



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, Second Regular Session*

FACT SHEET FOR S.B. 1630

sex offender management working group

Purpose

Establishes a Sex Offender Management Working Group (Working Group). Modifies conditions a defendant must fulfill in order to successfully terminate the requirement to register as a sex offender.

Background

A defendant who is ordered or required to register as a sex offender and who successfully completes a term of probation may petition the court for termination of any duty to register. In order to terminate the duty to register, the defendant must prove all of the following: 1) the defendant is at least 35 years old at the time of filing and was under 22 years old at the time of the offense; 2) the victim was at least 15 years old; 3) the defendant is required to be registered due to a violation of sexual conduct with a minor and the conduct was consensual; 4) the defendant did not violate any of the sex offender terms of their probation; 5) the defendant has not committed another sexual offense for at least 10 years after the date they were sentenced; 6) a court has not determined that probable cause exists to believe the defendant is a sexually violent person; 7) the violation did not involve more than one victim; 8) the defendant was not sentenced to a term of imprisonment for the offense that required registration; 9) the defendant was not convicted of more than one offense involving more than one victim; and 10) the defendant was not convicted of specified sexual offenses ([A.R.S. § 13-3826](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

***Sex Offender Registration Termination***

1. Modifies the conditions that a person who is required to register as a sex offender must fulfill in order to terminate the requirement to register as follows:
  - a) removes the requirement that the defendant must have been under 22 years old at the time of the offense;
  - b) requires the victim to have been at least 14, rather than 15, years old at the time of the offense;
  - c) requires, if the offense involved a police officer posing as a minor, that no physical contact occurred;
  - d) removes the requirement that the defendant must not have violated any sex offender terms of the defendant's probation;
  - e) requires a person to have not reoffended for at least 10 years after the defendant was released into the community, rather than 10 years after they were sentenced;

- f) requires the defendant to have not been convicted of an offense or offenses involving more than one victim, rather than requiring the violation to not have involved more than one victim; and
  - g) removes the requirement that the defendant must not have been sentenced to a term of imprisonment for the offense.
2. Removes the ability for hearsay evidence to be introduced in a hearing for registration requirement termination.

*Sex Offender Management Working Group*

3. Establishes the Working Group consisting of 25 members who represent urban and rural areas of Arizona, who have expertise in adult and juvenile issues that relate to sex offenders and who are appointed as follows:
- a) the Chief Justice of the Supreme Court must appoint the following members, who may be active or retired and who have sufficient experience in the field:
    - i. one member who represents the judicial department;
    - ii. one member who is a superior court judge; and
    - iii. one member who is either a juvenile court judge or a juvenile hearing officer;
  - b) the Director of the Arizona Department of Corrections Rehabilitation and Reentry (ADCRR) must appoint one member who represents the ADCRR;
  - c) the Director of the Department of Economic Security (DES) must appoint the following members:
    - i. one member who represents DES and who has recognizable expertise in child welfare and case management;
    - ii. one member who is a provider of out-of-home placement services and who has recognizable expertise in providing services to juveniles who have committed sexual offenses; and one member who represents the Department of Child Safety;
  - d) the Director of the Department of Public Safety (DPS) must appoint the following members:
    - i. two members who are licensed mental health professionals and who have recognizable expertise in the treatment of adult sex offenders;
    - ii. two members who are licensed mental health professionals and who have recognizable expertise in the treatment of juveniles who have committed sexual offenses;
    - iii. one member who is a public defender and who has recognizable expertise related to sexual offenses;
    - iv. one member who represents law enforcement or probation and who has recognizable expertise in addressing sexual offenses and victimization;
    - v. three members who are recognized experts in the field of sexual abuse and who represent sexual abuse victims and victims' rights organizations;
    - vi. one public member;
    - vii. one member who is a clinical polygraph examiner;
    - viii. one member who is a criminal defense attorney and who has recognizable expertise related to sexual offenses;
    - ix. one member who is a county director of human or social services and who is appointed after consultation with a statewide group representing counties;
    - x. two members who are members of a county board of supervisors or who are members of the governing council for a jurisdiction that is a contiguous city and county, one of

