

REFERENCE TITLE: **qualified schools; fingerprinting requirements; penalties.**

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2688

Introduced by
Representatives Terech: Carbone, Gutierrez, Pawlik, Peña, Schwiebert

AN ACT

AMENDING SECTION 15-106, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 19, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 15-2406 AND 15-2407; AMENDING SECTIONS 23-1361, 41-619.51, 41-1758, 41-1758.01 AND 41-1758.08, ARIZONA REVISED STATUTES; RELATING TO ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-106, Arizona Revised Statutes, is amended to
3 read:

4 15-106. Identity verified fingerprints

5 An applicant who applies for a new teaching certificate in order to
6 teach in a school district, a participant in field experience or student
7 teaching in this state, an applicant who applies for a renewal of an
8 existing teaching certificate in order to continue teaching in a school
9 district, an applicant who is required for the first time to be
10 fingerprinted in order to teach in a charter school and an applicant who
11 is required to renew fingerprints in order to continue teaching in a
12 charter school pursuant to section 15-183, an applicant who is required to
13 be fingerprinted pursuant to section 15-512 OR 15-2406 and any person who
14 is contracted by this state, by a school district or by a charter school
15 to provide tutoring services shall submit for an identity verified
16 fingerprint card that will be used by the department of public safety to
17 process the fingerprint clearance card pursuant to title 41, chapter 12,
18 article 3.1 as follows:

19 1. The applicant shall submit a request for an application packet
20 from the department of public safety.

21 2. The application packet shall be contained in an envelope
22 specified by the department of public safety and shall include the
23 following:

24 (a) A blank applicant fingerprint card.

25 (b) An application for a fingerprint clearance card.

26 (c) Instructions for ~~the return of~~ RETURNING the application
27 packet.

28 3. A school district or charter school may contract for
29 fingerprinting services through an entity or entities and shall provide a
30 copy of the instructions to the entity or entities as provided by the
31 department of public safety regarding the submission of identity verified
32 fingerprints. If a school district or charter school elects to provide
33 fingerprinting services, the school district or charter school shall
34 authorize an individual employed by the school district or charter school
35 to administer the services.

36 4. The department of public safety shall provide instructions to
37 law enforcement agencies and public schools regarding the submission of
38 identity verified fingerprints. The department of public safety shall
39 reject the application for a fingerprint clearance card if the application
40 is not correct or is not submitted according to the instructions provided
41 by the department of public safety.

42 5. The applicant, at the time ~~that~~ identity verified fingerprints
43 are taken, shall provide the law enforcement agency, school district,
44 charter school or other entity with a completed application form for a
45 fingerprint clearance card, the fingerprint card with the requisite

1 demographic information and the required fee in the form of a money order
 2 or cashier's check made out to the department of public safety. The law
 3 enforcement agency, school district, charter school or other entity shall
 4 verify the identity of the applicant through recognized means of
 5 photographic identification and a comparison of the demographic
 6 information on the photographic identification against the demographic
 7 information on the application form and the fingerprint card. The
 8 authorized person taking the fingerprints shall enter on the application
 9 form a description of the photographic identification presented by the
 10 applicant. The law enforcement agency, school district, charter school or
 11 other entity shall place the completed fingerprint card, the completed
 12 application form or any other form required by the department of public
 13 safety and the fee provided by the applicant in the postage prepaid
 14 envelope provided by the department of public safety and mail it to the
 15 fingerprinting division in the department of public safety. A law
 16 enforcement agency, school district, charter school or other entity may
 17 charge the applicant a reasonable fee for services provided pursuant to
 18 this section.

19 6. Fingerprints submitted electronically or through an
 20 internet-based system pursuant to section 41-1758.01 shall include a
 21 completed application for a fingerprint clearance card, the requisite
 22 applicant demographic information and the required fee, and shall be
 23 identity verified in accordance with instructions provided by the
 24 department of public safety. The department shall reject the application
 25 for a fingerprint clearance card if the application is not correct or is
 26 not submitted according to the department's instructions. The entity or
 27 entities contracted by the department shall comply with:

28 (a) All information privacy and security measures and submission
 29 standards established by the department.

30 (b) The information technology security policy approved by the
 31 department.

32 7. The department of public safety shall process the application
 33 packet in the same manner prescribed for fingerprint clearance cards
 34 issued pursuant to title 41, chapter 12, article 3.1.

