

PROPOSED
SENATE AMENDMENTS TO H.B. 2169
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 13, chapter 14, Arizona Revised Statutes, is
3 amended by adding section 13-1429, to read:

4 13-1429. Possessing, trafficking or importing a child sex
5 doll; classification; definition

6 A. A PERSON COMMITS POSSESSING A CHILD SEX DOLL BY INTENTIONALLY OR
7 KNOWINGLY POSSESSING A CHILD SEX DOLL.

8 B. A PERSON COMMITS TRAFFICKING A CHILD SEX DOLL BY KNOWINGLY
9 MANUFACTURING, DISTRIBUTING, SELLING, TRANSFERRING, OFFERING TO SELL,
10 ADVERTISING, PROVIDING, SHIPPING, DELIVERING FOR SHIPMENT, OFFERING TO
11 DELIVER FOR SHIPMENT OR POSSESSING WITH THE INTENT TO MANUFACTURE,
12 DISTRIBUTE, SELL, SHIP OR TRANSFER A CHILD SEX DOLL.

13 C. A PERSON COMMITS IMPORTING A CHILD SEX DOLL BY KNOWINGLY
14 TRANSPORTING A CHILD SEX DOLL INTO THIS STATE BY ANY MEANS WITH THE INTENT
15 TO DISTRIBUTE, SELL OR TRANSFER THE CHILD SEX DOLL.

16 D. IN A PROSECUTION FOR A VIOLATION OF SUBSECTION B OF THIS SECTION,
17 UNLESS SATISFACTORILY EXPLAINED, THE POSSESSION OF TWO OR MORE CHILD SEX
18 DOLLS MAY GIVE RISE TO AN INFERENCE THAT A PERSON INTENDS TO COMMIT
19 TRAFFICKING A CHILD SEX DOLL.

20 E. A VIOLATION OF THIS SECTION IS A CLASS 4 FELONY.

21 F. FOR THE PURPOSES OF THIS SECTION, "CHILD SEX DOLL" MEANS AN
22 ANATOMICALLY CORRECT DOLL, MANNEQUIN OR ROBOT THAT BOTH:

23 1. HAS THE FEATURES OF OR FEATURES THAT RESEMBLE THOSE OF AN INFANT
24 OR A CHILD WHO IS UNDER TWELVE YEARS OF AGE.

25 2. IS INTENDED TO BE USED FOR SEXUAL STIMULATION OR GRATIFICATION.

1 Sec. 2. Section 13-3553, Arizona Revised Statutes, is amended to
2 read:

3 13-3553. Sexual exploitation of a minor; evidence;
4 classification; definition

5 A. A person commits sexual exploitation of a minor by knowingly:

6 1. Recording, filming, photographing, developing or duplicating any
7 visual depiction in which a minor is engaged in exploitive exhibition or
8 other sexual conduct.

9 2. Distributing, transporting, exhibiting, receiving, selling,
10 purchasing, electronically transmitting, possessing or exchanging any
11 visual depiction in which a minor is engaged in exploitive exhibition or
12 other sexual conduct.

13 3. SELLING OR PURCHASING A CHILD SEX DOLL WITH THE INTENT TO
14 REPLICATE THE PHYSICAL FEATURES OF A REAL INFANT OR A MINOR WHO IS UNDER
15 TWELVE YEARS OF AGE.

16 B. If any visual depiction of sexual exploitation of a minor is
17 admitted into evidence, the court shall seal that evidence at the
18 conclusion of any grand jury proceeding, hearing or trial.

19 C. Sexual exploitation of a minor is a class 2 felony and if the
20 minor is under fifteen years of age it is punishable pursuant to section
21 13-705.

22 D. FOR THE PURPOSES OF THIS SECTION, "CHILD SEX DOLL" HAS THE SAME
23 MEANING PRESCRIBED IN SECTION 13-1429.

24 Sec. 3. Section 13-3821, Arizona Revised Statutes, is amended to
25 read:

26 13-3821. Persons required to register; procedure;
27 identification card; assessment; definitions

28 A. A person who has been convicted of or adjudicated guilty except
29 insane for a violation or attempted violation of any of the following
30 offenses or who has been convicted of or adjudicated guilty except insane
31 or not guilty by reason of insanity for an offense committed in another
32 jurisdiction that if committed in this state would be a violation or

1 attempted violation of any of the following offenses or an offense that was
2 in effect before September 1, 1978 and that, if committed on or after
3 September 1, 1978, has the same elements of an offense listed in this
4 section or who is required to register by the convicting or adjudicating
5 jurisdiction, within ten days after the conviction or adjudication or
6 within seventy-two hours, excluding weekends and legal holidays, after
7 entering and remaining for at least seventy-two hours in any county of this
8 state, shall register with the sheriff of that county:

9 1. Unlawful imprisonment pursuant to section 13-1303 if the victim
10 is under eighteen years of age and the unlawful imprisonment was not
11 committed by the child's parent.