- who represents an urban or suburban county and one of whom represents a rural county, and who are appointed after consultation with a statewide group representing counties; and
- xi. one member who represents the Highway Patrol Division in DPS;
  - e) the Director of the Arizona Prosecuting Attorneys' Advisory Council must appoint one member who represents the interests of prosecuting attorneys and who has recognizable expertise in prosecuting sexual offenses;
  - f) the Superintendent of Public Instruction must appoint one member who has experience with juveniles who have committed sexual offenses and who is in the public school system;
  - g) the Speaker of the House of Representatives must appoint one member of the House of Representatives who must serve as co-chairperson;
  - h) the President of the Senate must appoint one member of the Senate who must serve as co-chairperson; and
  - i) The Governor may appoint up to two additional members.
4. Allows the Speaker of the House of Representatives to appoint up to two additional members of the House of Representatives to the Working Group.
  5. Allows the President of the Senate to appoint up to two additional members of the Senate to the Working Group.
  6. Stipulates that appointed members serve at the pleasure of the appointing authority for a term of four years.
  7. Stipulates that Working Group members are not eligible to receive compensation but are eligible for reimbursement of expenses.
  8. Requires the Working Group to do all of the following and present its recommendations, as applicable, to the Legislature:
    - a) develop, prescribe and revise, as appropriate, standard procedures to evaluate and identify adult sex offenders, including adult sex offenders with developmental disabilities that must:
      - i. provide for evaluating and identifying adult sex offenders;
      - ii. recommend management, monitoring and treatment based on existing research; and
      - iii. incorporate the concepts of the risk-need-responsivity or another evidence-based correctional model;
    - b) develop a procedure for evaluating and identifying, on a case-by-case basis, reliably lower-risk sex offenders whose risk to sexually reoffend may not be further reduced by participation in an outlined treatment program;
    - c) develop and implement methods of intervention for adult sex offenders that prioritized the physical and psychological safety of victims and potential victims and, if the methods do not reduce the safety of victims and potential victims, the methods must also appropriate to the assessed needs of the particular adult sex offender;
    - d) develop, implement and revise, as appropriate, guidelines and standards to treat adult sex offenders, including adult sex offenders with intellectual and developmental disabilities;
    - e) establish a sub working group to make recommendations to the Working Group on revising the outlined guidelines and standards;

- f) develop annual recommendations to allocate monies deposited in the state General Fund (state GF) that include recommendations that must be presented to the Legislature before the start of each legislative session regarding the coordination of spending monies from the state GF with any moneys spent by ADCRR, DPS or the judicial department to identify, evaluate and treat adult sex offenders and juveniles who have committed sexual offenses;
  - g) consult on and propose revisions to the legislature, as necessary, to the sex offender community notification risk assessment;
  - h) research, either through direct evaluation or through a review of relevant research articles and sex offender treatment empirical data, and analyze, through a comprehensive review of evidence-based practices, the effectiveness of the evaluation, identification and treatment policies and procedures for outlined adult sex offenders;
  - i) develop, in collaboration with ADCRR, the Judicial Department and the Board of Executive Clemency, proposed criteria and make recommendations, as appropriate, for measuring an adult sex offender's progress in treatment;
  - j) make recommendations, in collaboration with ADCRR, the Judicial Department and the Board of Executive Clemency, for the establishment of standards for community entities that provide supervision and treatment specifically designed for adult sex offenders who have developmental disabilities;
  - k) research, analyze and make recommendations that reflect best practices for living arrangements for and the location of adult sex offenders within the community, including shared living arrangements;
  - l) develop and make recommendations for revision, as appropriate, of recommended standard procedures to evaluate juveniles who have committed sexual offenses, including juveniles with developmental disabilities and requires the recommended procedures to:
    - i. provide for evaluating juvenile offenders;
    - ii. recommend behavior management, monitoring, treatment and compliance; and
    - iii. incorporate the concepts of the risk-need-responsivity or another evidence-based correctional model based on the knowledge that all unlawful sexual behavior poses a risk to the community and that certain juveniles may have the capacity to change their behavior with appropriate intervention and treatment;
  - m) develop, implement and revise, as appropriate, guidelines and standards to treat juveniles with intellectual and developmental disabilities who have committed sexual offenses;
  - n) establish a sub working group to make recommendations to the Working Group on revising the guidelines and standards relating to the treatment of juveniles with intellectual and developmental disabilities who have committed sexual offenses;
  - o) research and analyze the effectiveness of the evaluation, identification and treatment procedures developed for the treatment of juveniles with intellectual and developmental disabilities who have committed sexual offenses; and
  - p) develop and revise, in collaboration with law enforcement agencies in Arizona, victim advocacy organizations, the Department of Education and DPS, for use by school's educational materials regarding general information about adult sex offenders and juveniles who have committed sexual offenses, safety concerns related to the offenders and other relevant materials.
9. Requires the outlined recommended guidelines and standards relating to the treatment of adult sex offenders, including adult sex offenders with intellectual and developmental disabilities to

