

**NOTICE OF PUBLIC MEETING
ARIZONA SEX OFFENDER MANAGEMENT BOARD
ADULT GUIDELINES AND STANDARDS SUBCOMMITTEE**

Pursuant to Arizona Revised Statutes (A.R.S.) § 38-431.02, notice is hereby given to the members of the **Arizona Sex Offender Management Adult Guidelines and Standards Subcommittee** (the “Subcommittee”) and to the general public that the Subcommittee will hold a meeting, open to the public, on **June 10, 2026**.

The **June 10, 2026** Subcommittee meeting will be a virtual, online access meeting. This means that the public has the opportunity to participate virtually. Information on how the public may participate is outlined below.

Please note the location of the **June 10, 2026** Subcommittee meeting:

Wednesday, June 10, 2026 · 1:00 p.m. – 2:30 p.m.

Virtual Meeting Access: Microsoft Teams meeting : [Join](#)

<https://teams.microsoft.com/meet/224952149223520?p=zfRFneBRKGW8LRxk3S>

Meeting ID: 224 952 149 223 520

Passcode: vW2y49bt

Dial in by phone: [+1 480-536-7328,,10372960#](tel:+1480536732810372960)

Phone conference ID: 103 729 60#

A copy of the meeting agenda is attached. The Subcommittee reserves the right to change the order of items on the agenda.

Pursuant to A.R.S. § 38-431.02(H), the Subcommittee may discuss and take action concerning any matter listed on the agenda.

Pursuant to A.R.S. § 38-431.03(A)(2), the Subcommittee may vote to convene in executive session, which will not be open to the public, for discussion or consideration of records exempt by law from public inspection.

Pursuant to A.R.S. § 38-431.03(A)(3), the Subcommittee may vote to convene in executive session, which will not be open to the public, for legal consultation and advice concerning any item on the agenda.

Persons with a disability may request reasonable accommodation, such as a sign language interpreter, by contacting Ms. Ashlesha Naik at 602-223-2611 or via email at AZSOMB@AZDPS.GOV. Requests should be made as early as possible to allow time to arrange the accommodation(s).

DATED AND POSTED this 2nd Day of June 2026.

By *Jenna G. Mitchell*

Major Jenna G. Mitchell
AZSOMB Program Manager

**ARIZONA SEX OFFENDER MANAGEMENT BOARD
ADULT GUIDELINES AND STANDARDS SUBCOMMITTEE
Wednesday, June 10, 2026
Regular Session**

1:00 PM

ALL ITEMS ON THIS AGENDA ARE OPEN FOR DISCUSSION AND POSSIBLE ACTION, INCLUDING REPORTS AND ACTION ITEMS.

THE AGENDA AND BACKGROUND MATERIAL ARE PROVIDED TO BOARD MEMBERS ELECTRONICALLY (WITH THE EXCEPTION OF MATERIAL RELATING TO POSSIBLE EXECUTIVE SESSIONS) AND POSTED ON THE ARIZONA PUBLIC MEETING WEBSITE AT <https://publicmeetings.az.gov/>. ADDITIONALLY, A HARD COPY OF THE AGENDA IS AVAILABLE AT 2222 WEST ENCANTO BLVD., PHOENIX, AZ. PLEASE EMAIL AZSOMB@AZDPS.GOV TO INSPECT THE DOCUMENTS.

REMINDER: As required by Open Meeting Law, please refrain from engaging in conversations, texts, emails and other forms of communication with individual board members. All questions, comments, deliberations and decisions should be stated to the public body as a whole in open session.

1. ROLL CALL

2. MATTERS FOR DISCUSSION AND POSSIBLE ACTION

a. New Subcommittee Member

b. Old Business

i. Discussion of Adult Guiding Principles

ii. Discussion of the Proposal for Implementation of Standardized Pre-sentence Investigation and Sex Offender Specific Evaluation Protocol

iii. Discussion of Standards for the Adult Sex-Offense Specific Evaluations

c. Future Agenda Items

3. THE COMMITTEE MAY VOTE TO CONVENE AND ENTER INTO AN EXECUTIVE SESSION FOR ANY REASON AUTHORIZED BY A.R.S. § 38-431.03 including personnel matters, confidential records, legal advice, litigation, contract negotiations, employee salary discussions, and international or tribal negotiations. (To do so, the public body must first vote publicly to enter executive session, specifying the reason, and no legal action or final decisions can be made during the session. All motions and voting must be conducted after return to the public session.)