35 8. The department of public safety shall provide for digital
 36 storage and retrieval of identity verified fingerprints taken pursuant to
 37 this section. The fingerprints taken pursuant to this section shall be
 38 digitally designated in the fingerprint archive as identity verified
 39 fingerprint records.

40 9. A person who has a set of identity verified fingerprints on file
 41 with the department of public safety pursuant to this section ~~shall~~ IS not
 42 ~~be~~ required to submit a new set of fingerprints to the department of
 43 public safety to renew the person's fingerprint clearance card. On
 44 receipt of the required application form and fee for a renewal fingerprint
 45 clearance card from a person required to submit identity verified

1 fingerprints, the department of public safety shall attempt to use the
2 electronic copy of the applicant's identity verified fingerprints that are
3 retained pursuant to this section to conduct the state and national
4 criminal records checks. The department of public safety may require the
5 applicant to submit a new set of identity verified fingerprints if the
6 department of public safety determines that the original fingerprints
7 submitted have been lost or damaged or are found to be otherwise of
8 insufficient quality to conduct a valid technical fingerprint search
9 either by the department of public safety or the federal bureau of
10 investigation.

11 10. A person who participates in a teacher preparation program that
12 is approved by the state board of education and who does not participate
13 in field experience or student teaching in this state ~~shall~~ IS not ~~be~~
14 required to obtain a fingerprint clearance card pursuant to this section.

15 Sec. 2. Title 15, chapter 19, article 1, Arizona Revised Statutes,
16 is amended by adding sections 15-2406 and 15-2407, to read:

17 15-2406. Qualified schools; personnel; fingerprinting
18 requirements; definition

19 A. NOTWITHSTANDING SECTION 15-2404, A QUALIFIED SCHOOL THAT ENROLLS
20 ONE OR MORE QUALIFIED STUDENTS SHALL DEVELOP PROCEDURES FOR FINGERPRINTING
21 SCHOOL PERSONNEL. THE PROCEDURES SHALL REQUIRE THAT SCHOOL PERSONNEL:

22 1. BE FINGERPRINTED AS A CONDITION OF EMPLOYMENT FOR THE PURPOSE OF
23 OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION
24 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY
25 EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

26 2. SUBMIT FINGERPRINTS TO THE QUALIFIED SCHOOL WITHIN TWENTY DAYS
27 AFTER THE DATE THE INDIVIDUAL BEGINS WORK.

28 B. A QUALIFIED SCHOOL THAT ENROLLS A QUALIFIED STUDENT MAY ADOPT
29 PROCEDURES PURSUANT TO SUBSECTION A OF THIS SECTION THAT REQUIRE SCHOOL
30 PERSONNEL TO OBTAIN A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO
31 TITLE 41, CHAPTER 12, ARTICLE 3.1 AS A CONDITION OF EMPLOYMENT. IF A
32 QUALIFIED SCHOOL DOES NOT REQUIRE A FINGERPRINT CLEARANCE CARD AS A
33 CONDITION OF EMPLOYMENT, SCHOOL PERSONNEL MAY APPLY FOR A FINGERPRINT
34 CLEARANCE CARD AND SHALL BE TREATED AS A PERSON WHO IS REQUIRED TO OBTAIN
35 A FINGERPRINT CLEARANCE CARD FOR THE PURPOSES OF THE APPLICATION.

36 C. A QUALIFIED SCHOOL THAT ENROLLS A QUALIFIED STUDENT MAY RELEASE
37 THE RESULTS OF A BACKGROUND CHECK THAT IS CONDUCTED PURSUANT TO SUBSECTION
38 A OF THIS SECTION AND MAY COMMUNICATE TO A SCHOOL DISTRICT, CHARTER SCHOOL
39 OR OTHER QUALIFIED SCHOOL FOR EMPLOYMENT PURPOSES WHETHER ANY SCHOOL
40 PERSONNEL HAS BEEN ISSUED OR DENIED A FINGERPRINT CLEARANCE CARD.

