

REFERENCE TITLE: fingerprinting; criminal history; records checks

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **HB 2243**

Introduced by  
Representatives Nguyen: Gress, Willoughby

AN ACT

AMENDING SECTIONS 41-619.55, 41-1750, 41-1758, 41-1758.03 AND 41-1758.07,  
ARIZONA REVISED STATUTES; RELATING TO FINGERPRINTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-619.55, Arizona Revised Statutes, is amended  
3 to read:

4 41-619.55. Good cause exceptions; expedited review; hearing;  
5 revocation

6 A. The board shall determine good cause exceptions. The board  
7 shall determine a good cause exception after an expedited review or after  
8 a good cause exception hearing. The board shall conduct an expedited  
9 review within twenty days after receiving an application for a good cause  
10 exception.

11 B. Within forty-five days after conducting an expedited review, the  
12 board shall hold a good cause exception hearing if the board determines  
13 that the applicant does not qualify for a good cause exception under an  
14 expedited review but is qualified to apply for a good cause exception and  
15 the applicant submits an application for a good cause exception within the  
16 time limits prescribed by rule.

17 C. When determining whether a person is eligible to receive a good  
18 cause exception under an expedited review, the board shall consider  
19 whether the person has shown to the board's satisfaction that the person  
20 is not awaiting trial on or has not been convicted of committing any of  
21 the offenses listed in section 41-1758.03, subsection B or section  
22 41-1758.07, subsection B or that the person is successfully rehabilitated  
23 and is not a recidivist. Before granting a good cause exception under an  
24 expedited review, the board shall consider all of the criteria listed in  
25 subsection E of this section.

26 D. The following persons shall be present during good cause  
27 exception hearings:

28 1. The board or its hearing officer.

29 2. The person who requested the good cause exception hearing. The  
30 person may be accompanied by a representative at the hearing.

31 E. The board may grant a good cause exception at a hearing if the  
32 person shows to the board's satisfaction that the person is not awaiting  
33 trial on or has not been convicted of committing any of the offenses  
34 listed in section 41-1758.03, subsection B or section 41-1758.07,  
35 subsection B or that the person is successfully rehabilitated and is not a  
36 recidivist. Notwithstanding any other law, the board may require  
37 applicants to disclose evidence regarding substantiated allegations of  
38 child or vulnerable adult abuse or neglect for consideration in  
39 determining an applicant's successful rehabilitation. If the applicant  
40 fails to appear at the hearing without good cause, the board may deny a  
41 good cause exception. The board shall grant or deny a good cause  
42 exception within eighty days after the good cause exception hearing.  
43 Before granting a good cause exception at a hearing, the board shall  
44 consider all of the following in accordance with board rule:

- 1           1. The extent of the person's criminal record.
- 2           2. The length of time that has elapsed since the offense was  
3 committed.
- 4           3. The nature of the offense.
- 5           4. Any applicable mitigating circumstances.
- 6           5. The degree to which the person participated in the offense.
- 7           6. The extent of the person's rehabilitation, including:
  - 8           (a) Completion of probation, parole or community supervision.
  - 9           (b) Whether the person paid restitution or other compensation for  
10 the offense.
  - 11           (c) Evidence of positive action to change criminal behavior, such  
12 as completion of a drug treatment program or counseling.
  - 13           (d) Personal references attesting to the person's rehabilitation.
- 14           F. If the board grants a good cause exception to a person, the  
15 board shall request in writing that the department of public safety issue  
16 a fingerprint clearance card to the person.
- 17           G. **WHEN DETERMINING IF A PERSON IS ELIGIBLE TO RECEIVE A GOOD CAUSE**  
18 **EXCEPTION**, the board's staff, under the direction of the executive  
19 director of the board **AND ONLY IN CONJUNCTION WITH THE PERSON'S**  
20 **APPLICATION FOR A GOOD CAUSE EXCEPTION**, shall review reports it receives  
21 of the arrest, charging or conviction of ~~a~~ **THE** person for offenses listed  
22 in sections 41-1758.03 and 41-1758.07 who previously received **OR WHO WAS**  
23 **DENIED** a fingerprint clearance card. ~~Except as provided by subsection j~~  
24 ~~of this section, the executive director shall report any arrest, charge or~~  
25 ~~conviction of a prohibited crime to the state agencies listed on the~~  
26 ~~applicant's fingerprint clearance card application.~~
- 27           H. The board may request in writing that the department of public  
28 safety revoke a person's fingerprint clearance card pursuant to section  
29 41-1758.04 if the person received a fingerprint clearance card and the  
30 person is subsequently convicted of an offense listed in section  
31 41-1758.03, subsection B or C or section 41-1758.07, subsection B or C.
- 32           I. Pending the outcome of a good cause exception determination, the  
33 board or its hearing officer may issue interim approval in accordance with  
34 board rule to continue working to a good cause exception applicant.
- 35           ~~j. If the board's staff, under the direction of the executive~~  
36 ~~director, receives a report of an arrest, charging or conviction of a~~  
37 ~~prohibited crime for a person who previously received a fingerprint~~  
38 ~~clearance card pursuant to section 15-1881, the executive director shall~~  
39 ~~not report this information to the state agency that is listed on the~~  
40 ~~applicant's fingerprint clearance card application but shall notify the~~  
41 ~~person issued the fingerprint clearance card of the report.~~
- 42           ~~k.~~ **J.** The board is exempt from chapter 6, article 10 of this  
43 title.

