

Senate Engrossed

internet sex offender website; offenses

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

SENATE BILL 1378

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, ~~WHETHER COMPLETED OR PREPARATORY~~, or
15 the same or a substantially similar offense in another state or
16 jurisdiction:

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

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

21 (c) Commercial sexual exploitation of a minor pursuant to section
22 13-3552.

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

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

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

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

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

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

36 (j) Luring a minor for sexual exploitation pursuant to section
37 13-3554 ~~if the victim is under twelve years of age.~~

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

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

42 B. The internet sex offender website shall include the following
43 information for each convicted or adjudicated guilty except insane sex

1 offender in this state who is required to register pursuant to section
2 13-3821:

- 3 1. The offender's name, address and age.
- 4 2. A current photograph.
- 5 3. The offense committed and notification level pursuant to section
6 13-3825, subsection C, if a risk assessment has been completed pursuant to
7 section 13-3825.

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

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

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

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

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

1 pursuant to this subsection is not civilly or criminally liable in any
2 action alleging a violation of confidentiality.

3 H. The department of public safety may petition the superior court
4 for enforcement of subsection G of this section if a public or private
5 sector resource refuses to comply. The court shall grant enforcement if
6 the department has reasonable grounds to believe the records sought to be
7 inspected are relevant to confirming the identity and address of a sex
8 offender.

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

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

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

16 1. Means:

17 (a) Any email address information, instant message or chat
18 information.

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

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

22 (d) A mobile telephone number.

23 (e) Any mobile device identification information.

24 (f) Any other similar internet communication name.

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

27 Sec. 2. Applicability

28 A. Section 13-3827, Arizona Revised Statutes, as amended by this
29 act, applies to a person who is convicted of or adjudicated guilty except
30 insane for an offense that is listed in section 13-3827, subsection A,
31 Arizona Revised Statutes, as amended by this act, and that was committed
32 before, on or after the effective date of this act.

33 B. Notwithstanding section 13-3827, Arizona Revised Statutes, as
34 amended by this act, the department of public safety is not required to
35 include the name and information of an offender on the internet sex
36 offender website until January 1, 2023 if the offender was convicted of an
37 offense listed in section 13-3827, subsection A, paragraph 2, Arizona
38 Revised Statutes, as amended by this act, before the effective date of
39 this act.