

COMMITTEE ON TRANSPORTATION, TECHNOLOGY AND MISSING CHILDREN

SENATE AMENDMENTS TO S.B. 1625

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 8-453, Arizona Revised Statutes, is amended to
3 read:

4 8-453. Powers and duties

5 A. The director shall:

6 1. Carry out the purposes of the department prescribed in section
7 8-451.

8 2. Provide transparency by being open and accountable to the public
9 for the actions of the department.

10 3. TAKE ADMINISTRATIVE ACTION TO IMPROVE THE EFFICIENCY OF THE
11 DEPARTMENT.

12 ~~3.~~ 4. Develop a data system that enables persons and entities that
13 are charged with a responsibility relating to child safety to access all
14 relevant information relating to an abused, neglected or abandoned child as
15 provided by law.

16 ~~4.~~ 5. Subject to title 41, chapter 4, article 4 and, as applicable,
17 articles 5 and 6, employ deputy directors and other key personnel based on
18 qualifications that are prescribed by the director.

19 ~~5.~~ 6. Adopt rules to implement the purposes of the department and
20 the duties and powers of the director.

21 ~~6.~~ 7. Petition, as necessary to implement the case plan established
22 under section 8-824 or 8-845, for the appointment of a guardian or a
23 temporary guardian under title 14, chapter 5 for children who are in the
24 custody of the department pursuant to court order. Persons applying to be
25 guardians or temporary guardians under this section shall be

1 fingerprinted. A foster parent or certified adoptive parent already
2 fingerprinted is not required to be fingerprinted again, if the foster
3 parent or certified adoptive parent is the person applying to be the
4 guardian or temporary guardian.

5 ~~7.~~ 8. Cooperate with other agencies of this state, county and
6 municipal agencies, faith-based organizations and community social services
7 agencies, if available, to achieve the purposes of this chapter.

8 ~~8.~~ 9. Exchange information, including case specific information,
9 and cooperate with the department of economic security for the
10 administration of the department of economic security's programs.

11 ~~9.~~ 10. Administer child welfare activities, including:

12 (a) Cross-jurisdictional placements pursuant to section 8-548.

13 (b) Providing the cost of care of:

14 (i) Children who are in temporary custody, are the subject of a
15 dependency petition or are adjudicated by the court as dependent and who
16 are in out-of-home placement, except state institutions.

17 (ii) Children who are voluntarily placed in out-of-home placement
18 pursuant to section 8-806.

19 (iii) Children who are the subject of a dependency petition or are
20 adjudicated dependent and who are in the custody of the department and
21 ordered by the court pursuant to section 8-845 to reside in an independent
22 living program pursuant to section 8-521.

23 (c) Providing services for children placed in adoption.

24 ~~10.~~ 11. Formulate policies, plans and programs to effectuate the
25 missions and purposes of the department.

26 ~~11.~~ 12. Make contracts and incur obligations within the general
27 scope of the department's activities and operations subject to the
28 availability of funds.

29 ~~12.~~ 13. Coordinate with, contract with or assist other departments,
30 agencies and institutions of this state and local and federal governments
31 in the furtherance of the department's purposes, objectives and programs.

1 ~~13.~~ 14. Accept and disburse grants, matching funds and direct
2 payments from public or private agencies for the conduct of programs that
3 are consistent with the overall purposes and objectives of the department.

4 ~~14.~~ 15. Collect monies owed to the department.

5 ~~15.~~ 16. Act as an agent of the federal government in furtherance of
6 any functions of the department.

7 ~~16.~~ 17. Carry on research and compile statistics relating to the
8 child welfare program throughout this state, including all phases of
9 dependency.

10 ~~17.~~ 18. Cooperate with the superior court in all matters related to
11 this title and title 13.

12 ~~18.~~ 19. Provide the cost of care and transitional independent
13 living services for a person WHO IS under twenty-one years of age pursuant
14 to section 8-521.01.

15 ~~19.~~ 20. Ensure that all criminal conduct allegations and reports of
16 imminent risk of harm are investigated.

