

PROPOSED

SENATE AMENDMENTS TO H.B. 2675

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section. 1. Section 41-1750, Arizona Revised Statutes, is amended
3 to read:

4 41-1750. Central state repository; department of public
5 safety; duties; funds; accounts; definitions

6 A. The department is responsible for the effective operation of the
7 central state repository in order to collect, store and disseminate
8 complete and accurate Arizona criminal history records and related
9 criminal justice information. The department shall:

10 1. Procure from all criminal justice agencies in this state
11 accurate and complete personal identification data, fingerprints, charges,
12 process control numbers and dispositions and such other information as may
13 be pertinent to all persons who have been charged with, arrested for,
14 convicted of or summoned to court as a criminal defendant for a felony
15 offense or an offense involving domestic violence as defined in section
16 13-3601 or a violation of title 13, chapter 14 or title 28, chapter 4.

17 2. Collect information concerning the number and nature of offenses
18 known to have been committed in this state and of the legal steps taken in
19 connection with these offenses, such other information that is useful in
20 the study of crime and in the administration of criminal justice and all
21 other information deemed necessary to operate the statewide uniform crime
22 reporting program and to cooperate with the federal government uniform
23 crime reporting program.

1 3. Collect information concerning criminal offenses that manifest
2 evidence of prejudice based on race, color, religion, national origin,
3 sexual orientation, gender, ANTI-SEMITISM or disability.

4 4. Cooperate with the central state repositories in other states
5 and with the appropriate agency of the federal government in the exchange
6 of information pertinent to violators of the law.

7 5. Ensure the rapid exchange of information concerning the
8 commission of crime and the detection of violators of the law among the
9 criminal justice agencies of other states and of the federal government.

10 6. Furnish assistance to peace officers throughout this state in
11 crime scene investigation for the detection of latent fingerprints and in
12 the comparison of latent fingerprints.

13 7. Conduct periodic operational audits of the central state
14 repository and of a representative sample of other agencies that
15 contribute records to or receive criminal justice information from the
16 central state repository or through the Arizona criminal justice
17 information system.

18 8. Establish and enforce the necessary physical and system
19 safeguards to ensure that the criminal justice information maintained and
20 disseminated by the central state repository or through the Arizona
21 criminal justice information system is appropriately protected from
22 unauthorized inquiry, modification, destruction or dissemination as
23 required by this section.

24 9. Aid and encourage coordination and cooperation among criminal
25 justice agencies through the statewide and interstate exchange of criminal
26 justice information.

27 10. Provide training and proficiency testing on the use of criminal
28 justice information to agencies receiving information from the central
29 state repository or through the Arizona criminal justice information
30 system.

31 11. Operate and maintain the Arizona automated fingerprint
32 identification system established by section 41-2411.

1 12. Provide criminal history record information to the
2 fingerprinting division for the purpose of screening applicants for
3 fingerprint clearance cards.

4 B. The director may establish guidelines for the submission and
5 retention of criminal justice information as deemed useful for the study
6 or prevention of crime and for the administration of criminal justice.

7 C. The chief officers of criminal justice agencies of this state or
8 its political subdivisions shall provide to the central state repository
9 fingerprints and information concerning personal identification data,
10 descriptions, crimes for which persons are arrested, process control
11 numbers and dispositions and such other information as may be pertinent to
12 all persons who have been charged with, arrested for, convicted of or
13 summoned to court as criminal defendants for felony offenses or offenses
14 involving domestic violence as defined in section 13-3601 or violations of
15 title 13, chapter 14 or title 28, chapter 4 that have occurred in this
16 state.

17 D. The chief officers of law enforcement agencies of this state or
18 its political subdivisions shall provide to the department such
19 information as necessary to operate the statewide uniform crime reporting
20 program and to cooperate with the federal government uniform crime
21 reporting program.

22 E. The chief officers of criminal justice agencies of this state or
23 its political subdivisions shall comply with the training and proficiency
24 testing guidelines as required by the department to comply with the
25 federal national crime information center mandates.

26 F. The chief officers of criminal justice agencies of this state or
27 its political subdivisions also shall provide to the department
28 information concerning crimes that manifest evidence of prejudice based on
29 race, color, religion, national origin, sexual orientation, gender,
30 **ANTI-SEMITISM** or disability.