4. ADJOURNMENT

NEXT MEETING: July 29, 2026, 1 p.m. - 2:30 p.m.



BACKGROUND MATERIAL

AZSOMB ADULT GUIDELINES AND STANDARDS SUBCOMMITTEE

June 10, 2026

SUGGESTED CHANGES TO

PSI PROTOCOL PROPOSAL

PROVIDED BY

MS. KAROLYN KACZOROWSKI

Suggested changes to “Proposal for Implementation of Standardized Presentence Investigation and Sex Offense-Specific Evaluation Protocol”

First I would like to say that I believe that making recommendations for evaluating and treating sex offenders who are still in the criminal justice process is beyond the scope of our duties as outlined in A.R.S. §13-3828. Instead, as I read the statute, we should be focusing on the evaluation and treatment of offenders who are already subject to sex offender treatment. With that caveat, I make the following suggestions. As a former prosecutor, I have elaborated on the areas in which I felt I could contribute the most.

- Recognize that the Guiding Principles of the AZSOMB include respecting the rights, interests, and the impact of sexual offenses on victims and protecting the safety of the community, in addition to providing evaluation and treatment of sex offenders.
- Recognize the current availability of PSE providers and make recommendations to improve access
- Discuss current laws and Rules of Criminal Procedure to identify the impact and interplay our recommendations will have on them.
- Have different recommendations based upon how the PSE is intended to be used (to inform sentencing and/or treatment).
- Have different recommendations depending upon the sentencing options available to the Court
- Similar to “Guiding Principles”, recognize that all behavior needs to be addressed – not simply the behaviors of the offense for which the person has been conviction
- Identify current opportunities for treatment while incarcerated post-sentencing and make recommendations to improve
- Discuss what areas our recommendations would impact and how – probation departments, courts, DOC, Victims, prosecution and defense offices, etc.
- Clarify that these are ideal principles and are not to be used in court to challenge the sufficiency of services provided to sex offenders

Legal Considerations

1. Victims' Rights

- The Arizona Constitution recognizes a crime victim's right "[t]o a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence." Ariz. Const. art. 2, §2.1(10).
- The victim has the Right to Be Heard (by the Court) at Sentencing, Probation Revocation Dispositions, Modification of Probation proceedings that it involves contact or safety of victim, restitution, or incarceration, [and others not impacted by this Protocol] and the victim determines the form of the statement – oral, written, audio, video, digital, or in person. A.R.S. §§13-4424, 13-4426, 13-4426.01, 13-4427, and 13-4428; Ariz. R. Crim. Pro. Rules 1.3, 39(b)(7), and 39(c).
- The victim has the right to provide input to the probation department for the pre-sentence report. A.R.S. §13-4424.
- The victim of sexual offenses may obtain a lifetime injunction prohibiting contact from the defendant. A.R.S. §13-719.

2. Timelines

- Normally, sentencing must take place 15-30 days after determination of guilt. Ariz. R. Crim. P. Rule 26.3(a)(1)(A).
- While a defendant may waive speedy sentencing time, the Rules of Criminal Procedure outline how long that can be, and the victim still has a right to speedy sentencing.
 - The Sentencing date may be extended for up to 60 days for mitigation and/or aggravation hearing to take place. Ariz. R. Crim. P. Rules 26.3(b) and 26.7.
 - An additional 10 days may be granted to allow for further investigation. Ariz. R. Crim. P. Rule 26.7(c).
- This means that sentencing is required to take place within 70 days of the finding of guilt – either through a plea agreement or verdict at trial.
- It is unrealistic to believe that all PSEs will be able to comply with this deadline, especially if they have been mandated throughout the state on every conviction for a sexual offense.

