

House Engrossed

**FILED**

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

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

CHAPTER 105

# **HOUSE BILL 2539**

AN ACT

AMENDING TITLE 13, CHAPTER 38, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3826; 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. Title 13, chapter 38, article 3, Arizona Revised Statutes,  
3 is amended by adding section 13-3826, to read:

4 13-3826. Petition to terminate sex offender registration:  
5 hearing; notice

6 A. A DEFENDANT WHO IS CONVICTED OF A VIOLATION OF SECTION 13-1405, WHO  
7 IS REQUIRED TO REGISTER PURSUANT TO SECTION 13-3821 AND WHO SUCCESSFULLY  
8 COMPLETES A TERM OF PROBATION MAY PETITION THE COURT FOR AN ORDER TO  
9 TERMINATE ANY DUTY TO REGISTER AND SHALL SERVE A COPY OF THE PETITION ON THE  
10 PROSECUTOR. IN THE PETITION, THE DEFENDANT SHALL AVOW, UNDER PENALTY OF  
11 PERJURY, ALL OF THE FOLLOWING:

12 1. THE DEFENDANT WAS UNDER TWENTY-TWO YEARS OF AGE AT THE TIME THE  
13 OFFENSE WAS COMMITTED.

14 2. THE VICTIM WAS FIFTEEN, SIXTEEN OR SEVENTEEN YEARS OF AGE AT THE  
15 TIME OF THE OFFENSE.

16 3. THE SEXUAL CONDUCT WAS CONSENSUAL.

17 4. THE DEFENDANT DID NOT VIOLATE ANY OF THE SEX OFFENDER TERMS OF THE  
18 DEFENDANT'S PROBATION.

19 5. THE DEFENDANT HAS NOT SUBSEQUENTLY COMMITTED ANOTHER FELONY OFFENSE  
20 OR ANY OFFENSE INCLUDED IN CHAPTER 14 OR 35.1 OF THIS TITLE.

21 6. A COURT HAS NOT DETERMINED THAT PROBABLE CAUSE EXISTS TO BELIEVE  
22 THE DEFENDANT IS A SEXUALLY VIOLENT PERSON PURSUANT TO TITLE 36, CHAPTER 37  
23 OR THAT A SEXUALLY VIOLENT PERSON PROCEEDING PURSUANT TO TITLE 36, CHAPTER 37  
24 IS NOT CURRENTLY PENDING.

25 7. THE VIOLATION DID NOT INVOLVE MORE THAN ONE VICTIM.

26 8. THE DEFENDANT WAS NOT SENTENCED TO A TERM OF IMPRISONMENT IN THE  
27 STATE DEPARTMENT OF CORRECTIONS FOR THE OFFENSE FOR WHICH THE DEFENDANT WAS  
28 REQUIRED TO REGISTER.

29 B. ON RECEIPT OF THE PETITION, THE COURT SHALL SET A HEARING AND  
30 PROVIDE SUFFICIENT NOTICE TO THE STATE TO ALLOW VICTIM NOTIFICATION. THE  
31 STATE HAS THE BURDEN OF ESTABLISHING BY A PREPONDERANCE OF THE EVIDENCE THAT  
32 A FACTOR LISTED IN SUBSECTION A OF THIS SECTION HAS NOT BEEN MET. AT THE  
33 HEARING, ANY PARTY MAY INTRODUCE ANY RELIABLE AND RELEVANT EVIDENCE,  
34 INCLUDING HEARSAY EVIDENCE. BEFORE RULING ON THE PETITION, THE COURT MUST  
35 PROVIDE ALL PARTIES, INCLUDING THE VICTIM, WITH THE OPPORTUNITY TO BE HEARD.

36 C. THE COURT SHALL DENY THE PETITION IF THE COURT FINDS THAT ANY  
37 FACTOR LISTED IN SUBSECTION A OF THIS SECTION IS NOT MET.

38 D. NOTWITHSTANDING SUBSECTION C OF THIS SECTION, THE COURT MAY DENY A  
39 PETITION IF THE COURT FINDS THAT A DENIAL IS IN THE BEST INTERESTS OF JUSTICE  
40 OR TENDS TO ENSURE THE SAFETY OF THE PUBLIC.

APPROVED BY THE GOVERNOR APRIL 5, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 6, 2016.

Passed the House February 24, 2016

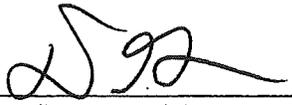
Passed the Senate March 28, 2016

by the following vote: 59 Ayes,

by the following vote: 29 Ayes,

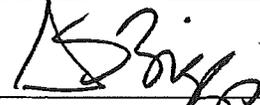
0 Nays, 1 Not Voting

0 Nays, 1 Not Voting



Speaker of the House

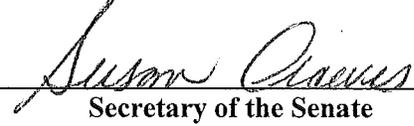
Pro Tempore



President of the Senate



Chief Clerk of the House



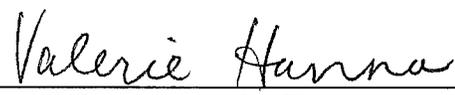
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

30 day of March, 2016

at 11 o'clock A- M.

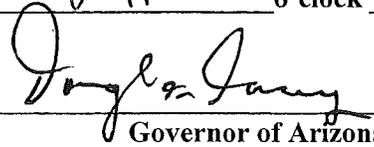


Secretary to the Governor

Approved this 5th day of

April

at 2:41 o'clock P M.



Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 6 day of April, 2016

at 8:29 o'clock A M.



Secretary of State

H.B. 2539