

STATUTORY REQUIREMENTS FOR SEX OFFENDERS

SEX OFFENDER REGISTRATION

- Pursuant to Arizona Revised Statutes (A.R.S.) § 13-3821, a person is required to register as a sex offender if they have been convicted of a violation or attempted violation of the following offenses:
 1. Unlawful imprisonment pursuant to § 13-1303 if the victim is under age 18 and the offense was not committed by the child's parent;
 2. Kidnapping pursuant to § 13-1304 if the victim is under age 18 and the offense was not committed by the child's parent;
 3. Sexual abuse pursuant to § 13-1404 if the victim is under age 18;
 4. Sexual conduct with a minor pursuant to § 13-1405;
 5. Sexual assault pursuant to § 13-1406;
 6. Sexual assault of a spouse if the offense was committed before the effective date of this amendment to this section;
 7. Molestation of a child pursuant to § 13-1410;
 8. Continuous sexual abuse of a child pursuant to § 13-1417;
 9. Taking a child for the purpose of prostitution pursuant to § 13-3206;
 10. Child prostitution pursuant to § 13-3212;
 11. Commercial sexual exploitation of a minor pursuant to § 13-3552;
 12. Sexual exploitation of a minor pursuant to § 13-3553;
 13. Luring a minor for sexual exploitation pursuant to § 13-3554;
 14. Sex trafficking of a minor pursuant to § 13-1307;
 15. Second or subsequent indecent exposure to person under age 15 pursuant to §13-1402(B);
 16. Second or subsequent public sexual indecency to person under age 15 pursuant to § 13-1403 (B);
 17. Third or subsequent indecent exposure pursuant to § 13-1402;
 18. Third or subsequent violation of public sexual indecency pursuant to § 13-1403; and
 19. Violation of § 13-3822 or § 13-3824.

- A person is also required to register if they have been convicted:
 - In another jurisdiction of an offense which, if committed in Arizona, would be a violation or attempted violation of an offense listed above.
 - Of an offense that was in effect before September 1, 1978, that if committed on or after September 1, 1978, has the same elements of an offense listed above.
 - Of an offense and who is required to register by the convicting jurisdiction.

- The judge may also require a person to register if they have been sentenced for an offense for which there was a finding of sexual motivation pursuant to A.R.S. § 13-118.

- Registration must occur within **10 days** after conviction or within 10 days of entering and remaining in any county of this state. Registration must occur with the sheriff of the county in which the person remains.

- A person who is not a resident of this state and who has been convicted or adjudicated delinquent and required to register in the convicting state for an act which requires registration in this state, shall be required to register if the person is either:
 - Employed full or part time in this state, with or without compensation, for more than 14 consecutive days or for an aggregate period of more than 30 days in a calendar year; or
 - Enrolled as a full or part time student in any school in this state for more than 14 consecutive days or for an aggregate period of more than 30 days in a calendar year.
- A person who is required to register and who: 1) is a student; 2) is employed (with or without compensation); or 3) 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 shall also notify the sheriff of each change in enrollment or employment status at the institution.
- 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.
- 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.

ANNUAL NONOPERATING IDENTIFICATION LICENSE OR A DRIVER'S LICENSE

- Upon initial registration and every year thereafter, the person shall obtain a nonoperating identification license or a driver license from the motor vehicle division of the department of transportation and shall carry a valid nonoperating identification license or a driver license. The license shall be valid for one year from date of issuance and the person shall submit to the department of transportation proof of address. A person who fails to comply is guilty of a class 1 misdemeanor 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.

NOTICE OF MOVING FROM PLACE OF RESIDENCE, CHANGE OF NAME OR ELECTRONIC INFORMATION

- Pursuant to A.R.S. § 13-3822, within 72 hours, excluding weekends and legal holidays, after moving from the person's residence or address within a county or after changing the person's name, a person required to register shall inform the sheriff in person and in writing of the new residence, address or new name.

- If a person moves to a location which is not a residence and the person receives mail at a post office box, the person shall notify the sheriff of the post office box's location and number.
- Within 72 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 they moved.
- A person who is required to register pursuant to Arizona Revised Statutes § 13-3822, 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.
- For the purpose of this section:
 - "Address" means the location at which the person receives mail.
 - "Residence" means the person's dwelling place, whether permanent or temporary.

COMMUNITY NOTIFICATION

- Pursuant to A.R.S. § 13-3825, within 72 hours after a person who was convicted is sentenced to probation without jail time, or is accepted under the interstate compact for the supervision of parolees and probationers and has arrived in this state, the agency that is providing supervision or has accepted supervision, shall provide all of the following to the department of public safety by entering all of the following information into the sex offender profile and notification data base:
 1. Offender's identifying information;
 2. Risk assessment of offender; and
 3. Offender's date of release from confinement or, if sentenced to probation without jail time, the date the sentence is imposed.
- The department of public safety will forward the information received to the sheriff. The sheriff will forward the information to the chief law enforcement officer of the community in which the person resides. The local law enforcement agency will then categorize each offender and place them into a notification level.
- Within 45 days the local law enforcement agency will notify the community of the offender's presence in the community pursuant to guidelines established by the community notification guidelines committee.
- In cooperation with the county probation department, a law enforcement agency may delegate all or part of the notification process for offenders on community supervision to the county probation department.
- The following community notification guidelines have been established by the Community Notification Guidelines Committee pursuant to A.R.S. § 13-3826:

