

9 (b) If the person is transient and does not spend at least three
10 nights in any location or place within ~~thirty days~~ A THIRTY-DAY PERIOD,
11 the ~~geographical~~ GEOGRAPHIC areas of the county where the person spends
12 the nights.

13 5. "SCHOOL" MEANS A PUBLIC OR NONPUBLIC KINDERGARTEN PROGRAM,
14 COMMON SCHOOL OR HIGH SCHOOL.

15 ~~4.~~ 6. "Transient" means a person who does not have a single and
16 permanent dwelling place.

17 Sec. 3. Section 13-3825, Arizona Revised Statutes, is amended to
18 read:

19 13-3825. Community notification; definitions

20 A. Within seventy-two hours after a person who was convicted or
21 adjudicated guilty except insane is released from confinement or who was
22 accepted under the interstate compact for the supervision of parolees and
23 probationers and has arrived in this state, the agency that had custody or
24 responsibility for supervision of the person who was convicted of or
25 adjudicated guilty except insane for committing an offense for which the
26 person was required or ordered by the court to register pursuant to
27 section 13-3821 or that has accepted supervision under the interstate
28 compact for the supervision of parolees and probationers shall provide all
29 of the following information to the department of public safety by
30 entering all of the following information into the sex offender profile
31 and notification database:

32 1. The offender's identifying information.

33 2. A risk assessment of the offender.

34 3. The offender's date of release from confinement or, if the
35 offender is sentenced to probation without jail time, the date the
36 sentence is imposed.

37 B. Following the tenth day after the person is released from
38 confinement or, if the offender is sentenced to probation without jail
39 time, the date the sentence is imposed, the department of public safety
40 shall cross-reference the information the department receives pursuant to
41 subsection A of this section with the sex offender registry to determine
42 if the person is registered as required or ordered by the court pursuant
43 to section 13-3821. If the person is not registered, the local law
44 enforcement agency or the department of public safety shall request that
45 the county attorney in the county in which the person was convicted or

1 adjudicated guilty except insane petition the court for an arrest warrant
2 to be issued and, if appropriate, notify the interstate compact
3 administrator for this state. If the person is registered, the department
4 of public safety shall forward the information the department received
5 pursuant to subsection A of this section to the sheriff in the county
6 where the person is registered.

7 C. The community notification requirements are as follows:

8 1. For **LEVEL ONE OFFENDERS WHO HAVE BEEN CONVICTED OF A DANGEROUS**
9 **CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705 AND FOR** level two and
10 level three offenders, the notification must be disseminated in a
11 nonelectronic format to the surrounding neighborhood, area schools,
12 appropriate community groups and prospective employers **AND, IF THE**
13 **OFFENDER HAS LEGAL CUSTODY OF A CHILD, THE CHILD'S SCHOOL.** The
14 notification must include the offender's photograph and exact address and
15 a summary of the offender's status and criminal background. A press
16 release and the notification containing all required offender information
17 must be given to the local electronic and print media to enable
18 information to be placed in a local publication.

19 2. For level one offenders **WHO HAVE NOT BEEN CONVICTED OF A**
20 **DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705,** the local
21 law enforcement agency that is responsible for notification shall maintain
22 information about the offender. The local law enforcement agency may
23 disseminate this information to other law enforcement agencies and may
24 give notification to the people with whom the offender resides.

25 D. After receiving the information pursuant to subsection B of this
26 section, the sheriff shall forward the information to the chief law
27 enforcement officer of the community in which the person resides. After
28 reviewing the information received and any other information available to
29 the local law enforcement agency, the local law enforcement agency shall
30 categorize each offender and place each offender into a notification
31 level. Within forty-five days, the local law enforcement agency shall
32 notify the community of the offender's presence in the community pursuant
33 to subsection C of this section. If the community does not have a chief
34 law enforcement officer, the sheriff shall perform the duties of the local
35 law enforcement agency.

