

Senate Engrossed

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 308

SENATE BILL 1291

AN ACT

AMENDING SECTIONS 13-3825 AND 13-3826, ARIZONA REVISED STATUTES; RELATING TO
SEX OFFENDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3825, Arizona Revised Statutes, is amended to
3 read:

4 13-3825. Community notification

5 A. Within seventy-two hours after a person who was convicted is
6 released from confinement or who was accepted under the interstate compact
7 for the supervision of parolees and probationers and has arrived in this
8 state, the agency that had custody or responsibility for supervision of the
9 person who was convicted of committing an offense for which the person was
10 required or ordered by the court to register pursuant to section 13-3821 or
11 that has accepted supervision under the interstate compact for the
12 supervision of parolees and probationers shall provide all of the following
13 information to the department of public safety by entering all of the
14 following information into the sex offender profile and notification data
15 base DATABASE:

- 16 1. The offender's identifying information.
- 17 2. A risk assessment of the offender.
- 18 3. The offender's date of release from confinement or, if the offender
19 is sentenced to probation without jail time, the date the sentence is
20 imposed.

21 B. Following the tenth day after the person is released from
22 confinement or, if the offender is sentenced to probation without jail time,
23 the date the sentence is imposed, the department of public safety shall
24 cross-reference the information the department receives pursuant to
25 subsection A of this section with the sex offender registry to determine if
26 the person is registered as required or ordered by the court pursuant to
27 section 13-3821. If the person is not registered, the department of public
28 safety shall notify the county attorney in the county in which the person was
29 convicted or the interstate compact administrator for this state. If the
30 person is registered, the department of public safety shall forward the
31 information the department received pursuant to subsection A of this section
32 to the sheriff in the county where the person is registered.

33 C. After receiving the information pursuant to subsection B of this
34 section, the sheriff shall forward the information to the chief law
35 enforcement officer of the community in which the person resides. After
36 reviewing the information received and any other information available to the
37 local law enforcement agency, the local law enforcement agency shall
38 categorize each offender and place each offender into a notification level.
39 Within forty-five days, the local law enforcement agency shall notify the
40 community of the offender's presence in the community pursuant to the
41 guidelines established by the community notification guidelines committee.
42 If the community does not have a chief law enforcement officer, the sheriff
43 shall perform the duties of the local law enforcement agency.

1 D. If a person who has been convicted of an offense in another state
2 registers pursuant to section 13-3821, subsection A, the sheriff in the
3 county in which the person registers shall forward the information to the
4 chief law enforcement officer of the community in which the person resides.
5 The chief law enforcement officer shall contact the state in which the person
6 was convicted and shall obtain information regarding the person. After
7 reviewing the information received and any other information available, the
8 local law enforcement agency shall complete the risk assessment, shall
9 categorize the person, shall place the person into a notification level and
10 shall enter the information into the computer system. If the law enforcement
11 agency is unable to obtain sufficient information to complete the sex
12 offender community notification risk assessment, the agency shall categorize
13 the offender as a level two offender. Within forty-five days, the local law
14 enforcement agency shall notify the community of the person's presence in the
15 community pursuant to the guidelines established by the community
16 notification guidelines committee. If the community does not have a chief
17 law enforcement officer, the sheriff shall perform the duties of the local
18 law enforcement agency.

19 E. On receiving notice pursuant to section 13-3822 that a person who
20 is required to register has moved from the person's address, the chief law
21 enforcement officer of the community to which the person has relocated may
22 notify that community of the person's relocation to the community, pursuant
23 to subsection C of this section. If the community does not have a local law
24 enforcement agency, the sheriff of the county to which the person has
25 relocated shall notify the community of the person's relocation.

26 F. In cooperation with the county probation department or the state
27 department of corrections, a law enforcement agency may delegate all or part
28 of the notification process for offenders on community supervision to the
29 county probation department or to the state department of corrections, as
30 appropriate.

31 G. Information concerning a person who is required to register
32 pursuant to section 13-3821 and who is subject to the provisions of community
33 notification and who is a student at a public or private institution of
34 postsecondary education or who is employed or carries on a vocation, with or
35 without compensation, at a public or private institution of postsecondary
36 education shall be promptly made available by the county sheriff to the law
37 enforcement agency having jurisdiction for performing community notification
38 pursuant to GUIDELINES ADOPTED UNDER section 13-3826. The law enforcement
39 agency shall notify the institution's administration and shall complete
40 appropriate campus notification pursuant to GUIDELINES ADOPTED UNDER section
41 13-3826.

42 H. This section does not prohibit law enforcement officers from giving
43 a community notice of any circumstances or persons that pose a danger to the
44 community under circumstances that are not provided for under this section.

1 I. EXCEPT AS PROVIDED IN SUBSECTION J OF THIS SECTION, THIS SECTION
2 APPLIES TO ALL PERSONS WHO ARE SUBJECT TO THE REGISTRATION REQUIREMENTS IN
3 SECTION 13-3821 WHETHER OR NOT THE PERSON WAS CONVICTED BEFORE OR AFTER JUNE
4 1, 1996.

5 J. This section does not apply to persons subject to the
6 registration requirements in section 13-3821 as a result of offenses
7 adjudicated by a juvenile court unless ordered by the court.

