

# Electronic Communications and Sex Offenders

This Act:

- requires a registered sex offender to provide their online identifier and the name of any website or Internet communication service where they use the identifier to a sheriff;
- requires an offender to confirm the identifier each year and to notify a sheriff in person or electronically of any changes to the identifier;
- mandates that a sheriff must forward any changes of an offender's required online identifier to the state department of public safety (DPS);
- requires the DPS must to update the offender's identifier in the DPS database and requires the sheriff and the DPS to complete their requirements within 3 days;
- directs the DPS to maintain a separate database and search function on the DPS sex offender website that contains the required online identifiers of any Level 2 or Level 3 sex offenders and the name of any website or Internet communication service where the required online identifiers are being used;
- allows the DPS to disseminate an offender's required online identifier and name of any corresponding website or Internet communication service to a business/organization that offers electronic communication services;
- enables a business/organization to use the identifier to compare with its information;
- requires the business/organization to notify the DPS when a comparison shows that the offender's required online identifier is being used on the business's/organization's system;
- prohibits the business/organization from further disseminating the information that the person is a registered sex offender; and
- defines an online identifier as any electronic email address information or instant message, chat, social networking or other similar Internet communication name that the sex offender uses, but does not include the sex offender's social security number, date of birth or PIN number.

Submitted as:

Arizona

[Chapter 84 of 2007](#)

Status: Enacted into law in 2007.

## Suggested State Legislation

(Title, enacting clause, etc.)

1           Section 1. [*Short Title.*] This Act shall be cited as “An Act Relating to Sex Offenders and  
2 Electronic Communication.”  
3

4           Section 2. [*People Required To Register; Procedure; Identification Card; Definitions.*]

5           A. A person who has been convicted of a violation or attempted violation of any of the  
6 following offenses or who has been convicted of an offense committed in another jurisdiction that  
7 if committed in this state would be a violation or attempted violation of any of the following  
8 offenses or an offense that was in effect before [September 1, 1978] and that, if committed on or  
9 after [September 1, 1978], has the same elements of an offense listed in this section or who is  
10 required to register by the convicting jurisdiction, within [ten days] after the conviction or within

11 [ten days] after entering and remaining in any county of this state, shall register with the sheriff of  
12 that county:

13 1. unlawful imprisonment pursuant to [insert citation] if the victim is under  
14 [eighteen] years of age and the unlawful imprisonment was not committed by the child's parent.

15 2. kidnapping pursuant to [insert citation] if the victim is under [eighteen] years of  
16 age and the kidnapping was not committed by the child's parent.

17 3. sexual abuse pursuant to [insert citation] if the victim is under [eighteen] years of  
18 age.

19 4. sexual conduct with a minor pursuant to [insert citation].

20 5. sexual assault pursuant to [insert citation].

21 6. sexual assault of a spouse if the offense was committed before [August 12,  
22 2005].

23 7. molestation of a child pursuant to [insert citation].

24 8. continuous sexual abuse of a child pursuant to [insert citation].

25 9. taking a child for the purpose of prostitution pursuant to [insert citation].

26 10. child prostitution pursuant to [insert citation].

27 11. commercial sexual exploitation of a minor pursuant to [insert citation].

28 12. sexual exploitation of a minor pursuant to [insert citation].

29 13. luring a minor for sexual exploitation pursuant to [insert citation].

30 14. sex trafficking of a minor pursuant to [insert citation].

31 15. a second or subsequent violation of indecent exposure to a person under  
32 [fifteen] years of age pursuant to [insert citation].

33 16. a second or subsequent violation of public sexual indecency to a minor under  
34 the age of [fifteen] years pursuant to [insert citation].

35 17. a third or subsequent violation of indecent exposure pursuant to [insert  
36 citation].

37 18. a third or subsequent violation of public sexual indecency pursuant to [insert  
38 citation].

39 19. a violation of [insert citation].

