

House Engrossed

**FILED**

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

State of Arizona  
House of Representatives  
Fifty-third Legislature  
First Regular Session  
2017

**CHAPTER 135**  
**HOUSE BILL 2200**

AN ACT

AMENDING SECTION 13-3825, ARIZONA REVISED STATUTES; RELATING TO SEX  
OFFENDER 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 or  
6 adjudicated guilty except insane is released from confinement or who was  
7 accepted under the interstate compact for the supervision of parolees and  
8 probationers and has arrived in this state, the agency that had custody or  
9 responsibility for supervision of the person who was convicted of or  
10 adjudicated guilty except insane for committing an offense for which the  
11 person was required or ordered by the court to register pursuant to  
12 section 13-3821 or that has accepted supervision under the interstate  
13 compact for the supervision of parolees and probationers shall provide all  
14 of the following information to the department of public safety by  
15 entering all of the following information into the sex offender profile  
16 and notification database:

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

22 B. Following the tenth day after the person is released from  
23 confinement or, if the offender is sentenced to probation without jail  
24 time, the date the sentence is imposed, the department of public safety  
25 shall cross-reference the information the department receives pursuant to  
26 subsection A of this section with the sex offender registry to determine  
27 if the person is registered as required or ordered by the court pursuant  
28 to section 13-3821. If the person is not registered, the local law  
29 enforcement agency or the department of public safety shall request that  
30 the county attorney in the county in which the person was convicted or  
31 adjudicated guilty except insane petition the court for an arrest warrant  
32 to be issued and, if appropriate, notify the interstate compact  
33 administrator for this state. If the person is registered, the department  
34 of public safety shall forward the information the department received  
35 pursuant to subsection A of this section to the sheriff in the county  
36 where the person is registered.

37 C. The community notification requirements are as follows:

- 38 1. For level two and level three offenders, the notification must  
39 be ~~made~~ DISSEMINATED IN A NONELECTRONIC FORMAT to the surrounding  
40 neighborhood, area schools, appropriate community groups and prospective  
41 employers. The notification must include ~~a flyer~~ with the offender's  
42 photograph and exact address and a summary of the offender's status and  
43 criminal background. A press release and ~~a level two or level three flyer~~  
44 THE NOTIFICATION CONTAINING ALL REQUIRED OFFENDER INFORMATION must be

1 given to the local electronic and print media to enable information to be  
2 placed in a local publication.

3 2. For level one offenders, the local law enforcement agency that  
4 is responsible for notification shall maintain information about the  
5 offender. The local law enforcement agency may disseminate this  
6 information to other law enforcement agencies and may give notification to  
7 the people with whom the offender resides.

8 D. After receiving the information pursuant to subsection B of this  
9 section, the sheriff shall forward the information to the chief law  
10 enforcement officer of the community in which the person resides. After  
11 reviewing the information received and any other information available to  
12 the local law enforcement agency, the local law enforcement agency shall  
13 categorize each offender and place each offender into a notification  
14 level. Within forty-five days, the local law enforcement agency shall  
15 notify the community of the offender's presence in the community pursuant  
16 to subsection C of this section. 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. If a person who has been convicted of or adjudicated guilty  
20 except insane or not guilty by reason of insanity for an offense in  
21 another state registers pursuant to section 13-3821, subsection A, the  
22 sheriff in the county in which the person registers shall forward the  
23 information to the chief law enforcement officer of the community in which  
24 the person resides. The chief law enforcement officer shall contact the  
25 state in which the person was convicted or adjudicated guilty except  
26 insane or not guilty by reason of insanity and shall obtain information  
27 regarding the person. After reviewing the information received and any  
28 other information available, the local law enforcement agency shall  
29 complete the risk assessment, shall categorize the person, shall place the  
30 person into a notification level and shall enter the information into the  
31 computer system. If the law enforcement agency is unable to obtain  
32 sufficient information to complete the sex offender community notification  
33 risk assessment, the agency shall categorize the offender as a level two  
34 offender. Within forty-five days, the local law enforcement agency shall  
35 notify the community of the person's presence in the community pursuant to  
36 subsection C of this section. If the community does not have a chief law  
37 enforcement officer, the sheriff shall perform the duties of the local law  
38 enforcement agency.