8 K. NOTWITHSTANDING SECTION 13-3825, SUBSECTIONS B AND C, THE AGENCY
9 THAT HAD CUSTODY OR RESPONSIBILITY FOR SUPERVISION OF AN OFFENDER OR THE
10 COURT THAT SENTENCED THE OFFENDER WHO WAS CONVICTED OF COMMITTING AN OFFENSE
11 THAT SUBJECTS THE OFFENDER TO THE REGISTRATION REQUIREMENTS OF SECTION
12 13-3821 AND WHO COMMITTED THE OFFENSE BEFORE JUNE 1, 1996 MAY CONDUCT A RISK
13 ASSESSMENT FOR THE OFFENDER AS EXISTING RESOURCES ARE AVAILABLE PURSUANT TO
14 GUIDELINES ADOPTED BY THE COMMUNITY NOTIFICATIONS GUIDELINES COMMITTEE
15 PURSUANT TO SECTION 13-3826. COMMUNITY NOTIFICATION PURSUANT TO SECTION
16 13-3825 AND SEX OFFENDER WEB SITE NOTIFICATION PURSUANT TO SECTION 13-3827
17 SHALL ONLY BE CONDUCTED AFTER THE RISK ASSESSMENT IS COMPLETE.

18 Sec. 2. Section 13-3826, Arizona Revised Statutes, is amended to read:
19 13-3826. Community notification guidelines committee; members;

20 powers; duties; definition

21 A. The community notification guidelines committee is established
22 consisting of the following members:

- 23 1. The attorney general or the attorney general's designee.
- 24 2. The chairman of the senate judiciary committee or its successor
25 committee, who serves as an advisory member.
- 26 3. A member of the minority party in the senate who is appointed by
27 the president of the senate and who serves as an advisory member.
- 28 4. The chairman of the house of representatives judiciary committee
29 or its successor committee, who serves as an advisory member.
- 30 5. A member of the minority party in the house of representatives who
31 is appointed by the speaker of the house of representatives and who serves
32 as an advisory member.
- 33 6. Two sheriffs or their designees who are appointed by the president
34 of the Arizona county attorneys and sheriffs association, one of whom
35 represents a county with a population of more than four hundred thousand
36 persons according to the most recent United States decennial census and one
37 of whom represents a county with a population of four hundred thousand
38 persons or less according to the most recent United States decennial census.
- 39 7. Two chiefs of police or their designees who are appointed by the
40 president of the Arizona association of chiefs of police, one of whom
41 represents a city or town in a county with a population of more than four
42 hundred thousand persons according to the most recent United States decennial
43 census and one of whom represents a city or town in a county with a

1 population of four hundred thousand persons or less according to the most
2 recent United States decennial census.

3 8. Two county attorneys or their designees who are appointed by the
4 chairman of the Arizona prosecuting attorneys' advisory council, one of whom
5 represents a county with a population of more than four hundred thousand
6 persons according to the most recent United States decennial census and one
7 of whom represents a county with a population of four hundred thousand
8 persons or less according to the most recent United States decennial census.

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

15 10. One state adult parole administrator or the administrator's
16 designee who is appointed by the governor.

17 11. The director of the department of public safety or the director's
18 designee.

19 12. The director of the department of transportation or the director's
20 designee.

21 13. One person who is licensed under title 32, chapter 19.1 and who is
22 appointed by the state board of psychologist examiners.

23 B. Appointed members serve two year terms.

24 C. The members of the committee shall elect cochairpersons from the
25 membership of the committee. The members shall meet at a time and place set
26 by the cochairpersons.

27 D. Members of the committee are not eligible to receive compensation
28 but are eligible for reimbursement of expenses pursuant to title 38, chapter
29 4, article 2.

30 E. The committee shall adopt community notification guidelines. The
31 committee shall monitor the implementation of the community notification
32 guidelines that the committee adopts. The guidelines shall provide for
33 levels of notification based on the risk that a particular sex offender poses
34 to the community. The notification requirements are as follows:

35 1. For level three offenders, the notification shall be made to the
36 surrounding neighborhood, area schools, appropriate community groups and
37 prospective employers. The notification shall include a flyer with a
38 photograph and exact address of the offender as well as a summary of the
39 offender's status and criminal background. A press release and a level three
40 flyer shall be given to the local electronic and print media to enable
41 information to be placed in a local publication. If a level three offender
42 fails to register or reregister pursuant to section 13-3821 or 13-3822 and
43 a warrant is issued, before the issuance of the warrant the law enforcement

1 agency that requested the warrant shall assemble, print and distribute
2 appropriate flyers regarding the offender.

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

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

21 F. THE COMMITTEE SHALL ADOPT GUIDELINES REGARDING HOW COMMUNITY
22 NOTIFICATION PURSUANT TO SECTION 13-3825, SUBSECTION K SHOULD BE CONDUCTED,
23 INCLUDING WHETHER COMMUNITY NOTIFICATION SHOULD OCCUR. THE GUIDELINES SHOULD
24 PROVIDE FOR FLEXIBILITY BASED ON RESOURCES AND THE AVAILABILITY OF RECORDS.
25 THE COMMITTEE MAY ADOPT PROCEDURES THAT ALLOW OFFENDERS REQUIRED TO REGISTER
26 TO NOT BE CLASSIFIED IF NECESSARY RECORDS ARE NOT REASONABLY AVAILABLE.

27 F. G. For the purposes of this section, "advisory member" means a
28 member who advises other committee members during meetings but who is
29 ineligible to vote and who is not a member for the purposes of determining
30 if a quorum is present.

APPROVED BY THE GOVERNOR JUNE 1, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 1, 2004.



Passed the House May 25, 20 04,

by the following vote: 51 Ayes,

4 Nays, 5 Not Voting

Jake Flake
Speaker of the House

Spencer L. Fyooce
Chief Clerk of the House

Passed the Senate March 9, 20 04,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Klu Bennett
President of the Senate

Charmion Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20th day of May, 2004,

at 1:27 o'clock P. M.

Wennifer Ibarra
Secretary to the Governor

Approved this 1 day of

June, 20 04,

at 3:45 o'clock P. M.

Jon Rynall
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of June 2004,

at 4:38 o'clock P. M.

Janice K. Brewer
Secretary of State

S.B. 1291