12 2. Kidnapping pursuant to section 13-1304 if the victim is under
13 eighteen years of age and the kidnapping was not committed by the child's
14 parent.

15 3. Sexual abuse pursuant to section 13-1404 if the victim is under
16 eighteen years of age.

17 4. Sexual conduct with a minor pursuant to section 13-1405.

18 5. Sexual assault pursuant to section 13-1406.

19 6. Sexual assault of a spouse if the offense was committed before
20 August 12, 2005.

21 7. Molestation of a child pursuant to section 13-1410.

22 8. Continuous sexual abuse of a child pursuant to section 13-1417.

23 9. Taking a child for the purpose of prostitution pursuant to
24 section 13-3206.

25 10. Child prostitution pursuant to section 13-3212, subsection A or
26 subsection B, paragraph 1 or 2 committed before August 9, 2017.

27 11. Child sex trafficking pursuant to section 13-3212, subsection A
28 or subsection B, paragraph 1 or 2 committed on or after August 9, 2017.

29 12. Commercial sexual exploitation of a minor pursuant to section
30 13-3552.

31 13. Sexual exploitation of a minor pursuant to section 13-3553.

1 14. Luring a minor for sexual exploitation pursuant to section
2 13-3554.

3 15. A second or subsequent violation of indecent exposure to a
4 person who is under fifteen years of age pursuant to section 13-1402.

5 16. A second or subsequent violation of public sexual indecency to a
6 minor who is under fifteen years of age pursuant to section 13-1403,
7 subsection B.

8 17. A third or subsequent violation of indecent exposure pursuant to
9 section 13-1402.

10 18. A third or subsequent violation of public sexual indecency
11 pursuant to section 13-1403.

12 19. A violation of section 13-3822 or 13-3824.

13 20. Unlawful age misrepresentation.

14 21. Aggravated luring a minor for sexual exploitation pursuant to
15 section 13-3560.

16 22. Sexual extortion pursuant to section 13-1428 if the victim is
17 under fifteen years of age.

18 23. POSSESSING, TRAFFICKING OR IMPORTING A CHILD SEX DOLL PURSUANT
19 TO SECTION 13-1429.

20 B. Before the person is released from confinement the state
21 department of corrections in conjunction with the department of public
22 safety and each county sheriff shall complete the registration of any
23 person who was convicted of or adjudicated guilty except insane for a
24 violation of any offense listed under subsection A of this section. Within
25 three days after the person's release from confinement, the state
26 department of corrections shall forward the registered person's records to
27 the department of public safety and to the sheriff of the county in which
28 the registered person intends to reside. Registration pursuant to this
29 subsection shall be consistent with subsection E of this section.

30 C. Notwithstanding subsection A of this section, the judge who
31 sentences a defendant for any violation of chapter 14 or 35.1 of this title
32 or for an offense for which there was a finding of sexual motivation

1 pursuant to section 13-118 may require the person who committed the offense
2 to register pursuant to this section.

3 D. The court may require a person who has been adjudicated
4 delinquent for an act that would constitute an offense specified in
5 subsection A or C of this section to register pursuant to this section.
6 Any duty to register under this subsection ~~shall terminate~~ TERMINATES when
7 the person reaches twenty-five years of age.

8 E. A person who has been convicted, adjudicated guilty except insane
9 or adjudicated delinquent and who is required to register in the convicting
10 or adjudicating state for an act that would constitute an offense specified
11 in subsection A or C of this section and who is not a resident of this
12 state shall be required to register pursuant to this section if the person
13 is either:

14 1. Employed full-time or part-time in this state, with or without
15 compensation, for more than fourteen consecutive days or for an aggregate
16 period of more than thirty days in a calendar year.

17 2. Enrolled as a full-time or part-time student in any school in
18 this state for more than fourteen consecutive days or for an aggregate
19 period of more than thirty days in a calendar year. For the purposes of
20 this paragraph, "school" means an educational institution of any
21 description, public or private, wherever located in this state.

22 F. Any duty to register under subsection D or E of this section for
23 a juvenile adjudication terminates when the person reaches twenty-five
24 years of age.

25 G. The court may order the termination of any duty to register under
26 this section on successful completion of probation if the person was under
27 eighteen years of age when the offense for which the person was convicted
28 or adjudicated guilty except insane was committed.

29 H. The court may order the suspension or termination of any duty to
30 register under this section after a hearing held pursuant to section
31 13-923.