incorporate the concepts of the risk-need-responsivity or another evidence-based correctional model.

10. Allows the outlined guidelines and standards relating to the treatment of adult sex offenders, including adult sex offenders with intellectual and developmental disabilities to be used in the treatment of adult sex offenders who are placed on probation, imprisoned in ADCRR or placed on community supervision.
11. Requires programs recommended to be implemented pursuant to the outlined guidelines and standards relating to the treatment of adult sex offenders, including adult sex offenders with intellectual and developmental disabilities to;
  - a) be as flexible as possible so that the programs may be accessed by each adult sex offender to prevent the adult sex offender from harming victims and potential victims;
  - b) include a continuing monitoring process and continuum of treatment options that are available to an adult sex offender as the adult sex offender proceeds through the criminal justice system; and
  - c) to the extent possible, be accessible to all adult sex offenders in the criminal justice system, including those adult sex offenders with behavioral, mental health and co-occurring disorders.
12. Requires that the outlined treatment options relating to the treatment of adult sex offenders, including adult sex offenders with intellectual and developmental disabilities be determined by a current risk assessment and evaluation and may include group counseling, individual counseling, family counseling, outpatient treatment, inpatient treatment, shared living arrangements or treatment in therapeutic community.
13. Requires at least 80 percent of the members of the sub working group to be approved treatment providers including on polygraph examiner.
14. Requires the Working Group to consider research on adult sex offender risk assessment and to consider as one element, the risk posed by an adult sex offender who suffers from psychopathy or a personality disorder that makes the person more likely to engage in sexually violent predator offenses.
15. Requires the outlined research to specifically including reviewing and researching recidivism and factors that contribute to recidivism for adult sex offenders, the effective use of cognitive behavioral therapy to prevent recidivism, the use of polygraphs in treatment and the containment model for adult sex offender management and treatment and its effective application.
16. Requires the Working Group to advise the Legislature regarding revision of the guidelines and standards for evaluation, identification and treatment, as appropriate, based on the results of the working group's research and analysis.
17. Requires the Working Group to develop and recommend a system to implement the outlined guidelines and standards.
18. Requires the outlined recommended criteria relating to the measuring an adult sex offender's progress in treatment to assist the court and the Board of Executive Clemency in determining

whether an adult sex offender may appropriately be released from incarceration, whether the adult sex offender's level of supervision may be reduced or whether the adult sex offender may appropriately be discharged from probation or parole.

