

- A. A defendant convicted of a violation of ARS 13-1405 may petition the court to terminate the defendant's obligation to register pursuant to that conviction, [after the defendant successfully completes a term of probation imposed] [after 5/7/10 years]. A copy of the petition shall be served on the attorney for the state. The petition must contain the defendant's avowal, under penalty of perjury, that none of the factors listed in subsection C below apply.
- B. Upon receipt of the petition the court shall set a hearing and provide notice to the State of the hearing in sufficient time to allow for notification to be made to the victim as otherwise required by law. The State shall bear the burden of establishing the existence of any one or more of the factors set forth in subsection C by a preponderance of the evidence. At the hearing any party may introduce any reliable, relevant evidence, including hearsay. At the hearing the court shall provide the defendant, the state and the victim the opportunity to be heard prior to ruling on the petition.
- C. The court shall not grant a petition if any of the following apply:
1. The defendant was more than 21 years of age at the time the offense was committed.
  2. The victim was less than 15 years of age at the time of the offense.
  3. The sexual conduct was not consensual.
  4. The defendant was at any time found to be in violation of any of the sex offender terms of probation.
  5. The defendant subsequently committed another felony offense or any criminal offense in title 13 chapters 14 or 35.
  6. A court has determined probable cause exists to believe the defendant is a sexually violent person pursuant to title 36 chapter 37, or a sexually violent person proceeding pursuant to title 36 chapter 37 is currently pending.
  7. The defendant had more than one victim.
  8. The defendant was sentenced to a term of incarceration in the department of corrections for the offense for which the defendant must register.
- D. Notwithstanding the foregoing, the court shall deny the petition if it determines doing so is in the best interests of justice or would tend to insure the safety of the public.
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#### **ALTERNATE VERSION:**

T. A defendant who is required to register pursuant to subsection A4 of this section may petition the court to terminate the defendant's obligation to register pursuant to this section, [after the defendant successfully completes a term of probation imposed] [after 5/7/10 years]. A copy of the petition shall be served on the attorney for the state. The petition must contain the defendant's avowal, under penalty of perjury, that none of the factors listed in subsection T2 of this section apply.

1. Upon receipt of the petition the court shall set a hearing and provide notice to the State of the hearing in sufficient time to allow for notification to be made to the victim as otherwise required by law. The State shall bear the burden of establishing the existence of any one or more of the factors set forth in subsection T2 of this section by a

preponderance of the evidence. At the hearing any party may introduce any reliable, relevant evidence, including hearsay. At the hearing the court shall provide the defendant, the state and the victim the opportunity to be heard prior to ruling on the petition.

2. The court shall not grant a petition if any of the following apply:
  - a. The defendant was more than 21 years of age at the time the offense was committed.
  - b. The victim was less than 15 years of age at the time of the offense.
  - c. The sexual conduct was not consensual.
  - d. The defendant was at any time found to be in violation of any of the sex offender terms of probation.
  - e. The defendant subsequently committed another felony offense or any criminal offense in title 13 chapters 14 or 35.
  - f. A court has determined probable cause exists to believe the defendant is a sexually violent person pursuant to title 36 chapter 37, or a sexually violent person proceeding pursuant to title 36 chapter 37 is currently pending.
  - g. The defendant had more than one victim.
  - h. The defendant was sentenced to a term of incarceration in the department of corrections for the offense for which the defendant must register.
  
3. Notwithstanding the foregoing, the court shall deny the petition if it determines doing so is in the best interests of justice or would tend to insure the safety of the public.