

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

A. A person who has been convicted of or adjudicated guilty except insane for a violation or attempted violation of any of the following offenses or who has been convicted of or adjudicated guilty except insane or not guilty by reason of insanity for an offense committed in another jurisdiction that if committed in this state would be a violation or attempted violation of any of the following offenses or an offense that was in effect before September 1, 1978 and that, if committed on or after September 1, 1978, has the same elements of an offense listed in this section or who is required to register by the convicting or adjudicating jurisdiction, within ten days after the conviction or adjudication or within ten days after entering and remaining in any county of this state, shall register with the sheriff of that county:

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

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

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

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

5. Sexual assault pursuant to section 13-1406.

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

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

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

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

10. Child prostitution pursuant to section 13-3212, subsection A or subsection B, paragraph 1 or 2.

11. Commercial sexual exploitation of a minor pursuant to section 13-3552.

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

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

14. Sex trafficking of a minor pursuant to section 13-1307.

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

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

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

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

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

20. Unlawful age misrepresentation.

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

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

C. Notwithstanding subsection A of this section, the judge who sentences a defendant for any violation of chapter 14 or 35.1 of this title or for an offense for which there was a finding of sexual motivation pursuant to section 13-118 may require the person who committed the offense to register pursuant to this section.

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

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

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

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

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

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

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

I. At the time of registering, the person shall sign or affix an electronic fingerprint to a statement giving such information as required by the director of the department of public safety, including all names by which the person is known, any required online identifier and the name of any website or internet communication service where the identifier is being used. The sheriff shall fingerprint and photograph the person and within three days thereafter shall send copies of the statement, fingerprints and photographs to the department of public safety and the chief of police, if any, of the place where the person resides. The information that is required by this subsection shall include the physical location of the person's residence and the person's address. If the person has a place of residence that is different from the person's address, the person shall provide the person's address, the physical location of the person's residence and the name of the owner of the residence if the residence is privately owned and not offered for rent or lease. If the person receives mail at a post office box, the person shall provide the location and number of the post office box. If the person has more than one residence or does not have an address or a permanent place of residence, the person shall provide a description and physical location of any temporary residence and shall register as a transient not less than every ninety days with the sheriff in whose jurisdiction the transient is physically present.

J. On the person's initial registration and every year after the person's initial registration, the person shall confirm any required online identifier and the name of any website or internet communication service where the identifier is being used and the person shall obtain a new nonoperating identification license or a driver license from the motor vehicle division in the department of transportation and shall carry a valid nonoperating identification license or a driver license. Notwithstanding sections 28-3165 and 28-3171, the license is valid for one year from the date of issuance, and the person shall submit to the department of transportation proof of the person's address and place of residence. The motor vehicle division shall annually update the person's address and photograph and shall make a copy of the photograph available to the department of public safety or to any law enforcement agency. The motor vehicle division shall provide to the department of public safety daily address updates for persons required to register pursuant to this section.

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

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

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

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

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

P. Any person who is required to register under subsection A of this section shall register the person's required online identifier and the name of any website or internet communication service where the identifier is being used or is intended to be used with the sheriff from and after December 31, 2007, regardless of whether the person was required to register an identifier at the time of the person's initial registration under this section.

Q. On conviction of or adjudication of guilty except insane for any offense for which a person is required to register pursuant to this section, in addition to any other penalty prescribed by law, the court shall order the person to pay an additional assessment of two hundred fifty dollars. This assessment is not subject to any surcharge. The court shall transmit the monies received pursuant to this section to the county treasurer. The county treasurer shall transmit the monies received to the state treasurer. The state treasurer shall deposit the monies received in the state general fund. Notwithstanding any other law, the court shall not waive the assessment imposed pursuant to this section.

R. For the purposes of this section:

1. "Address" means the location at which the person receives mail.
2. "Required online identifier" means any electronic e-mail address information or instant message, chat, social networking or other similar internet communication name, but does not include a social security number, date of birth or pin number.
3. "Residence" means the person's dwelling place, whether permanent or temporary.

13-3822. Notice of moving from place of residence or change of name or electronic information; forwarding of information; definitions

A. Within seventy-two hours, excluding weekends and legal holidays, after moving from the person's residence within a county or after changing the person's name, a person who is required to register under this article shall inform the sheriff in person and in writing of the person's new residence, address or new name. If the person moves to a location that is not a residence and the person receives mail anywhere, including a post office box, the person shall notify the sheriff of the person's address. If the person has more than one residence or does not have an address or a permanent place of residence, the person shall register as a transient not less than every ninety days with the sheriff in whose jurisdiction the transient is physically present. Within three days after receipt of such information, the sheriff shall forward it to the department of public safety and the chief of police, if any, of the place from which the person moves, and shall forward a copy of the statement, fingerprints and photograph of the person to the chief of police, if any, of the place to which the person has moved.

