

Senate Engrossed House Bill

~~right to jury; parent-child relationship~~
(now: antisemitism; reporting)

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 186

HOUSE BILL 2675

AN ACT

AMENDING SECTION 41-1750, ARIZONA REVISED STATUTES; RELATING TO CRIME REPORTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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.

24 3. Collect information concerning criminal offenses that manifest
25 evidence of prejudice based on race, color, religion, national origin,
26 sexual orientation, gender, **ANTISEMITISM** or disability.

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

30 5. Ensure the rapid exchange of information concerning the
31 commission of crime and the detection of violators of the law among the
32 criminal justice agencies of other states and of the federal government.

33 6. Furnish assistance to peace officers throughout this state in
34 crime scene investigation for the detection of latent fingerprints and in
35 the comparison of latent fingerprints.

36 7. Conduct periodic operational audits of the central state
37 repository and of a representative sample of other agencies that
38 contribute records to or receive criminal justice information from the
39 central state repository or through the Arizona criminal justice
40 information system.

41 8. Establish and enforce the necessary physical and system
42 safeguards to ensure that the criminal justice information maintained and
43 disseminated by the central state repository or through the Arizona
44 criminal justice information system is appropriately protected from

1 unauthorized inquiry, modification, destruction or dissemination as
2 required by this section.

3 9. Aid and encourage coordination and cooperation among criminal
4 justice agencies through the statewide and interstate exchange of criminal
5 justice information.

6 10. Provide training and proficiency testing on the use of criminal
7 justice information to agencies receiving information from the central
8 state repository or through the Arizona criminal justice information
9 system.

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

12 12. Provide criminal history record information to the
13 fingerprinting division for the purpose of screening applicants for
14 fingerprint clearance cards.

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

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

28 D. The chief officers of law enforcement agencies of this state or
29 its political subdivisions shall provide to the department such
30 information as necessary to operate the statewide uniform crime reporting
31 program and to cooperate with the federal government uniform crime
32 reporting program.

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

37 F. The chief officers of criminal justice agencies of this state or
38 its political subdivisions also shall provide to the department
39 information concerning crimes that manifest evidence of prejudice based on
40 race, color, religion, national origin, sexual orientation, gender,
41 **ANTISEMITISM** or disability.

42 G. The director shall authorize the exchange of criminal justice
43 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
33 searched by future submissions to the federal bureau of investigation
34 including latent fingerprint searches.

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

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

40 5. With the governor, if the governor elects to become actively
41 involved in the investigation of criminal activity or the administration
42 of criminal justice in accordance with the governor's constitutional duty
43 to ensure that the laws are faithfully executed or as needed to carry out
44 the other responsibilities of the governor's office.

1 6. With regional computer centers that maintain authorized
2 computer-to-computer interfaces with the department, that are criminal
3 justice agencies or under the management control of a criminal justice
4 agency and that are established by a statute, ordinance or executive order
5 to provide automated data processing services to criminal justice agencies
6 specifically for the purposes of the administration of criminal justice or
7 evaluating the fitness of regional computer center employees who have
8 access to the Arizona criminal justice information system and the national
9 crime information center system.

10 7. With an individual who asserts a belief that criminal history
11 record information relating to the individual is maintained by an agency
12 or in an information system in this state that is subject to this section.
13 On submission of fingerprints, the individual may review this information
14 for the purpose of determining its accuracy and completeness by making
15 application to the agency operating the system. Rules adopted under this
16 section shall include provisions for administrative review and necessary
17 correction of any inaccurate or incomplete information. The review and
18 challenge process authorized by this paragraph is limited to criminal
19 history record information.

20 8. With individuals and agencies pursuant to a specific agreement
21 with a criminal justice agency to provide services required for the
22 administration of criminal justice pursuant to that agreement if the
23 agreement specifically authorizes access to data, limits the use of data
24 to purposes for which given and ensures the security and confidentiality
25 of the data consistent with this section.

26 9. With individuals and agencies for the express purpose of
27 research, evaluative or statistical activities pursuant to an agreement
28 with a criminal justice agency if the agreement specifically authorizes
29 access to data, limits the use of data to research, evaluative or
30 statistical purposes and ensures the confidentiality and security of the
31 data consistent with this section.

32 10. With the auditor general for audit purposes.

