

REFERENCE TITLE: sex offender management board; fund

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1660

Introduced by
Senator Bolick

AN ACT

AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-116.13; AMENDING SECTION 13-3828, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 38, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3830; AMENDING SECTION 41-3030.11, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3032.11, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; 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. Title 12, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 12-116.13, to read:

4 12-116.13. Additional assessment for sexual offenses

5 A. IN ADDITION TO ANY OTHER ASSESSMENT OR RESTITUTION, IF A PERSON
6 IS CONVICTED OF A VIOLATION OF TITLE 13, CHAPTER 14 OR 35.1, THE COURT
7 SHALL ORDER THE PERSON TO PAY AN ADDITIONAL ASSESSMENT IN ONE OF THE
8 FOLLOWING AMOUNTS:

- 9 1. FOR A CLASS 1 FELONY, \$2,000.
- 10 2. FOR A CLASS 2 FELONY, \$1,500.
- 11 3. FOR A CLASS 3 FELONY, \$1,000.
- 12 4. FOR A CLASS 4 FELONY, \$500.
- 13 5. FOR A CLASS 5 FELONY, \$375.
- 14 6. FOR A CLASS 6 FELONY, \$250.
- 15 7. FOR A CLASS 1 MISDEMEANOR, \$200.
- 16 8. FOR A CLASS 2 MISDEMEANOR, \$150.
- 17 9. FOR A CLASS 3 MISDEMEANOR, \$75.

18 B. THE COURT SHALL TRANSMIT THE ASSESSMENTS COLLECTED PURSUANT TO
19 THIS SECTION TO THE COUNTY TREASURER, EXCEPT THAT MUNICIPAL COURTS SHALL
20 TRANSMIT THE ASSESSMENTS TO THE CITY OR TOWN TREASURER.

21 C. THE CITY, TOWN OR COUNTY TREASURER SHALL TRANSMIT THE
22 ASSESSMENTS TO THE STATE TREASURER. THE STATE TREASURER SHALL DEPOSIT THE
23 ASSESSMENTS IN THE SEX OFFENDER SURCHARGE FUND ESTABLISHED BY SECTION
24 13-3830.

25 Sec. 2. Section 13-3828, Arizona Revised Statutes, is amended to
26 read:

27 13-3828. Sex offender management board; duties; report

28 A. The sex offender management board is established **WITHIN THE**
29 **DEPARTMENT OF PUBLIC SAFETY** and consists of members who represent urban
30 and rural areas of this state, who have expertise in adult and juvenile
31 issues that relate to sex offenders and who are appointed as follows:

32 1. The chief justice of the supreme court shall appoint the
33 following members, who may be active or retired and who have sufficient
34 experience in the field:

- 35 (a) One member who represents the judicial department.
- 36 (b) One member who is a superior court judge.
- 37 (c) One member who is either a juvenile court judge or a juvenile
38 hearing officer.

39 2. The director of the state department of corrections shall
40 appoint one member who represents the state department of corrections.

41 3. The director of the department of economic security shall
42 appoint the following members:

43 (a) One member who represents the department of economic security
44 and who has recognizable expertise in child welfare and case management.

1 (b) One member who is a provider of out-of-home placement services
2 and who has recognizable expertise in providing services to juveniles who
3 have committed sexual offenses.

4 (c) One member who represents the department of child safety.

5 4. The director of the department of public safety shall appoint
6 the following members:

7 (a) Two members who are licensed mental health professionals and
8 who have recognizable expertise in the treatment of adult sex offenders.

9 (b) Two members who are licensed mental health professionals and
10 who have recognizable expertise in the treatment of juveniles who have
11 committed sexual offenses.

12 (c) One member who is a public defender and who has recognizable
13 expertise related to sexual offenses.

14 (d) One member who represents law enforcement and who has
15 recognizable expertise in addressing sexual offenses and victimization.

16 (e) Three members who are recognized experts in the field of sexual
17 abuse and who represent sexual abuse victims and victims' rights
18 organizations.

19 (f) One public member who has expertise related to the evaluation,
20 treatment or supervision of sex offenders.

21 (g) One member who is a clinical polygraph examiner and who is
22 trained in postconviction sex offender testing.

23 (h) One member who is a current or former probation representative
24 and who has recognizable expertise related to sexual offenses.

25 (i) One member who is a county director of human or social services
26 and who is appointed after consultation with a statewide group
27 representing counties.

28 (j) Two members who are members of a county board of supervisors or
29 who are members of the governing council for a jurisdiction that is a
30 contiguous city and county, one of whom represents an urban or suburban
31 county and one of whom represents a rural county, and who are appointed
32 after consultation with a statewide group representing counties.