B. Within seventy-two hours after a person moves from a county in which the person is registered, the person shall notify in writing the sheriff of the county from which the person moves. If the person is subject to community notification requirements, the sheriff of the county from which the person moves shall advise the local law enforcement agency of the county to which the person moves of the move. If the person moves out of this state, the sheriff of the county from which the person moves shall advise the local law enforcement agency in the jurisdiction to which the person moves. The local law enforcement agency shall contact the department of public safety following ten days after being notified to determine if the person has reregistered. If the person has not reregistered, the local law enforcement agency shall notify the local law enforcement agency in the county in which the person last resided. Any law enforcement agency in the

county in which the person last resided shall conduct an investigation and shall submit a report to the appropriate county attorney.

C. A person who is required to register pursuant to this article shall notify the sheriff either in person or electronically within seventy-two hours, excluding weekends and legal holidays, after a person makes any change to any required online identifier, and before any use of a changed or new required online identifier to communicate on the internet. Within three days after receipt of the information, the sheriff shall forward the information to the department of public safety. Within three days after receipt of the information from the sheriff, the department of public safety shall update the person's information in the department of public safety database.

D. For the purposes of this section:

1. "Address" means the location at which the person receives mail.
2. "Required online identifier" means any electronic e-mail address information or instant message, chat, social networking or other similar internet communication name, but does not include a social security number, date of birth or pin number.
3. "Residence" means the person's dwelling place, whether permanent or temporary.

13-3823. Access to records

Except for use by law enforcement officers and for dissemination as provided in section 41-1750, a statement, photograph or fingerprint required by this article shall not be made available to any person.

13-3824. Violation; classification; assessment

A. A person who is subject to registration under this article and who fails to comply with the requirements of this article is guilty of a class 4 felony.

B. Notwithstanding subsection A of this section, a person who fails to comply with section 13-3821, subsection J is guilty of a class 6 felony and, in addition to any other penalty prescribed by law, the court shall order the person to pay an additional assessment of two hundred fifty dollars. This assessment is not subject to any surcharge. The court shall transmit the monies received pursuant to this subsection to the county treasurer. The county treasurer shall transmit the monies received to the state treasurer. The state treasurer shall deposit the monies received in the state general fund. Notwithstanding any other law, the court shall not waive the assessment imposed pursuant to this subsection.

13-3825. Community notification

A. Within seventy-two hours after a person who was convicted or adjudicated guilty except insane is released from confinement or who was accepted under the interstate compact for the supervision of parolees and probationers and has arrived in this state, the agency that had custody or responsibility for supervision of the person who was convicted of or adjudicated guilty except insane for committing an offense for which the person was required or ordered by the court to register pursuant to section 13-3821 or that has accepted supervision under the interstate compact for the supervision of parolees and probationers shall provide all of the following information to the department of public safety by entering all of the following information into the sex offender profile and notification database:

1. The offender's identifying information.
2. A risk assessment of the offender.
3. The offender's date of release from confinement or, if the offender is sentenced to probation without jail time, the date the sentence is imposed.

B. Following the tenth day after the person is released from confinement or, if the offender is sentenced to probation without jail time, the date the sentence is imposed, the department of public safety shall cross-reference the information the department receives pursuant to subsection A of this section with the sex offender registry to determine if the person is registered as required or ordered by the court pursuant to section 13-3821. If the person is not registered, the local law enforcement agency or the department of public safety shall request that the county attorney in the county in which the person was convicted or adjudicated guilty except insane petition the court for an arrest warrant to be issued and, if appropriate, notify the interstate compact administrator for this state. If the person is registered, the department of public safety shall forward the information the department received pursuant to subsection A of this section to the sheriff in the county where the person is registered.

C. The community notification requirements are as follows:

1. For level two and level three offenders, the notification must be made to the surrounding neighborhood, area schools, appropriate community groups and prospective employers. The notification must include a flyer with the offender's photograph and exact address and a summary of the offender's status and criminal background. A press release and a level two or level three flyer must be given to the local electronic and print media to enable information to be placed in a local publication.

2. For level one offenders, the local law enforcement agency that is responsible for notification shall maintain information about the offender. The local law enforcement agency may disseminate this information to other law enforcement agencies and may give notification to the people with whom the offender resides.

D. After receiving the information pursuant to subsection B of this section, the sheriff shall forward the information to the chief law enforcement officer of the community in which the person resides. After reviewing the information received and any other information available to the local law enforcement agency, the local law enforcement agency shall categorize each offender and place each offender into a notification level. Within forty-five days, the local law enforcement agency shall notify the community of the offender's presence in the community pursuant to the guidelines prescribed by subsection C of this section. If the community does not have a chief law enforcement officer, the sheriff shall perform the duties of the local law enforcement agency.