41 D. FOR THE PURPOSES OF THIS SECTION, "SCHOOL PERSONNEL":

42 1. INCLUDES ANY INDIVIDUAL WHO IS INITIALLY HIRED BY THE QUALIFIED
43 SCHOOL AFTER JANUARY 1, 1990 AND IS ANY OF THE FOLLOWING:

1 (a) A PAID EMPLOYEE OF THE QUALIFIED SCHOOL.
2 (b) AN INDIVIDUAL WHO PROVIDES SERVICES DIRECTLY TO STUDENTS OF THE
3 QUALIFIED SCHOOL AND WHO IS ALL OF THE FOLLOWING:
4 (i) NOT A PAID EMPLOYEE OF THE QUALIFIED SCHOOL.
5 (ii) NOT A PARENT OR GUARDIAN OF A STUDENT WHO ATTENDS THE
6 QUALIFIED SCHOOL.
7 (iii) NOT UNDER THE DIRECTION OF OR, EXCEPT FOR BRIEF PERIODS OF
8 TIME DURING A SCHOOL DAY OR SCHOOL ACTIVITY, WITHIN SIGHT OF A PAID
9 EMPLOYEE OF THE QUALIFIED SCHOOL WHILE PROVIDING SERVICES TO STUDENTS.
10 (iv) REQUIRED OR ALLOWED TO PROVIDE SERVICES DIRECTLY TO STUDENTS.
11 2. DOES NOT INCLUDE AN INDIVIDUAL WHO IS EITHER:
12 (a) REQUIRED AS A CONDITION OF LICENSURE TO BE FINGERPRINTED IF THE
13 LICENSE IS REQUIRED FOR EMPLOYMENT.
14 (b) REESTABLISHING EMPLOYMENT WITH A QUALIFIED SCHOOL WITHIN ONE
15 YEAR AFTER TERMINATING EMPLOYMENT WITH THE SAME QUALIFIED SCHOOL.
16 15-2407. Qualified schools; state board of education;
17 complaints; investigations; penalties; rules;
18 appeal
19 A. A QUALIFIED STUDENT OR THE PARENT OF A QUALIFIED STUDENT MAY
20 FILE A WRITTEN COMPLAINT WITH THE STATE BOARD OF EDUCATION ALLEGING THAT
21 THE QUALIFIED SCHOOL HAS VIOLATED THIS ARTICLE. A COMPLAINT FILED
22 PURSUANT TO THIS SUBSECTION MUST INCLUDE A DESCRIPTION OF THE SPECIFIC
23 FACTS OF THE ALLEGED VIOLATION AND IDENTIFY ANY EVIDENCE SUPPORTING THE
24 ALLEGATION.
25 B. THE STATE BOARD OF EDUCATION SHALL INVESTIGATE A COMPLAINT FILED
26 PURSUANT TO SUBSECTION A OF THIS SECTION AND DETERMINE WHETHER A VIOLATION
27 OCCURRED. IF THE STATE BOARD DETERMINES THAT A VIOLATION OCCURRED, THE
28 STATE BOARD SHALL NOTIFY THE QUALIFIED SCHOOL IN WRITING OF THAT
29 DETERMINATION AND INSTRUCT THE QUALIFIED SCHOOL HOW TO CURE THE VIOLATION.
30 IF THE STATE BOARD DETERMINES THAT THE QUALIFIED SCHOOL HAS FAILED TO
31 CORRECT THE VIOLATION WITHIN SIXTY DAYS AFTER THE STATE BOARD ISSUES A
32 NOTICE PURSUANT TO THIS SUBSECTION, THE QUALIFIED SCHOOL:
33 1. SHALL REIMBURSE THE DEPARTMENT ALL ARIZONA EMPOWERMENT
34 SCHOLARSHIP ACCOUNT MONIES RECEIVED PURSUANT TO THIS ARTICLE DURING THE
35 PREVIOUS SCHOOL YEAR.
36 2. MAY NOT CHARGE ANY QUALIFIED STUDENT WHO IS ENROLLED IN THE
37 QUALIFIED SCHOOL UNDER THIS ARTICLE TUITION AND FEES TO RECOVER MONIES
38 REIMBURSED UNDER PARAGRAPH 1 OF THIS SUBSECTION.
39 C. THE STATE BOARD OF EDUCATION SHALL ADOPT RULES AND PROCEDURES
40 FOR THE STATE BOARD TO INVESTIGATE WRITTEN COMPLAINTS FILED PURSUANT TO
41 THIS SECTION.
42 D. ACTIONS TAKEN UNDER THIS SECTION ARE SUBJECT TO APPEAL PURSUANT
43 TO TITLE 41, CHAPTER 6, ARTICLE 10.

