

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 84

# **HOUSE BILL 2734**

AN ACT

AMENDING SECTIONS 13-3821, 13-3822 AND 13-3827, 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; definitions  
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 that if committed in this state  
9 would be a violation or attempted violation of any of the following offenses  
10 or an offense that was in effect before September 1, 1978 and that, if  
11 committed on or after September 1, 1978, has the same elements of an offense  
12 listed in this section or who is required to register by the convicting  
13 jurisdiction, within ten days after the conviction or within ten days after  
14 entering and remaining in any county of this state, shall register with the  
15 sheriff of that county:  
16 1. Unlawful imprisonment pursuant to section 13-1303 if the victim is  
17 under eighteen years of age and the unlawful imprisonment was not committed  
18 by the child's parent.  
19 2. Kidnapping pursuant to section 13-1304 if the victim is under  
20 eighteen years of age and the kidnapping was not committed by the child's  
21 parent.  
22 3. Sexual abuse pursuant to section 13-1404 if the victim is under  
23 eighteen years of age.  
24 4. Sexual conduct with a minor pursuant to section 13-1405.  
25 5. Sexual assault pursuant to section 13-1406.  
26 6. Sexual assault of a spouse if the offense was committed before  
27 August 12, 2005.  
28 7. Molestation of a child pursuant to section 13-1410.  
29 8. Continuous sexual abuse of a child pursuant to section 13-1417.  
30 9. Taking a child for the purpose of prostitution pursuant to section  
31 13-3206.  
32 10. Child prostitution pursuant to section 13-3212.  
33 11. Commercial sexual exploitation of a minor pursuant to section  
34 13-3552.  
35 12. Sexual exploitation of a minor pursuant to section 13-3553.  
36 13. Luring a minor for sexual exploitation pursuant to section 13-3554.  
37 14. Sex trafficking of a minor pursuant to section 13-1307.  
38 15. A second or subsequent violation of indecent exposure to a person  
39 under fifteen years of age pursuant to section 13-1402.  
40 16. A second or subsequent violation of public sexual indecency to a  
41 minor under the age of fifteen years pursuant to section 13-1403,  
42 subsection B.  
43 17. A third or subsequent violation of indecent exposure pursuant to  
44 section 13-1402.

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

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

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

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

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

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

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

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

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

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

43           H. At the time of registering, the person shall sign or affix an  
44 electronic fingerprint to a statement giving such information as required by  
45 the director of the department of public safety, including all names by which

1 the person is known, ANY REQUIRED ONLINE IDENTIFIER AND THE NAME OF ANY  
2 WEBSITE OR INTERNET COMMUNICATION SERVICE WHERE THE IDENTIFIER IS BEING USED.  
3 The sheriff shall fingerprint and photograph the person and within three days  
4 thereafter shall send copies of the statement, fingerprints and photographs  
5 to the department of public safety and the chief of police, if any, of the  
6 place where the person resides. The information that is required by this  
7 subsection shall include the physical location of the person's residence and  
8 the person's address. If the person has a place of residence that is  
9 different from the person's address, the person shall provide the person's  
10 address, the physical location of the person's residence and the name of the  
11 owner of the residence if the residence is privately owned and not offered  
12 for rent or lease. If the person receives mail at a post office box, the  
13 person shall provide the location and number of the post office box. If the  
14 person does not have an address or a permanent place of residence, the person  
15 shall provide a description and physical location of any temporary residence  
16 and shall register as a transient not less than every ninety days with the  
17 sheriff in whose jurisdiction the transient is physically present.

18 I. On the person's initial registration and every year after the  
19 person's initial registration, the person shall CONFIRM ANY REQUIRED ONLINE  
20 IDENTIFIER AND THE NAME OF ANY WEBSITE OR INTERNET COMMUNICATION SERVICE  
21 WHERE THE IDENTIFIER IS BEING USED. THE PERSON SHALL obtain a new  
22 nonoperating identification license or a driver license from the motor  
23 vehicle division in the department of transportation and shall carry a valid  
24 nonoperating identification license or a driver license. Notwithstanding  
25 sections 28-3165 and 28-3171, the license is valid for one year from the date  
26 of issuance, and the person shall submit to the department of transportation  
27 proof of the person's address and place of residence. The motor vehicle  
28 division shall annually update the person's address and photograph and shall  
29 make a copy of the photograph available to the department of public safety or  
30 to any law enforcement agency. The motor vehicle division shall provide to  
31 the department of public safety daily address updates for persons required to  
32 register pursuant to this section.

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

39 K. Within ten days after entry of judgment, a court not of record  
40 shall notify the arresting law enforcement agency of an offender's conviction  
41 of a violation of section 13-1402. Within ten days after receiving this  
42 information, the law enforcement agency shall determine if the offender is  
43 required to register pursuant to this section. If the law enforcement agency  
44 determines that the offender is required to register, the law enforcement  
45 agency shall provide the information required by section 13-3825 to the

1 department of public safety and shall make community notification as required  
2 by law.

