

Senate Engrossed

sex offender management board; fund

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

SENATE BILL 1660

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~~
45 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

1 4. THE DIRECTOR OF THE DEPARTMENT OF CHILD SAFETY SHALL APPOINT THE
2 FOLLOWING MEMBERS:

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

6 ~~(c)~~ (b) One member who represents the department of child safety.

7 4. The director of the department of public safety shall appoint
8 the following members:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 7. The speaker of the house of representatives shall appoint ~~one~~
2 ~~member of the house of representatives who shall serve as cochairperson.~~
3 ~~The speaker of the house of representatives may appoint up to two~~
4 ~~additional~~ PUBLIC members ~~of the house of representatives~~ WHO ARE from
5 different political parties AND WHO HAVE EXPERTISE IN ADULT AND JUVENILE
6 ISSUES THAT RELATE TO SEX OFFENDERS.

7 8. The president of the senate shall appoint ~~one member of the~~
8 ~~senate who shall serve as cochairperson. The president of the senate may~~
9 ~~appoint up to two additional~~ PUBLIC members ~~of the senate~~ WHO ARE from
10 different political parties AND WHO HAVE EXPERTISE IN ADULT AND JUVENILE
11 ISSUES THAT RELATE TO SEX OFFENDERS.

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

14 10. THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES SHALL APPOINT
15 ONE MEMBER WHO REPRESENTS THE ARIZONA COMMUNITY PROTECTION AND TREATMENT
16 CENTER.

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

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

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

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

33 (a) Provide for evaluating adult sex offenders.

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

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

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

42 3. Develop and recommend methods of intervention for adult sex
43 offenders. The methods must prioritize the physical and psychological
44 safety of victims and potential victims. The methods must also be
45 appropriate to the assessed needs of the particular adult sex 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 and serious mental illness.
4 The recommended guidelines and standards must incorporate the concepts of
5 the risk-need-responsivity or another evidence-based correctional model.
6 The guidelines and standards may be used in the treatment of adult sex
7 offenders who are placed on probation, imprisoned in the state department
8 of corrections or placed on community supervision. Programs recommended
9 to be implemented pursuant to the guidelines and standards must:

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

13 (b) Include a continuing monitoring process and a continuum of
14 treatment options that are available to an adult sex offender as the adult
15 sex offender proceeds through the criminal justice system. Treatment
16 options must be determined by a current risk assessment and evaluation and
17 may include group counseling, individual counseling, family counseling,
18 outpatient treatment, inpatient treatment, shared living arrangements or
19 treatment in a therapeutic community.

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

23 5. Establish a subcommittee to make recommendations to the board on
24 revising the guidelines and standards developed pursuant to paragraph 4 of
25 this subsection. At least eighty percent of the members of the
26 subcommittee must be approved treatment providers, including one polygraph
27 examiner.

28 6. Develop annual recommendations to allocate monies deposited in
29 the state general fund pursuant to section 13-3821, subsection Q and
30 section 13-3824, subsection B. These RECOMMENDATIONS shall include
31 recommendations regarding the coordination of spending monies from the
32 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 evaluate and treat adult sex offenders and juveniles who have committed
35 sexual offenses. These recommendations shall be presented to the
36 legislature before the start of each legislative session.

37 7. Consult on and propose revisions to the legislature, as
38 necessary, to the sex offender community notification risk assessment
39 prescribed in section 13-3825. The board shall consider research on adult
40 sex offender risk assessment and shall consider as one element the risk
41 posed by an adult sex offender who suffers from a paraphilic disorder,
42 psychopathy or a personality disorder that makes the person more likely to
43 engage in sexually violent predatory offenses.

1 8. Research, either through direct evaluation or through a review
2 of relevant research articles and sex offender treatment empirical data,
3 and analyze, through a comprehensive review of evidence-based practices,
4 the effectiveness of the evaluation and treatment policies and procedures
5 for adult sex offenders that are developed pursuant to paragraph 4 of this
6 subsection. This research shall specifically include reviewing and
7 researching recidivism and factors that contribute to recidivism for adult
8 sex offenders, the effective use of cognitive behavioral therapy to
9 prevent recidivism, the use of polygraphs in treatment and the containment
10 model for adult sex offender management and treatment and its effective
11 application. The board shall advise the legislature regarding revision of
12 the guidelines and standards for evaluation, identification and treatment,
13 as appropriate, based on the results of the board's research and
14 analysis. The board shall also develop and recommend a system to
15 implement the guidelines and standards that are developed pursuant to
16 paragraph 4 of this subsection.