31 G. The director shall authorize the exchange of criminal justice
32 information between the central state repository, or through the Arizona

1 criminal justice information system, whether directly or through any
2 intermediary, only as follows:

3 1. With criminal justice agencies of the federal government, Indian
4 tribes, this state or its political subdivisions and other states, on
5 request by the chief officers of such agencies or their designated
6 representatives, specifically for the purposes of the administration of
7 criminal justice and for evaluating the fitness of current and prospective
8 criminal justice employees. The department may conduct periodic state and
9 federal criminal history records checks for the purpose of updating the
10 status of current criminal justice employees or volunteers and may notify
11 the criminal justice agency of the results of the records check. The
12 department is authorized to submit fingerprints to the federal bureau of
13 investigation to be retained for the purpose of being searched by future
14 submissions to the federal bureau of investigation including latent
15 fingerprint searches.

16 2. With any noncriminal justice agency pursuant to a statute,
17 ordinance or executive order that specifically authorizes the noncriminal
18 justice agency to receive criminal history record information for the
19 purpose of evaluating the fitness of current or prospective licensees,
20 employees, contract employees or volunteers, on submission of the
21 subject's fingerprints and the prescribed fee. Each statute, ordinance,
22 or executive order that authorizes noncriminal justice agencies to receive
23 criminal history record information for these purposes shall identify the
24 specific categories of licensees, employees, contract employees or
25 volunteers, and shall require that fingerprints of the specified
26 individuals be submitted in conjunction with such requests for criminal
27 history record information. The department may conduct periodic state and
28 federal criminal history records checks for the purpose of updating the
29 status of current licensees, employees, contract employees or volunteers
30 and may notify the noncriminal justice agency of the results of the
31 records check. The department is authorized to submit fingerprints to the
32 federal bureau of investigation to be retained for the purpose of being

1 searched by future submissions to the federal bureau of investigation
2 including latent fingerprint searches.

3 3. With the board of fingerprinting for the purpose of conducting
4 good cause exceptions pursuant to section 41-619.55 and central registry
5 exceptions pursuant to section 41-619.57.

6 4. With any individual for any lawful purpose on submission of the
7 subject of record's fingerprints and the prescribed fee.

8 5. With the governor, if the governor elects to become actively
9 involved in the investigation of criminal activity or the administration
10 of criminal justice in accordance with the governor's constitutional duty
11 to ensure that the laws are faithfully executed or as needed to carry out
12 the other responsibilities of the governor's office.

13 6. With regional computer centers that maintain authorized
14 computer-to-computer interfaces with the department, that are criminal
15 justice agencies or under the management control of a criminal justice
16 agency and that are established by a statute, ordinance or executive order
17 to provide automated data processing services to criminal justice agencies
18 specifically for the purposes of the administration of criminal justice or
19 evaluating the fitness of regional computer center employees who have
20 access to the Arizona criminal justice information system and the national
21 crime information center system.

22 7. With an individual who asserts a belief that criminal history
23 record information relating to the individual is maintained by an agency
24 or in an information system in this state that is subject to this section.
25 On submission of fingerprints, the individual may review this information
26 for the purpose of determining its accuracy and completeness by making
27 application to the agency operating the system. Rules adopted under this
28 section shall include provisions for administrative review and necessary
29 correction of any inaccurate or incomplete information. The review and
30 challenge process authorized by this paragraph is limited to criminal
31 history record information.

1 8. With individuals and agencies pursuant to a specific agreement
2 with a criminal justice agency to provide services required for the
3 administration of criminal justice pursuant to that agreement if the
4 agreement specifically authorizes access to data, limits the use of data
5 to purposes for which given and ensures the security and confidentiality
6 of the data consistent with this section.

7 9. With individuals and agencies for the express purpose of
8 research, evaluative or statistical activities pursuant to an agreement
9 with a criminal justice agency if the agreement specifically authorizes
10 access to data, limits the use of data to research, evaluative or
11 statistical purposes and ensures the confidentiality and security of the
12 data consistent with this section.

13 10. With the auditor general for audit purposes.

14 11. With central state repositories of other states for noncriminal
15 justice purposes for dissemination in accordance with the laws of those
16 states.