1 prospective employer about the reason for termination of a former employee
2 or about the job performance, professional conduct or evaluation of a
3 current or former employee.

4 D. The presumption of good faith under subsection C of this section
5 is rebuttable by showing that the employer disclosed the information with
6 actual malice or with intent to mislead. This subsection and subsection C
7 of this section do not alter any privileges that exist under common law.
8 For the purposes of this subsection, "actual malice" means knowledge that
9 the information was false or was provided with reckless disregard of its
10 truth or falsity.

11 E. Communications concerning employees or prospective employees
12 that are made by an employer or prospective employer, or by a labor
13 organization, to a government body or agency and that are required by law
14 or that are furnished pursuant to written rules or policies of the
15 government body or agency are privileged.

16 F. An employer, including this state and its agencies, a labor
17 organization or an individual is not civilly liable for privileged
18 communications made pursuant to subsection E of this section.

19 G. In response to a request by another bank, savings and loan
20 association, credit union, escrow agent, commercial mortgage banker,
21 mortgage banker or mortgage broker it is not unlawful for a bank, a
22 savings and loan association, a credit union, an escrow agent, a
23 commercial mortgage banker, a mortgage banker or a mortgage broker to
24 provide a written employment reference that advises of the applicant's
25 involvement in any theft, embezzlement, misappropriation or other
26 defalcation that has been reported to federal authorities pursuant to
27 federal banking guidelines or reported to the department of insurance and
28 financial institutions. In order for the immunity provided in subsection
29 H of this section to apply, a copy of the written employment reference
30 must be sent by the institution providing the reference to the last known
31 address of the applicant in question.

32 H. A bank, savings and loan association, credit union, escrow
33 agent, commercial mortgage banker, mortgage banker or mortgage broker is
34 not civilly liable for providing an employment reference unless the
35 information provided is false and the bank, savings and loan association,
36 credit union, escrow agent, commercial mortgage banker, mortgage banker or
37 mortgage broker providing the false information does so with knowledge and
38 malice.

39 I. A court shall award court costs, attorney fees and other related
40 expenses to any party that prevails in any civil proceeding in which a
41 violation of this section is alleged.

42 Sec. 4. Section 41-619.51, Arizona Revised Statutes, is amended to
43 read:

44 41-619.51. Definitions

45 In this article, unless the context otherwise requires:

1 1. "Agency" means the supreme court, the department of economic
2 security, the department of child safety, the department of education, the
3 department of health services, the department of juvenile corrections, the
4 department of emergency and military affairs, the department of public
5 safety, the department of transportation, the state real estate
6 department, the department of insurance and financial institutions, the
7 Arizona game and fish department, the Arizona department of agriculture,
8 the board of examiners of nursing care institution administrators and
9 assisted living facility managers, the state board of dental examiners,
10 the Arizona state board of pharmacy, the board of physical therapy, the
11 state board of psychologist examiners, the board of athletic training, the
12 board of occupational therapy examiners, the state board of podiatry
13 examiners, the acupuncture board of examiners, the state board of
14 technical registration, ~~or~~ the board of massage therapy or the Arizona
15 department of housing.

16 2. "Board" means the board of fingerprinting.

17 3. "Central registry exception" means notification to the
18 department of economic security, the department of child safety or the
19 department of health services, as appropriate, pursuant to section
20 41-619.57 that the person is not disqualified because of a central
21 registry check conducted pursuant to section 8-804.

22 4. "Expedited review" means an examination, in accordance with
23 board rule, of the documents an applicant submits by the board or its
24 hearing officer without the applicant being present.

25 5. "Good cause exception" means the issuance of a fingerprint
26 clearance card to an employee pursuant to section 41-619.55.

27 6. "Person" means a person who is required to be fingerprinted
28 pursuant to this article or who is subject to a central registry check and
29 any of the following:

- 30 (a) Section 3-314.
- 31 (b) Section 8-105.
- 32 (c) Section 8-322.
- 33 (d) Section 8-463.
- 34 (e) Section 8-509.
- 35 (f) Section 8-802.
- 36 (g) Section 8-804.
- 37 (h) Section 15-183.
- 38 (i) Section 15-503.
- 39 (j) Section 15-512.
- 40 (k) Section 15-534.
- 41 (l) Section 15-763.01.
- 42 (m) Section 15-782.02.
- 43 (n) Section 15-1330.
- 44 (o) Section 15-1881.
- 45 (p) SECTION 15-2406.