33 11. With central state repositories of other states for noncriminal
34 justice purposes for dissemination in accordance with the laws of those
35 states.

36 12. On submission of the fingerprint card, with the department of
37 child safety and a tribal social services agency to provide criminal
38 history record information on prospective adoptive parents for the purpose
39 of conducting the preadoption certification investigation under title 8,
40 chapter 1, article 1 if the department of economic security is conducting
41 the investigation, or with an agency or a person appointed by the court,
42 if the agency or person is conducting the investigation. Information
43 received under this paragraph shall only be used for the purposes of the
44 preadoption certification investigation.

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

7 (a) The fingerprint card.

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

10 14. On submission of a fingerprint card, provide criminal history
11 record information to the superior court for the purpose of evaluating the
12 fitness of investigators appointed under section 14-5303 or 14-5407,
13 guardians appointed under section 14-5206 or 14-5304 or conservators
14 appointed under section 14-5401.

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

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

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

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

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

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

40 (a) The fingerprint card.

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

43 21. With each school district and charter school in this state.
44 The department of education and the state board for charter schools shall

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

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

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

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

26 23. With a nonprofit organization that interacts with children or
27 vulnerable adults for the lawful purpose of evaluating the fitness of all
28 current and prospective employees, contractors and volunteers of the
29 organization. The criminal history record information shall be provided
30 on submission of the applicant fingerprint card and the prescribed fee.

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

34 25. With the governor to provide criminal history record
35 information on prospective gubernatorial nominees, appointees and
36 employees as provided by law.

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

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

42 J. The director shall establish a fee in an amount necessary to
43 cover the cost of federal noncriminal justice fingerprint processing for
44 criminal history record information checks that are authorized by law for

1 noncriminal justice employment, licensing or other lawful purposes. An
2 additional fee may be charged by the department for state noncriminal
3 justice fingerprint processing. Fees submitted to the department for
4 state noncriminal justice fingerprint processing are not refundable.

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

9 L. Except as provided in subsection O of this section, each agency
10 authorized by this section may charge a fee, in addition to any other fees
11 prescribed by law, in an amount necessary to cover the cost of state and
12 federal noncriminal justice fingerprint processing for criminal history
13 record information checks that are authorized by law for noncriminal
14 justice employment, licensing or other lawful purposes.

15 M. A fingerprint account within the records processing fund is
16 established for the purpose of separately accounting for the collection
17 and payment of fees for noncriminal justice fingerprint processing by the
18 department. Monies collected for this purpose shall be credited to the
19 account, and payments by the department to the United States for federal
20 noncriminal justice fingerprint processing shall be charged against the
21 account. Monies in the account not required for payment to the United
22 States shall be used by the department in support of the department's
23 noncriminal justice fingerprint processing duties. At the end of each
24 fiscal year, any balance in the account not required for payment to the
25 United States or to support the department's noncriminal justice
26 fingerprint processing duties reverts to the state general fund.

27 N. A records processing fund is established for the purpose of
28 separately accounting for the collection and payment of fees for
29 department reports and photographs of traffic accident scenes processed by
30 the department. Monies collected for this purpose shall be credited to
31 the fund and shall be used by the department in support of functions
32 related to providing copies of department reports and photographs. At the
33 end of each fiscal year, any balance in the fund not required for support
34 of the functions related to providing copies of department reports and
35 photographs reverts to the state general fund.

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

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

- 43 1. The collection and disposition of fees pursuant to this section.

1 2. The refusal of service to those agencies that are delinquent in
2 paying these fees.

3 Q. The director shall ensure that the following limitations are
4 observed regarding dissemination of criminal justice information obtained
5 from the central state repository or through the Arizona criminal justice
6 information system:

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

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

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

22 4. The existence or nonexistence of criminal history record
23 information shall not be confirmed to any individual or agency not
24 authorized to receive the information itself.

25 5. Criminal history record information to be released for
26 noncriminal justice purposes to agencies of other states shall only be
27 released to the central state repositories of those states for
28 dissemination in accordance with the laws of those states.

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

32 R. This section and the rules adopted under this section apply to
33 all agencies and individuals collecting, storing or disseminating criminal
34 justice information processed by manual or automated operations if the
35 collection, storage or dissemination is funded in whole or in part with
36 monies made available by the law enforcement assistance administration
37 after July 1, 1973, pursuant to title I of the crime control act of 1973,
38 and to all agencies that interact with or receive criminal justice
39 information from or through the central state repository and through the
40 Arizona criminal justice information system.