1 I. At the time of registering, the person shall sign or affix an
2 electronic fingerprint to a statement giving such information as required
3 by the director of the department of public safety, including all names by
4 which the person is known, any required online identifier, the name of any
5 website or internet communication service where the identifier is being
6 used and, if the person owns, possesses or regularly operates a motor
7 vehicle that is required to be registered under title 28, chapter 7, the
8 make, model, year of manufacture, color, vehicle identification number,
9 state of registration and license plate number of the motor vehicle. The
10 sheriff shall fingerprint and photograph the person and within three days
11 thereafter shall send copies of the statement, fingerprints and photographs
12 to the department of public safety and the chief of police, if any, of the
13 place where the person resides. The information that is required by this
14 subsection shall include the physical location of the person's residence,
15 the person's address and whether the person's residence is permanent or
16 temporary. If the person has a place of residence that is different from
17 the person's address, the person shall provide the person's address, the
18 physical location of the person's residence and the name of the owner of
19 the residence if the residence is privately owned and not offered for rent
20 or lease. If the person receives mail at a post office box or other place,
21 the person shall provide the location and number of the post office box or
22 other place. If the person has more than one residence, the person shall
23 register in person and in writing every residence and address not less than
24 every ninety days with the sheriff in whose jurisdiction the person is
25 physically present. If the person does not have an address or a permanent
26 place of residence, the person shall provide a description and physical
27 location of any temporary residence and shall register as a transient not
28 less than every ninety days with the sheriff in whose jurisdiction the
29 transient is physically present.

30 J. On the person's initial registration and every year after the
31 person's initial registration during the month of the person's birthdate,
32 the person shall report in person to the sheriff of the county in which the

1 person is registered and confirm in writing all information required by
2 this section, any required online identifier and the name of any website or
3 internet communication service where the identifier is being used and the
4 person shall obtain a new nonoperating identification license or a driver
5 license from the motor vehicle division in the department of transportation
6 and shall carry a valid nonoperating identification license or a driver
7 license. Notwithstanding sections 28-3165 and 28-3171, the license is
8 valid for one year from the date of issuance, and the person shall submit
9 to the department of transportation proof of the person's address and place
10 of residence. The motor vehicle division shall annually update the
11 person's address and photograph and shall make a copy of the photograph
12 available to the department of public safety or to any law enforcement
13 agency. The motor vehicle division shall provide to the department of
14 public safety daily address updates for persons required to register
15 pursuant to this section.

16 K. Except as provided in subsection E or L of this section, the
17 clerk of the superior court in the county in which a person has been
18 convicted of or adjudicated guilty except insane for a violation of any
19 offense listed under subsection A of this section or has been ordered to
20 register pursuant to subsection C or D of this section shall notify the
21 sheriff in that county of the conviction or adjudication within ten days
22 after entry of the judgment.

23 L. Within ten days after entry of judgment, a court not of record
24 shall notify the arresting law enforcement agency of an offender's
25 conviction of or adjudication of guilty except insane for a violation of
26 section 13-1402. Within ten days after receiving this information, the law
27 enforcement agency shall determine if the offender is required to register
28 pursuant to this section. If the law enforcement agency determines that
29 the offender is required to register, the law enforcement agency shall
30 provide the information required by section 13-3825 to the department of
31 public safety and shall make community notification as required by law.

1 M. A person who is required to register pursuant to this section
2 because of a conviction or adjudication of guilty except insane for the
3 unlawful imprisonment of a minor or the kidnapping of a minor is required
4 to register, absent additional or subsequent convictions or adjudications,
5 for a period of ten years from the date that the person is released from
6 prison, jail, probation, community supervision or parole and the person has
7 fulfilled all restitution obligations. Notwithstanding this subsection, a
8 person who has a prior conviction or adjudication of guilty except insane
9 for an offense for which registration is required pursuant to this section
10 is required to register for life.

11 N. A person who is required to register pursuant to this section and
12 who is a student at a public or private institution of postsecondary
13 education or who is employed, with or without compensation, at a public or
14 private institution of postsecondary education or who carries on a vocation
15 at a public or private institution of postsecondary education shall notify
16 the county sheriff having jurisdiction of the institution of postsecondary
17 education. The person who is required to register pursuant to this section
18 shall also notify the sheriff of each change in enrollment or employment
19 status at the institution.

20 O. At the time of registering, the sheriff shall secure a sufficient
21 sample of blood or other bodily substances for deoxyribonucleic acid
22 testing and extraction from a person who has been convicted of or
23 adjudicated guilty except insane for an offense committed in another
24 jurisdiction that if committed in this state would be a violation or
25 attempted violation of any of the offenses listed in subsection A of this
26 section or an offense that was in effect before September 1, 1978 and that,
27 if committed on or after September 1, 1978, has the same elements of an
28 offense listed in subsection A of this section or who is required to
29 register by the convicting or adjudicating jurisdiction. The sheriff shall
30 transmit the sample to the department of public safety.

