

ARIZONA SEX OFFENDER MANAGEMENT BOARD

BYLAWS



Arizona Department of Public Safety

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ARTICLE 1

NAME, AUTHORITY, PURPOSE AND DUTIES

1.1 NAME:

The official name of this public body is the Arizona Sex Offender Management Board.

1.2 AUTHORITY:

The Arizona Sex Offender Management Board (hereinafter “Board”) derives its existence and authority from Arizona Revised Statutes (hereinafter “A.R.S.”) § 13-3828, et seq.

1.3 PURPOSE AND DUTIES:

The purpose and duties of the Board are those delegated in A.R.S. § 13-3828, as well as other acts the Board believes are necessary to carry out these legislative duties. Consistent with A.R.S. § 13-3828, the Board serves as a multidisciplinary advisory body that reviews, researches, analyzes, develops, and recommends research-informed, evidence-based policies, procedures, guidelines, and standards for the evaluation, treatment, monitoring, and supervision of juvenile and adult persons who have committed sexual offenses, including those with intellectual and developmental disabilities and serious mental illness. The Board’s recommendations are intended to enhance community safety while prioritizing the physical and psychological safety of victims and potential victims. The Board also advises the legislature, and collaborates with state agencies to create consistent treatment guidelines, release conditions, supervision standards, and educational resources for schools and communities. Through this advisory framework, the Board fulfills its legislative mandate and strengthens the safety and well-being of Arizona communities.



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ARTICLE 2 MEMBERSHIP

2.1 MEMBERS:

The Board shall consist of appointed members as specified in A.R.S. § 13-3828(A).

2.2 TERM OF APPOINTMENT:

Initial members of the Board shall assign themselves by lot to terms of two, three, and four years. All subsequent members serve four-year terms of office.

2.3 NOMINATION AND APPOINTMENT:

New Board members will be appointed by the Appointing Authority as identified in A.R.S. § 13-3828(A).

2.4 COMPENSATION:

Board members are not eligible to receive compensation, but are eligible for reimbursement of expenses pursuant to A.R.S. Title 38, Chapter 4, Article 2.



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ARTICLE 3

CHAIR AND VICE CHAIR

3.1 APPOINTMENT OF THE CHAIR:

The members of the Board shall nominate and elect the Chair by a simple majority vote of a quorum of the Board. The Chair shall serve for a term of two years and may be reelected so long as their Board term has not expired. Elections of the Chair shall occur at a regularly scheduled meeting, each October of odd-numbered years. Any vacancy occurring in the Chair's position shall be filled by the Board as specified in this section, and the appointee shall fulfill the term remaining by the previous Chair.

3.2 DUTIES OF THE CHAIR:

The duties of the Chair shall include:

- A. Presiding over Board meetings;
- B. Signing appropriate documents and correspondence;
- C. Calling special meetings as necessary;
- D. Establishing subcommittees and appointing the initial chairs of subcommittees;
- E. Nomination of a Vice Chair; and
- F. Such other duties as designated by these bylaws and A.R.S. § 13-3828.

3.3 APPOINTMENT OF THE VICE CHAIR:

The Board Chair shall nominate, and the Board shall approve a Vice Chair by a simple majority vote of a quorum of the Board, who shall serve for a term of two years and who may be reelected so long as their Board term has not expired. Any vacancy occurring in the Vice Chair's position shall be filled by the Board as specified above in section 3.1, and the appointee shall fulfill the term remaining of the previous Vice Chair.

3.4 DUTIES OF THE VICE CHAIR:

Shall be the same as those of the Chair, when the Chair is absent or has a conflict of interest on any matter taken up by the Board. When the Vice Chair is serving in the role of Chair, this shall be documented in meeting minutes or audio recording.



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3.5 CONFLICT OF INTEREST:

If both the Chair and the Vice Chair have a conflict of interest on any matter taken up by the Board, the Chair shall designate another Board member to preside over the Board in that matter, after a simple majority vote of a quorum of the remaining members of the Board.

3.6 CHAIR AND VICE CHAIR ABSENCE:

If both the Chair and the Vice Chair are absent, the Board shall determine a presiding officer by a simple majority vote of a quorum of the remaining members of the Board.