17 ~~20.~~ 21. Ensure the department's compliance with the Indian child
18 welfare act of 1978 (P.L. 95-608; 92 Stat. 3069; 25 United States Code
19 sections 1901 through 1963).

20 ~~21.~~ 22. Strengthen relationships with tribal child protection
21 agencies or programs.

22 B. The director may:

23 ~~1. Take administrative action to improve the efficiency of the~~
24 ~~department.~~

25 ~~2.~~ 1. Contract with a private entity to provide any functions or
26 services pursuant to this title.

27 ~~3.~~ 2. Apply for, accept, receive and expend public and private
28 gifts or grants of money or property on the terms and conditions as may be
29 imposed by the donor and for any purpose provided for by this title.

30 ~~4.~~ 3. Reimburse department volunteers, designated by the director,
31 for expenses in transporting clients of the department on official

1 business. Volunteers reimbursed for expenses are not eligible for workers'
2 compensation under title 23, chapter 6.

3 C. The department shall administer individual and family services,
4 including sections on services to children and youth and other related
5 functions in furtherance of social service programs under the social
6 security act, as amended, title IV, parts B and E, grants to states for aid
7 and services to needy families with children and for child-welfare
8 services, title XX, grants to states for services and other related federal
9 acts and titles.

10 D. Notwithstanding any other law, a state or local governmental
11 agency or a private entity is not subject to civil liability for the
12 disclosure of information that is made in good faith to the department
13 pursuant to this section.

14 E. Notwithstanding section 41-192, the department may employ legal
15 counsel to provide legal advice to the director. The attorney general
16 shall represent the department in any administrative or judicial proceeding
17 pursuant to title 41, chapter 1, article 5.

18 F. The total amount of state monies that may be spent in any fiscal
19 year by the department for foster care as provided in subsection A,
20 paragraph ~~9~~ 10, subdivision (b) of this section may not exceed the amount
21 appropriated or authorized by section 35-173 for that purpose. This
22 section does not impose a duty on an officer, agent or employee of this
23 state to discharge a responsibility or create any right in a person or
24 group if the discharge or right would require an expenditure of state
25 monies in excess of the expenditure authorized by legislative appropriation
26 for that specific purpose.

27 Sec. 2. Section 8-521, Arizona Revised Statutes, is amended to read:

28 8-521. Independent living program; conditions; eligibility;
29 rules; progress reports; educational case management
30 unit

31 A. The department or a licensed child welfare agency may establish
32 an independent living program for youths who are the subject of a

1 dependency petition or who are adjudicated dependent and are all of the
2 following:

3 1. In the custody of the department, a licensed child welfare agency
4 or a tribal child welfare agency.

5 2. At least seventeen years of age.

6 3. Employed or full-time students.

7 B. The independent living program may consist of a residential
8 program of less than twenty-four hours a day supervision for youths under
9 the supervision of the department through a licensed child welfare agency
10 or a foster home under contract with the department. Under the independent
11 living program, the youth is not required to reside at a licensed child
12 welfare agency or foster home.

13 C. The director or the director's designee shall review and approve
14 any recommendation to the court that a youth in the custody of the
15 department be ordered to an independent living program.

16 D. For a youth to participate in an independent living program, the
17 court must order such a disposition pursuant to section 8-845.

18 E. The department of child safety, a licensed child welfare agency
19 or a tribal child welfare agency having custody of the youth shall provide
20 the cost of care as required by section 8-453, subsection A, paragraph
21 ~~9~~ 10, subdivision (b), item (iii) for each youth placed in an independent
22 living program pursuant to this section, except that the monthly amount
23 provided shall not be less than \$1,200.

24 F. The department shall adopt rules pursuant to title 41, chapter 6
25 to carry out this section.

26 G. The department shall provide quarterly progress reports to the
27 court and to local foster care review boards for each youth participating
28 in the independent living program.

29 H. The local foster care review boards shall review at least once
30 every six months the case of each youth participating in the independent
31 living program.

1 I. The department shall establish an educational case management
2 unit within the division consisting of two case managers to develop and
3 coordinate educational case management plans for youths participating in
4 the independent living program and to assist youths in the program to do
5 the following:

- 6 1. Graduate from high school.
- 7 2. Pass the statewide assessment pursuant to section 15-741.
- 8 3. Apply for postsecondary financial assistance.
- 9 4. Apply for postsecondary education.