40 B. Before the person is released from confinement the [state department of corrections] in  
41 conjunction with the [department of public safety] and each county sheriff shall complete the  
42 registration of any person who was convicted of a violation of any offense listed under subsection  
43 A of this section. Within [three] days after the person's release from confinement, the [state  
44 department of corrections] shall forward the registered person's records to the [department of  
45 public safety] and to the sheriff of the county in which the registered person intends to reside.  
46 Registration pursuant to this subsection shall be consistent with subsection E of this section.

47 C. Notwithstanding subsection A of this section, the judge who sentences a defendant for  
48 any violation of [insert citation] or for an offense for which there was a finding of sexual  
49 motivation pursuant to [insert citation] may require the person who committed the offense to  
50 register pursuant to this section.

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

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

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

62 2. enrolled as a full-time or part-time student in any school in this state for more  
63 than [fourteen] consecutive days or for an aggregate period of more than [thirty] days in a calendar  
64 year. For the purposes of this paragraph, “school” means an educational institution of any  
65 description, public or private, wherever located in this state.

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

68 G. The court may order the termination of any duty to register under this section on  
69 successful completion of probation if the person was under [eighteen] years of age when the  
70 offense for which the person was convicted was committed.

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

87 I. On the person’s initial registration and every year after the person’s initial registration,  
88 the person shall confirm any required online identifier and the name of any website or Internet  
89 communication service where the identifier is being used. The person shall obtain a new non-  
90 operating identification license or a driver license from the [motor vehicle division in the  
91 department of transportation] and shall carry a valid non-operating identification license or a  
92 driver license. Notwithstanding [insert citation], the license is valid for [one] year from the date of  
93 issuance, and the person shall submit to the [department of transportation] proof of the person’s  
94 address and place of residence. The [motor vehicle division] shall annually update the person’s  
95 address and photograph and shall make a copy of the photograph available to the [department of  
96 public safety] or to any law enforcement agency. The [motor vehicle division] shall provide to the  
97 [department of public safety] daily address updates for people required to register pursuant to this  
98 section.

99 J. Except as provided in subsection E or K of this section, the [clerk of the superior court]  
100 in the county in which a person has been convicted of a violation of any offense listed under  
101 subsection A of this section or has been ordered to register pursuant to subsection C or D of this  
102 section shall notify the sheriff in that county of the conviction within [ten] days after entry of the  
103 judgment.

104 K. Within [ten] days after entry of judgment, a court not of record shall notify the arresting  
105 law enforcement agency of an offender's conviction of a violation of [insert citation]. Within [ten]  
106 days after receiving this information, the law enforcement agency shall determine if the offender is  
107 required to register pursuant to this section. If the law enforcement agency determines that the

108 offender is required to register, the law enforcement agency shall provide the information required  
109 by [insert citation] to the [department of public safety] and shall make community notification as  
110 required by law.

111 L. A person who is required to register pursuant to this section because of a conviction for  
112 the unlawful imprisonment of a minor or the kidnapping of a minor is required to register, absent  
113 additional or subsequent convictions, for a period of [ten] years from the date that the person is  
114 released from prison, jail, probation, community supervision or parole and the person has fulfilled  
115 all restitution obligations. Notwithstanding this subsection, a person who has a prior conviction for  
116 an offense for which registration is required pursuant to this section is required to register for life.

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

124 N. At the time of registering, the sheriff shall secure a sufficient sample of blood or other  
125 bodily substances for Deoxyribonucleic Acid testing and extraction from a person who has been  
126 convicted of an offense committed in another jurisdiction that if committed in this state would be a  
127 violation or attempted violation of any of the offenses listed in subsection A of this section or an  
128 offense that was in effect before [September 1, 1978] and that, if committed on or after  
129 [September 1, 1978], has the same elements of an offense listed in subsection A of this section or  
130 who is required to register by the convicting jurisdiction. The sheriff shall transmit the sample to  
131 the [department of public safety].

132 O. Any person required to register under subsection A of this section shall register their  
133 required online identifier and the name of any website or Internet communication service where  
134 the identifier is being used or intends to use the identifier with the sheriff from and after  
135 [December 31, 2007], regardless of whether the person was required to register an identifier at the  
136 time of their initial registration under this section.

