

REFERENCE TITLE: sex offender registration; online identifiers

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1294**

Introduced by  
Senator Kaiser

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; definitions

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 years of age.

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

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

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

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

39 (l) Continuous sexual abuse of a child pursuant to section 13-1417  
40 if the victim is under twelve 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~~ **SHALL MAKE**  
15 **AVAILABLE ON THE DEPARTMENT'S WEBSITE** a registered sex offender's required  
16 online identifier and the name of any corresponding website or internet  
17 communication service to ~~a business or~~ **AN AUTHORIZED** organization ~~that~~  
18 ~~offers electronic communication services~~ for comparison with information  
19 that is held by the ~~requesting business or~~ **AUTHORIZED** organization. The  
20 ~~requesting business or~~ **AUTHORIZED** organization shall notify the department  
21 of public safety when a comparison of the information indicates that a  
22 registered sex offender's required online identifier is being used on the  
23 ~~business's or~~ **AUTHORIZED** organization's system. The ~~requesting business~~  
24 ~~or~~ **AUTHORIZED** organization shall not further disseminate that the person  
25 is a registered sex offender.

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

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

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

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

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

13 K. For the purpose of this section: ~~;~~

14 1. "AUTHORIZED ORGANIZATION" MEANS AN INTERNET COMMUNICATION  
15 SERVICE THAT IS APPROVED BY THE DEPARTMENT TO ACCESS REQUIRED ONLINE  
16 IDENTIFIERS ON THE INTERNET SEX OFFENDER WEBSITE.

17 2. "Required online identifier":

18 1. Means:

19 (a) Any email address information, instant message or chat  
20 information.

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

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

24 (d) A mobile telephone number.

25 (e) Any mobile device identification information.

26 (f) Any other similar internet communication name.

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