17 12. On submission of the fingerprint card, with the department of
18 child safety and a tribal social services agency to provide criminal
19 history record information on prospective adoptive parents for the purpose
20 of conducting the preadoption certification investigation under title 8,
21 chapter 1, article 1 if the department of economic security is conducting
22 the investigation, or with an agency or a person appointed by the court,
23 if the agency or person is conducting the investigation. Information
24 received under this paragraph shall only be used for the purposes of the
25 preadoption certification investigation.

26 13. With the department of child safety, a tribal social services
27 agency and the superior court for the purpose of evaluating the fitness of
28 custodians or prospective custodians of juveniles, including parents,
29 relatives and prospective guardians. Information received under this
30 paragraph shall only be used for the purposes of that evaluation. The
31 information shall be provided on submission of either:

32 (a) The fingerprint card.

1 (b) The name, date of birth and social security number of the
2 person.

3 14. On submission of a fingerprint card, provide criminal history
4 record information to the superior court for the purpose of evaluating the
5 fitness of investigators appointed under section 14-5303 or 14-5407,
6 guardians appointed under section 14-5206 or 14-5304 or conservators
7 appointed under section 14-5401.

8 15. With the supreme court to provide criminal history record
9 information on prospective fiduciaries pursuant to section 14-5651.

10 16. With the department of juvenile corrections to provide criminal
11 history record information pursuant to section 41-2814.

12 17. On submission of the fingerprint card, provide criminal history
13 record information to the Arizona peace officer standards and training
14 board or a board certified law enforcement academy to evaluate the fitness
15 of prospective cadets.

16 18. With the internet sex offender website database established
17 pursuant to section 13-3827.

18 19. With licensees of the United States nuclear regulatory
19 commission for the purpose of determining whether an individual should be
20 granted unescorted access to the protected area of a commercial nuclear
21 generating station on submission of the subject of record's fingerprints
22 and the prescribed fee.

23 20. With the state board of education for the purpose of evaluating
24 the fitness of a certificated educator, an applicant for a teaching or
25 administrative certificate or a noncertificated person as defined in
26 section 15-505 if the state board of education or its employees or agents
27 have reasonable suspicion that the educator or person engaged in conduct
28 that would be a criminal violation of the laws of this state or was
29 involved in immoral or unprofessional conduct or that the applicant
30 engaged in conduct that would warrant disciplinary action if the applicant
31 were certificated at the time of the alleged conduct. The information
32 shall be provided on the submission of either:

1 (a) The fingerprint card.

2 (b) The name, date of birth and social security number of the
3 person.

4 21. With each school district and charter school in this state. The
5 department of education and the state board for charter schools shall
6 provide the department of public safety with a current list of email
7 addresses for each school district and charter school in this state and
8 shall periodically provide the department of public safety with updated
9 email addresses. If the department of public safety is notified that a
10 person who is required to have a fingerprint clearance card to be employed
11 by or to engage in volunteer activities at a school district or charter
12 school has been arrested for or convicted of an offense listed in section
13 41-1758.03, subsection B or has been arrested for or convicted of an
14 offense that amounts to unprofessional conduct under section 15-550, the
15 department of public safety shall notify each school district and charter
16 school in this state that the person's fingerprint clearance card has been
17 suspended or revoked.

18 22. With a tribal social services agency and the department of child
19 safety as provided by law, which currently is the Adam Walsh child
20 protection and safety act of 2006 (42 United States Code section 16961),
21 for the purposes of investigating or responding to reports of child abuse,
22 neglect or exploitation. Information received pursuant to this paragraph
23 from the national crime information center, the interstate identification
24 index and the Arizona criminal justice information system network shall
25 only be used for the purposes of investigating or responding as prescribed
26 in this paragraph. The information shall be provided on submission to the
27 department of public safety of either:

28 (a) The fingerprints of the person being investigated.

29 (b) The name, date of birth and social security number of the
30 person.

31 23. With a nonprofit organization that interacts with children or
32 vulnerable adults for the lawful purpose of evaluating the fitness of all

1 current and prospective employees, contractors and volunteers of the
2 organization. The criminal history record information shall be provided on
3 submission of the applicant fingerprint card and the prescribed fee.

4 24. With the superior court for the purpose of determining an
5 individual's eligibility for substance abuse and treatment courts in a
6 family or juvenile case.