10 Sec. 3. Section 41-1750, Arizona Revised Statutes, is amended to
11 read:

12 41-1750. Central state repository; department of public
13 safety; duties; funds; accounts; definitions

14 A. The department is responsible for the effective operation of the
15 central state repository in order to collect, store and disseminate
16 complete and accurate Arizona criminal history records and related
17 criminal justice information. The department may procure criminal history
18 records and related criminal justice information for violations that are
19 not listed in this section. The department shall:

20 1. Procure from all criminal justice agencies in this state
21 accurate and complete personal identification data, fingerprints, charges,
22 process control numbers and dispositions and such other information as may
23 be pertinent to all persons who have been charged with, arrested for,
24 convicted of or summoned to court as a criminal defendant for any of the
25 following:

- 26 (a) A felony offense or an offense involving domestic violence as
27 defined in section 13-3601.
- 28 (b) A violation of title 13, chapter 14 or title 28, chapter 4.
- 29 (c) An offense listed in:
 - 30 (i) Section 32-2422, subsection A, paragraph 4.
 - 31 (ii) Section 32-2441, paragraph 4.
 - 32 (iii) Section 32-2612, subsection A, paragraph 4.

1 (iv) Section 32-2622, subsection A, paragraph 4.

2 (v) Section 41-1758.03, subsections B and C.

3 (vi) Section 41-1758.07, subsections B and C.

4 2. Collect information concerning the number and nature of offenses
5 known to have been committed in this state and of the legal steps taken in
6 connection with these offenses, such other information that is useful in
7 the study of crime and in the administration of criminal justice and all
8 other information deemed necessary to operate the statewide uniform crime
9 reporting program and to cooperate with the federal government uniform
10 crime reporting program.

11 3. Collect information concerning criminal offenses that manifest
12 evidence of prejudice based on race, color, religion, national origin,
13 sexual orientation, gender, antisemitism or disability.

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

17 5. Ensure the rapid exchange of information concerning the
18 commission of crime and the detection of violators of the law among the
19 criminal justice agencies of other states and of the federal government.

20 6. Furnish assistance to peace officers throughout this state in
21 crime scene investigation for the detection of latent fingerprints and in
22 the comparison of latent fingerprints.

23 7. Conduct periodic operational audits of the central state
24 repository and of a representative sample of other agencies that
25 contribute records to or receive criminal justice information from the
26 central state repository or through the Arizona criminal justice
27 information system.

28 8. Establish and enforce the necessary physical and system
29 safeguards to ensure that the criminal justice information maintained and
30 disseminated by the central state repository or through the Arizona
31 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. Criminal justice agencies may provide criminal history records
19 and related criminal justice information for violations that are not
20 listed in this section. The chief officers of criminal justice agencies
21 of this state or its political subdivisions shall provide to the central
22 state repository fingerprints and information concerning personal
23 identification data, descriptions, crimes for which persons are arrested,
24 process control numbers and dispositions and such other information as may
25 be pertinent to all persons who have been charged with, arrested for,
26 convicted of or summoned to court as criminal defendants for any of the
27 following:

28 1. Felony offenses or offenses involving domestic violence as
29 defined in section 13-3601.

30 2. Violations of title 13, chapter 14 or title 28, chapter 4 that
31 have occurred in this state.

1 3. An offense listed in:

2 (a) Section 32-2422, subsection A, paragraph 4.

3 (b) Section 32-2441, paragraph 4.

4 (c) Section 32-2612, subsection A, paragraph 4.

5 (d) Section 32-2622, subsection A, paragraph 4.

6 (e) Section 41-1758.03, subsections B and C.

7 (f) Section 41-1758.07, subsections B and C.

8 D. The chief officers of law enforcement agencies of this state or
9 its political subdivisions shall provide to the department such
10 information as necessary to operate the statewide uniform crime reporting
11 program and to cooperate with the federal government uniform crime
12 reporting program.

