

Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 272

HOUSE BILL 2602

AN ACT

AMENDING SECTION 13-3826, 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 13-3826, Arizona Revised Statutes, is amended to
3 read:

4 13-3826. Community notification guidelines committee; members;
5 powers; duties; definition

6 A. The community notification guidelines committee is established
7 consisting of the following members:

8 1. A MEMBER OF THE SENATE WHO IS APPOINTED BY THE PRESIDENT OF THE
9 SENATE TO SERVE AS COCHAIR OF THE COMMITTEE.

10 2. A MEMBER OF THE HOUSE OF REPRESENTATIVES WHO IS APPOINTED BY THE
11 SPEAKER OF THE HOUSE OF REPRESENTATIVES TO SERVE AS COCHAIR OF THE COMMITTEE.

12 ~~1.~~ 3. The attorney general or the attorney general's designee.

13 ~~2.~~ 4. The chairman of the senate judiciary committee or its successor
14 committee, who serves as an advisory member.

15 ~~3.~~ 5. A member of the minority party in the senate who is appointed
16 by the president of the senate and who serves as an advisory member.

17 ~~4.~~ 6. The chairman of the house of representatives judiciary
18 committee or its successor committee, who serves as an advisory member.

19 ~~5.~~ 7. A member of the minority party in the house of representatives
20 who is appointed by the speaker of the house of representatives and who
21 serves as an advisory member.

22 ~~6.~~ 8. Two sheriffs or their designees who are appointed by the
23 president of the Arizona county attorneys and sheriffs association, one of
24 whom represents a county with a population of more than four hundred thousand
25 persons according to the most recent United States decennial census and one
26 of whom represents a county with a population of four hundred thousand
27 persons or less according to the most recent United States decennial census.

28 ~~7.~~ 9. Two chiefs of police or their designees who are appointed by
29 the president of the Arizona association of chiefs of police, one of whom
30 represents a city or town in a county with a population of more than four
31 hundred thousand persons according to the most recent United States decennial
32 census and one of whom represents a city or town in a county with a
33 population of four hundred thousand persons or less according to the most
34 recent United States decennial census.

35 ~~8.~~ 10. Two county attorneys or their designees who are appointed by
36 the chairman of the Arizona prosecuting attorneys' advisory council, one of
37 whom represents a county with a population of more than four hundred thousand
38 persons according to the most recent United States decennial census and one
39 of whom represents a county with a population of four hundred thousand
40 persons or less according to the most recent United States decennial census.

41 ~~9.~~ 11. Two county adult probation officers or their designees who are
42 appointed by the chief justice of the supreme court, one of whom represents
43 a county with a population of more than four hundred thousand persons
44 according to the most recent United States decennial census and one of whom

- 1 represents a county with a population of four hundred thousand persons or
2 less according to the most recent United States decennial census.
- 3 ~~10.~~ 12. One state adult parole administrator or the administrator's
4 designee who is appointed by the governor.
- 5 ~~11.~~ 13. The director of the department of public safety or the
6 director's designee.
- 7 ~~12.~~ 14. The director of the department of transportation or the
8 director's designee.
- 9 ~~13.~~ 15. One person who is licensed under title 32, chapter 19.1 and
10 who is appointed by the state board of psychologist examiners.
- 11 16. ONE REPRESENTATIVE OF A PUBLIC DEFENDER'S OFFICE RECOMMENDED BY AN
12 ASSOCIATION OF PUBLIC DEFENDERS WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE
13 OF REPRESENTATIVES.
- 14 17. ONE ADVOCATE OR COMMUNITY SERVICE PROVIDER WHO IS APPOINTED BY THE
15 PRESIDENT OF THE SENATE.
- 16 18. TWO PUBLIC MEMBERS, ONE OF WHOM IS APPOINTED BY THE PRESIDENT OF
17 THE SENATE AND ONE OF WHOM IS APPOINTED BY THE SPEAKER OF THE HOUSE OF
18 REPRESENTATIVES.
- 19 B. Appointed members serve two year terms.
- 20 C. ~~The members of the committee shall elect cochairpersons from the~~
21 ~~membership of the committee.~~ The members shall meet at a time and place set
22 by the cochairpersons.
- 23 D. Members of the committee are not eligible to receive compensation
24 but are eligible for reimbursement of expenses pursuant to title 38, chapter
25 4, article 2.
- 26 E. The committee shall:
- 27 1. Adopt community notification guidelines. The committee shall
28 monitor the implementation of the community notification guidelines that the
29 committee adopts. The guidelines shall provide for levels of notification
30 based on the risk that a particular sex offender poses to the community. The
31 notification requirements are as follows:
- 32 ~~1.~~ (a) For level TWO AND LEVEL three offenders, the notification
33 shall be made to the surrounding neighborhood, area schools, appropriate
34 community groups and prospective employers. The notification shall include
35 a flyer with a photograph and exact address of the offender as well as a
36 summary of the offender's status and criminal background. A press release
37 and a level TWO OR LEVEL three flyer shall be given to the local electronic
38 and print media to enable information to be placed in a local publication.
39 If a level TWO OR LEVEL three offender fails to register or reregister
40 pursuant to section 13-3821 or 13-3822 and a warrant is issued, before the
41 issuance of the warrant the law enforcement agency that requested the warrant
42 shall assemble, print and distribute appropriate flyers regarding the
43 offender.