7 25. With the governor to provide criminal history record information
8 on prospective gubernatorial nominees, appointees and employees as provided
9 by law.

10 H. The director shall adopt rules necessary to execute this section.

11 I. The director, in the manner prescribed by law, shall remove and
12 destroy records that the director determines are no longer of value in the
13 detection or prevention of crime.

14 J. The director shall establish a fee in an amount necessary to
15 cover the cost of federal noncriminal justice fingerprint processing for
16 criminal history record information checks that are authorized by law for
17 noncriminal justice employment, licensing or other lawful purposes. An
18 additional fee may be charged by the department for state noncriminal
19 justice fingerprint processing. Fees submitted to the department for
20 state noncriminal justice fingerprint processing are not refundable.

21 K. The director shall establish a fee in an amount necessary to
22 cover the cost of processing copies of department reports, eight by ten
23 inch black and white photographs or eight by ten inch color photographs of
24 traffic accident scenes.

25 L. Except as provided in subsection 0 of this section, each agency
26 authorized by this section may charge a fee, in addition to any other fees
27 prescribed by law, in an amount necessary to cover the cost of state and
28 federal noncriminal justice fingerprint processing for criminal history
29 record information checks that are authorized by law for noncriminal
30 justice employment, licensing or other lawful purposes.

31 M. A fingerprint account within the records processing fund is
32 established for the purpose of separately accounting for the collection

1 and payment of fees for noncriminal justice fingerprint processing by the
2 department. Monies collected for this purpose shall be credited to the
3 account, and payments by the department to the United States for federal
4 noncriminal justice fingerprint processing shall be charged against the
5 account. Monies in the account not required for payment to the United
6 States shall be used by the department in support of the department's
7 noncriminal justice fingerprint processing duties. At the end of each
8 fiscal year, any balance in the account not required for payment to the
9 United States or to support the department's noncriminal justice
10 fingerprint processing duties reverts to the state general fund.

11 N. A records processing fund is established for the purpose of
12 separately accounting for the collection and payment of fees for
13 department reports and photographs of traffic accident scenes processed by
14 the department. Monies collected for this purpose shall be credited to
15 the fund and shall be used by the department in support of functions
16 related to providing copies of department reports and photographs. At the
17 end of each fiscal year, any balance in the fund not required for support
18 of the functions related to providing copies of department reports and
19 photographs reverts to the state general fund.

20 O. The department of child safety may pay from appropriated monies
21 the cost of federal fingerprint processing or federal criminal history
22 record information checks that are authorized by law for employees and
23 volunteers of the department, guardians pursuant to section 8-453,
24 subsection A, paragraph 6, the licensing of foster parents or the
25 certification of adoptive parents.

26 P. The director shall adopt rules that provide for:

- 27 1. The collection and disposition of fees pursuant to this section.
28 2. The refusal of service to those agencies that are delinquent in
29 paying these fees.

30 Q. The director shall ensure that the following limitations are
31 observed regarding dissemination of criminal justice information obtained

1 from the central state repository or through the Arizona criminal justice
2 information system:

3 1. Any criminal justice agency that obtains criminal justice
4 information from the central state repository or through the Arizona
5 criminal justice information system assumes responsibility for the
6 security of the information and shall not secondarily disseminate this
7 information to any individual or agency not authorized to receive this
8 information directly from the central state repository or originating
9 agency.

10 2. Dissemination to an authorized agency or individual may be
11 accomplished by a criminal justice agency only if the dissemination is for
12 criminal justice purposes in connection with the prescribed duties of the
13 agency and not in violation of this section.

14 3. Criminal history record information disseminated to noncriminal
15 justice agencies or to individuals shall be used only for the purposes for
16 which it was given. Secondary dissemination is prohibited unless
17 otherwise authorized by law.

18 4. The existence or nonexistence of criminal history record
19 information shall not be confirmed to any individual or agency not
20 authorized to receive the information itself.

21 5. Criminal history record information to be released for
22 noncriminal justice purposes to agencies of other states shall only be
23 released to the central state repositories of those states for
24 dissemination in accordance with the laws of those states.

25 6. Criminal history record information shall be released to
26 noncriminal justice agencies of the federal government pursuant to the
27 terms of the federal security clearance information act (P.L. 99-169).