E. If a person who has been convicted of or adjudicated guilty except insane or not guilty by reason of insanity for an offense in another state registers pursuant to section 13-3821, subsection A, the sheriff in the county in which the person registers shall forward the information to the chief law enforcement officer of the community in which the person resides. The chief law enforcement officer shall contact the state in which the person was convicted or adjudicated guilty except insane or not guilty by reason of insanity and shall obtain information regarding the person. After reviewing the information received and any other information available, the local law enforcement agency shall complete the risk assessment, shall categorize the person, shall place the person into a notification level and shall enter the information into the computer system. If the law enforcement agency is unable to obtain sufficient information to complete the sex offender community notification risk assessment, the agency shall categorize the offender as a level two offender. Within forty-five days, the local law enforcement agency shall notify the community of the person's presence in the community pursuant to the guidelines prescribed by subsection C of this section. If the community does not have a chief law enforcement officer, the sheriff shall perform the duties of the local law enforcement agency.

F. On receiving notice pursuant to section 13-3822 that a person who is required to register has moved from the person's address, the chief law enforcement officer of the community to which the person has relocated may notify that community of the person's relocation to the community, pursuant to subsection D of this section. If the community does not have a local law enforcement agency, the sheriff of the county to which the person has relocated shall notify the community of the person's relocation.

G. In cooperation with the county probation department or the state department of corrections, a law enforcement agency may delegate all or part of the notification process for offenders on community supervision to the county probation department or to the state department of corrections, as appropriate.

H. Information concerning a person who is required to register pursuant to section 13-3821, who is subject to the provisions of community notification and who is a student at a public or private institution of postsecondary education or who is employed or carries on a vocation, with or without compensation, at a public or private institution of postsecondary education shall be promptly made available by the county sheriff to the law enforcement agency having jurisdiction for performing community notification pursuant to guidelines prescribed by subsection C of this section. The law enforcement agency shall notify the institution's administration and shall complete appropriate campus notification pursuant to guidelines prescribed by subsection C of this section.

I. This section does not prohibit law enforcement officers from giving a community notice of any circumstances or persons that pose a danger to the community under circumstances that are not provided for under this section.

J. Except as provided in subsection K of this section, this section applies to all persons who are subject to the registration requirements in section 13-3821 whether or not the person was convicted or adjudicated guilty except insane before or after June 1, 1996.

K. This section does not apply to persons who are subject to the registration requirements in section 13-3821 as a result of offenses adjudicated by a juvenile court unless ordered by the court.

L. Notwithstanding subsections B and D of this section, the agency that had custody or responsibility for supervision of an offender or the court that sentenced the offender who was convicted of or adjudicated guilty except insane for committing an offense that subjects the offender to the registration requirements of section 13-3821 and who committed the offense before June 1, 1996 may conduct a risk assessment for the offender as existing resources are available pursuant to guidelines prescribed by subsection C of this section. Community notification pursuant to this section and sex offender website notification pursuant to section 13-3827 shall only be conducted after the risk assessment is complete.

M. The court may continue, defer or terminate community notification after a hearing held pursuant to section 13-923.

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

A. The department of public safety shall establish and maintain an internet sex offender website for offenders whose risk assessment has been determined to be a level two or level three. The purpose of the internet sex offender website is to provide sex offender information to the public.

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

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

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

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

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

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

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

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

I. A person who provides or fails to provide information required by this section is not civilly or criminally liable unless the act or omission is wanton or wilful.

J. For the purpose of this section, "required online identifier" means any electronic e-mail address information or instant message, chat, social networking or other similar internet communication name, but does not include a social security number, date of birth or pin number.

13-3829. Criminal street gang and sex offender monitoring; qualified vendor; definition

A. The department of public safety may enter into a contract with a qualified vendor to provide a data monitoring and alert system for persons who are found to be either criminal street gang members pursuant to section 13-105 or persons who are required to register pursuant to section 13-3821.

B. The vendor shall monitor the movement and any change of residence or address of a criminal street gang member or registered sex offender through public records or other record information systems.

C. The vendor shall notify the department of public safety or a local law enforcement agency if a criminal street gang member or registered sex offender does any of the following:

1. Moves from another state to a residence or address in this state.

2. Moves from a residence or address in this state to a residence or address in another state.

3. Moves from a residence or address in this state to another residence or address in this state.

D. For the purposes of this section, "qualified vendor" means a vendor that is experienced in and capable of fulfilling the requirements of this section on a daily basis.