

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

CHAPTER 9

**SENATE BILL 1021**

AN ACT

AMENDING SECTION 13-3825, ARIZONA REVISED STATUTES; RELATING TO COMMUNITY NOTIFICATION.

(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  
15 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 local law enforcement  
28 agency or the department of public safety shall request that the county  
29 attorney in the county in which the person was convicted petition the court  
30 for an arrest warrant to be issued and, if appropriate, notify the interstate  
31 compact administrator for this state. If the person is registered, the  
32 department of public safety shall forward the information the department  
33 received pursuant to subsection A of this section to the sheriff in the  
34 county where the person is registered.

35 C. After receiving the information pursuant to subsection B of this  
36 section, the sheriff shall forward the information to the chief law  
37 enforcement officer of the community in which the person resides. After  
38 reviewing the information received and any other information available to the  
39 local law enforcement agency, the local law enforcement agency shall  
40 categorize each offender and place each offender into a notification level.  
41 Within forty-five days, the local law enforcement agency shall notify the  
42 community of the offender's presence in the community pursuant to the  
43 guidelines established by the community notification guidelines committee.  
44 If the community does not have a chief law enforcement officer, the sheriff  
45 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  
33 community notification and who is a student at a public or private  
34 institution of postsecondary education or who is employed or carries on a  
35 vocation, with or without compensation, at a public or private institution of  
36 postsecondary education shall be promptly made available by the county  
37 sheriff to the law enforcement agency having jurisdiction for performing  
38 community notification pursuant to guidelines adopted under section 13-3826.  
39 The law enforcement agency shall notify the institution's administration and  
40 shall complete appropriate campus notification pursuant to guidelines adopted  
41 under section 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 WHO ARE 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 subsections B and C of this section, 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 notification guidelines committee  
15 pursuant to section 13-3826. Community notification pursuant to this section  
16 and sex offender web site notification pursuant to section 13-3827 shall only  
17 be conducted after the risk assessment is complete.

18 L. THE COURT MAY CONTINUE, DEFER OR TERMINATE COMMUNITY NOTIFICATION  
19 AFTER A HEARING HELD PURSUANT TO SECTION 13-923.

APPROVED BY THE GOVERNOR APRIL 4, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 4, 2008.

Passed the House April 1, 20 08,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]  
Speaker of the House

Norman L. Moore  
Chief Clerk of the House

Passed the Senate February 25, 20 08,

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

Timothy S. Bee  
President of the Senate

Charmen Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

2nd day of April, 20 08

at 2:01 o'clock P. M.

Jennifer Upbarra  
Secretary to the Governor

Approved this 4 day of

April, 20 08,

at 8:40 o'clock A. M.

Jan Brewer  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 4 day of April, 20 08,

at 12:40 o'clock P. M.  
Janice K. Brewer  
Secretary of State

S.B. 1021