28 R. This section and the rules adopted under this section apply to
29 all agencies and individuals collecting, storing or disseminating criminal
30 justice information processed by manual or automated operations if the
31 collection, storage or dissemination is funded in whole or in part with
32 monies made available by the law enforcement assistance administration

1 after July 1, 1973, pursuant to title I of the crime control act of 1973,
2 and to all agencies that interact with or receive criminal justice
3 information from or through the central state repository and through the
4 Arizona criminal justice information system.

5 S. This section does not apply to criminal history record
6 information contained in:

7 1. Posters, arrest warrants, announcements or lists for identifying
8 or apprehending fugitives or wanted persons.

9 2. Original records of entry such as police blotters maintained by
10 criminal justice agencies, compiled chronologically and required by law or
11 long-standing custom to be made public if these records are organized on a
12 chronological basis.

13 3. Transcripts or records of judicial proceedings if released by a
14 court or legislative or administrative proceedings.

15 4. Announcements of executive clemency or pardon.

16 5. Computer databases, other than the Arizona criminal justice
17 information system, that are specifically designed for community
18 notification of an offender's presence in the community pursuant to
19 section 13-3825 or for public informational purposes authorized by section
20 13-3827.

21 T. Nothing in this section prevents a criminal justice agency from
22 disclosing to the public criminal history record information that is
23 reasonably contemporaneous to the event for which an individual is
24 currently within the criminal justice system, including information noted
25 on traffic accident reports concerning citations, blood alcohol tests or
26 arrests made in connection with the traffic accident being investigated.

27 U. In order to ensure that complete and accurate criminal history
28 record information is maintained and disseminated by the central state
29 repository:

30 1. The booking agency shall take legible ten-print fingerprints of
31 all persons who are arrested for offenses listed in subsection C of this
32 section. The booking agency shall obtain a process control number and

1 provide to the person fingerprinted a document that indicates proof of the
2 fingerprinting and that informs the person that the document must be
3 presented to the court.

4 2. Except as provided in paragraph 3 of this subsection, if a
5 person is summoned to court as a result of an indictment or complaint for
6 an offense listed in subsection C of this section, the court shall order
7 the person to appear before the county sheriff and provide legible
8 ten-print fingerprints. The county sheriff shall obtain a process control
9 number and provide a document to the person fingerprinted that indicates
10 proof of the fingerprinting and that informs the person that the document
11 must be presented to the court. For the purposes of this paragraph,
12 "summoned" includes a written promise to appear by the defendant on a
13 uniform traffic ticket and complaint.

14 3. If a person is arrested for a misdemeanor offense listed in
15 subsection C of this section by a city or town law enforcement agency, the
16 person shall appear before the law enforcement agency that arrested the
17 defendant and provide legible ten-print fingerprints. The law enforcement
18 agency shall obtain a process control number and provide a document to the
19 person fingerprinted that indicates proof of the fingerprinting and that
20 informs the person that the document must be presented to the court.

21 4. The mandatory fingerprint compliance form shall contain the
22 following information:

23 (a) Whether ten-print fingerprints have been obtained from the
24 person.

25 (b) Whether a process control number was obtained.

26 (c) The offense or offenses for which the process control number
27 was obtained.

28 (d) Any report number of the arresting authority.

29 (e) Instructions on reporting for ten-print fingerprinting,
30 including available times and locations for reporting for ten-print
31 fingerprinting.

1 (f) Instructions that direct the person to provide the form to the
2 court at the person's next court appearance.

3 5. Within ten days after a person is fingerprinted, the arresting
4 authority or agency that took the fingerprints shall forward the
5 fingerprints to the department in the manner or form required by the
6 department.

7 6. On the issuance of a summons for a defendant who is charged with
8 an offense listed in subsection C of this section, the summons shall
9 direct the defendant to provide ten-print fingerprints to the appropriate
10 law enforcement agency.

11 7. At the initial appearance or on the arraignment of a summoned
12 defendant who is charged with an offense listed in subsection C of this
13 section, if the person does not present a completed mandatory fingerprint
14 compliance form to the court or if the court has not received the process
15 control number, the court shall order that within twenty calendar days the
16 defendant be ten-print fingerprinted at a designated time and place by the
17 appropriate law enforcement agency.