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

17 F. The chief officers of criminal justice agencies of this state or
18 its political subdivisions also shall provide to the department
19 information concerning crimes that manifest evidence of prejudice based on
20 race, color, religion, national origin, sexual orientation, gender,
21 antisemitism or disability.

22 G. The director shall authorize the exchange of criminal justice
23 information between the central state repository, or through the Arizona
24 criminal justice information system, whether directly or through any
25 intermediary, only as follows:

26 1. With criminal justice agencies of the federal government, Indian
27 tribes, this state or its political subdivisions and other states, on
28 request by the chief officers of such agencies or their designated
29 representatives, specifically for the purposes of the administration of
30 criminal justice and for evaluating the fitness of current and prospective
31 criminal justice employees. The department may conduct periodic state and
32 federal criminal history records checks for the purpose of updating the

1 status of current criminal justice employees or volunteers and may notify
2 the criminal justice agency of the results of the records check. The
3 department is authorized to submit fingerprints to the federal bureau of
4 investigation to be retained for the purpose of being searched by future
5 submissions to the federal bureau of investigation including latent
6 fingerprint searches.

7 2. With any noncriminal justice agency pursuant to a statute,
8 ordinance or executive order that specifically authorizes the noncriminal
9 justice agency to receive criminal history record information for the
10 purpose of evaluating the fitness of current or prospective licensees,
11 employees, contract employees or volunteers, on submission of the
12 subject's fingerprints and the prescribed fee. Each statute, ordinance,
13 or executive order that authorizes noncriminal justice agencies to receive
14 criminal history record information for these purposes shall identify the
15 specific categories of licensees, employees, contract employees or
16 volunteers, and shall require that fingerprints of the specified
17 individuals be submitted in conjunction with such requests for criminal
18 history record information. The department may conduct periodic state and
19 federal criminal history records checks for the purpose of updating the
20 status of current licensees, employees, contract employees or volunteers
21 and may notify the noncriminal justice agency of the results of the
22 records check. The department is authorized to submit fingerprints to the
23 federal bureau of investigation to be retained for the purpose of being
24 searched by future submissions to the federal bureau of investigation
25 including latent fingerprint searches.

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

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

31 5. With the governor, if the governor elects to become actively
32 involved in the investigation of criminal activity or the administration

1 of criminal justice in accordance with the governor's constitutional duty
2 to ensure that the laws are faithfully executed or as needed to carry out
3 the other responsibilities of the governor's office.

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

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

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

29 9. With individuals and agencies for the express purpose of
30 research, evaluative or statistical activities pursuant to an agreement
31 with a criminal justice agency if the agreement specifically authorizes
32 access to data, limits the use of data to research, evaluative or

1 statistical purposes and ensures the confidentiality and security of the
2 data consistent with this section.

3 10. With the auditor general for audit purposes.

4 11. With central state repositories of other states for noncriminal
5 justice purposes for dissemination in accordance with the laws of those
6 states.

7 12. On submission of the fingerprint card, with the department of
8 child safety and a tribal social services agency to provide criminal
9 history record information on prospective adoptive parents for the purpose
10 of conducting the preadoption certification investigation under title 8,
11 chapter 1, article 1 if the department of economic security is conducting
12 the investigation, or with an agency or a person appointed by the court,
13 if the agency or person is conducting the investigation. Information
14 received under this paragraph shall only be used for the purposes of the
15 preadoption certification investigation.

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

22 (a) The fingerprint card.

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

25 14. On submission of a fingerprint card, provide criminal history
26 record information to the superior court for the purpose of evaluating the
27 fitness of investigators appointed under section 14-5303 or 14-5407,
28 guardians appointed under section 14-5206 or 14-5304 or conservators
29 appointed under section 14-5401.

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

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

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

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

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

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

24 (a) The fingerprint card.

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

27 21. With each school district and charter school in this state. The
28 department of education and the state board for charter schools shall
29 provide the department of public safety with a current list of email
30 addresses for each school district and charter school in this state and
31 shall periodically provide the department of public safety with updated
32 email addresses. If the department of public safety is notified that a

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

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

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

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

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

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

30 25. With the governor to provide criminal history record information
31 on prospective gubernatorial nominees, appointees and employees as provided
32 by law.

