

REFERENCE TITLE: internet sex offender website; offenses

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1378

Introduced by
Senator Kerr

AN ACT

AMENDING SECTION 13-3827, ARIZONA REVISED STATUTES; RELATING TO
REGISTRATION OF SEX OFFENDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3827, Arizona Revised Statutes, is amended to
3 read:

4 13-3827. Internet sex offender website; investigation of
5 records; immunity; exception; definition

6 A. The department of public safety shall establish and maintain an
7 internet sex offender website for the purpose of providing sex offender
8 information to the public. The internet sex offender website shall
9 include the following offenders:

10 1. Any offender whose risk assessment has been determined to be a
11 level two or level three.

12 2. Unless included under paragraph 1 of this subsection, any
13 offender who was convicted of or adjudicated guilty except insane for any
14 of the following completed offenses or the same or a substantially similar
15 offense in another state or jurisdiction:

16 (a) Sexual assault pursuant to section 13-1406.

17 (b) Sexual exploitation of a minor pursuant to section 13-3553 if
18 the offender is at least twenty-one years of age and is sentenced pursuant
19 to section 13-705.

20 (c) Commercial sexual exploitation of a minor pursuant to section
21 13-3552.

22 (d) Sexual abuse pursuant to section 13-1404 if the victim is under
23 ~~twelve~~ SIXTEEN years of age.

24 (e) Molestation of a child pursuant to section 13-1410 if the
25 victim is under ~~twelve~~ FIFTEEN years of age.

26 (f) Sexual conduct with a minor pursuant to section 13-1405 if the
27 victim is under ~~twelve~~ SIXTEEN years of age.

28 (g) Child prostitution pursuant to section 13-3212, subsection A or
29 subsection B, paragraph 1 or 2 committed before August 9, 2017.

30 (h) Child sex trafficking pursuant to section 13-3212, subsection
31 A, paragraph 1, 2, 3, 4, 5, 6, 7 or 8 or subsection B, paragraph 1 or 2
32 committed on or after August 9, 2017.

33 (i) Taking a child for the purpose of prostitution pursuant to
34 section 13-3206 if the victim is under ~~twelve~~ SIXTEEN years of age.

35 (j) Luring a minor for sexual exploitation pursuant to section
36 13-3554 if the victim is under ~~twelve~~ SIXTEEN years of age.

37 (k) Aggravated luring a minor for sexual exploitation pursuant to
38 section 13-3560 if the victim is under ~~twelve~~ SIXTEEN years of age.

39 (l) Continuous sexual abuse of a child pursuant to section 13-1417
40 if the victim is under ~~twelve~~ FOURTEEN years of age.

41 B. The internet sex offender website shall include the following
42 information for each convicted or adjudicated guilty except insane sex
43 offender in this state who is required to register pursuant to section
44 13-3821:

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

1 2. A current photograph.

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

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

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

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

24 F. The motor vehicle division of the department of transportation
25 shall send copies of each sex offender's nonoperating identification
26 license or driver license photograph to the department of public safety
27 for inclusion on the sex offender website.

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

43 H. The department of public safety may petition the superior court
44 for enforcement of subsection G of this section if a public or private
45 sector resource refuses to comply. The court shall grant enforcement if

1 the department has reasonable grounds to believe the records sought to be
2 inspected are relevant to confirming the identity and address of a sex
3 offender.

4 I. Except for a person who is required to register pursuant to
5 section 13-3821, a person who provides or fails to provide information
6 required by this section is not civilly or criminally liable unless the
7 act or omission is wanton or wilful.

8 J. This section does not apply to an offender during any time that
9 the offender is incarcerated in the state department of corrections.

10 K. For the purpose of this section, "required online identifier":

11 1. Means:

12 (a) Any email address information, instant message or chat
13 information.

14 (b) A social networking platform account name or identifier.

15 (c) Any identifier used for communicating on a mobile application
16 or internet website.

17 (d) A mobile telephone number.

18 (e) Any mobile device identification information.

19 (f) Any other similar internet communication name.

20 2. Does not include a social security number, date of birth,
21 personal password or pin number.