33 (k) One member who represents the highway patrol division in the
34 department of public safety.

35 5. The director of the Arizona prosecuting attorneys' advisory
36 council shall appoint one member who represents the interests of
37 prosecuting attorneys and who has recognizable expertise in prosecuting
38 sexual offenses.

39 6. The superintendent of public instruction shall appoint one
40 member who has experience with juveniles who have committed sexual
41 offenses and who is in the public school system.

42 7. The speaker of the house of representatives shall appoint ~~one~~
43 ~~member of the house of representatives who shall serve as cochairperson.~~
44 ~~The speaker of the house of representatives may appoint up to two~~

~~additional~~ PUBLIC members ~~of the house of representatives~~ WHO ARE from different political parties.

8. The president of the senate shall appoint ~~one member of the senate who shall serve as cochairperson. The president of the senate may appoint up to~~ two ~~additional~~ PUBLIC members ~~of the senate~~ WHO ARE from different political parties.

9. The governor may appoint up to two additional members WHO ARE from different political parties.

B. THE BOARD SHALL ELECT A CHAIRPERSON FROM AMONG ITS MEMBERSHIP TO SERVE A TWO-YEAR TERM.

~~B.~~ C. ~~Appointed~~ Members WHO ARE APPOINTED PURSUANT TO SUBSECTION A OF THIS SECTION serve at the pleasure of the appointing authority. The initial members shall assign themselves by lot to terms of two, three and four years. All subsequent members serve four-year terms of office. The ~~cochairpersons~~ CHAIRPERSON shall notify the governor's office of these terms. Board members are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

~~C.~~ D. The board shall do all of the following and shall present its recommendations, as applicable, to the legislature:

1. Develop, prescribe and revise, as appropriate, standard procedures to evaluate adult sex offenders, including adult sex offenders with developmental disabilities and serious mental illness. The recommended procedures shall:

(a) Provide for evaluating adult sex offenders.

(b) Recommend management, monitoring and treatment based on existing research.

(c) Incorporate the concepts of the risk-need-responsivity or another evidence-based correctional model.

2. Develop a procedure for evaluating, on a case-by-case basis, reliably lower-risk sex offenders whose risk to sexually reoffend may not be further reduced by participation in a treatment program that is implemented pursuant to paragraph 4 of this subsection.

3. Develop and recommend methods of intervention for adult sex offenders. The methods must prioritize the physical and psychological safety of victims and potential victims. The methods must also be appropriate to the assessed needs of the particular adult sex offender.

4. Develop, implement and revise, as appropriate, guidelines and standards to treat adult sex offenders, including adult sex offenders with intellectual and developmental disabilities and serious mental illness. The recommended guidelines and standards must incorporate the concepts of the risk-need-responsivity or another evidence-based correctional model. The guidelines and standards may be used in the treatment of adult sex offenders who are placed on probation, imprisoned in the state department

1 of corrections or placed on community supervision. Programs recommended
2 to be implemented pursuant to the guidelines and standards must:

3 (a) Be as flexible as possible so that the programs may be accessed
4 by each adult sex offender to prevent the adult sex offender from harming
5 victims and potential victims.

6 (b) Include a continuing monitoring process and a continuum of
7 treatment options that are available to an adult sex offender as the adult
8 sex offender proceeds through the criminal justice system. Treatment
9 options must be determined by a current risk assessment and evaluation and
10 may include group counseling, individual counseling, family counseling,
11 outpatient treatment, inpatient treatment, shared living arrangements or
12 treatment in a therapeutic community.

13 (c) To the extent possible, be accessible to all adult sex
14 offenders in the criminal justice system, including those adult sex
15 offenders with behavioral, mental health and co-occurring disorders.

16 5. Establish a subcommittee to make recommendations to the board on
17 revising the guidelines and standards developed pursuant to paragraph 4 of
18 this subsection. At least eighty percent of the members of the
19 subcommittee must be approved treatment providers, including one polygraph
20 examiner.

21 6. Develop annual recommendations to allocate monies deposited in
22 the state general fund pursuant to section 13-3821, subsection Q and
23 section 13-3824, subsection B. These **RECOMMENDATIONS** shall include
24 recommendations regarding the coordination of spending monies from the
25 state general fund with any monies spent by the state department of
26 corrections, the department of public safety or the judicial department to
27 evaluate and treat adult sex offenders and juveniles who have committed
28 sexual offenses. These recommendations shall be presented to the
29 legislature before the start of each legislative session.