36 E. If a person who has been convicted of or adjudicated guilty
37 except insane or not guilty by reason of insanity for an offense in
38 another state registers pursuant to section 13-3821, subsection A, the
39 sheriff in the county in which the person registers shall forward the
40 information to the chief law enforcement officer of the community in which
41 the person resides. The chief law enforcement officer shall contact the
42 state in which the person was convicted or adjudicated guilty except
43 insane or not guilty by reason of insanity and shall obtain information
44 regarding the person. After reviewing the information received and any
45 other information available, the local law enforcement agency shall

1 complete the risk assessment, shall categorize the person, shall place the
2 person into a notification level and shall enter the information into the
3 computer system. If the law enforcement agency is unable to obtain
4 sufficient information to complete the sex offender community notification
5 risk assessment, the agency shall categorize the offender as a level two
6 offender. Within forty-five days, the local law enforcement agency shall
7 notify the community of the person's presence in the community pursuant to
8 subsection C of this section. If the community does not have a chief law
9 enforcement officer, the sheriff shall perform the duties of the local law
10 enforcement agency.

11 F. On receiving notice pursuant to section 13-3822 that a person
12 who is required to register has moved from the person's address, the chief
13 law enforcement officer of the community to which the person has relocated
14 may notify that community of the person's relocation to the community,
15 pursuant to subsection D of this section. If the community does not have
16 a local law enforcement agency, the sheriff of the county to which the
17 person has relocated shall notify the community of the person's
18 relocation.

19 G. In cooperation with the county probation department or the state
20 department of corrections, a law enforcement agency may delegate all or
21 part of the notification process for offenders on community supervision to
22 the county probation department or to the state department of corrections,
23 as appropriate.

24 H. If the law enforcement agency that is responsible for
25 disseminating community notification establishes an electronic
26 notification process, the law enforcement agency may use the electronic
27 notification process to comply with the requirements of subsection C of
28 this section only for a person who affirmatively chooses to receive
29 community notification through an electronic notification process. This
30 subsection does not prohibit a law enforcement agency from providing
31 electronic notification in addition to disseminating the nonelectronic
32 notification that is required by subsection C of this section.

33 I. Information concerning a person who is required to register
34 pursuant to section 13-3821, who is subject to the provisions of community
35 notification and who is a student at a public or private institution of
36 postsecondary education or who is employed or carries on a vocation, with
37 or without compensation, at a public or private institution of
38 postsecondary education shall be promptly made available by the county
39 sheriff to the law enforcement agency having jurisdiction for performing
40 community notification pursuant to subsection C of this section. The law
41 enforcement agency shall notify the institution's administration and shall
42 complete appropriate campus notification pursuant to subsection C of this
43 section.

44 J. This section does not prohibit law enforcement officers from
45 giving a community notice of any circumstances or persons that pose a

1 danger to the community under circumstances that are not provided for
2 under this section.

3 K. Except as provided in subsection L of this section, this section
4 applies to all persons who are subject to the registration requirements in
5 section 13-3821 whether or not the person was convicted or adjudicated
6 guilty except insane before or after June 1, 1996.

7 L. This section does not apply to persons who are subject to the
8 registration requirements in section 13-3821 as a result of offenses
9 adjudicated by a juvenile court unless ordered by the court.

10 M. Notwithstanding subsections B and D of this section, the agency
11 that had custody or responsibility for supervision of an offender or the
12 court that sentenced the offender who was convicted of or adjudicated
13 guilty except insane for committing an offense that subjects the offender
14 to the registration requirements of section 13-3821 and who committed the
15 offense before June 1, 1996 may conduct a risk assessment for the offender
16 as existing resources are available pursuant to subsection C of this
17 section. Community notification pursuant to this section and sex offender
18 website notification pursuant to section 13-3827, subsection A, paragraph
19 1 shall only be conducted after the risk assessment is complete.

20 N. The court may continue, defer or terminate community
21 notification after a hearing held pursuant to section 13-923.

22 0. FOR THE PURPOSES OF THIS SECTION:

23 1. "LEGAL CUSTODY" MEANS THE RIGHT TO HAVE PHYSICAL POSSESSION OF A
24 CHILD.

25 2. "SCHOOL" MEANS ANY PUBLIC OR NONPUBLIC KINDERGARTEN PROGRAM,
26 COMMON SCHOOL OR HIGH SCHOOL.