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ARTICLE 4 MEETINGS

4.1 REGULAR MEETINGS:

The Board shall conduct regular meetings at least every other month, and more often as needed. Notice shall be supplied to Board members of the date, time, and location of the meeting at least seven (7) days in advance of the meeting.

4.2 SPECIAL MEETINGS:

Special meetings may be called by the Chair, or if no Chair is in office, the Vice Chair, on an as-needed basis with a minimum of three (3) working days' notice to Board members. A quorum of the Board must be present for a special meeting to proceed.

4.3 SUBCOMMITTEES:

Subcommittees of the Board shall be governed by Article 8 of these bylaws and the Open Meeting Law (A.R.S. § 38-431, *et. seq.*). Recommendations of subcommittees shall be ratified by a majority of a quorum of the Board members at a regular or special meeting.

4.4 ATTENDANCE:

Board members are expected to attend every regular meeting. In the event a Board member cannot attend, he or she shall notify Board staff in a timely manner, so as to facilitate a determination of whether quorum will be met.

4.5 AGENDA:

The conduct of business will be pursuant to an agenda prepared by the staff liaison with approval of the Chair. The agenda will be made a matter of record.

4.6 ADDITIONS TO AGENDA:

Any Board member may add an agenda item to a regular or special meeting of the Board by notifying the staff liaison at least seven (7) working days in advance of the meeting.



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4.7 OPEN MEETINGS:

All Board meetings (regular, special, and subcommittee) are subject to the Open Meeting Law (A.R.S. § 38-431, *et. seq.*). If held remotely, the Board shall ensure public access.



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ARTICLE 5

QUORUM

5.1 DEFINITION:

The minimum number of Board or subcommittee members required to be present so that the decisions and proceedings are valid. The calculation of a quorum includes vacant seats on the Board. Arizona statutes generally define a quorum as a majority of the members of a board or commission. A.R.S. § 1-216(B). In applying the Open Meeting Law, this definition applies in the absence of a more specific definition.

5.2 DETERMINATION OF A QUORUM:

If a quorum is not present at the scheduled time of the meeting, business may not be transacted. If following the declaration of a quorum, one or more appointed Board or subcommittee members leave, no longer establishing a present majority, the quorum is lost.



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ARTICLE 6

VOTING AND DEVELOPMENT OF CONSENSUS

6.1 VOTING:

The Board and subcommittees will work to develop consensus on issues under consideration by the Board. If consensus is reached and no formal vote is taken, the consensus decision will be noted for the record. When consensus is not possible, a simple majority vote of a quorum of the Board or subcommittee members, on a motion, which has been seconded, shall be the official decision of the Board or subcommittees. All votes of the Board and subcommittees will be recorded in meeting minutes or audio recording, identifying how each individual member voted on each decision item, including abstentions. Board members abstaining from a vote does not impact the establishment of a quorum.

6.2 PROXY VOTES:

Board members may not vote by proxy.

6.3 CONFLICT OF INTEREST:

A Board member shall abstain from voting when it has been determined by the Board member or by a vote of the remaining Board members that they have a conflict of interest, or appearance of a conflict of interest, as set forth by Article 7 herein.

6.4 VOTE OF THE CHAIR:

The Chair shall vote on all motions before the Board, unless absent or a conflict of interest exists.



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ARTICLE 7:

ETHICS AND CONFLICT OF INTEREST

7.1 DEFINITION:

A “conflict of interest” exists when a member of the Board, or the member’s relative, has a substantial interest in any matter, decision, recommendation, or action of the Board. For purposes of these bylaws, a substantial interest means an interest that is financial or proprietary in nature, whether direct or indirect, and that is not speculative or remote.

Conflicts of interest are governed by Arizona law, including A.R.S. §§ 38-501 through 38-511. These statutes define “substantial interest,” “remote interest,” and “relative,” and establish when disclosure and non-participation are required. In the event of any ambiguity or inconsistency between these bylaws and Arizona law, the statutory provisions shall control.