39 F. On receiving notice pursuant to section 13-3822 that a person  
40 who is required to register has moved from the person's address, the chief  
41 law enforcement officer of the community to which the person has relocated  
42 may notify that community of the person's relocation to the community,  
43 pursuant to subsection D of this section. If the community does not have  
44 a local law enforcement agency, the sheriff of the county to which the

1 person has relocated shall notify the community of the person's  
2 relocation.

3 G. In cooperation with the county probation department or the state  
4 department of corrections, a law enforcement agency may delegate all or  
5 part of the notification process for offenders on community supervision to  
6 the county probation department or to the state department of corrections,  
7 as appropriate.

8 H. IF THE LAW ENFORCEMENT AGENCY THAT IS RESPONSIBLE FOR  
9 DISSEMINATING COMMUNITY NOTIFICATION ESTABLISHES AN ELECTRONIC  
10 NOTIFICATION PROCESS, THE LAW ENFORCEMENT AGENCY MAY USE THE ELECTRONIC  
11 NOTIFICATION PROCESS TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION C OF  
12 THIS SECTION ONLY FOR A PERSON WHO AFFIRMATIVELY CHOOSES TO RECEIVE  
13 COMMUNITY NOTIFICATION THROUGH AN ELECTRONIC NOTIFICATION PROCESS. THIS  
14 SUBSECTION DOES NOT PROHIBIT A LAW ENFORCEMENT AGENCY FROM PROVIDING  
15 ELECTRONIC NOTIFICATION IN ADDITION TO DISSEMINATING THE NONELECTRONIC  
16 NOTIFICATION THAT IS REQUIRED BY SUBSECTION C OF THIS SECTION.

17 ~~H.~~ I. Information concerning a person who is required to register  
18 pursuant to section 13-3821, who is subject to the provisions of community  
19 notification and who is a student at a public or private institution of  
20 postsecondary education or who is employed or carries on a vocation, with  
21 or without compensation, at a public or private institution of  
22 postsecondary education shall be promptly made available by the county  
23 sheriff to the law enforcement agency having jurisdiction for performing  
24 community notification pursuant to subsection C of this section. The law  
25 enforcement agency shall notify the institution's administration and shall  
26 complete appropriate campus notification pursuant to subsection C of this  
27 section.

28 ~~I.~~ J. This section does not prohibit law enforcement officers from  
29 giving a community notice of any circumstances or persons that pose a  
30 danger to the community under circumstances that are not provided for  
31 under this section.

32 ~~J.~~ K. Except as provided in subsection ~~K~~ L of this section, this  
33 section applies to all persons who are subject to the registration  
34 requirements in section 13-3821 whether or not the person was convicted or  
35 adjudicated guilty except insane before or after June 1, 1996.

36 ~~K.~~ L. This section does not apply to persons who are subject to  
37 the registration requirements in section 13-3821 as a result of offenses  
38 adjudicated by a juvenile court unless ordered by the court.

39 ~~L.~~ M. Notwithstanding subsections B and D of this section, the  
40 agency that had custody or responsibility for supervision of an offender  
41 or the court that sentenced the offender who was convicted of or  
42 adjudicated guilty except insane for committing an offense that subjects  
43 the offender to the registration requirements of section 13-3821 and who  
44 committed the offense before June 1, 1996 may conduct a risk assessment  
45 for the offender as existing resources are available pursuant to

1 subsection C of this section. Community notification pursuant to this  
2 section and sex offender website notification pursuant to section 13-3827,  
3 subsection A, paragraph 1 shall only be conducted after the risk  
4 assessment is complete.

5 M. N. The court may continue, defer or terminate community  
6 notification after a hearing held pursuant to section 13-923.

**APPROVED BY THE GOVERNOR APRIL 4, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 4, 2017.**

Passed the House February 9, 20 17

Passed the Senate March 30, 2017

by the following vote: 58 Ayes,

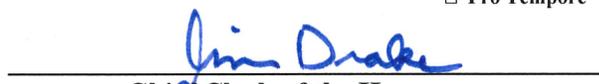
by the following vote: 29 Ayes,

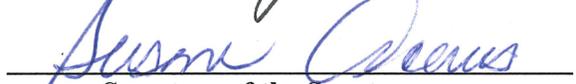
0 Nays, 2 Not Voting

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<sup>th</sup> day of March, 20 17

at 1:11 o'clock P. M.

  
Secretary to the Governor

Approved this 4<sup>th</sup> day of

April, 2017

at 10:55 o'clock A. M.

  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State  
this 4 day of April, 20 17

at 4:47 o'clock P. M.

  
Secretary of State

H.B. 2200