18 8. If the defendant fails to present a completed mandatory
19 fingerprint compliance form or if the court has not received the process
20 control number, the court, on its own motion, may remand the defendant
21 into custody for ten-print fingerprinting. If otherwise eligible for
22 release, the defendant shall be released from custody after being
23 ten-print fingerprinted.

24 9. In every criminal case in which the defendant is incarcerated or
25 fingerprinted as a result of the charge, an originating law enforcement
26 agency or prosecutor, within forty days of the disposition, shall advise
27 the central state repository of all dispositions concerning the
28 termination of criminal proceedings against an individual arrested for an
29 offense specified in subsection C of this section. This information shall
30 be submitted on a form or in a manner required by the department.

31 10. Dispositions resulting from formal proceedings in a court
32 having jurisdiction in a criminal action against an individual who is

1 arrested for an offense specified in subsection C of this section or
2 section 8-341, subsection V, paragraph 3 shall be reported to the central
3 state repository within forty days of the date of the disposition. This
4 information shall be submitted on a form or in a manner specified by rules
5 approved by the supreme court.

6 11. The state department of corrections or the department of
7 juvenile corrections, within forty days, shall advise the central state
8 repository that it has assumed supervision of a person convicted of an
9 offense specified in subsection C of this section or section 8-341,
10 subsection V, paragraph 3. The state department of corrections or the
11 department of juvenile corrections shall also report dispositions that
12 occur thereafter to the central state repository within forty days of the
13 date of the dispositions. This information shall be submitted on a form
14 or in a manner required by the department of public safety.

15 12. Each criminal justice agency shall query the central state
16 repository before dissemination of any criminal history record information
17 to ensure the completeness of the information. Inquiries shall be made
18 before any dissemination except in those cases in which time is of the
19 essence and the repository is technically incapable of responding within
20 the necessary time period. If time is of the essence, the inquiry shall
21 still be made and the response shall be provided as soon as possible.

22 V. The director shall adopt rules specifying that any agency that
23 collects, stores or disseminates criminal justice information that is
24 subject to this section shall establish effective security measures to
25 protect the information from unauthorized access, disclosure, modification
26 or dissemination. The rules shall include reasonable safeguards to
27 protect the affected information systems from fire, flood, wind, theft,
28 sabotage or other natural or man-made hazards or disasters.

29 W. The department shall make available to agencies that contribute
30 to, or receive criminal justice information from, the central state
31 repository or through the Arizona criminal justice information system a

1 continuing training program in the proper methods for collecting, storing
2 and disseminating information in compliance with this section.

3 X. Nothing in this section creates a cause of action or a right to
4 bring an action including an action based on discrimination due to sexual
5 orientation.

6 Y. THE DEFINITION PRESCRIBED IN SUBSECTION Z, PARAGRAPH 3 OF THIS
7 SECTION DOES NOT DIMINISH OR INFRINGE ON ANY RIGHTS PROTECTED UNDER THE
8 FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION OR THE ARIZONA
9 CONSTITUTION.

10 ~~Y.~~ Z. For the purposes of this section:

11 1. "Administration of criminal justice" means performance of the
12 detection, apprehension, detention, pretrial release, posttrial release,
13 prosecution, adjudication, correctional supervision or rehabilitation of
14 criminal offenders. Administration of criminal justice includes
15 enforcement of criminal traffic offenses and civil traffic violations,
16 including parking violations, when performed by a criminal justice agency.
17 Administration of criminal justice also includes criminal identification
18 activities and the collection, storage and dissemination of criminal
19 history record information.

20 2. "Administrative records" means records that contain adequate and
21 proper documentation of the organization, functions, policies, decisions,
22 procedures and essential transactions of the agency and that are designed
23 to furnish information to protect the rights of this state and of persons
24 directly affected by the agency's activities.

25 3. "ANTI-SEMITISM" INCLUDES THE DEFINITION OF ANTI-SEMITISM THAT
26 WAS ADOPTED BY THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE ON MAY 26,
27 2016 AND THAT HAS BEEN ADOPTED BY THE UNITED STATES DEPARTMENT OF STATE,
28 INCLUDING THE CONTEMPORARY EXAMPLES OF ANTI-SEMITISM IDENTIFIED IN THE
29 ADOPTED DEFINITION.