3 L. A person who is required to register pursuant to this section  
4 because of a conviction for the unlawful imprisonment of a minor or the  
5 kidnapping of a minor is required to register, absent additional or  
6 subsequent convictions, for a period of ten years from the date that the  
7 person is released from prison, jail, probation, community supervision or  
8 parole and the person has fulfilled all restitution obligations.  
9 Notwithstanding this subsection, a person who has a prior conviction for an  
10 offense for which registration is required pursuant to this section is  
11 required to register for life.

12 M. A person who is required to register pursuant to this section and  
13 who is a student at a public or private institution of postsecondary  
14 education or who is employed, with or without compensation, at a public or  
15 private institution of postsecondary education or who carries on a vocation  
16 at a public or private institution of postsecondary education shall notify  
17 the county sheriff having jurisdiction of the institution of postsecondary  
18 education. The person required to register pursuant to this section shall  
19 also notify the sheriff of each change in enrollment or employment status at  
20 the institution.

21 N. At the time of registering, the sheriff shall secure a sufficient  
22 sample of blood or other bodily substances for deoxyribonucleic acid testing  
23 and extraction from a person who has been convicted of an offense committed  
24 in another jurisdiction that if committed in this state would be a violation  
25 or attempted violation of any of the offenses listed in subsection A of this  
26 section or an offense that was in effect before September 1, 1978 and that,  
27 if committed on or after September 1, 1978, has the same elements of an  
28 offense listed in subsection A of this section or who is required to register  
29 by the convicting jurisdiction. The sheriff shall transmit the sample to the  
30 department of public safety.

31 O. ANY PERSON REQUIRED TO REGISTER UNDER SUBSECTION A OF THIS SECTION  
32 SHALL REGISTER THEIR REQUIRED ONLINE IDENTIFIER AND THE NAME OF ANY WEBSITE  
33 OR INTERNET COMMUNICATION SERVICE WHERE THE IDENTIFIER IS BEING USED OR  
34 INTENDS TO USE THE IDENTIFIER WITH THE SHERIFF FROM AND AFTER DECEMBER 31,  
35 2007, REGARDLESS OF WHETHER THE PERSON WAS REQUIRED TO REGISTER AN IDENTIFIER  
36 AT THE TIME OF THEIR INITIAL REGISTRATION UNDER THIS SECTION.

37 ~~0.~~ P. For the purposes of this section:

38 1. "Address" means the location at which the person receives mail.

39 2. "REQUIRED ONLINE IDENTIFIER" MEANS ANY ELECTRONIC EMAIL ADDRESS  
40 INFORMATION OR INSTANT MESSAGE, CHAT, SOCIAL NETWORKING OR OTHER SIMILAR  
41 INTERNET COMMUNICATION NAME, BUT DOES NOT INCLUDE SOCIAL SECURITY NUMBER,  
42 DATE OF BIRTH, OR PIN NUMBER.

43 ~~2.~~ 3. "Residence" means the person's dwelling place, whether  
44 permanent or temporary.

1           Sec. 2. Section 13-3822, Arizona Revised Statutes, is amended to read:  
2           13-3822. Notice of moving from place of residence or change of  
3                     name or electronic information; forwarding of  
4                     information; definitions

5           A. Within seventy-two hours, excluding weekends and legal holidays,  
6 after moving from the person's residence within a county or after changing  
7 the person's name, a person who is required to register under this article  
8 shall inform the sheriff in person and in writing of the person's new  
9 residence, address or new name. If the person moves to a location that is  
10 not a residence and the person receives mail anywhere, including a post  
11 office box, the person shall notify the sheriff of the person's address. If  
12 the person does not have an address or a permanent place of residence, the  
13 person shall register as a transient not less than every ninety days with the  
14 sheriff in whose jurisdiction the transient is physically present. Within  
15 three days after receipt of such information, the sheriff shall forward it to  
16 the department of public safety and the chief of police, if any, of the place  
17 from which the person moves, and shall forward a copy of the statement,  
18 fingerprints and photograph of the person to the chief of police, if any, of  
19 the place to which the person has moved.

20           B. Within seventy-two hours after a person moves from a county in  
21 which the person is registered, the person shall notify in writing the  
22 sheriff of the county from which the person moves. If the person is subject  
23 to community notification requirements, the sheriff of the county from which  
24 the person moves shall advise the local law enforcement agency of the county  
25 to which the person moves of the move. If the person moves out of this  
26 state, the sheriff of the county from which the person moves shall advise the  
27 local law enforcement agency in the jurisdiction to which the person moves.  
28 The local law enforcement agency shall contact the department of public  
29 safety following ten days after being notified to determine if the person has  
30 reregistered. If the person has not reregistered, the local law enforcement  
31 agency shall notify the local law enforcement agency in the county in which  
32 the person last resided. Any law enforcement agency in the county in which  
33 the person last resided shall conduct an investigation and shall submit a  
34 report to the appropriate county attorney.

