



Fifty-first Legislature - Second Regular Session

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PREFILED DEC 30 2013

REFERENCE TITLE: **animal abuser registration; registry**

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1037

Introduced by
Senator Farley; Representative Sherwood

AN ACT

AMENDING TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-2910.10; RELATING TO ANIMAL ABUSER REGISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 13, chapter 29, Arizona Revised Statutes, is amended by adding section 13-2910.10, to read:

13-2910.10. Animal abuser registration; central animal abuser registry; animal abuser registration fund; violation; classification; definitions

A. A PERSON WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND WHO HAS BEEN CONVICTED OF A VIOLATION OR ATTEMPTED VIOLATION OF ANY OF THE FOLLOWING OFFENSES OR WHO HAS BEEN CONVICTED OF 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 WHO IS REQUIRED TO REGISTER BY THE CONVICTING JURISDICTION, WITHIN TEN DAYS AFTER THE CONVICTION OR WITHIN TEN DAYS AFTER ENTERING AND REMAINING IN ANY COUNTY OF THIS STATE, SHALL REGISTER WITH THE SHERIFF OF THAT COUNTY:

1. BEASTIALITY PURSUANT TO SECTION 13-1411.
2. CRUELTY TO ANIMALS PURSUANT TO SECTION 13-2910.
3. ANIMAL FIGHTING PURSUANT TO SECTION 13-2910.01.
4. PRESENCE AT ANIMAL FIGHT PURSUANT TO SECTION 13-2910.02.
5. COCKFIGHTING PURSUANT TO SECTION 13-2910.03.
6. PRESENCE AT COCKFIGHT PURSUANT TO SECTION 13-2910.04.
7. EQUINE TRIPPING PURSUANT TO SECTION 13-2910.09.

B. BEFORE A PERSON IS RELEASED FROM CONFINEMENT THE STATE DEPARTMENT OF CORRECTIONS OR THE COUNTY SHERIFF IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC SAFETY AND EACH COUNTY SHERIFF SHALL COMPLETE THE REGISTRATION OF ANY PERSON WHO WAS CONVICTED OF 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 C OF THIS SECTION.

C. A PERSON WHO HAS BEEN CONVICTED IN ANOTHER JURISDICTION AND WHO IS REQUIRED TO REGISTER IN THE CONVICTING STATE FOR AN ACT THAT WOULD CONSTITUTE AN OFFENSE SPECIFIED IN SUBSECTION A 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.

D. 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 AND THE PERSON'S PLACE OF EMPLOYMENT. 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. 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 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.

E. ON THE FIRST CONVICTION OF A VIOLATION LISTED IN SUBSECTION A OF THIS SECTION, A PERSON SHALL REGISTER PURSUANT TO THIS SECTION FOR ONE YEAR. ON THE PERSON'S SECOND OR SUBSEQUENT CONVICTION OF A VIOLATION OF THIS SECTION, THE PERSON SHALL RENEW THE PERSON'S REGISTRATION WITH THE SHERIFF EACH YEAR FOR LIFE AFTER THE PERSON'S INITIAL REGISTRATION.

F. EXCEPT AS PROVIDED IN SUBSECTION C OR G OF THIS SECTION, THE CLERK OF THE SUPERIOR COURT IN THE COUNTY IN WHICH A PERSON HAS BEEN CONVICTED OF A VIOLATION OF ANY OFFENSE LISTED UNDER SUBSECTION A OF THIS SECTION SHALL NOTIFY THE SHERIFF IN THAT COUNTY OF THE CONVICTION WITHIN TEN DAYS AFTER ENTRY OF THE JUDGMENT.

G. WITHIN TEN DAYS AFTER ENTRY OF JUDGMENT, A COURT NOT OF RECORD SHALL NOTIFY THE ARRESTING LAW ENFORCEMENT AGENCY OF AN OFFENDER'S CONVICTION FOR A VIOLATION OF AN OFFENSE LISTED IN SUBSECTION A OF THIS SECTION. 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 THIS SECTION TO THE DEPARTMENT OF PUBLIC SAFETY AND THE SHERIFF IN THAT COUNTY.

H. THE DEPARTMENT OF PUBLIC SAFETY SHALL MAINTAIN A CENTRAL ANIMAL ABUSER REGISTRY THAT CONTAINS THE NAMES AND REGISTRATION INFORMATION OF EVERY PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO THIS SECTION. THE DEPARTMENT OF PUBLIC SAFETY SHALL MAKE THE ANIMAL ABUSER REGISTRY AVAILABLE ON ITS WEBSITE AND SHALL PROMPTLY ANSWER ANY WRITTEN, TELEPHONE AND IN-PERSON REQUESTS TO SEARCH THE ANIMAL ABUSER REGISTRY. THE REGISTRY SHALL BE SEARCHABLE BY NAME AND LOCATION. THE ANIMAL ABUSER'S INFORMATION SHALL REMAIN IN THE REGISTRY FOR AS LONG AS THE PERSON IS REQUIRED TO REGISTER.

I. THE ANIMAL ABUSER REGISTRATION FUND IS ESTABLISHED IN THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF OFFSETTING THE COST OF THE ANIMAL ABUSER REGISTRY. THE FUND CONSISTS OF GRANTS, GIFTS, DEVICES AND DONATIONS FROM ANY PUBLIC OR PRIVATE SOURCE. THE DEPARTMENT OF PUBLIC SAFETY SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

J. A PERSON WHO IS SUBJECT TO REGISTRATION PURSUANT TO THIS SECTION AND WHO FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.

K. FOR THE PURPOSES OF THIS SECTION:

1. "ADDRESS" MEANS THE LOCATION AT WHICH THE PERSON RECEIVES MAIL.

2. "RESIDENCE" MEANS THE PERSON'S DWELLING PLACE, WHETHER PERMANENT OR TEMPORARY.