1 ~~K.~~ K. A person who is required to obtain a fingerprint clearance  
2 card pursuant to section 41-619.52 is not eligible to receive a good cause  
3 exception pursuant to this section.

4 Sec. 2. Section 41-1750, Arizona Revised Statutes, is amended to  
5 read:

6 41-1750. Central state repository; department of public  
7 safety; duties; funds; accounts; definitions

8 A. The department is responsible for the effective operation of the  
9 central state repository in order to collect, store and disseminate  
10 complete and accurate Arizona criminal history records and related  
11 criminal justice information. The department may procure criminal history  
12 records and related criminal justice information for violations that are  
13 not listed in this section. The department shall:

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

20 (a) A felony offense or an offense involving domestic violence as  
21 defined in section 13-3601.

22 (b) A violation of title 13, chapter 14 or title 28, chapter 4.

23 (c) An offense listed in:

24 (i) Section 32-2422, subsection A, paragraph 4.

25 (ii) Section 32-2441, paragraph 4.

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

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

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

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

30 2. Collect information concerning the number and nature of offenses  
31 known to have been committed in this state and of the legal steps taken in  
32 connection with these offenses, such other information that is useful in  
33 the study of crime and in the administration of criminal justice and all  
34 other information deemed necessary to operate the statewide uniform crime  
35 reporting program and to cooperate with the federal government uniform  
36 crime reporting program.

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

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

43 5. Ensure the rapid exchange of information concerning the  
44 commission of crime and the detection of violators of the law among the  
45 criminal justice agencies of other states and of the federal government.

1           6. Furnish assistance to peace officers throughout this state in  
2 crime scene investigation for the detection of latent fingerprints and in  
3 the comparison of latent fingerprints.

4           7. Conduct periodic operational audits of the central state  
5 repository and of a representative sample of other agencies that  
6 contribute records to or receive criminal justice information from the  
7 central state repository or through the Arizona criminal justice  
8 information system.

9           8. Establish and enforce the necessary physical and system  
10 safeguards to ensure that the criminal justice information maintained and  
11 disseminated by the central state repository or through the Arizona  
12 criminal justice information system is appropriately protected from  
13 unauthorized inquiry, modification, destruction or dissemination as  
14 required by this section.

15           9. Aid and encourage coordination and cooperation among criminal  
16 justice agencies through the statewide and interstate exchange of criminal  
17 justice information.

18           10. Provide training and proficiency testing on the use of criminal  
19 justice information to agencies receiving information from the central  
20 state repository or through the Arizona criminal justice information  
21 system.

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

24           12. Provide criminal history record information to the  
25 fingerprinting division for the purpose of screening applicants for  
26 fingerprint clearance cards.

