

House Engrossed

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-second Legislature  
First Regular Session  
2015

CHAPTER 22

# **HOUSE BILL 2087**

AN ACT

AMENDING SECTIONS 13-3821 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; assessment; definitions

6 A. A person who has been convicted of or adjudicated guilty except  
7 insane for a violation or attempted violation of any of the following  
8 offenses or who has been convicted of or adjudicated guilty except insane or  
9 not guilty by reason of insanity for an offense committed in another  
10 jurisdiction that if committed in this state would be a violation or  
11 attempted violation of any of the following offenses or an offense that was  
12 in effect before September 1, 1978 and that, if committed on or after  
13 September 1, 1978, has the same elements of an offense listed in this section  
14 or who is required to register by the convicting or adjudicating  
15 jurisdiction, within ten days after the conviction or adjudication or within  
16 ten days after entering and remaining in any county of this state, shall  
17 register with the sheriff of that county:

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

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

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

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

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

28 6. Sexual assault of a spouse if the offense was committed before  
29 August 12, 2005.

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

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

32 9. Taking a child for the purpose of prostitution pursuant to section  
33 13-3206.

34 10. Child prostitution pursuant to section 13-3212, subsection A or  
35 subsection B, paragraph 1 or 2.

36 11. Commercial sexual exploitation of a minor pursuant to section  
37 13-3552.

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

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

40 14. Sex trafficking of a minor pursuant to section 13-1307.

41 15. A second or subsequent violation of indecent exposure to a person  
42 under fifteen years of age pursuant to section 13-1402.

43 16. A second or subsequent violation of public sexual indecency to a  
44 minor under the age of fifteen years pursuant to section 13-1403,  
45 subsection B.

1           17. A third or subsequent violation of indecent exposure pursuant to  
2 section 13-1402.

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

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

6           20. Unlawful age misrepresentation.

7           21. Aggravated luring a minor for sexual exploitation pursuant to  
8 section 13-3560.

9           B. Before the person is released from confinement the state department  
10 of corrections in conjunction with the department of public safety and each  
11 county sheriff shall complete the registration of any person who was  
12 convicted of or adjudicated guilty except insane for a violation of any  
13 offense listed under subsection A of this section. Within three days after  
14 the person's release from confinement, the state department of corrections  
15 shall forward the registered person's records to the department of public  
16 safety and to the sheriff of the county in which the registered person  
17 intends to reside. Registration pursuant to this subsection shall be  
18 consistent with subsection E of this section.

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

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

29           E. A person who has been convicted, adjudicated guilty except insane  
30 or adjudicated delinquent and who is required to register in the convicting  
31 or adjudicating state for an act that would constitute an offense specified  
32 in subsection A or C of this section and who is not a resident of this state  
33 shall be required to register pursuant to this section if the person is  
34 either:

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

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

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

1 G. The court may order the termination of any duty to register under  
2 this section on successful completion of probation if the person was under  
3 eighteen years of age when the offense for which the person was convicted  
4 or adjudicated guilty except insane was committed.

5 H. The court may order the suspension or termination of any duty to  
6 register under this section after a hearing held pursuant to section 13-923.

7 I. At the time of registering, the person shall sign or affix an  
8 electronic fingerprint to a statement giving such information as required by  
9 the director of the department of public safety, including all names by which  
10 the person is known, any required online identifier and the name of any  
11 website or internet communication service where the identifier is being used.  
12 The sheriff shall fingerprint and photograph the person and within three days  
13 thereafter shall send copies of the statement, fingerprints and photographs  
14 to the department of public safety and the chief of police, if any, of the  
15 place where the person resides. The information that is required by this  
16 subsection shall include the physical location of the person's residence and  
17 the person's address. If the person has a place of residence that is  
18 different from the person's address, the person shall provide the person's  
19 address, the physical location of the person's residence and the name of the  
20 owner of the residence if the residence is privately owned and not offered  
21 for rent or lease. If the person receives mail at a post office box, the  
22 person shall provide the location and number of the post office box. If the  
23 person has more than one residence or does not have an address or a permanent  
24 place of residence, the person shall provide a description and physical  
25 location of any temporary residence and shall register as a transient not  
26 less than every ninety days with the sheriff in whose jurisdiction the  
27 transient is physically present.

