

Senate Engrossed

internet sex offender website; offenses

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

SENATE BILL 1583

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 AT THE TIME OF THE OFFENSE WAS EIGHTEEN YEARS OF AGE OR OLDER**
14 **AND** who was convicted of or adjudicated guilty except insane for any of
15 the following ~~completed~~ offenses, **WHETHER COMPLETED OR PREPARATORY**, or the
16 same or a substantially similar offense in another state or 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 under~~
24 ~~twelve years of age~~ **OFFENDER IS SENTENCED PURSUANT TO SECTION 13-705.**

25 (e) Molestation of a child pursuant to section 13-1410 if the
26 ~~victim is under twelve years of age~~ **OFFENDER IS SENTENCED PURSUANT TO**
27 **SECTION 13-705.**

28 (f) Sexual conduct with a minor pursuant to section 13-1405 if the
29 ~~victim is under twelve years of age~~ **OFFENDER IS SENTENCED PURSUANT TO**
30 **SECTION 13-705.**

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

33 (h) Child sex trafficking pursuant to section 13-3212, subsection
34 ~~A, paragraph 1, 2, 3, 4, 5, 6, 7 or 8~~ **COMMITTED ON OR AFTER AUGUST 9, 2017**
35 **IF THE OFFENDER IS SENTENCED PURSUANT TO SECTION 13-705** or **SECTION**
36 **13-3212**, subsection B, paragraph 1 or 2 committed on or after August 9,
37 2017.

38 (i) Taking a child for the purpose of prostitution pursuant to
39 section 13-3206 if the ~~victim is under twelve years of age~~ **OFFENDER IS**
40 **SENTENCED PURSUANT TO SECTION 13-705.**

41 (j) Luring a minor for sexual exploitation pursuant to section
42 13-3554 if the ~~victim is under twelve years of age~~ **OFFENDER IS SENTENCED**
43 **PURSUANT TO SECTION 13-705.**

1 (k) Aggravated luring a minor for sexual exploitation pursuant to
2 section 13-3560 if the ~~victim is under twelve years of age~~ OFFENDER IS
3 SENTENCED PURSUANT TO SECTION 13-705.

4 (l) Continuous sexual abuse of a child pursuant to section 13-1417
5 if the ~~victim is under twelve years of age~~ OFFENDER IS SENTENCED PURSUANT
6 TO SECTION 13-705.

7 B. The internet sex offender website shall include the following
8 information for each convicted or adjudicated guilty except insane sex
9 offender in this state who is required to register pursuant to section
10 13-3821:

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

12 2. A current photograph.

13 3. The offense committed and notification level pursuant to section
14 13-3825, subsection C, if a risk assessment has been completed pursuant to
15 section 13-3825.

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

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

25 E. The department of public safety may disseminate a registered sex
26 offender's required online identifier and the name of any corresponding
27 website or internet communication service to a business or organization
28 that offers electronic communication services for comparison with
29 information that is held by the requesting business or organization. The
30 requesting business or organization shall notify the department of public
31 safety when a comparison of the information indicates that a registered
32 sex offender's required online identifier is being used on the business's
33 or organization's system. The requesting business or organization shall
34 not further disseminate that the person is a registered sex offender.

35 F. The motor vehicle division of the department of transportation
36 shall send copies of each sex offender's nonoperating identification
37 license or driver license photograph to the department of public safety
38 for inclusion on the sex offender website.

39 G. The department of public safety shall annually verify the
40 addresses of all sex offender registration records contained within the
41 Arizona criminal justice information system. Before including the address
42 of a sex offender on the website, the department of public safety shall
43 confirm that the address is correct. To confirm a sex offender's address,
44 the department shall conduct a search of the Arizona criminal justice
45 information system. If this search does not provide the necessary

1 confirmation, the department shall use alternative public and private
2 sector resources that are currently used for criminal investigation
3 purposes to confirm the address. The department of public safety is
4 prohibited from using or releasing the information from the alternative
5 public and private sector resources except pursuant to this section. A
6 custodian or public or private sector resource that releases information
7 pursuant to this subsection is not civilly or criminally liable in any
8 action alleging a violation of confidentiality.

9 H. The department of public safety may petition the superior court
10 for enforcement of subsection G of this section if a public or private
11 sector resource refuses to comply. The court shall grant enforcement if
12 the department has reasonable grounds to believe the records sought to be
13 inspected are relevant to confirming the identity and address of a sex
14 offender.

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

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

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

22 1. Means:

23 (a) Any email address information, instant message or chat
24 information.

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

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

28 (d) A mobile telephone number.

29 (e) Any mobile device identification information.

30 (f) Any other similar internet communication name.

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

33 Sec. 2. Applicability

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

39 B. Notwithstanding section 13-3827, Arizona Revised Statutes, as
40 amended by this act, the department of public safety is not required to
41 include the name and information of an offender on the internet sex
42 offender website until January 1, 2024 if the offender was convicted of an
43 offense listed in section 13-3827, subsection A, paragraph 2, Arizona
44 Revised Statutes, as amended by this act, before the effective date of
45 this act.