35           C. A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE SHALL  
36 NOTIFY THE SHERIFF EITHER IN PERSON OR ELECTRONICALLY WITHIN SEVENTY-TWO  
37 HOURS, EXCLUDING WEEKENDS AND LEGAL HOLIDAYS, AFTER A PERSON MAKES ANY CHANGE  
38 TO ANY REQUIRED ONLINE IDENTIFIER, AND BEFORE ANY USE OF A CHANGED OR NEW  
39 REQUIRED ONLINE IDENTIFIER TO COMMUNICATE ON THE INTERNET. WITHIN THREE DAYS  
40 AFTER RECEIPT OF THE INFORMATION, THE SHERIFF SHALL FORWARD THE INFORMATION  
41 TO THE DEPARTMENT OF PUBLIC SAFETY. WITHIN THREE DAYS AFTER RECEIPT OF THE  
42 INFORMATION FROM THE SHERIFF, THE DEPARTMENT OF PUBLIC SAFETY SHALL UPDATE  
43 THE PERSON'S INFORMATION IN THE DEPARTMENT OF PUBLIC SAFETY DATABASE.

44           D. For the purposes of this section:

45           1. "Address" means the location at which the person receives mail.

1           2. "REQUIRED ONLINE IDENTIFIER" MEANS ANY ELECTRONIC EMAIL ADDRESS  
2 INFORMATION OR INSTANT MESSAGE, CHAT, SOCIAL NETWORKING OR OTHER SIMILAR  
3 INTERNET COMMUNICATION NAME, BUT DOES NOT INCLUDE SOCIAL SECURITY NUMBER,  
4 DATE OF BIRTH, OR PIN NUMBER.

5           ~~2.~~ 3. "Residence" means the person's dwelling place, whether  
6 permanent or temporary.

7           Sec. 3. Section 13-3827, Arizona Revised Statutes, is amended to read:  
8 13-3827. Internet sex offender website; investigation of  
9 records; immunity

10           A. The department of public safety shall establish and maintain an  
11 internet sex offender ~~web-site~~ WEBSITE for offenders whose risk assessment  
12 has been determined to be a level two or level three. The purpose of the  
13 internet sex offender ~~web-site~~ WEBSITE is to provide sex offender information  
14 to the public.

15           B. The internet sex offender ~~web-site~~ WEBSITE shall include the  
16 following information for each convicted sex offender in this state who is  
17 required to register pursuant to section 13-3821:

18           1. The offender's name, address and age.

19           2. A current photograph.

20           3. The offense committed and notification level pursuant to section  
21 13-3826, subsection E, if a risk assessment has been completed pursuant to  
22 section 13-3825.

23           C. The department of public safety shall annually update on the ~~web~~  
24 ~~site~~ WEBSITE the name, address and photograph of each sex offender.

25           D. THE DEPARTMENT OF PUBLIC SAFETY SHALL MAINTAIN A SEPARATE DATABASE  
26 AND SEARCH FUNCTION ON THE WEBSITE THAT CONTAINS ANY REQUIRED ONLINE  
27 IDENTIFIER OF SEX OFFENDERS WHOSE RISK ASSESSMENTS HAVE BEEN DETERMINED TO BE  
28 A LEVEL TWO OR LEVEL THREE AND THE NAME OF ANY WEBSITE OR INTERNET  
29 COMMUNICATION SERVICE WHERE THE REQUIRED ONLINE IDENTIFIER IS BEING USED.  
30 THIS INFORMATION SHALL NOT BE PUBLICLY CONNECTED TO THE NAME, ADDRESS AND  
31 PHOTOGRAPH OF A REGISTERED SEX OFFENDER ON THE WEBSITE.

32           E. THE DEPARTMENT OF PUBLIC SAFETY MAY DISSEMINATE A REGISTERED SEX  
33 OFFENDER'S REQUIRED ONLINE IDENTIFIER AND THE NAME OF ANY CORRESPONDING  
34 WEBSITE OR INTERNET COMMUNICATION SERVICE TO A BUSINESS OR ORGANIZATION THAT  
35 OFFERS ELECTRONIC COMMUNICATION SERVICES FOR COMPARISON WITH INFORMATION THAT  
36 IS HELD BY THE REQUESTING BUSINESS OR ORGANIZATION. THE REQUESTING BUSINESS  
37 OR ORGANIZATION SHALL NOTIFY THE DEPARTMENT OF PUBLIC SAFETY WHEN A  
38 COMPARISON OF THE INFORMATION INDICATES THAT A REGISTERED SEX OFFENDER'S  
39 REQUIRED ONLINE IDENTIFIER IS BEING USED ON THE BUSINESS'S OR ORGANIZATION'S  
40 SYSTEM. THE REQUESTING BUSINESS OR ORGANIZATION SHALL NOT FURTHER  
41 DISSEMINATE THAT THE PERSON IS A REGISTERED SEX OFFENDER.