1 ~~(p)~~ (q) Section 17-215.
2 ~~(q)~~ (r) Section 28-3228.
3 ~~(r)~~ (s) Section 28-3413.
4 ~~(s)~~ (t) Section 32-122.02.
5 ~~(t)~~ (u) Section 32-122.05.
6 ~~(u)~~ (v) Section 32-122.06.
7 ~~(v)~~ (w) Section 32-823.
8 ~~(w)~~ (x) Section 32-1232.
9 ~~(x)~~ (y) Section 32-1276.01.
10 ~~(y)~~ (z) Section 32-1284.
11 ~~(z)~~ (aa) Section 32-1297.01.
12 ~~(aa)~~ (bb) Section 32-1904.
13 ~~(bb)~~ (cc) Section 32-1941.
14 ~~(cc)~~ (dd) Section 32-1982.
15 ~~(dd)~~ (ee) Section 32-2022.
16 ~~(ee)~~ (ff) Section 32-2063.
17 ~~(ff)~~ (gg) Section 32-2108.01.
18 ~~(gg)~~ (hh) Section 32-2123.
19 ~~(hh)~~ (ii) Section 32-2371.
20 ~~(ii)~~ (jj) Section 32-3430.
21 ~~(jj)~~ (kk) Section 32-3620.
22 ~~(kk)~~ (ll) Section 32-3668.
23 ~~(ll)~~ (mm) Section 32-3669.
24 ~~(mm)~~ (nn) Section 32-3922.
25 ~~(nn)~~ (oo) Section 32-3924.
26 ~~(oo)~~ (pp) Section 32-4222.
27 ~~(pp)~~ (qq) Section 32-4128.
28 ~~(qq)~~ (rr) Section 36-113.
29 ~~(rr)~~ (ss) Section 36-207.
30 ~~(ss)~~ (tt) Section 36-411.
31 ~~(tt)~~ (uu) Section 36-425.03.
32 ~~(uu)~~ (vv) Section 36-446.04.
33 ~~(vv)~~ (ww) Section 36-594.01.
34 ~~(ww)~~ (xx) Section 36-594.02.
35 ~~(xx)~~ (yy) Section 36-766.01.
36 ~~(yy)~~ (zz) Section 36-882.
37 ~~(zz)~~ (aaa) Section 36-883.02.
38 ~~(aaa)~~ (bbb) Section 36-897.01.
39 ~~(bbb)~~ (ccc) Section 36-897.03.
40 ~~(ccc)~~ (ddd) Section 36-3008.
41 ~~(ddd)~~ (eee) Section 41-619.53.
42 ~~(eee)~~ (fff) Section 41-1964.
43 ~~(fff)~~ (ggg) Section 41-1967.01.
44 ~~(ggg)~~ (hhh) Section 41-1968.
45 ~~(hhh)~~ (iii) Section 41-1969.

1 ~~(jjj)~~ (jjj) Section 41-2814.

2 ~~(jjj)~~ (kkk) Section 41-4025.

3 ~~(kkk)~~ (lll) Section 46-141, subsection A or B.

4 ~~(jjj)~~ (mmm) Section 46-321.

5 Sec. 5. Section 41-1758, Arizona Revised Statutes, is amended to
6 read:

7 41-1758. Definitions

8 In this article, unless the context otherwise requires:

9 1. "Agency" means the supreme court, the department of economic
10 security, the department of child safety, the department of education, the
11 department of health services, the department of juvenile corrections, the
12 department of emergency and military affairs, the department of public
13 safety, the department of transportation, the state real estate
14 department, the department of insurance and financial institutions, the
15 board of fingerprinting, the Arizona game and fish department, the Arizona
16 department of agriculture, the board of examiners of nursing care
17 institution administrators and assisted living facility managers, the
18 state board of dental examiners, the Arizona state board of pharmacy, the
19 board of physical therapy, the state board of psychologist examiners, the
20 board of athletic training, the board of occupational therapy examiners,
21 the state board of podiatry examiners, the acupuncture board of examiners,
22 the state board of technical registration, ~~or~~ the board of massage therapy
23 or the Arizona department of housing.

24 2. "Division" means the fingerprinting division in the department
25 of public safety.