30 ~~3.~~ 4. "Arizona criminal justice information system" or "system"
31 means the statewide information system managed by the director for the
32 collection, processing, preservation, dissemination and exchange of

1 criminal justice information and includes the electronic equipment,
2 facilities, procedures and agreements necessary to exchange this
3 information.

4 ~~4.~~ 5. "Booking agency" means the county sheriff or, if a person is
5 booked into a municipal jail, the municipal law enforcement agency.

6 ~~5.~~ 6. "Central state repository" means the central location within
7 the department for the collection, storage and dissemination of Arizona
8 criminal history records and related criminal justice information.

9 ~~6.~~ 7. "Criminal history record information" and "criminal history
10 record" means information that is collected by criminal justice agencies
11 on individuals and that consists of identifiable descriptions and
12 notations of arrests, detentions, indictments and other formal criminal
13 charges, and any disposition arising from those actions, sentencing,
14 formal correctional supervisory action and release. Criminal history
15 record information and criminal history record do not include
16 identification information to the extent that the information does not
17 indicate involvement of the individual in the criminal justice system or
18 information relating to juveniles unless they have been adjudicated as
19 adults.

20 ~~7.~~ 8. "Criminal justice agency" means either:

21 (a) A court at any governmental level with criminal or equivalent
22 jurisdiction, including courts of any foreign sovereignty duly recognized
23 by the federal government.

24 (b) A government agency or subunit of a government agency that is
25 specifically authorized to perform as its principal function the
26 administration of criminal justice pursuant to a statute, ordinance or
27 executive order and that allocates more than fifty percent of its annual
28 budget to the administration of criminal justice. This subdivision
29 includes agencies of any foreign sovereignty duly recognized by the
30 federal government.

31 ~~8.~~ 9. "Criminal justice information" means information that is
32 collected by criminal justice agencies and that is needed for the

1 performance of their legally authorized and required functions, such as
2 criminal history record information, citation information, stolen property
3 information, traffic accident reports, wanted persons information and
4 system network log searches. Criminal justice information does not
5 include the administrative records of a criminal justice agency.

6 ~~9.~~ 10. "Disposition" means information disclosing that a decision
7 has been made not to bring criminal charges or that criminal proceedings
8 have been concluded or information relating to sentencing, correctional
9 supervision, release from correctional supervision, the outcome of an
10 appellate review of criminal proceedings or executive clemency.

11 ~~10.~~ 11. "Dissemination" means the written, oral or electronic
12 communication or transfer of criminal justice information to individuals
13 and agencies other than the criminal justice agency that maintains the
14 information. Dissemination includes the act of confirming the existence
15 or nonexistence of criminal justice information.

16 ~~11.~~ 12. "Management control":

17 (a) Means the authority to set and enforce:

18 (i) Priorities regarding development and operation of criminal
19 justice information systems and programs.

20 (ii) Standards for the selection, supervision and termination of
21 personnel involved in the development of criminal justice information
22 systems and programs and in the collection, maintenance, analysis and
23 dissemination of criminal justice information.

24 (iii) Policies governing the operation of computers, circuits and
25 telecommunications terminals used to process criminal justice information
26 to the extent that the equipment is used to process, store or transmit
27 criminal justice information.

28 (b) Includes the supervision of equipment, systems design,
29 programming and operating procedures necessary for the development and
30 implementation of automated criminal justice information systems.

31 ~~12.~~ 13. "Process control number" means the Arizona automated
32 fingerprint identification system number that attaches to each arrest

1 event at the time of fingerprinting and that is assigned to the arrest
2 fingerprint card, disposition form and other pertinent documents.

3 ~~13.~~ 14. "Secondary dissemination" means the dissemination of
4 criminal justice information from an individual or agency that originally
5 obtained the information from the central state repository or through the
6 Arizona criminal justice information system to another individual or
7 agency.

8 ~~14.~~ 15. "Sexual orientation" means consensual homosexuality or
9 heterosexuality.

10 ~~15.~~ 16. "Subject of record" means the person who is the primary
11 subject of a criminal justice record."

12 Amend title to conform

DAVID GOWAN

2675GOWAN.docx
03/23/2022
2:57 PM
C: AH