30 7. Consult on and propose revisions to the legislature, as
31 necessary, to the sex offender community notification risk assessment
32 prescribed in section 13-3825. The board shall consider research on adult
33 sex offender risk assessment and shall consider as one element the risk
34 posed by an adult sex offender who suffers from a paraphilic disorder,
35 psychopathy or a personality disorder that makes the person more likely to
36 engage in sexually violent predatory offenses.

37 8. Research, either through direct evaluation or through a review
38 of relevant research articles and sex offender treatment empirical data,
39 and analyze, through a comprehensive review of evidence-based practices,
40 the effectiveness of the evaluation and treatment policies and procedures
41 for adult sex offenders that are developed pursuant to paragraph 4 of this
42 subsection. This research shall specifically include reviewing and
43 researching recidivism and factors that contribute to recidivism for adult
44 sex offenders, the effective use of cognitive behavioral therapy to
45 prevent recidivism, the use of polygraphs in treatment and the containment

1 model for adult sex offender management and treatment and its effective
2 application. The board shall advise the legislature regarding revision of
3 the guidelines and standards for evaluation, identification and treatment,
4 as appropriate, based on the results of the board's research and
5 analysis. The board shall also develop and recommend a system to
6 implement the guidelines and standards that are developed pursuant to
7 paragraph 4 of this subsection.

8 9. In collaboration with the state department of corrections, the
9 judicial department and the board of executive clemency, develop proposed
10 criteria and make recommendations, as appropriate, for measuring an adult
11 sex offender's progress in treatment. The recommended criteria shall
12 assist the court and the board of executive clemency in determining
13 whether an adult sex offender may appropriately be released from
14 incarceration, whether the adult sex offender's level of supervision may
15 be reduced or whether the adult sex offender may appropriately be
16 discharged from probation or parole. At a minimum, the recommended
17 criteria must be designed to assist the court and the board of executive
18 clemency in determining whether the adult sex offender could be
19 appropriately supervised in the community if the offender were released
20 from incarceration, released to a reduced level of supervision or
21 discharged from probation or parole.

22 10. In collaboration with the state department of corrections, the
23 judicial department and the board of executive clemency, make
24 recommendations for the establishment of standards for community entities
25 that provide supervision and treatment specifically designed for adult sex
26 offenders who have developmental disabilities or who are deemed sexually
27 violent persons. At a minimum, the recommended standards must determine
28 whether an entity would provide adequate support and supervision to
29 minimize any threat that the adult sex offender may pose to the community.

30 11. Review the current delivery of services and the establishment
31 of release conditions at the Arizona community protection and treatment
32 center. The Arizona community protection and treatment center shall
33 implement any guidelines and standards for sex offender treatment and
34 supervision that are established by the board.

35 12. 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 adult sex offender residences, especially in proximity to
40 public or private schools and child care facilities, and public
41 notification of the location of adult sex offender residences. The board
42 shall make recommendations for the adoption and revision, as appropriate,
43 of the guidelines as it deems appropriate regarding the living
44 arrangements for and location of adult sex offenders and adult sex
45 offender housing.

1 13. Develop and make recommendations for revision, as appropriate,
2 of recommended standard procedures to evaluate juveniles who have
3 committed sexual offenses, including juveniles with developmental
4 disabilities. The recommended procedures shall:

5 (a) Provide for evaluating juvenile offenders.

6 (b) Recommend behavior management, monitoring, treatment and
7 compliance.

8 (c) Incorporate the concepts of the risk-need-responsivity or
9 another evidence-based correctional model based on the knowledge that all
10 unlawful sexual behavior poses a risk to the community and that certain
11 juveniles may have the capacity to change their behavior with appropriate
12 intervention and treatment. The board shall develop and make
13 recommendations for the implementation of methods of intervention for
14 juveniles who have committed sexual offenses. The methods must have as a
15 priority the physical and psychological safety of victims and potential
16 victims and, if the methods do not reduce the safety of victims and
17 potential victims, the methods must also be appropriate to the needs of
18 the particular juvenile offender.

19 14. Develop, implement and revise, as appropriate, guidelines and
20 standards to treat juveniles who have committed sexual offenses, including
21 juveniles with intellectual and developmental disabilities. The
22 guidelines and standards must incorporate the concepts of the
23 risk-need-responsivity or another evidence-based correctional model. The
24 guidelines and standards may be used for juvenile offenders who are placed
25 on probation or placed under the jurisdiction of the department of
26 juvenile corrections or the state department of corrections. Programs
27 recommended to be implemented pursuant to the guidelines and standards
28 must:

29 (a) Be as flexible as possible so that the programs may be accessed
30 by each juvenile offender to prevent the juvenile from harming victims and
31 potential victims.