Level Two and Level Three: Notification shall be made to the surrounding neighborhood, area schools, appropriate community groups and prospective employers. Notification shall include a flyer with a photograph and exact address of the offender as well as a summary of the offender's status and criminal background. A press release and level 2 or level 3 flyer shall be given to the local electronic and print media. If a level 2 or level 3 offender fails to register or reregister and a warrant is issued, before the issuance of the warrant the law enforcement agency that requested the warrant shall assemble, print and distribute appropriate flyers of the offender.

Level One: The local law enforcement agency that is responsible for notification shall maintain information about the offender and may disseminate the information to other law enforcement agencies and may give notification to the people with whom the offender resides. If a level one offender fails to register or reregister and a warrant is issued, before the issuance of the warrant the law enforcement agency that requested the warrant may assemble, print and distribute appropriate flyers of the offender.

- The agency that had custody or responsibility for supervision of an offender or the court that sentenced the offender who was convicted of committing an offense that subjects the offender to the registration requirements of A.R.S. § 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 adopted by the community notification guidelines committee.

INTERNET SEX OFFENDER WEB SITE

- Pursuant to A.R.S. § 13-3827, the Department of Public Safety shall establish and maintain an internet sex offender web site for offenders whose risk assessment has been determined to be a level two or level three. The internet sex offender web site shall include:
 1. Offender's name, address and age;
 2. Current photograph; and
 3. Offense committed and notification level.
- Pursuant to A.R.S. § 13-3827, 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 is not publicly connected to the name, address and photograph of a registered sex offender on the website,
 - Shall annually verify the addresses of all sex offender registration records contained within the Arizona criminal justice information system.

PERIODS OF PROBATION

- Pursuant to A.R.S. § 13-902, after conviction of a felony offense or an attempt to commit any offense that is included in chapter 14 or 35.1 of this title or § 13-2308.01, 13-2923 or 13-3623, if probation is available, probation may continue for a term not less than the term that is specified in subsection A of this section up to and including life and that the courts believes is appropriate for the ends of justice.
- After conviction of a violation of A.R.S. § 13-3824, subsection A, if a term of probation is imposed and the offense for which the person was required to register was a felony, probation may continue for a term not less than the term that is specified in subsection A of this section up to and including life and that the court believes is appropriate for the ends of justice.

RESIDENCE RESTRICTION (MARICOPA COUNTY*)

- An adult probation officer shall not approve the residence of a probationer, who is required to register, in any multifamily dwelling unless the number of registered probationers who reside is less than ten per cent of the number of dwelling units. Not more than one probationer classified as a level three offender (pursuant to A.R.S. §§ 13-3825 and 13-3826) shall reside in a multifamily dwelling. These provisions do not apply to any of the following:
 - A person placed on probation before the effective date of this section until that person changes residence;
 - A person who resides in a residential treatment facility or a person who participates in a supervised program that provides transitional services, including diagnostic evaluation, behavioral, medical, psychiatric, psychological and social service care;
 - A juvenile who resides with a parent or guardian;
 - A multifamily dwelling in an industrial or commercial zone.
- *This section applies only in counties with a population of more than two million five hundred thousand persons.

DNA TESTING

- Pursuant to Arizona Revised Statutes § 13-610, a person is required to submit a blood or other bodily substance sample for DNA testing if they have been convicted of the following offenses:
 1. A violation of or an attempt to violate any offense in chapter 11 of this title, any felony offense in chapter 14 or 35.1 of this title or § 13-1507, 13-1508, or 13-3608.
 2. Any offense for which a person is required to register pursuant to § 13-3821.
 3. Any offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury as provided in § 13-604.
 4. A violation of any felony offense in chapter 34 of this title.

5. Beginning on January 1, 2004, a violation of any felony offense.
 - A county probation department shall secure a blood or other bodily substance sample sufficient for DNA testing and extraction from the person who is convicted of one of the above offenses within **30 days** of them being sentenced to a term of probation. The county probation department shall transmit the sample to the department of public safety.
 - Within **30 days** after the arrival of a person accepted for probation supervision under the Interstate Compact who has been convicted of one of the above offenses, a county probation department shall secure a blood or other bodily substance sample sufficient for DNA testing and extraction. The county probation department shall transmit the sample to the department of public safety.
 - If the conviction of a person subject to DNA testing is overturned on appeal or post-conviction relief and a final mandate has been issued, on petition of the person to the superior court in the county in which the conviction occurred, the court shall order that the person's DNA profile resulting from that conviction be expunged from the Arizona DNA identification system unless the person has been convicted of another offense requiring DNA testing.
 - If the conviction of a person subject to DNA testing is classified as a misdemeanor pursuant to A.R.S. §13-702, on petition of the person to the superior court in the county in which the conviction occurred, the court shall order that the person's DNA profile resulting from that conviction be expunged from the Arizona DNA identification system unless the person has been convicted of another offense requiring DNA testing.
 - A person convicted or adjudicated delinquent before the applicable date provided in A.R.S. §13-610 for any offense requiring DNA testing shall have a sample secured if the person is under the supervision of a probation department on the applicable date listed in subsection N of A.R.S. §13-610. The sample shall be secured within one hundred eighty days after the applicable date listed in subsection N.