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

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

5 J. The director shall establish a fee in an amount necessary to
6 cover the cost of federal noncriminal justice fingerprint processing for
7 criminal history record information checks that are authorized by law for
8 noncriminal justice employment, licensing or other lawful purposes. An
9 additional fee may be charged by the department for state noncriminal
10 justice fingerprint processing. Fees submitted to the department for
11 state noncriminal justice fingerprint processing are not refundable.

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

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

22 M. A fingerprint account within the records processing fund is
23 established for the purpose of separately accounting for the collection
24 and payment of fees for noncriminal justice fingerprint processing by the
25 department. Monies collected for this purpose shall be credited to the
26 account, and payments by the department to the United States for federal
27 noncriminal justice fingerprint processing shall be charged against the
28 account. Monies in the account not required for payment to the United
29 States shall be used by the department in support of the department's
30 noncriminal justice fingerprint processing duties. At the end of each
31 fiscal year, any balance in the account not required for payment to the

1 United States or to support the department's noncriminal justice
2 fingerprint processing duties reverts to the state general fund.

3 N. A records processing fund is established for the purpose of
4 separately accounting for the collection and payment of fees for
5 department reports and photographs of traffic accident scenes processed by
6 the department. Monies collected for this purpose shall be credited to
7 the fund and shall be used by the department in support of functions
8 related to providing copies of department reports and photographs. At the
9 end of each fiscal year, any balance in the fund not required for support
10 of the functions related to providing copies of department reports and
11 photographs reverts to the state general fund.

12 O. The department of child safety may pay from appropriated monies
13 the cost of federal fingerprint processing or federal criminal history
14 record information checks that are authorized by law for employees and
15 volunteers of the department, guardians pursuant to section 8-453,
16 subsection A, paragraph ~~6~~ 7, the licensing of foster parents or the
17 certification of adoptive parents.

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

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

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

22 Q. The director shall ensure that the following limitations are
23 observed regarding dissemination of criminal justice information obtained
24 from the central state repository or through the Arizona criminal justice
25 information system:

26 1. Any criminal justice agency that obtains criminal justice
27 information from the central state repository or through the Arizona
28 criminal justice information system assumes responsibility for the
29 security of the information and shall not secondarily disseminate this
30 information to any individual or agency not authorized to receive this
31 information directly from the central state repository or originating
32 agency.

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

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

9 4. The existence or nonexistence of criminal history record
10 information shall not be confirmed to any individual or agency not
11 authorized to receive the information itself.

12 5. Criminal history record information to be released for
13 noncriminal justice purposes to agencies of other states shall only be
14 released to the central state repositories of those states for
15 dissemination in accordance with the laws of those states.

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

19 R. This section and the rules adopted under this section apply to
20 all agencies and individuals collecting, storing or disseminating criminal
21 justice information processed by manual or automated operations if the
22 collection, storage or dissemination is funded in whole or in part with
23 monies made available by the law enforcement assistance administration
24 after July 1, 1973, pursuant to title I of the crime control act of 1973,
25 and to all agencies that interact with or receive criminal justice
26 information from or through the central state repository and through the
27 Arizona criminal justice information system.

28 S. This section does not apply to criminal history record
29 information contained in:

30 1. Posters, arrest warrants, announcements or lists for identifying
31 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

1 number and provide a document to the person fingerprinted that indicates
2 proof of the fingerprinting and that informs the person that the document
3 must be presented to the court. For the purposes of this paragraph,
4 "summoned" includes a written promise to appear by the defendant on a
5 uniform traffic ticket and complaint.

6 3. If a person is arrested for a misdemeanor offense listed in
7 subsection C of this section by a city or town law enforcement agency, the
8 person shall appear before the law enforcement agency that arrested the
9 defendant and provide legible ten-print fingerprints. The law enforcement
10 agency shall obtain a process control number and provide a document to the
11 person fingerprinted that indicates proof of the fingerprinting and that
12 informs the person that the document must be presented to the court.