28 J. On the person's initial registration and every year after the  
29 person's initial registration, the person shall confirm any required online  
30 identifier and the name of any website or internet communication service  
31 where the identifier is being used and the person shall obtain a new  
32 nonoperating identification license or a driver license from the motor  
33 vehicle division in the department of transportation and shall carry a valid  
34 nonoperating identification license or a driver license. Notwithstanding  
35 sections 28-3165 and 28-3171, the license is valid for one year from the date  
36 of issuance, and the person shall submit to the department of transportation  
37 proof of the person's address and place of residence. The motor vehicle  
38 division shall annually update the person's address and photograph and shall  
39 make a copy of the photograph available to the department of public safety or  
40 to any law enforcement agency. The motor vehicle division shall provide to  
41 the department of public safety daily address updates for persons required to  
42 register pursuant to this section.

43 K. Except as provided in subsection E or L of this section, the clerk  
44 of the superior court in the county in which a person has been convicted of  
45 or adjudicated guilty except insane for a violation of any offense listed

1 under subsection A of this section or has been ordered to register pursuant  
2 to subsection C or D of this section shall notify the sheriff in that county  
3 of the conviction or adjudication within ten days after entry of the  
4 judgment.

5 L. Within ten days after entry of judgment, a court not of record  
6 shall notify the arresting law enforcement agency of an offender's conviction  
7 of or adjudication of guilty except insane for a violation of section  
8 13-1402. Within ten days after receiving this information, the law  
9 enforcement agency shall determine if the offender is required to register  
10 pursuant to this section. If the law enforcement agency determines that the  
11 offender is required to register, the law enforcement agency shall provide  
12 the information required by section 13-3825 to the department of public  
13 safety and shall make community notification as required by law.

14 M. A person who is required to register pursuant to this section  
15 because of a conviction or adjudication of guilty except insane for the  
16 unlawful imprisonment of a minor or the kidnapping of a minor is required to  
17 register, absent additional or subsequent convictions or adjudications, for a  
18 period of ten years from the date that the person is released from prison,  
19 jail, probation, community supervision or parole and the person has fulfilled  
20 all restitution obligations. Notwithstanding this subsection, a person who  
21 has a prior conviction or adjudication of guilty except insane for an offense  
22 for which registration is required pursuant to this section is required to  
23 register for life.

24 N. A person who is required to register pursuant to this section and  
25 who is a student at a public or private institution of postsecondary  
26 education or who is employed, with or without compensation, at a public or  
27 private institution of postsecondary education or who carries on a vocation  
28 at a public or private institution of postsecondary education shall notify  
29 the county sheriff having jurisdiction of the institution of postsecondary  
30 education. The person who is required to register pursuant to this section  
31 shall also notify the sheriff of each change in enrollment or employment  
32 status at the institution.

33 O. At the time of registering, the sheriff shall secure a sufficient  
34 sample of blood or other bodily substances for deoxyribonucleic acid testing  
35 and extraction from a person who has been convicted of or adjudicated guilty  
36 except insane for an offense committed in another jurisdiction that if  
37 committed in this state would be a violation or attempted violation of any of  
38 the offenses listed in subsection A of this section or an offense that was in  
39 effect before September 1, 1978 and that, if committed on or after September  
40 1, 1978, has the same elements of an offense listed in subsection A of this  
41 section or who is required to register by the convicting or adjudicating  
42 jurisdiction. The sheriff shall transmit the sample to the department of  
43 public safety.

1 P. Any person who is required to register under subsection A of this  
2 section shall register the person's required online identifier and the name  
3 of any website or internet communication service where the identifier is  
4 being used or is intended to be used with the sheriff from and after December  
5 31, 2007, regardless of whether the person was required to register an  
6 identifier at the time of the person's initial registration under this  
7 section.

8 Q. On conviction of or adjudication of guilty except insane for any  
9 offense for which a person is required to register pursuant to this section,  
10 in addition to any other penalty prescribed by law, the court shall order the  
11 person to pay an additional assessment of two hundred fifty dollars. This  
12 assessment is not subject to any surcharge. The court shall transmit the  
13 monies received pursuant to this section to the county treasurer. The county  
14 treasurer shall transmit the monies received to the state treasurer. The  
15 state treasurer shall deposit the monies received in the state general fund.  
16 Notwithstanding any other law, the court shall not waive the assessment  
17 imposed pursuant to this section.