7.2 DECLARATION OF A CONFLICT OF INTEREST:

If a Board or appointed subcommittee member is unsure whether a conflict of interest exists, outreach shall be done to the Board or subcommittee Chair after review of the agenda prior to the meeting, or during the meeting. Any conflict identified during a regular, special, or subcommittee meeting of the Board will be recorded in meeting minutes or audio recording. The Board or appointed subcommittee member shall remove themselves from any discussion of a topic if a conflict of interest is declared and shall not vote on any motion involving that topic.

7.3 PROHIBITIONS:

No Board or appointed subcommittee member shall accept any stipend, fee, gratuity, or other compensation of any kind or nature from any person, unit, agency, or organization for the purpose of influencing a vote, decision, or recommendations of a Board or appointed subcommittee member or staff member on a matter before the Board or subcommittee.



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7.4 CODE OF CONDUCT:

Board members shall conduct themselves in a professional manner and treat public and fellow Board members with dignity and respect, regardless of age, race, gender, ethnicity, religion, sexual orientation, or any other identifying class.



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ARTICLE 8 SUBCOMMITTEES

8.1 APPLICABILITY OF BYLAWS TO SUBCOMMITTEES:

To the extent applicable, and unless specifically noted, the bylaws of the Board extend to the operations of each subcommittee.

8.2 SUBCOMMITTEE DEFINED:

A permanent sub-group of the Board formed pursuant to A.R.S. § 13-3828.

8.3 CHAIR OF SUBCOMMITTEES:

Each subcommittee shall have a designated Chair. The Chair of the Board will appoint the initial Chair of each subcommittee for a term of two years. Following the initial term of the subcommittee Chair, subcommittee members may either re-elect the Chair of the subcommittee for subsequent terms, or elect a new Chair for subsequent terms. The appointed Chair of a subcommittee must be a currently appointed Board member.

8.4 APPOINTED MEMBERS OF SUBCOMMITTEES:

The Chair of the Board shall appoint subcommittee members pursuant to A.R.S. § 13-3828.

8.5 REPORT TO THE BOARD:

Reports to the Board on activities from standing subcommittees shall be made in accordance with A.R.S. § 13-3828.

8.6 ADVISORY NATURE OF SUBCOMMITTEES:

In accordance with A.R.S. § 13-3828, each subcommittee is advisory to the Board.



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ARTICLE 9

DEPARTMENT OF PUBLIC SAFETY STAFF LIAISON

9.1 PROVISION OF STAFF LIAISON SERVICES:

Within the fiscal resources available, the Arizona Department of Public Safety (AZ DPS) shall provide the staff liaison to the Board, designated by the AZ DPS Director.

9.2 DUTIES AND RESPONSIBILITIES:

In addition to other assigned duties, it shall be the duty of the staff liaison or designee to attend all regular and special meetings of the Board and assigned subcommittee meetings, provide administrative staff functions for the Board, and coordinate with the Chair, other Board members, and members of the public on behalf of the Board.



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ARTICLE 10

CONSULTATION TO THE BOARD

10.1 USE OF CONSULTANTS AND TRAINERS:

In recognition of the complexity of the fields of sex offender treatment and management, the Board or any subcommittee of the Board, with the permission of the Chair, may consult with experts to supplement the expertise of the Board and to assist in making informed decisions, to present to the Board, and testify upon request.

10.2 INPUT FROM NON-BOARD MEMBERS:

The Board may also request or receive expertise and input from non-Board members on matters of general standards development, research, or implementation of its mandates.



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ARTICLE 11

ROBERT'S RULES OF ORDER

11.1 PARLIAMENTARY MATTERS:

All matters not covered by the bylaws, or policies and procedures that have been approved by the Board, shall be governed by the most recently published version of Robert's Rules of Order.



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ARTICLE 12

AMENDMENT OF BYLAWS

12.1 PROCESS TO AMEND BYLAWS:

These bylaws may be amended at any regular or special meeting of the Board by a two-thirds (2/3) majority vote of the seated Board, after a proposed amendment has received one (1) reading at a regular meeting. Proposed amendments shall be distributed to Board members at least thirty (30) days preceding the meeting at which the vote for modification will take place. Adopted amendments take effect immediately upon passage, unless otherwise specified in the motion for amendment.