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

31 10. In collaboration with the state department of corrections, the
32 judicial department, [THE ARIZONA COMMUNITY PROTECTION AND TREATMENT CENTER](#)
33 and the board of executive clemency, make recommendations for the
34 establishment of standards for community entities that provide supervision
35 and treatment specifically designed for adult sex offenders who have
36 developmental disabilities or who are deemed sexually violent persons. At
37 a minimum, the recommended standards must determine whether an entity
38 would provide adequate support and supervision to minimize any threat that
39 the adult sex offender may pose to the community.

40 11. Review the current delivery of services and the establishment
41 of release conditions at the Arizona community protection and treatment
42 center. The Arizona community protection and treatment center shall
43 implement any guidelines and standards for sex offender treatment and
44 supervision that are established by the board.

1 12. Research, analyze and make recommendations that reflect best
2 practices for living arrangements for and the location of adult sex
3 offenders within the community, including shared living arrangements. At
4 a minimum, the board shall consider the safety issues raised by the
5 location of adult sex offender residences, especially in proximity to
6 public or private schools and child care facilities, and public
7 notification of the location of adult sex offender residences. The board
8 shall make recommendations for the adoption and revision, as appropriate,
9 of the guidelines as it deems appropriate regarding the living
10 arrangements for and location of adult sex offenders and adult sex
11 offender housing.

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

16 (a) Provide for evaluating juvenile offenders.

17 (b) Recommend behavior management, monitoring, treatment and
18 compliance.

19 (c) Incorporate the concepts of the risk-need-responsivity or
20 another evidence-based correctional model based on the knowledge that all
21 unlawful sexual behavior poses a risk to the community and that certain
22 juveniles may have the capacity to change their behavior with appropriate
23 intervention and treatment. The board shall develop and make
24 recommendations for the implementation of methods of intervention for
25 juveniles who have committed sexual offenses. The methods must have as a
26 priority the physical and psychological safety of victims and potential
27 victims and, if the methods do not reduce the safety of victims and
28 potential victims, the methods must also be appropriate to the needs of
29 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 or the state department of corrections. Programs
38 recommended to be implemented pursuant to the guidelines and standards
39 must:

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

43 (b) Include a continuing monitoring process and a continuum of
44 treatment options that are available to a juvenile offender as the
45 juvenile proceeds through the justice system. Treatment options may

1 include group counseling, individual counseling, family counseling,
2 outpatient treatment, inpatient treatment, shared living arrangements and
3 treatment in a therapeutic community.

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

7 15. Establish a subcommittee to make recommendations to the board
8 on revising the guidelines and standards developed pursuant to paragraph
9 13 of this subsection. At least eighty percent of the members of the
10 subcommittee must be approved treatment providers, including one polygraph
11 examiner.

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

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

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

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

40 2. For any other purpose consistent with this section.

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

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

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

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

11 13-3830. Sex offender surcharge fund

12 A. THE SEX OFFENDER SURCHARGE FUND IS ESTABLISHED AND CONSISTS OF
13 MONIES DEPOSITED PURSUANT TO SECTION 12-116.13 AND LEGISLATIVE
14 APPROPRIATIONS. THE DEPARTMENT OF PUBLIC SAFETY SHALL ADMINISTER THE
15 FUND. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION AND ARE
16 EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO THE LAPSING OF
17 APPROPRIATIONS.

18 B. THE DEPARTMENT OF PUBLIC SAFETY SHALL USE MONIES IN THE FUND FOR
19 THE PURPOSES OF DEFRAYING THE COSTS RELATED TO THE SEX OFFENDER MANAGEMENT
20 BOARD.

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

23 41-3030.11. Department of public safety: termination July 1,
24 2030

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

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

28 Sec. 5. Repeal

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

30 Sec. 6. Appropriations; department of public safety;
31 exemption

32 A. The sum of \$200,000 and two FTEs are appropriated from the state
33 general fund in fiscal year 2025-2026 to the department of public safety
34 for the purposes of the sex offender management board established by
35 section 13-3828, Arizona Revised Statutes, as amended by this act.

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

39 Sec. 7. Effective date

40 Section 12-116.13, Arizona Revised Statutes, as added by this act,
41 is effective from and after December 31, 2025.