

REFERENCE TITLE: internet sex offender website; offenses

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1236

Introduced by
Senators Shamp: Carroll, Gowan

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 **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 **OR THE OFFENDER IS SENTENCED PURSUANT TO SECTION**
25 **13-705**.

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

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

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

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

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

42 (j) Luring a minor for sexual exploitation pursuant to section
43 13-3554 if the victim is under twelve years of age **OR THE OFFENDER IS**
44 **SENTENCED 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 OR THE OFFENDER
3 IS 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 OR THE OFFENDER IS SENTENCED
6 PURSUANT 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 or third party responsible for
26 maintaining the internet sex offender website shall make available to an
27 authorized organization a registered sex offender's required online
28 identifier and the name of any corresponding website or internet
29 communication service to an authorized organization for comparison with
30 information that is held by the authorized organization. The authorized
31 organization shall notify the department of public safety when a
32 comparison of the information indicates that a registered sex offender's
33 required online identifier is being used on the authorized organization's
34 system. The authorized organization shall not further disseminate that
35 the person is a registered sex offender.

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

40 G. The department of public safety shall annually verify the
41 addresses of all sex offender registration records contained within the
42 Arizona criminal justice information system. Before including the address
43 of a sex offender on the website, the department of public safety shall
44 confirm that the address is correct. To confirm a sex offender's address,
45 the department shall conduct a search of the Arizona criminal justice

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

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

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

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

22 K. For the purpose of this section:

23 1. "Authorized organization" means an internet communication
24 service or related safety organization that is approved by the department
25 or third party responsible for maintaining the internet sex offender
26 website to access required online identifiers.

27 2. "Required online identifier":

28 (a) Means:

29 (i) Any email address information, instant message or chat
30 information.

31 (ii) A social networking platform account name or identifier.

32 (iii) Any identifier used for communicating on a mobile application
33 or internet website.

34 (iv) A mobile telephone number.

35 (v) Any mobile device identification information.

36 (vi) Any other similar internet communication name.

37 (b) Does not include a social security number, date of birth,
38 personal password or pin number.

39 Sec. 2. Applicability

40 A. Section 13-3827, Arizona Revised Statutes, as amended by this
41 act, applies to persons who are convicted of or adjudicated guilty except
42 insane for an offense that is listed in section 13-3827, subsection A,
43 Arizona Revised Statutes, as amended by this act, and that was committed
44 before, on or after the effective date of this act.

1 B. Notwithstanding section 13-3827, Arizona Revised Statutes, as
2 amended by this act, and within twelve months after the effective date of
3 this act, the department of public safety shall include on the internet
4 sex offender website the names and information of all offenders who were
5 convicted of an offense listed in section 13-3827, subsection A,
6 paragraph 2, Arizona Revised Statutes, as amended by this act, before the
7 effective date of this act.