

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1004
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 13-3821, Arizona Revised Statutes, is amended
3 to 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.

1 12. Commercial sexual exploitation of a minor pursuant to section
2 13-3552.

3 13. Sexual exploitation of a minor pursuant to section 13-3553.

4 14. Luring a minor for sexual exploitation pursuant to section
5 13-3554.

6 15. A second or subsequent violation of indecent exposure to a
7 person who is under fifteen years of age pursuant to section 13-1402.

8 16. A second or subsequent violation of public sexual indecency to
9 a minor who is under fifteen years of age pursuant to section 13-1403,
10 subsection B.

11 17. A third or subsequent violation of indecent exposure pursuant
12 to section 13-1402.

13 18. A third or subsequent violation of public sexual indecency
14 pursuant to section 13-1403.

15 19. A violation of section 13-3822 or 13-3824.

16 20. Unlawful age misrepresentation.

17 21. Aggravated luring a minor for sexual exploitation pursuant to
18 section 13-3560.

19 22. Sexual extortion pursuant to section 13-1428 if the victim is
20 under fifteen years of age.

21 B. Before the person is released from confinement the state
22 department of corrections in conjunction with the department of public
23 safety and each county sheriff shall complete the registration of any
24 person who was convicted of or adjudicated guilty except insane for a
25 violation of any offense listed under subsection A of this section.
26 Within three days after the person's release from confinement, the state
27 department of corrections shall forward the registered person's records to
28 the department of public safety and to the sheriff of the county in which
29 the registered person intends to reside. Registration pursuant to this
30 subsection shall be consistent with subsection E of this section.

31 C. Notwithstanding subsection A of this section, the judge who
32 sentences a defendant for any violation of chapter 14 or 35.1 of this
33 title or for an offense for which there was a finding of sexual motivation
34 pursuant to section 13-118 may require the person who committed the
35 offense to register pursuant to this section.

36 D. The court may require a person who has been adjudicated
37 delinquent for an act that would constitute an offense specified in
38 subsection A or C of this section to register pursuant to this section.
39 Any duty to register under this subsection terminates when the person
40 reaches twenty-five years of age.

41 E. A person who has been convicted, adjudicated guilty except
42 insane or adjudicated delinquent and who is required to register in the
43 convicting or adjudicating state for an act that would constitute an
44 offense specified in subsection A or C of this section and who is not a
45 resident of this state shall be required to register pursuant to this
46 section if the person is either:

47 1. Employed full-time or part-time in this state, with or without
48 compensation, for more than fourteen consecutive days or for an aggregate
49 period of more than thirty days in a calendar year.

1 2. Enrolled as a full-time or part-time student in any school in
2 this state for more than fourteen consecutive days or for an aggregate
3 period of more than thirty days in a calendar year. For the purposes of
4 this paragraph, "school" means an educational institution of any
5 description, public or private, wherever located in this state.

6 F. Any duty to register under subsection D or E of this section for
7 a juvenile adjudication terminates when the person reaches twenty-five
8 years of age.

9 G. The court may order the termination of any duty to register
10 under this section on successful completion of probation if the person was
11 under eighteen years of age when the offense for which the person was
12 convicted or adjudicated guilty except insane was committed.

13 H. The court may order the suspension or termination of any duty to
14 register under this section after a hearing held pursuant to section
15 13-923.

16 I. At the time of registering, the person shall sign or affix an
17 electronic fingerprint to a statement giving such information as required
18 by the director of the department of public safety. The sheriff shall
19 fingerprint and photograph the person and within three days thereafter
20 shall send copies of the statement, fingerprints and photographs to the
21 department of public safety and the chief of police, if any, of the place
22 where the person resides. The information that is required by this
23 subsection shall include all of the following:

24 1. All names by which the person is known.

25 2. Any required online identifier.

26 3. The name of any website or internet communication service where
27 the identifier is being used.

28 4. If the person owns, possesses or regularly operates a motor
29 vehicle that is required to be registered under title 28, chapter 7, the
30 make, model, year of manufacture, color, vehicle identification number,
31 state of registration and license plate number of the motor vehicle.

32 5. If the person has legal custody of a child who is enrolled in
33 school, the child's name and enrollment status.

34 6. The physical location of the person's residence, the person's
35 address and whether the person's residence is permanent or temporary,
36 except that:

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

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

45 (c) If the person has more than one residence, the person shall
46 register in person and in writing every residence and address not less
47 than every ninety days with the sheriff in whose jurisdiction the person
48 is physically present.

1 (d) If the person does not have an address or a permanent place of
2 residence: ~~;~~

3 (i) The person shall provide a description and physical location of
4 any temporary residence and shall register as a transient not less than
5 every ninety days with the sheriff in whose jurisdiction the transient is
6 physically present.

7 (ii) THE COURT SHALL PLACE THE PERSON ON GLOBAL POSITION SYSTEM OR
8 ELECTRONIC MONITORING UNTIL THE PERSON HAS AN ADDRESS OR A PERMANENT PLACE
9 OF RESIDENCE. THE CHIEF ADULT PROBATION OFFICER OF THE COUNTY WHERE THE
10 PERSON IS PHYSICALLY PRESENT SHALL MAINTAIN AND MONITOR THE PERSON WHILE
11 THE PERSON IS ON GLOBAL POSITION SYSTEM OR ELECTRONIC MONITORING. THIS
12 ITEM DOES NOT PRECLUDE THE USE OF OTHER GLOBAL POSITION SYSTEM OR
13 ELECTRONIC MONITORING FOR A PERSON WHO IS SERVING A TERM OF PROBATION OR
14 WHO IS ON PAROLE, WORK FURLOUGH, COMMUNITY SUPERVISION OR ANY OTHER
15 RELEASE.

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

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

41 L. Within ten days after entry of judgment, a court not of record
42 shall notify the arresting law enforcement agency of an offender's
43 conviction of or adjudication of guilty except insane for a violation of
44 section 13-1402. Within ten days after receiving this information, the
45 law enforcement agency shall determine if the offender is required to
46 register pursuant to this section. If the law enforcement agency
47 determines that the offender is required to register, the law enforcement
48 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
46 county treasurer shall transmit the monies received to the state
47 treasurer. The state treasurer shall deposit the monies received in the
48 state general fund. Notwithstanding any other law, the court shall not
49 waive the assessment imposed pursuant to this section.

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

4 S. For the purposes of this section:

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

6 2. "Legal custody" means the right to have physical possession of a
7 child.

8 3. "Required online identifier" means any electronic email address
9 information or instant message, chat, social networking or other similar
10 internet communication name but does not include a social security number,
11 date of birth or pin number.

12 4. "Residence" means:

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

14 (b) If the person is transient and does not spend at least three
15 nights in any location or place within a thirty-day period, the geographic
16 areas of the county where the person spends the nights.

17 5. "School" means a public or nonpublic kindergarten program,
18 common school or high school.

19 6. "Transient" means a person who does not have a single and
20 permanent dwelling place."

21 Amend title to conform

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