42           ~~D.~~ F. The motor vehicle division of the department of transportation  
43 shall send copies of each sex offender's nonoperating identification license  
44 or driver license photograph to the department of public safety for inclusion  
45 on the sex offender ~~web-site~~ WEBSITE.

1           E. G. The department of public safety shall annually verify the  
2 addresses of all sex offender registration records contained within the  
3 Arizona criminal justice information system. Before including the address of  
4 a sex offender on the web-site WEBSITE, the department of public safety shall  
5 confirm that the address is correct. To confirm a sex offender's address,  
6 the department shall conduct a search of the Arizona criminal justice  
7 information system. If this search does not provide the necessary  
8 confirmation, the department shall use alternative public and private sector  
9 resources that are currently used for criminal investigation purposes to  
10 confirm the address. The department of public safety is prohibited from  
11 using or releasing the information from the alternative public and private  
12 sector resources except pursuant to this section. A custodian or public or  
13 private sector resource that releases information pursuant to this subsection  
14 is not civilly or criminally liable in any action alleging a violation of  
15 confidentiality.

16           F. H. The department of public safety may petition the superior court  
17 for enforcement of subsection E- G of this section if a public or private  
18 sector resource refuses to comply. The court shall grant enforcement if the  
19 department has reasonable grounds to believe the records sought to be  
20 inspected are relevant to confirming the identity and address of a sex  
21 offender.

22           G. I. A person who provides or fails to provide information required  
23 by this section is not civilly or criminally liable unless the act or  
24 omission is wanton or wilful.

25           J. FOR THE PURPOSE OF THIS SECTION "REQUIRED ONLINE IDENTIFIER" MEANS  
26 ANY ELECTRONIC EMAIL ADDRESS INFORMATION OR INSTANT MESSAGE, CHAT, SOCIAL  
27 NETWORKING OR OTHER SIMILAR INTERNET COMMUNICATION NAME, BUT DOES NOT INCLUDE  
28 SOCIAL SECURITY NUMBER, DATE OF BIRTH, OR PIN NUMBER.

29           Sec. 4. Effective date

30           Sections 13-3821, 13-3822, and 13-3827, Arizona Revised Statutes, as  
31 amended by this act, are effective from and after December 31, 2007.

32           Sec. 5. Implementation

33           The department of public safety shall begin collection of online  
34 identifier information no later than ninety days after this act has been  
35 enacted. Penalties will not be imposed until January 1, 2008, but sex  
36 offender registrants are encouraged to submit current online identity  
37 information before this date.

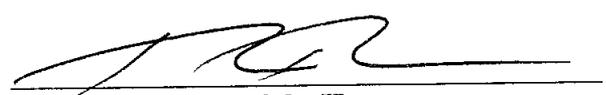
APPROVED BY THE GOVERNOR APRIL 16, 2007.

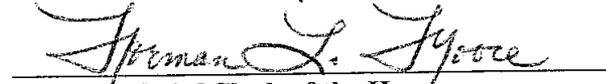
FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2007.

Passed the House February 26, 20 07

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

  
Speaker of the House  
*Pro Tempore*

  
Chief Clerk of the House

Passed the Senate April 3, 20 07

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

  
President of the Senate

  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

           day of           , 20  

at            o'clock            M.

            
Secretary to the Governor

Approved this            day of

at            o'clock            M.

            
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this            day of           , 20  

at            o'clock            M.

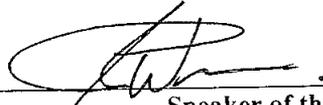
            
Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 10, 2007,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting



Speaker of the House



Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

10th day of April, 2007,

at 11:25 o'clock A. M.

  
Secretary to the Governor

Approved this 16 day of

April, 2007,

at 2<sup>00</sup> o'clock P. M.



Governor of Arizona

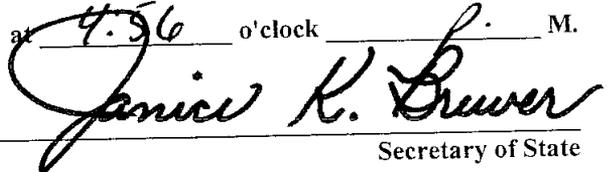
H.B. 2734

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 16 day of April, 2007,

at 4:56 o'clock P. M.

  
Secretary of State