32 (b) Include a continuing monitoring process and a continuum of
33 treatment options that are available to a juvenile offender as the
34 juvenile proceeds through the justice system. Treatment options may
35 include group counseling, individual counseling, family counseling,
36 outpatient treatment, inpatient treatment, shared living arrangements and
37 treatment in a therapeutic community.

38 (c) To the extent possible, be accessible to all juveniles who have
39 committed sexual offenses and who are in the justice system, including
40 juveniles with behavioral, mental health or co-occurring disorders.

41 15. Establish a subcommittee to make recommendations to the board
42 on revising the guidelines and standards developed pursuant to paragraph
43 13 of this subsection. At least eighty percent of the members of the
44 subcommittee must be approved treatment providers, including one polygraph
45 examiner.

16. Research and analyze the effectiveness of the evaluation, identification and treatment procedures developed pursuant to paragraph 13 of this subsection for juveniles who have committed sexual offenses. The board shall make recommendations for the revision of the guidelines and standards for evaluation, identification and treatment, as appropriate, based on the results of the board's research and analysis. The board shall also develop and prescribe a system to implement the guidelines and standards that are developed pursuant to paragraph 13 of this subsection.

17. In collaboration with law enforcement agencies in this state, victim advocacy organizations, the department of education and the department of public safety, develop and revise, as appropriate, for use by schools educational materials regarding general information about adult sex offenders and juveniles who have committed sexual offenses, safety concerns related to the offenders and other relevant materials. The board shall provide the materials to the department of education, and the department of education shall make the materials available to schools in this state.

~~E.~~ E. If sufficient monies are appropriated to the department of public safety, the board may request that individuals or entities that provide evaluation, treatment or polygraph services specifically to sex offenders that conform with the standards developed by the board pursuant to subsection D, paragraph 4 of this section submit to the board data and information as determined by the board. The board may use this data and information to evaluate the effectiveness of the guidelines and standards developed pursuant to this section for all of the following:

1. To evaluate the effectiveness of individuals or entities that provide evaluation, treatment or polygraph services specifically to sex offenders.

2. For any other purpose consistent with this section.

~~F.~~ F. This section does not grant the board any rulemaking or spending authority.

~~F.~~ G. The attorney general, each county attorney and every agency and political subdivision of this state shall supply ~~a cochairperson~~ THE CHAIRPERSON OF THE BOARD, on request, with such assistance and information as is reasonably necessary to effectuate the purposes of this section.

~~G.~~ H. The board shall adopt recommendations by majority vote, but the recommendations to be voted on are subject to the discretion of the ~~cochairpersons~~ CHAIRPERSON, who must ~~both~~ approve a recommendation that is to be voted on.

Sec. 3. Title 13, chapter 38, article 3, Arizona Revised Statutes, is amended by adding section 13-3830, to read:

13-3830. Sex offender surcharge fund

A. THE SEX OFFENDER SURCHARGE FUND IS ESTABLISHED AND CONSISTS OF MONIES DEPOSITED PURSUANT TO SECTION 12-116.13 AND LEGISLATIVE APPROPRIATIONS. THE DEPARTMENT OF PUBLIC SAFETY SHALL ADMINISTER THE

1 FUND. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION AND ARE
2 EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO THE LAPSING OF
3 APPROPRIATIONS.

4 B. THE DEPARTMENT OF PUBLIC SAFETY SHALL USE MONIES IN THE FUND FOR
5 THE PURPOSES OF DEFRAYING THE COSTS RELATED TO THE SEX OFFENDER MANAGEMENT
6 BOARD.

7 Sec. 4. Section 41-3030.11, Arizona Revised Statutes, is amended to
8 read:

9 41-3030.11. Department of public safety; termination July 1,
10 2030

11 A. The department of public safety terminates on July 1, 2030.

12 B. SECTION 13-3828, title 41, chapter 12 and this section are
13 repealed on January 1, 2031.

14 Sec. 5. Repeal

15 Section 41-3032.11, Arizona Revised Statutes, is repealed.

16 Sec. 6. Appropriations; department of public safety;
17 exemption

18 A. The sum of \$___ and one FTE is appropriated from the state
19 general fund in fiscal year 2025-2026 to the department of public safety
20 for the purposes of the sex offender management board established by
21 section 13-3828, Arizona Revised Statutes, as amended by this act.

22 B. The appropriation made in subsection A of this section is exempt
23 from the provisions of section 35-190, Arizona Revised Statutes, relating
24 to lapsing of appropriations.