18 R. A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO THIS SECTION SHALL  
19 VERIFY THE PERSON'S ADDRESS IF REQUESTED BY THE DEPARTMENT OF PUBLIC SAFETY  
20 PURSUANT TO SECTION 13-3827, SUBSECTION G.

21 ~~R.~~ S. For the purposes of this section:

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

23 2. "Required online identifier" means any electronic e-mail address  
24 information or instant message, chat, social networking or other similar  
25 internet communication name, but does not include a social security number,  
26 date of birth or pin number.

27 3. "Residence" means the person's dwelling place, whether permanent or  
28 temporary.

29 Sec. 2. Section 13-3827, Arizona Revised Statutes, is amended to read:  
30 13-3827. Internet sex offender website; investigation of  
31 records; immunity; definition

32 A. The department of public safety shall establish and maintain an  
33 internet sex offender website for offenders whose risk assessment has been  
34 determined to be a level two or level three. The purpose of the internet sex  
35 offender website is to provide sex offender information to the public.

36 B. The internet sex offender website shall include the following  
37 information for each convicted or adjudicated guilty except insane sex  
38 offender in this state who is required to register pursuant to section  
39 13-3821:

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

41 2. A current photograph.

42 3. The offense committed and notification level pursuant to section  
43 13-3825, subsection C, if a risk assessment has been completed pursuant to  
44 section 13-3825.

1 C. The department of public safety shall annually update on the  
2 website the name, address and photograph of each sex offender.

3 D. The department of public safety shall maintain a separate database  
4 and search function on the website that contains any required online  
5 identifier of sex offenders whose risk assessments have been determined to be  
6 a level two or level three and the name of any website or internet  
7 communication service where the required online identifier is being used.  
8 This information shall not be publicly connected to the name, address and  
9 photograph of a registered sex offender on the website.

10 E. The department of public safety may disseminate a registered sex  
11 offender's required online identifier and the name of any corresponding  
12 website or internet communication service to a business or organization that  
13 offers electronic communication services for comparison with information that  
14 is held by the requesting business or organization. The requesting business  
15 or organization shall notify the department of public safety when a  
16 comparison of the information indicates that a registered sex offender's  
17 required online identifier is being used on the business's or organization's  
18 system. The requesting business or organization shall not further  
19 disseminate that the person is a registered sex offender.

20 F. The motor vehicle division of the department of transportation  
21 shall send copies of each sex offender's nonoperating identification license  
22 or driver license photograph to the department of public safety for inclusion  
23 on the sex offender website.

24 G. The department of public safety shall annually verify the addresses  
25 of all sex offender registration records contained within the Arizona  
26 criminal justice information system. Before including the address of a sex  
27 offender on the website, the department of public safety shall confirm that  
28 the address is correct. To confirm a sex offender's address, the department  
29 shall conduct a search of the Arizona criminal justice information system.  
30 If this search does not provide the necessary confirmation, the department  
31 shall use alternative public and private sector resources that are currently  
32 used for criminal investigation purposes to confirm the address. The  
33 department of public safety is prohibited from using or releasing the  
34 information from the alternative public and private sector resources except  
35 pursuant to this section. A custodian or public or private sector resource  
36 that releases information pursuant to this subsection is not civilly or  
37 criminally liable in any action alleging a violation of confidentiality.

38 H. The department of public safety may petition the superior court for  
39 enforcement of subsection G of this section if a public or private sector  
40 resource refuses to comply. The court shall grant enforcement if the  
41 department has reasonable grounds to believe the records sought to be  
42 inspected are relevant to confirming the identity and address of a sex  
43 offender.

1 I. EXCEPT FOR A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION  
2 13-3821, a person who provides or fails to provide information required by  
3 this section is not civilly or criminally liable unless the act or omission  
4 is wanton or wilful.

5 J. For the purpose of this section, "required online identifier" means  
6 any electronic e-mail address information or instant message, chat, social  
7 networking or other similar internet communication name, but does not include  
8 a social security number, date of birth or pin number.

APPROVED BY THE GOVERNOR MARCH 17, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 17, 2015.

Passed the House February 10, 20 15

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]

Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate March 12, 20 15

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]

President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

12th day of March, 20 15

at 4:29 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 17th day of

March

at 8:38 o'clock A M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 17th day of March, 20 15

at 2:42 o'clock P. M.

[Signature]  
Secretary of State

H.B. 2087