

Senate Engrossed

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 42

SENATE BILL 1088

AN ACT

AMENDING SECTION 13-3821, 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

6 A. A person who has been convicted of a violation or attempted
7 violation of any of the following offenses or who has been convicted of an
8 offense committed in another jurisdiction which THAT if committed in this
9 state would be a violation or attempted violation of any of the following
10 offenses or an offense that was in effect before September 1, 1978 AND that,
11 if committed on or after September 1, 1978, has the same elements of an
12 offense listed in this section shall, within ten days after the conviction
13 or within ten days after entering and remaining in any county of this state,
14 register with the sheriff of that county:

15 1. Unlawful imprisonment pursuant to section 13-1303 if the victim is
16 under eighteen years of age and the unlawful imprisonment was not committed
17 by the child's parent.

18 2. Kidnapping pursuant to section 13-1304 if the victim is under
19 eighteen years of age and the kidnapping was not committed by the child's
20 parent.

21 3. Sexual abuse pursuant to section 13-1404 if the victim is under
22 eighteen years of age.

23 4. Sexual conduct with a minor pursuant to section 13-1405.

24 5. Sexual assault pursuant to section 13-1406.

25 6. Sexual assault of a spouse pursuant to section 13-1406.01.

26 7. Molestation of a child pursuant to section 13-1410.

27 8. Continuous sexual abuse of a child pursuant to section 13-1417.

28 9. Taking a child for the purpose of prostitution pursuant to section
29 13-3206.

30 10. Child prostitution pursuant to section 13-3212.

31 11. Commercial sexual exploitation of a minor pursuant to section
32 13-3552.

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

34 13. Luring a minor for sexual exploitation pursuant to section 13-3554.

35 14. A second or subsequent violation of indecent exposure to a person
36 under the age of fifteen years pursuant to section 13-1402, subsection B.

37 15. A second or subsequent violation of public sexual indecency to a
38 minor under the age of fifteen years pursuant to section 13-1403, subsection
39 B.

40 16. A third or subsequent violation of indecent exposure pursuant to
41 section 13-1402.

42 17. A third or subsequent violation of public sexual indecency pursuant
43 to section 13-1403.

44 18. A violation of section 13-3822 or 13-3824.

1 B. Before the person is released from confinement the state department
2 of corrections in conjunction with the department of public safety and each
3 county sheriff may SHALL complete the registration of any person who was
4 convicted of a violation of any offense listed under subsection A of this
5 section. Within three days after the person's release from confinement, the
6 state department of corrections shall forward the registered person's records
7 to the department of public safety and to the sheriff of the county in which
8 the registered person intends to reside. Registration pursuant to this
9 subsection shall be consistent with subsection E of this section.

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

15 D. The court may require a person who has been adjudicated delinquent
16 for an act that would constitute an offense specified in subsection A or C
17 of this section to register pursuant to this section. Any duty to register
18 under this subsection shall terminate when the person reaches ~~the age of~~
19 twenty-five YEARS OF AGE.

20 E. A person who has been convicted of or adjudicated delinquent and
21 who is required to register in the convicting state for an act that would
22 constitute an offense specified in subsection A or C of this section and who
23 is not a resident of this state shall be required to register pursuant to
24 this section if the person is either:

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

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

33 F. Any duty to register under subsection D or E of this section for
34 a juvenile adjudication terminates when the person reaches ~~the age of~~
35 twenty-five YEARS OF AGE.

36 G. The court may order the termination of any duty to register under
37 this section upon successful completion of probation if the person was under
38 eighteen years of age when the offense for which the person was convicted of
39 was committed.

40 H. At the time of registering, the person shall sign a statement in
41 writing giving such information as required by the director of the department
42 of public safety, including all names by which the person is known. The
43 sheriff shall fingerprint and photograph the person and within three days
44 thereafter shall send copies of the statement, fingerprints and photographs

1 to the criminal identification section within the department of public safety
2 and the chief of police, if any, of the place where the person resides.

3 I. Upon the person's initial registration and every year after the
4 person's initial registration, the person shall obtain a nonoperating
5 identification license or a driver license from the motor vehicle division
6 in the department of transportation. Notwithstanding sections 28-3165 and
7 28-3171, the license shall be valid for one year from the date of issuance,
8 and the person shall submit to the department of transportation proof of the
9 person's address. The motor vehicle division shall make a copy of the
10 photograph available to the criminal identification section of the department
11 of public safety or to any law enforcement agency.

12 J. Except as provided in subsection E or K of this section, the clerk
13 of the superior court in the county in which a person has been convicted of
14 a violation of any offense listed under subsection A of this section or has
15 been ordered to register pursuant to subsection C or D of this section shall
16 notify the sheriff in that county of the conviction within ten days after
17 entry of the judgment.

18 K. Within ten days after entry of judgment, a court not of record
19 shall notify the arresting law enforcement agency of an offender's conviction
20 of a violation of section 13-1402. Within ten days after receiving this
21 information, the law enforcement agency shall determine if the offender is
22 required to register pursuant to this section. If the law enforcement agency
23 determines that the offender is required to register, the law enforcement
24 agency shall provide the information required by section 13-3825 to the
25 department of public safety and shall make community notification as required
26 by law.

27 L. A person who is required to register pursuant to this section
28 because of a conviction for the unlawful imprisonment of a minor or the
29 kidnapping of a minor is required to register, absent additional or
30 subsequent convictions, for a period of ten years from the date that the
31 person is released from prison, jail, probation, community supervision or
32 parole and the person has fulfilled all restitution obligations.
33 Notwithstanding this subsection, a person who has a prior conviction for an
34 offense for which registration is required pursuant to this section is
35 required to register for life.

36 Sec. 2. Effective date

37 Section 13-3821, Arizona Revised Statutes, as amended by this act, is
38 effective from and after December 31, 2003.

APPROVED BY THE GOVERNOR APRIL 7, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2003.

Passed the House April 1, 20 03

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Passed the Senate February 25, 20 03

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Klu Plimth
President of the Senate

Norman L. Moore
Chief Clerk of the House

Chermin B. Biddie
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

2 day of April, 2003

at 12:30 o'clock P. M.

Sandra Ramirez
Secretary to the Governor

Approved this 7 day of

April, 2003

at 2³⁰ o'clock P. M.

Jon R. Norwalk
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of April, 2003

at 4:27 o'clock P. M.

Janice K. Brewer
Secretary of State

S.B. 1088