19. Requires, at a minimum, the outlined recommended criteria relating to the measuring an adult sex offender's progress in treatment, to be designed to assist the court and the Board of Executive Clemency in determining whether the adult sex offender could be appropriately supervised in the community if the offender were released from incarceration, released to a reduced level of supervision or discharged from probation or parole.
20. Requires, at a minimum, the outlined recommendations relating to the to the supervision and treatment of adult sex offenders who have developmental disabilities, the recommended standards determine whether an entity would provide adequate support and supervision to minimize any threat that the adult sex offender may pose to the community.
21. Requires the Working Group, at a minimum, to consider the safety issues raised by the location of adult sex offender residences, especially in proximity to public or private schools and childcare facilities, and public notification of the location of adult sex offender residences.
22. Requires the Working Group to make recommendations for the adoption and revision, as appropriate, of the guidelines as it deems appropriate regarding the living arrangements for an location of adult sex offenders and adult sex offender housing.
23. Requires the Working Group to develop and make recommendations for the implementation of methods of intervention for juveniles who have committed sexual offenses.
24. Requires the outlined methods of intervention for juveniles who have committed sexual offenses, to have as a priority the physical and psychological safety of victims and potential victims and, if the methods do not reduce the safety of victims and potential victims, the methods must also be appropriate to the needs of the particular juvenile offender.
25. Requires the outlined guidelines and standards relating to the treatment of juveniles who have committed sexual offenses to incorporate the concepts of the risk-need-responsivity or another evidence-based correctional model.
26. Allows the outlined guidelines and standards relating to the treatment of juveniles who have committed sexual offenses to be used for juvenile offenders who are placed on probation or placed under the jurisdiction of the Department of Juvenile Corrections.
27. Requires programs recommended to be implemented pursuant to the outlined guidelines and standards relating to the treatment of juveniles who have committed sexual offenses to:
  - a) be as flexible as possible so that the programs may be accessed by each juvenile offender to prevent the juvenile from harming victims and potential victims;
  - b) include a continuing monitoring process and a continuum of treatment options that are available to a juvenile offender as the juvenile proceeds through the juvenile justice system; and
  - c) be accessible, to the extent possible, to all juveniles who have committed sexual offenses and who are in the juvenile justice system, including juveniles with behavioral, mental health or co-occurring disorders.

28. Requires the outlined treatment options to include group counseling, individual counseling, family counseling, outpatient treatment, inpatient treatment, shared living arrangements and treatment in a therapeutic community.
29. Requires at least 80 percent of the members of the sub working group relating to the treatment of juveniles with intellectual and developmental disabilities who have committed sexual offenses to be approved treatment providers including one polygraph examiner.
30. Requires the Working Group to make recommendations for the revision of the guidelines and standards relating to the treatment of juveniles with intellectual and developmental disabilities who have committed sexual offenses for evaluation, identification and treatment, as appropriate, based on the results of the Working Group's research and analysis.
31. Requires the Working Group to also develop and prescribe a system to implement the guidelines and standards relating to the treatment of juveniles with intellectual and developmental disabilities who have committed sexual offenses.
32. Requires the Working Group to provide the outlined materials to the Department of Education, and requires the Department of Education to make the materials available to schools in Arizona.
33. Allows the Working Group, if sufficient monies are appropriated to DPS, to request that individuals or entities that provide evaluation, treatment or polygraph services specifically to sex offenders that conform with the outlined standards developed by the working group to the Working Group data and information as determined by the Working Group.
34. Allows the Working Group to use the outlined data and information to evaluate the effectiveness of the guidelines and standards for the following:
  - a) to evaluate the effectiveness of individuals or entities that provide evaluation, treatment or polygraph services specifically to sex offenders; and
  - b) for any other purpose.
35. Stipulates that the Working Group does not have any rulemaking or spending authority.
36. Allows the Speaker of the House and the President of the Senate, on request of a co-chairperson to:
  - a) make space available for the working group to meet; or
  - b) supply the working group with legislative staff or resources.
37. Requires the Attorney General, each county attorney and every agency and political subdivision of Arizona to supply a co-chairperson, on request with such assistance and information as is reasonably necessary to effectuate the purposes of the Working Group.
38. Requires the Working Group to adopt recommendation by majority vote, and stipulates that the recommendations to be voted on are subject to the discretion of the co-chairpersons, who must both approve a recommendation that is to be voted on.
39. Repeals the Working Group on January 1, 2034.

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40. Becomes effective on the general effective date.

Prepared by Senate Research

February 13, 2024

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