26 3. "Electronic or internet-based fingerprinting services" means a
27 secure system for digitizing applicant fingerprints and transmitting the
28 applicant data and fingerprints of a person or entity submitting
29 fingerprints to the department of public safety for any authorized purpose
30 under this title. For the purposes of this paragraph, "secure system"
31 means a system that complies with the information technology security
32 policy approved by the department of public safety.

33 4. "Good cause exception" means the issuance of a fingerprint
34 clearance card to an applicant pursuant to section 41-619.55.

35 5. "Person" means a person who is required to be fingerprinted
36 pursuant to any of the following:

- 37 (a) Section 3-314.
- 38 (b) Section 8-105.
- 39 (c) Section 8-322.
- 40 (d) Section 8-463.
- 41 (e) Section 8-509.
- 42 (f) Section 8-802.
- 43 (g) Section 15-183.
- 44 (h) Section 15-503.
- 45 (i) Section 15-512.

- 1 (j) Section 15-534.
- 2 (k) Section 15-763.01.
- 3 (l) Section 15-782.02.
- 4 (m) Section 15-1330.
- 5 (n) Section 15-1881.
- 6 (o) SECTION 15-2406.
- 7 ~~(p)~~ (p) Section 17-215.
- 8 ~~(q)~~ (q) Section 28-3228.
- 9 ~~(r)~~ (r) Section 28-3413.
- 10 ~~(s)~~ (s) Section 32-122.02.
- 11 ~~(t)~~ (t) Section 32-122.05.
- 12 ~~(u)~~ (u) Section 32-122.06.
- 13 ~~(v)~~ (v) Section 32-823.
- 14 ~~(w)~~ (w) Section 32-1232.
- 15 ~~(x)~~ (x) Section 32-1276.01.
- 16 ~~(y)~~ (y) Section 32-1284.
- 17 ~~(z)~~ (z) Section 32-1297.01.
- 18 ~~(aa)~~ (aa) Section 32-1904.
- 19 ~~(bb)~~ (bb) Section 32-1941.
- 20 ~~(cc)~~ (cc) Section 32-1982.
- 21 ~~(dd)~~ (dd) Section 32-2022.
- 22 ~~(ee)~~ (ee) Section 32-2063.
- 23 ~~(ff)~~ (ff) Section 32-2108.01.
- 24 ~~(gg)~~ (gg) Section 32-2123.
- 25 ~~(hh)~~ (hh) Section 32-2371.
- 26 ~~(ii)~~ (ii) Section 32-3430.
- 27 ~~(jj)~~ (jj) Section 32-3620.
- 28 ~~(kk)~~ (kk) Section 32-3668.
- 29 ~~(ll)~~ (ll) Section 32-3669.
- 30 ~~(mm)~~ (mm) Section 32-3922.
- 31 ~~(nn)~~ (nn) Section 32-3924.
- 32 ~~(oo)~~ (oo) Section 32-4128.
- 33 ~~(pp)~~ (pp) Section 32-4222.
- 34 ~~(qq)~~ (qq) Section 36-113.
- 35 ~~(rr)~~ (rr) Section 36-207.
- 36 ~~(ss)~~ (ss) Section 36-411.
- 37 ~~(tt)~~ (tt) Section 36-425.03.
- 38 ~~(uu)~~ (uu) Section 36-446.04.
- 39 ~~(vv)~~ (vv) Section 36-594.01.
- 40 ~~(ww)~~ (ww) Section 36-594.02.
- 41 ~~(xx)~~ (xx) Section 36-766.01.
- 42 ~~(yy)~~ (yy) Section 36-882.
- 43 ~~(zz)~~ (zz) Section 36-883.02.

- 1 ~~(zz)~~ (aaa) Section 36-897.01.
- 2 ~~(aaa)~~ (bbb) Section 36-897.03.
- 3 ~~(bbb)~~ (ccc) Section 36-3008.
- 4 ~~(ccc)~~ (ddd) Section 41-619.52.
- 5 ~~(ddd)~~ (eee) Section 41-619.53.
- 6 ~~(eee)~~ (fff) Section 41-1964.
- 7 ~~(fff)~~ (ggg) Section 41-1967.01.
- 8 ~~(ggg)~~ (hhh) Section 41-1968.
- 9 ~~(hhh)~~ (iii) Section 41-1969.
- 10 ~~(iii)~~ (jjj) Section 41-2814.
- 11 ~~(jjj)~~ (kkk) Section 41-4025.
- 12 ~~(kkk)~~ (lll) Section 46-141, subsection A or B.
- 13 ~~(lll)~~ (mmm) Section 46-321.