41 S. This section does not apply to criminal history record
42 information contained in:

43 1. Posters, arrest warrants, announcements or lists for identifying
44 or apprehending fugitives or wanted persons.

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

5 3. Transcripts or records of judicial proceedings if released by a
6 court or legislative or administrative proceedings.

7 4. Announcements of executive clemency or pardon.

8 5. Computer databases, other than the Arizona criminal justice
9 information system, that are specifically designed for community
10 notification of an offender's presence in the community pursuant to
11 section 13-3825 or for public informational purposes authorized by section
12 13-3827.

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

19 U. In order to ensure that complete and accurate criminal history
20 record information is maintained and disseminated by the central state
21 repository:

22 1. The booking agency shall take legible ten-print fingerprints of
23 all persons who are arrested for offenses listed in subsection C of this
24 section. The booking agency shall obtain a process control number and
25 provide to the person fingerprinted a document that indicates proof of the
26 fingerprinting and that informs the person that the document must be
27 presented to the court.

28 2. Except as provided in paragraph 3 of this subsection, if a
29 person is summoned to court as a result of an indictment or complaint for
30 an offense listed in subsection C of this section, the court shall order
31 the person to appear before the county sheriff and provide legible
32 ten-print fingerprints. The county sheriff shall obtain a process control
33 number and provide a document to the person fingerprinted that indicates
34 proof of the fingerprinting and that informs the person that the document
35 must be presented to the court. For the purposes of this paragraph,
36 "summoned" includes a written promise to appear by the defendant on a
37 uniform traffic ticket and complaint.

38 3. If a person is arrested for a misdemeanor offense listed in
39 subsection C of this section by a city or town law enforcement agency, the
40 person shall appear before the law enforcement agency that arrested the
41 defendant and provide legible ten-print fingerprints. The law enforcement
42 agency shall obtain a process control number and provide a document to the
43 person fingerprinted that indicates proof of the fingerprinting and that
44 informs the person that the document must be presented to the court.

1 4. The mandatory fingerprint compliance form shall contain the
2 following information:

3 (a) Whether ten-print fingerprints have been obtained from the
4 person.

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

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

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

9 (e) Instructions on reporting for ten-print fingerprinting,
10 including available times and locations for reporting for ten-print
11 fingerprinting.

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

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

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

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

29 8. If the defendant fails to present a completed mandatory
30 fingerprint compliance form or if the court has not received the process
31 control number, the court, on its own motion, may remand the defendant
32 into custody for ten-print fingerprinting. If otherwise eligible for
33 release, the defendant shall be released from custody after being
34 ten-print fingerprinted.

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

42 10. Dispositions resulting from formal proceedings in a court
43 having jurisdiction in a criminal action against an individual who is
44 arrested for an offense specified in subsection C of this section or

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

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

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

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

28 W. The department shall make available to agencies that contribute
29 to, or receive criminal justice information from, the central state
30 repository or through the Arizona criminal justice information system a
31 continuing training program in the proper methods for collecting, storing
32 and disseminating information in compliance with this section.

33 X. Nothing in this section creates a cause of action or a right to
34 bring an action including an action based on discrimination due to sexual
35 orientation.

36 Y. THE DEFINITION PRESCRIBED IN SUBSECTION Z, PARAGRAPH 3 OF THIS
37 SECTION DOES NOT DIMINISH OR INFRINGE ON ANY RIGHTS PROTECTED UNDER THE
38 FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION OR THE ARIZONA
39 CONSTITUTION.

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

41 1. "Administration of criminal justice" means performance of the
42 detection, apprehension, detention, pretrial release, posttrial release,
43 prosecution, adjudication, correctional supervision or rehabilitation of
44 criminal offenders. Administration of criminal justice includes

1 enforcement of criminal traffic offenses and civil traffic violations,
2 including parking violations, when performed by a criminal justice agency.
3 Administration of criminal justice also includes criminal identification
4 activities and the collection, storage and dissemination of criminal
5 history record information.

6 2. "Administrative records" means records that contain adequate and
7 proper documentation of the organization, functions, policies, decisions,
8 procedures and essential transactions of the agency and that are designed
9 to furnish information to protect the rights of this state and of persons
10 directly affected by the agency's activities.