GLOBAL POSITION SYSTEM

- Pursuant to A.R.S. §13-902(G) After conviction of a dangerous crime against children as defined in section 13-705, if a term of probation is imposed, the court shall require global position system monitoring for the duration of the term of probation. The court may impose a fee on the probationer to offset the cost of the monitoring device required by this subsection. The fee shall be deposited in the adult probation services fund pursuant to section 12-267, subsection A, paragraph 3. This requirement applies only to offenders who have been sentenced on or after November 1, 2006.
- In 2008, the legislature modified A.R.S. §12- 267 (C) and (G) and A.R.S. § 13-902 (G).
- A.R.S. §12-267 (C) provides “the state monies in the adult probation services fund, and probation fees collected pursuant to section 13-901 and section 13-902 subsection G, shall be used in accordance with guidelines established by the supreme court or the granting authority”.

- A.R.S. §12- 267 (G) provides “the administrative office of the courts shall periodically charge each local probation fees account an amount established annually by the supreme court to cover a proportional share of the cost of monitoring devices required pursuant section 13-902, subsection G, and consistent with the guidelines established to implement section 13-902, subsection G”.
- A.R.S. §13-902 (G) provides “after conviction of a dangerous crime against children as defined in section 13-604.01, if a term of probation is imposed, the court shall require global position system monitoring for the duration of the term of probation. The Court may impose a fee on the probationer to offset the cost of the monitoring device required by this subsection. The fee shall be deposited in the adult probation services fund pursuant to section 12-267 subsection A, paragraph 3”.
- Administrative Order No 2008-73 orders the Administrative Director of the Courts to adopt guidelines that are necessary to charge all local probation fees accounts one hundred percent of the cost of the GPS monitoring devices.
- On July 1, 2008, the GPS vendor contract was renewed and amended. A new additional unit, the Smart One Wearable Tracking Device (WMTD), was added to the Contract.
- In order to comply with legislature changes, Administrative Order No 2008-73 and implement the new Smart One Wearable Tracking Device (WMTD) the policies and procedures for statewide global position system monitoring program as adopted in Administrative Directive No 2007-02 were replaced through Administrative Directive No 2008-01 on September 16, 2008.
- The GPS policies and procedures adopted on September 16, 2008, were replaced on November 3, 2008, through Administrative Directive No 2008-02 to afford flexibility for probation departments dealing with offenders who cannot purchase or access a land line telephone by allowing them to place these offenders on a device that uses cell phone communication.
- On July 13, 2009, the governor signed legislation modifying A.R.S. § 13-902 (G).
- A.R.S. §13-902 (G) provides “after conviction of a dangerous crime against children as defined in section 13-705, if a term of probation is imposed, the person is required to register pursuant to section 13-3821 and the person is classified as a level three offender pursuant to sections 13-3825 and 13-3826, the court shall require global position system or electronic monitoring for the duration of the term of probation. The Court may impose a fee on the probationer to offset the cost of the monitoring device required by this subsection. The fee shall be deposited in the adult probation services fund pursuant to section 12-267 subsection A, paragraph 3. This subsection does not preclude global position system or electronic monitoring of any other person who is serving a term of probation”.

COMPLIANCE CHECKLIST

STATUTORY REQUIREMENTS

FOR SEX OFFENDERS

REQUIREMENT	A.R.S. CITE	DATE COMPLETED
Persons required by law to register as a sex offender shall do so within 10 days of conviction or within 10 days of entering and remaining in any county in Arizona.	§ 13-3821	
Upon initial registration and every year thereafter offender shall obtain nonoperating identification license or driver license from the motor vehicle division in the department of transportation.	§ 13-3821	
Within 72 hours, excluding weekends and legal holidays, after moving from the person's residence, or address within a county or changing the person's name or electronic information, a person required to register must inform the sheriff, in person and in writing, of new name, residence, or address.	§ 13-3822	
Within 72 hours after moving from a county where registered, person must notify sheriff of that county in writing.	§ 13-3822	
Within 72 hours after offender is sentenced to probation without jail time, provide DPS offender's identifying information, risk assessment, and date sentence imposed.	§ 13-3825	
Within 72 hours after acceptance of ISC supervision and arrival in Arizona, provide DPS offender's identifying information, risk assessment, and date of release from confinement or date sentence imposed.	§ 13-3825	
If notification process delegated to county probation department, offender categorized and placed into a notification level.	§ 13-3825	
Blood or other bodily substance sample for DNA testing secured from offender within 30 days of being sentenced to probation.	§ 13-610	
Blood or other bodily substance sample for DNA testing secured from offender accepted for ISC supervision within 30 days of their acceptance and arrival in Arizona.	§ 13-610	