31 P. Any person who is required to register under subsection A of this
32 section shall register the person's required online identifier and the name

1 of any website or internet communication service where the identifier is
2 being used or is intended to be used with the sheriff from and after
3 December 31, 2007, regardless of whether the person was required to
4 register an identifier at the time of the person's initial registration
5 under this section.

6 Q. On conviction of or adjudication of guilty except insane for any
7 offense for which a person is required to register pursuant to this
8 section, in addition to any other penalty prescribed by law, the court
9 shall order the person to pay an additional assessment of \$250. This
10 assessment is not subject to any surcharge. The court shall transmit the
11 monies received pursuant to this section to the county treasurer. The
12 county treasurer shall transmit the monies received to the state
13 treasurer. The state treasurer shall deposit the monies received in the
14 state general fund. Notwithstanding any other law, the court shall not
15 waive the assessment imposed pursuant to this section.

16 R. A person who is required to register pursuant to this section
17 shall verify the person's residence and address if requested by the
18 department of public safety pursuant to section 13-3827, subsection G.

19 S. For the purposes of this section:

20 1. "Address" means all locations at which the person receives mail.

21 2. "Required online identifier" means any electronic email address
22 information or instant message, chat, social networking or other similar
23 internet communication name but does not include a social security number,
24 date of birth or pin number.

25 3. "Residence" means:

26 (a) The person's dwelling place, whether permanent or temporary.

27 (b) If the person is transient and does not spend at least three
28 nights in any location or place within ~~thirty days~~ A THIRTY-DAY PERIOD, the
29 ~~geographical~~ GEOGRAPHIC areas of the county where the person spends the
30 nights.

31 4. "Transient" means a person who does not have a single and
32 permanent dwelling place.

1 Sec. 4. Section 13-3827, Arizona Revised Statutes, is amended to
2 read:

3 13-3827. Internet sex offender website; investigation of
4 records; immunity; exception; definition

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

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

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

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

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

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

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

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

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

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

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

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

3 (j) Luring a minor for sexual exploitation pursuant to section
4 13-3554 if the victim is under twelve years of age.

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

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

9 (m) POSSESSING, TRAFFICKING OR IMPORTING A CHILD SEX DOLL PURSUANT
10 TO SECTION 13-1429.

11 B. The internet sex offender website shall include the following
12 information for each convicted or adjudicated guilty except insane sex
13 offender in this state who is required to register pursuant to section
14 13-3821:

- 15 1. The offender's name, address and age.
- 16 2. A current photograph.
- 17 3. The offense committed and notification level pursuant to section
18 13-3825, subsection C, if a risk assessment has been completed pursuant to
19 section 13-3825.

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

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

29 E. The department of public safety may disseminate a registered sex
30 offender's required online identifier and the name of any corresponding
31 website or internet communication service to a business or organization
32 that offers electronic communication services for comparison with

1 information that is held by the requesting business or organization. The
2 requesting business or organization shall notify the department of public
3 safety when a comparison of the information indicates that a registered sex
4 offender's required online identifier is being used on the business's or
5 organization's system. The requesting business or organization shall not
6 further disseminate that the person is a registered sex offender.

7 F. The motor vehicle division of the department of transportation
8 shall send copies of each sex offender's nonoperating identification
9 license or driver license photograph to the department of public safety for
10 inclusion on the sex offender website.

11 G. The department of public safety shall annually verify the
12 addresses of all sex offender registration records contained within the
13 Arizona criminal justice information system. Before including the address
14 of a sex offender on the website, the department of public safety shall
15 confirm that the address is correct. To confirm a sex offender's address,
16 the department shall conduct a search of the Arizona criminal justice
17 information system. If this search does not provide the necessary
18 confirmation, the department shall use alternative public and private
19 sector resources that are currently used for criminal investigation
20 purposes to confirm the address. The department of public safety is
21 prohibited from using or releasing the information from the alternative
22 public and private sector resources except pursuant to this section. A
23 custodian or public or private sector resource that releases information
24 pursuant to this subsection is not civilly or criminally liable in any
25 action alleging a violation of confidentiality.

26 H. The department of public safety may petition the superior court
27 for enforcement of subsection G of this section if a public or private
28 sector resource refuses to comply. The court shall grant enforcement if
29 the department has reasonable grounds to believe the records sought to be
30 inspected are relevant to confirming the identity and address of a sex
31 offender.

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

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

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

8 1. Means:

9 (a) Any email address information, instant message or chat
10 information.

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

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

14 (d) A mobile telephone number.

15 (e) Any mobile device identification information.

16 (f) Any other similar internet communication name.

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

19 Sec. 5. Emergency

20 This act is an emergency measure that is necessary to preserve the
21 public peace, health or safety and is operative immediately as provided by
22 law."

23 Amend title to conform

ANTHONY KERN

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