1 ~~2. For level two offenders, the notification may be made to the~~
2 ~~immediate neighbors, schools, appropriate community groups and prospective~~
3 ~~employers. The notification may include a flyer with a photograph and~~
4 ~~address or the general area where the offender will be residing as well as~~
5 ~~a brief general summary of the offender's status and criminal background. If~~
6 ~~a level two offender fails to register or reregister pursuant to section~~
7 ~~13-3821 or 13-3822 and a warrant is issued, before the issuance of the~~
8 ~~warrant the law enforcement agency that requested the warrant may assemble,~~
9 ~~print and distribute appropriate flyers regarding the offender.~~

10 3. (b) For level one offenders, the local law enforcement agency that
11 is responsible for notification shall maintain information about the
12 offender. The local law enforcement agency may disseminate this information
13 to other law enforcement agencies and may give notification to the people
14 with whom the offender resides. If a level one offender fails to register
15 or reregister pursuant to section 13-3821 or 13-3822 and a warrant is issued,
16 before the issuance of the warrant the law enforcement agency that requested
17 the warrant may assemble, print and distribute appropriate flyers regarding
18 the offender.

19 2. DEVELOP AND RECOMMEND A PROCESS FOR A SEX OFFENDER TO REQUEST A
20 NOTIFICATION LEVEL REVIEW AND FOR THE COURT TO DETERMINE IF A SEX OFFENDER
21 NOTIFICATION LEVEL MAY BE REDUCED OR THE OFFENDER IS NO LONGER REQUIRED TO
22 REGISTER. THE COMMITTEE SHALL SUBMIT A REPORT OF ITS RECOMMENDATION TO THE
23 GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
24 REPRESENTATIVES ON OR BEFORE DECEMBER 15, 2004 AND SHALL PROVIDE A COPY OF
25 THIS REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE
26 LIBRARY, ARCHIVES AND PUBLIC RECORDS.

27 3. STUDY WHETHER THERE IS UNIFORM AND CONSISTENT APPLICATION OF THE
28 COMMUNITY NOTIFICATION GUIDELINES ON A STATEWIDE BASIS, INCLUDING WHETHER
29 OFFENDERS WHO POSE SIMILAR RISKS ARE ASSIGNED SIMILAR NOTIFICATION LEVELS IN
30 DIFFERENT JURISDICTIONS.

31 F. For the purposes of this section, "advisory member" means a member
32 who advises other committee members during meetings but who is ineligible to
33 vote and who is not a member for the purposes of determining if a quorum is
34 present.

35 Sec. 2. Community notification guidelines committee; report

36 The community notification guidelines committee, established by section
37 13-3826, Arizona Revised Statutes, shall prepare a report that includes any
38 recommended changes to statutes, rules or procedures necessary to improve
39 uniform and consistent statewide application of the community notification
40 guidelines and submit the report to the governor, the president of the senate
41 and the speaker of the house of representatives on or before December 15,
42 2004 and provide a copy of the report to the secretary of state and the
43 director of the Arizona state library, archives and public records.

APPROVED BY THE GOVERNOR MAY 26, 2004.

FILED IN THE OFFICE OF THE ³SECRETARY OF STATE MAY 27, 2004.

Passed the House March 15, 2004

Passed the Senate April 26, 2004

by the following vote: 57 Ayes,

by the following vote: 30 Ayes,

0 Nays, 3 Not Voting

0 Nays, 0 Not Voting

John Elake
Speaker of the House

John Bennett
President of the Senate

Norman L. Moore
Chief Clerk of the House

Charmine Billington
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this
_____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of _____,
_____, 20____,
at _____ o'clock _____ M.

Governor of Arizona

H.B. 2602

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State
this _____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 19, 2004.

by the following vote: 57 Ayes,

2 Nays, 1 Not Voting

[Signature]
Speaker of the House
[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
20th day of May, 2004,

at 10:42 o'clock a. M.

[Signature]
Secretary to the Governor

Approved this 26 day of

May, 2004,

at 4:40 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2602

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 27 day of May, 2004,

at 8:29 o'clock A M.

[Signature]
Secretary of State