14 6. "Vulnerable adult" has the same meaning prescribed in section
15 13-3623.

16 Sec. 6. Section 41-1758.01, Arizona Revised Statutes, is amended to
17 read:

18 41-1758.01. Fingerprinting division; powers and duties

19 A. The fingerprinting division is established in the department of
20 public safety and shall:

21 1. Conduct fingerprint background checks for persons and applicants
22 who are seeking licenses from state agencies, employment with licensees,
23 contract providers and state agencies or employment or educational
24 opportunities with agencies that require fingerprint background checks
25 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
26 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 15-2406,
27 17-215, 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823,
28 32-1232, 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982,
29 32-2022, 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668,
30 32-3669, 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411,
31 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02,
32 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01,
33 41-1968, 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141, subsection A or B
34 and section 46-321.

35 2. Issue fingerprint clearance cards. On issuance, a fingerprint
36 clearance card becomes the personal property of the cardholder and the
37 cardholder shall retain possession of the fingerprint clearance card.

38 3. On submission of an application for a fingerprint clearance
39 card, collect the fees established by the board of fingerprinting pursuant
40 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
41 the monies collected in the board of fingerprinting fund.

42 4. Inform in writing each person who submits fingerprints for a
43 fingerprint background check of the right to petition the board of
44 fingerprinting for a good cause exception pursuant to section 41-1758.03,
45 41-1758.04 or 41-1758.07.

1 5. If after conducting a state and federal criminal history records
2 check the division determines that it is not authorized to issue a
3 fingerprint clearance card to a person, inform the person in writing that
4 the division is not authorized to issue a fingerprint clearance card. The
5 notice shall include the criminal history information on which the denial
6 was based. This criminal history information is subject to dissemination
7 restrictions pursuant to section 41-1750 and Public Law 92-544.

8 6. Notify the person in writing if the division suspends, revokes
9 or places a driving restriction notation on a fingerprint clearance card
10 pursuant to section 41-1758.04. The notice shall include the criminal
11 history information on which the suspension, revocation or placement of
12 the driving restriction notation was based. This criminal history
13 information is subject to dissemination restrictions pursuant to section
14 41-1750 and Public Law 92-544.

15 7. Administer and enforce this article.

16 B. The fingerprinting division may contract for electronic or
17 internet-based fingerprinting services through an entity or entities for
18 the acquisition and transmission of applicant fingerprint and data
19 submissions to the department, including identity verified fingerprints
20 pursuant to section 15-106. The entity or entities contracted by the
21 department of public safety may charge the applicant a fee for services
22 provided pursuant to this article. The entity or entities contracted by
23 the department of public safety shall comply with:

24 1. All information privacy and security measures and submission
25 standards established by the department of public safety.

26 2. The information technology security policy approved by the
27 department of public safety.

28 Sec. 7. Section 41-1758.08, Arizona Revised Statutes, is amended to
29 read:

30 41-1758.08. Fingerprint clearance card; use of expired card

31 A. Notwithstanding any other law, an expired fingerprint clearance
32 card may be used to satisfy the fingerprint requirements of section
33 15-183, 15-503, 15-512, 15-534, 15-782.02, 15-1330, ~~OR~~ 15-1881 OR 15-2406
34 if the person signs an affidavit stating both of the following:

35 1. The person submitted a completed application to the division for
36 a new fingerprint clearance card within ninety days before the expiration
37 date on the person's current fingerprint clearance card.

38 2. The person is not awaiting trial on and has not been convicted
39 of a criminal offense that would make the person ineligible for a
40 fingerprint clearance card.

41 B. This section does not apply to a fingerprint clearance card that
42 has been denied, suspended or revoked or to a person who has requested a
43 good cause exception hearing.

1 Sec. 8. Fingerprinting requirement; current school personnel
2 Notwithstanding section 15-2406, subsection A, paragraph 2, as added
3 by this act, current school personnel, as defined in section 15-2406,
4 Arizona Revised Statutes, as added by this act, must comply with the
5 fingerprinting requirements prescribed in section 15-2406, Arizona Revised
6 Statutes, as added by this act, within six months after the effective date
7 of this act.