11 3. "ANTISEMITISM" INCLUDES THE DEFINITION OF ANTISEMITISM THAT WAS
12 ADOPTED BY THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE ON MAY 26,
13 2016 AND THAT HAS BEEN ADOPTED BY THE UNITED STATES DEPARTMENT OF STATE,
14 INCLUDING THE CONTEMPORARY EXAMPLES OF ANTISEMITISM IDENTIFIED IN THE
15 ADOPTED DEFINITION.

16 ~~3.~~ 4. "Arizona criminal justice information system" or "system"
17 means the statewide information system managed by the director for the
18 collection, processing, preservation, dissemination and exchange of
19 criminal justice information and includes the electronic equipment,
20 facilities, procedures and agreements necessary to exchange this
21 information.

22 ~~4.~~ 5. "Booking agency" means the county sheriff or, if a person is
23 booked into a municipal jail, the municipal law enforcement agency.

24 ~~5.~~ 6. "Central state repository" means the central location within
25 the department for the collection, storage and dissemination of Arizona
26 criminal history records and related criminal justice information.

27 ~~6.~~ 7. "Criminal history record information" and "criminal history
28 record" means information that is collected by criminal justice agencies
29 on individuals and that consists of identifiable descriptions and
30 notations of arrests, detentions, indictments and other formal criminal
31 charges, and any disposition arising from those actions, sentencing,
32 formal correctional supervisory action and release. Criminal history
33 record information and criminal history record do not include
34 identification information to the extent that the information does not
35 indicate involvement of the individual in the criminal justice system or
36 information relating to juveniles unless they have been adjudicated as
37 adults.

38 ~~7.~~ 8. "Criminal justice agency" means either:

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

42 (b) A government agency or subunit of a government agency that is
43 specifically authorized to perform as its principal function the
44 administration of criminal justice pursuant to a statute, ordinance or

1 executive order and that allocates more than fifty percent of its annual
2 budget to the administration of criminal justice. This subdivision
3 includes agencies of any foreign sovereignty duly recognized by the
4 federal government.

5 ~~8.~~ 9. "Criminal justice information" means information that is
6 collected by criminal justice agencies and that is needed for the
7 performance of their legally authorized and required functions, such as
8 criminal history record information, citation information, stolen property
9 information, traffic accident reports, wanted persons information and
10 system network log searches. Criminal justice information does not
11 include the administrative records of a criminal justice agency.

12 ~~9.~~ 10. "Disposition" means information disclosing that a decision
13 has been made not to bring criminal charges or that criminal proceedings
14 have been concluded or information relating to sentencing, correctional
15 supervision, release from correctional supervision, the outcome of an
16 appellate review of criminal proceedings or executive clemency.

17 ~~10.~~ 11. "Dissemination" means the written, oral or electronic
18 communication or transfer of criminal justice information to individuals
19 and agencies other than the criminal justice agency that maintains the
20 information. Dissemination includes the act of confirming the existence
21 or nonexistence of criminal justice information.

22 ~~11.~~ 12. "Management control":

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

24 (i) Priorities regarding development and operation of criminal
25 justice information systems and programs.

26 (ii) Standards for the selection, supervision and termination of
27 personnel involved in the development of criminal justice information
28 systems and programs and in the collection, maintenance, analysis and
29 dissemination of criminal justice information.

30 (iii) Policies governing the operation of computers, circuits and
31 telecommunications terminals used to process criminal justice information
32 to the extent that the equipment is used to process, store or transmit
33 criminal justice information.

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

37 ~~12.~~ 13. "Process control number" means the Arizona automated
38 fingerprint identification system number that attaches to each arrest
39 event at the time of fingerprinting and that is assigned to the arrest
40 fingerprint card, disposition form and other pertinent documents.

41 ~~13.~~ 14. "Secondary dissemination" means the dissemination of
42 criminal justice information from an individual or agency that originally
43 obtained the information from the central state repository or through the

1 Arizona criminal justice information system to another individual or
2 agency.
3 ~~14.~~ 15. "Sexual orientation" means consensual homosexuality or
4 heterosexuality.
5 ~~15.~~ 16. "Subject of record" means the person who is the primary
6 subject of a criminal justice record.

APPROVED BY THE GOVERNOR APRIL 25, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2022.