

REFERENCE TITLE: sex offender registration; termination.

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

## **SB 1836**

Introduced by  
Senator Fann (with permission of Committee on Rules)

AN ACT

AMENDING SECTION 13-3826, 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 13-3826, Arizona Revised Statutes, is amended to  
3 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,~~  
7 ~~who is~~ ORDERED OR required to register pursuant to section 13-3821 FOR AN  
8 OFFENSE COMMITTED IN VIOLATION OF THIS TITLE and who successfully  
9 completes a term of probation may petition the court for an order to  
10 terminate any duty to register and shall serve a copy of the petition on  
11 the prosecutor. In the petition, the defendant shall avow, under penalty  
12 of perjury, all of the following:

13 1. The defendant IS AT LEAST THIRTY-FIVE YEARS OF AGE AT THE TIME  
14 OF THE FILING OF THE PETITION AND was under twenty-two years of age at the  
15 time the offense was committed.

16 2. The victim was AT LEAST fifteen, ~~sixteen or seventeen~~ years of  
17 age at the time of the offense, WAS A PEACE OFFICER POSING AS A FIFTEEN,  
18 SIXTEEN OR SEVENTEEN YEAR OLD MINOR OR WAS A FICTITIOUS MINOR PURPORTED TO  
19 BE FIFTEEN, SIXTEEN OR SEVENTEEN YEARS OF AGE.

20 3. IF THE DEFENDANT IS REQUIRED TO BE REGISTERED BECAUSE OF A  
21 VIOLATION OF SECTION 13-1405, the sexual conduct was consensual.

22 4. The defendant did not violate any of the sex offender terms of  
23 the defendant's probation.

24 5. The defendant has not subsequently committed another felony  
25 offense or any offense included in chapter 14 or 35.1 of this title FOR AT  
26 LEAST TEN YEARS AFTER THE DATE ON WHICH THE PERSON WAS SENTENCED FOR THE  
27 OFFENSE FOR WHICH THE DEFENDANT WAS ORDERED OR REQUIRED TO REGISTER.

28 6. A court has not determined that probable cause exists to believe  
29 the defendant is a sexually violent person pursuant to title 36, chapter  
30 37 or that a sexually violent person proceeding pursuant to title 36,  
31 chapter 37 is not currently pending.

32 7. The violation did not involve more than one victim.

33 8. The defendant was not sentenced to a term of imprisonment in the  
34 state department of corrections for the offense for which the defendant  
35 was required to register.

36 9. THE DEFENDANT WAS NOT CONVICTED OF MORE THAN ONE OFFENSE  
37 INVOLVING MORE THAN ONE VICTIM.

38 10. THE DEFENDANT WAS NOT CONVICTED OF A VIOLATION OR ATTEMPTED  
39 VIOLATION OF SECTION 13-1406, 13-1410, 13-1417, 13-1423, 13-3206, 13-3212  
40 OR 13-3553.

41 B. On receipt of the petition, the court shall set a hearing and  
42 provide sufficient notice to the state to allow victim notification. The  
43 state has the burden of establishing by a preponderance of the evidence  
44 that a factor listed in subsection A of this section has not been met. At  
45 the hearing, any party may introduce any reliable and relevant evidence,

1 including hearsay evidence. Before ruling on the petition, the court must  
2 provide all parties, including the victim, with the opportunity to be  
3 heard.

4 C. The court shall deny the petition if the court finds that any  
5 factor listed in subsection A of this section is not met.

6 D. Notwithstanding subsection C of this section, the court may deny  
7 a petition if the court finds that a denial is in the best interests of  
8 justice or tends to ensure the safety of the public.