3. Sentencing laws

- Dangerous Crimes Against Children – certain offenses committed against children under 15 years old – have their own mandatory sentencing scheme,

most of which require prison sentences ranging from five years to life imprisonment with no possibility of release for thirty-five years. A.R.S. §13-705. (See Attachment).

- Other sexual offenses have their own sentencing schemes which include mandatory incarceration. (See Attachment).
- Some offenses require imprisonment for repetitive offenses.

Use of PSEs for Mitigation

While I agree that the Court should have all available information at the time of sentencing, I find the argument that mandating PSEs for all offenses in order to inform the length of sentence unpersuasive for the following reasons:

1. Treatment is not a primary factor in determining the appropriate sentence.
 - The purposes of the Criminal Code are set out in A.R.S. §13-101. Treatment and rehabilitation of offenders are not one of those purposes. Punishment and prevention are, so arguably treatment could fall under prevention.
 - Arizona's sentencing scheme was created "to differentiate on reasonable grounds between serious and minor offenses and to prescribe proportionate penalties for each." Therefore, the sentencing ranges are set based upon the egregiousness of the crime for which the defendant is convicted. The most egregious crimes carry the highest sentences.
 - In setting the appropriate punishment within each range, the Court is required to take into consideration aggravating and mitigating circumstances, the latter of which includes circumstances "relevant to the defendant's character or background". As explained below, a PSE may be helpful in this regard, but there are already provisions in place for the court or the defendant to receive a PSE if it is felt by either that it would be beneficial.
 - Courts are required to weigh the aggravating circumstances against the mitigating circumstances. Often, in the most egregious offenses, the harm to the victim is great and weighs heavily in favor of at least the presumptive sentence. Remorse, age and mental capacity are sometimes mitigating factors that may reduce this.
 - Recidivism is not a consideration in sentencing. People are sentenced for crimes already committed, not the fear that they may reoffend.

- Information on a PSE is treated with skepticism because it is based primarily on self-reporting and information provided by family members supportive of the defendant. The objective tests that are completed generally go to predilections that are informative for treatment, but in the context of sentencing, they generally only harm defendants. It is sometimes helpful to have other mental health diagnoses explored.
2. PSEs are already an available option for sentencing.
 - The Court may already order an evaluation [which is due at the same time as the presentence report (2 days before sentencing)] if it feels the need for such an evaluation. Ariz. R. Crim. P. Rule 26.5.
 - The defendant may request an evaluation if s/he believes it will inform the Court of positive information. If this is the case, the defense attorney requests it, and the report is privileged under attorney work-product unless/until it is determined to be useful to the defendant.
 - The State is not permitted to request such an evaluation in a criminal case. Rule 15.2(a)(1). Because these Rules are promulgated by the Judicial Branch, we have to be mindful of Separation of Powers issues. Similarly, we must remember that probation departments are arms of the Court.
 3. The interests of the parties conflict with the idea of requiring a PSE pre-sentencing.
 - Reports created post-conviction but pre-sentencing are not permitted to be redacted by the defendant prior to disclosure to the state, thus mandating such an evaluation places the defendant in a position to either waive his/her Right to Remain Silent or refuse to participate in the evaluation. Furthermore, these reports are public record and must be furnished to the victim upon request. This further impacts the willingness of the defendant to fully and honestly participate in the evaluation. Rule 26.6.
 - Most criminal cases are resolved through the plea negotiation process. During this process, the State confers with the victim and defense counsel to determine a mutually-agreeable resolution. The Court's only role is to accept or reject the plea. For all involved, there are many factors that are taken into consideration, only one of which is the treatment of the defendant post-conviction. Paramount is compliance

with the Constitutions and laws of Arizona. For the State, represented by the prosecution, the best interests of the community and the needs of the victim are the next highest priorities. Justice mandates the prosecution take into account the individualized characteristics of the defendant when determining appropriate sentences when compared with other similarly-situated defendants; however, the State cannot generally obtain information on the defendant without his/her consent during this process. If the defendant has information that s/he believes would inform the plea offer, s/he readily provides it.