13 4. The mandatory fingerprint compliance form shall contain the
14 following information:

15 (a) Whether ten-print fingerprints have been obtained from the
16 person.

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

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

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

21 (e) Instructions on reporting for ten-print fingerprinting,
22 including available times and locations for reporting for ten-print
23 fingerprinting.

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

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

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

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

12 8. If the defendant fails to present a completed mandatory
13 fingerprint compliance form or if the court has not received the process
14 control number, the court, on its own motion, may remand the defendant
15 into custody for ten-print fingerprinting. If otherwise eligible for
16 release, the defendant shall be released from custody after being
17 ten-print fingerprinted.

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

25 10. Dispositions resulting from formal proceedings in a court
26 having jurisdiction in a criminal action against an individual who is
27 arrested for an offense specified in subsection C of this section or
28 section 8-341, subsection Q, paragraph 3 shall be reported to the central
29 state repository within forty days of the date of the disposition. This
30 information shall be submitted on a form or in a manner specified by rules
31 approved by the supreme court.

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

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

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

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

29 X. Nothing in this section creates a cause of action or a right to
30 bring an action including an action based on discrimination due to sexual
31 orientation.

1 Y. The definition prescribed in subsection Z, paragraph 3 of this
2 section does not diminish or infringe on any rights protected under the
3 first amendment to the United States constitution or the Arizona
4 constitution.

5 Z. For the purposes of this section:

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

15 2. "Administrative records" means records that contain adequate and
16 proper documentation of the organization, functions, policies, decisions,
17 procedures and essential transactions of the agency and that are designed
18 to furnish information to protect the rights of this state and of persons
19 directly affected by the agency's activities.

20 3. "Antisemitism" includes the definition of antisemitism that was
21 adopted by the international holocaust remembrance alliance on May 26,
22 2016 and that has been adopted by the United States department of state,
23 including the contemporary examples of antisemitism identified in the
24 adopted definition.

25 4. "Arizona criminal justice information system" or "system" means
26 the statewide information system managed by the director for the
27 collection, processing, preservation, dissemination and exchange of
28 criminal justice information and includes the electronic equipment,
29 facilities, procedures and agreements necessary to exchange this
30 information.

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

1 6. "Central state repository" means the central location within the
2 department for the collection, storage and dissemination of Arizona
3 criminal history records and related criminal justice information.

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

15 8. "Criminal justice agency" means either:

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

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

26 9. "Criminal justice information" means information that is
27 collected by criminal justice agencies and that is needed for the
28 performance of their legally authorized and required functions, such as
29 criminal history record information, citation information, stolen property
30 information, traffic accident reports, wanted persons information and
31 system network log searches. Criminal justice information does not
32 include the administrative records of a criminal justice agency.

1 10. "Disposition" means information disclosing that a decision has
2 been made not to bring criminal charges or that criminal proceedings have
3 been concluded or information relating to sentencing, correctional
4 supervision, release from correctional supervision, the outcome of an
5 appellate review of criminal proceedings or executive clemency.

6 11. "Dissemination" means the written, oral or electronic
7 communication or transfer of criminal justice information to individuals
8 and agencies other than the criminal justice agency that maintains the
9 information. Dissemination includes the act of confirming the existence
10 or nonexistence of criminal justice information.

11 12. "Management control":

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

13 (i) Priorities regarding development and operation of criminal
14 justice information systems and programs.

15 (ii) Standards for the selection, supervision and termination of
16 personnel involved in the development of criminal justice information
17 systems and programs and in the collection, maintenance, analysis and
18 dissemination of criminal justice information.

19 (iii) Policies governing the operation of computers, circuits and
20 telecommunications terminals used to process criminal justice information
21 to the extent that the equipment is used to process, store or transmit
22 criminal justice information.

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

26 13. "Process control number" means the Arizona automated
27 fingerprint identification system number that attaches to each arrest
28 event at the time of fingerprinting and that is assigned to the arrest
29 fingerprint card, disposition form and other pertinent documents.

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

5 15. "Sexual orientation" means consensual homosexuality or
6 heterosexuality.

7 16. "Subject of record" means the person who is the primary subject
8 of a criminal justice record."

9 Amend title to conform

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