137 P. For the purposes of this section:

- 138 1. "address" means the location at which the person receives mail.
- 139 2. "required online identifier" means any electronic email address information or  
140 instant message, chat, social networking or other similar internet communication name, but does  
141 not include Social Security Number, date of birth, or PIN number.
- 142 3. "residence" means the person's dwelling place, whether permanent or temporary.  
143

144 Section 3. *[Notice of Moving from Place of Residence or Change of Name or Electronic*  
145 *Information; Forwarding of Information; Definitions.]*

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

156 fingerprints and photograph of the person to the chief of police, if any, of the place to which the  
157 person has moved.

158 B. Within [seventy-two] hours after a person moves from a county in which the person is  
159 registered, the person shall notify in writing the sheriff of the county from which the person  
160 moves. If the person is subject to community notification requirements, the sheriff of the county  
161 from which the person moves shall advise the local law enforcement agency of the county to  
162 which the person moves of the move. If the person moves out of this state, the sheriff of the  
163 county from which the person moves shall advise the local law enforcement agency in the  
164 jurisdiction to which the person moves. The local law enforcement agency shall contact the  
165 [department of public safety] following [ten] days after being notified to determine if the person  
166 has reregistered. If the person has not reregistered, the local law enforcement agency shall notify  
167 the local law enforcement agency in the county in which the person last resided. Any law  
168 enforcement agency in the county in which the person last resided shall conduct an investigation  
169 and shall submit a report to the appropriate county attorney.

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

177 D. For the purposes of this section:

- 178 1. "address" means the location at which the person receives mail.
- 179 2. "required online identifier" means any electronic email address information or  
180 instant message, chat, social networking or other similar internet communication name, but does  
181 not include Social Security Number, date of birth, or PIN number.
- 182 3. "residence" means the person's dwelling place, whether permanent or temporary.  
183

#### 184 Section 4. [*Internet Sex Offender Website; Investigation of Records; Immunity.*]

185 A. The [department of public safety] shall establish and maintain an Internet Sex Offender  
186 Website for offenders whose risk assessment has been determined to be a [level two or level  
187 three]. The purpose of the Internet Sex Offender Website is to provide sex offender information to  
188 the public.

189 B. The Internet Sex Offender Website shall include the following information for each  
190 convicted sex offender in this state who is required to register pursuant to section 1 of this Act:

- 191 1. the offender's name, address and age.
- 192 2. a current photograph.
- 193 3. the offense committed and notification level pursuant to [insert citation], if a risk  
194 assessment has been completed pursuant to [insert citation].

195 C. The [department of public safety] shall [annually] update on the Website the name,  
196 address and photograph of each sex offender.

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

203 E. The [department of public safety] may disseminate a registered sex offender's required  
204 online identifier and the name of any corresponding website or Internet communication service to

205 a business or organization that offers electronic communication services for comparison with  
206 information that is held by the requesting business or organization. The requesting business or  
207 organization shall notify the [department of public safety] when a comparison of the information  
208 indicates that a registered sex offender's required online identifier is being used on the business's  
209 or organization's system. The requesting business or organization shall not further disseminate that  
210 the person is a registered sex offender.

211 F. The [motor vehicle division of the department of transportation] shall send copies of  
212 each sex offender's non-operating identification license or driver license photograph to the  
213 [department of public safety] for inclusion on the Internet Sex Offender Website.

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

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

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

231 J. For the purpose of this section "required online identifier" means any electronic email  
232 address information or instant message, chat, social networking or other similar Internet  
233 communication name, but does not include Social Security Number, date of birth, or PIN number.  
234

235 Section 5. [*Implementation.*] The [department of public safety] shall begin collection of  
236 online identifier information no later than [ninety] days after this Act is enacted. Penalties will not  
237 be imposed until [January 1, 2008], but sex offender registrants are encouraged to submit current  
238 online identity information before this date.  
239

240 Section 6. [*Severability.*] [Insert severability clause.]

241 Section 7. [*Repealer.*] [Insert repealer clause.]

242 Section 8. [*Effective Date.*] [Insert effective date.]  
243  
244