- A defendant convicted at trial has different concerns than a defendant who has already accepted responsibility through entering into a plea agreement - such as maintaining claims of innocence and appeal rights.

Given all of these factors, we need to assess whether a Protocol requiring a PSE prior to sentencing would even be useful in determining sentencing. In order to do that, we need to identify specific information that should be considered as mitigation – if any – and make recommendations as to how that information should be considered.

ATTACHMENT

Sentencing Requirements for Sexual Offenses Requiring a Term of Imprisonment

Statute(s)¹	Offense	Mandatory Prison Sentencing Range²	Flat time?
13-1406	Sexual Assault	5.25 – 14	yes
13-1406	Sexual Assault involving Serious Physical Injury	5.25 – 14; may receive a life sentence	yes
13-1428	Sexual Extortion, at least 15 yo ³	2 – 8.75	yes
13-3552	Commercial Sexual Exploitation of a Minor, 15-17 years old	13 – 27	yes
13-1405; 13-702	Sexual Conduct with a Minor, 15-17 yo; Offender in a Position of Trust	3 – 12.5	yes
13-3212(A)	Child Sex Trafficking, 15-17 yo	13 – 27	yes
13-3212(B)(2)	Child Sex Trafficking, 15-17 yo; Offender engages in prostitution s/he knows or shk the victim is 15-17 yo	7 – 21	yes
13-1214	Unlawful Mutilation, 15-17 yo	5.25 – 14	yes
13-3560; 13-702	Aggravated Luring a Minor for Sexual Exploitation, 15-17 yo	3 – 12.5	yes
13-3554	Luring a Minor for Sexual Exploitation, 15-17 yo	2 – 8.75	yes
13-1405	Sexual Conduct with a Minor, 12 and under, involving Serious Physical Injury	Natural life	yes
13-1406; 13-705(B)	Sexual Assault of a Minor, 12 and under; Offender at least 18 years old	Life, no possibility of release before 35 years	yes
13-1405; 13-705(B)	Sexual Conduct with a Minor, 12 and under; Offender at least 18 years old; excluding masturbatory contact	Life, no possibility of release before 35 years	yes
13-1405; 13-705(C)	Sexual Assault of a Minor, Under 12	13-27; may receive a life sentence	yes
13-1406; 13-705(E)	Sexual Assault of a Minor, 12-14 yo	13 – 27	yes
13-3203; 13-705(E)	Taking a Child for Prostitution	13 – 27	yes
13-3212; 13-705(E)	Child Sex Trafficking	13 – 27	yes

¹ All statutes are Arizona Revised Statutes – 2026; however, the statutes in effect at the time the offense is committed is the applicable statute.

² Length of time in years. For first-time offender. Longer sentences are required for repetitive offenses.

³ All ages refer to the age of the victim unless otherwise noted.

13-3552; 13-705(E)	Commercial Sexual Exploitation of a Minor	13 – 27	yes
13-1405; 13-705(E)	Sexual Conduct of a Minor, 12-14 yo	13 – 27	yes
13-1214; 13-705(F)	Unlawful Mutilation, under 15	10 – 24	yes
13-1410; 13-705(F)	Molestation of a Child	10 – 24	yes
13-3553; 13-705(F)	Sexual Exploitation of a Minor	10 – 24	yes
13-3560; 13-705(F)	Aggravated Luring of a Minor for Sexual Exploitation, under 15 yo	10 – 24	yes
13-3554; 13-705(G) ⁴	Luring a Minor for Sexual Exploitation, under 15 yo	5 – 15	yes
13-1428; 13-705(G) ⁴	Sexual Extortion, under 15 [note – this statute has been changed by HB 2666, effective later 2026]	5 – 15	yes
13-1417; 13-705(I)	Continuous Sexual Abuse of a Child	39 – 81	yes

⁴ Offenses listed in A.R.S. §13-705(G) are probation-eligible; however, recent changes to the defining statutes call that into question.