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

30           C. Criminal justice agencies may provide criminal history records  
31 and related criminal justice information for violations that are not  
32 listed in this section. **EXCEPT FOR THE REQUIREMENTS LISTED IN SUBSECTION**  
33 **U OF THIS SECTION**, the chief officers of criminal justice agencies of this  
34 state or its political subdivisions shall provide to the central state  
35 repository fingerprints and information concerning personal identification  
36 data, descriptions, crimes for which persons are arrested, process control  
37 numbers and dispositions and such other information, **INCLUDING OTHER**  
38 **BIOMETRIC DATA**, as may be pertinent to all persons who have been charged  
39 with, arrested for, convicted of or summoned to court as criminal  
40 defendants for any of the following:

41           1. Felony offenses or offenses involving domestic violence as  
42 defined in section 13-3601.

43           2. Violations of title 13, chapter 14 or title 28, chapter 4 that  
44 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. **FINGERPRINTS SUBMITTED PURSUANT TO THIS  
32 PARAGRAPH MAY BE SEARCHED THROUGH THE DEPARTMENT AND THE FEDERAL BUREAU OF  
33 INVESTIGATION TO CONDUCT CRIMINAL HISTORY RECORDS CHECKS.** The department  
34 may conduct ~~periodic state and federal~~ criminal history records checks  
35 **THROUGH STATE AND FEDERAL RAP BACK SERVICES** for the purpose of updating  
36 the status of current criminal justice employees or volunteers and may  
37 notify the criminal justice agency of the results of the records check.  
38 The department is authorized to submit fingerprints to the federal bureau  
39 of investigation to be retained for the purpose of being searched by  
40 future submissions to the federal bureau of investigation, including  
41 latent fingerprint searches. **THE DEPARTMENT MAY RETAIN FINGERPRINTS  
42 SUBMITTED PURSUANT TO THIS PARAGRAPH FOR THE PURPOSE OF BEING SEARCHED BY  
43 FUTURE SUBMISSIONS TO THE DEPARTMENT, INCLUDING LATENT FINGERPRINT  
44 SEARCHES.**

1           2. With any noncriminal justice agency pursuant to a statute,  
 2 ordinance or executive order that specifically authorizes the noncriminal  
 3 justice agency to receive criminal history record information for the  
 4 purpose of evaluating the fitness of current or prospective licensees,  
 5 employees, contract employees or volunteers, on submission of the  
 6 subject's fingerprints and the prescribed fee. Each statute, ordinance,  
 7 or executive order that authorizes noncriminal justice agencies to receive  
 8 criminal history record information for these purposes shall identify the  
 9 specific categories of licensees, employees, contract employees or  
 10 volunteers, ~~and~~ and shall require that fingerprints of the specified  
 11 individuals be submitted in conjunction with such requests for criminal  
 12 history record information. **FINGERPRINTS SUBMITTED PURSUANT TO THIS**  
 13 **PARAGRAPH MAY BE SEARCHED THROUGH THE DEPARTMENT AND THE FEDERAL BUREAU OF**  
 14 **INVESTIGATION TO CONDUCT CRIMINAL HISTORY RECORDS CHECKS.** The department  
 15 may conduct ~~periodic state and federal~~ criminal history records checks  
 16 **THROUGH STATE AND FEDERAL RAP BACK SERVICES** for the purpose of updating  
 17 the status of current licensees, employees, contract employees or  
 18 volunteers and may notify the noncriminal justice agency of the results of  
 19 the records check. The department is authorized to submit fingerprints to  
 20 the federal bureau of investigation to be retained for the purpose of  
 21 being searched by future submissions to the federal bureau of  
 22 investigation, including latent fingerprint searches. **THE DEPARTMENT IS**  
 23 **AUTHORIZED TO RETAIN FINGERPRINTS SUBMITTED PURSUANT TO THIS PARAGRAPH FOR**  
 24 **THE PURPOSE OF BEING SEARCHED BY FUTURE SUBMISSIONS TO THE DEPARTMENT,**  
 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  
 33 of criminal justice in accordance with the governor's constitutional duty  
 34 to ensure that the laws are faithfully executed or as needed to carry out  
 35 the other responsibilities of the governor's office.

36           6. With regional computer centers that maintain authorized  
 37 computer-to-computer interfaces with the department, that are criminal  
 38 justice agencies or under the management control of a criminal justice  
 39 agency and that are established by a statute, ordinance or executive order  
 40 to provide automated data processing services to criminal justice agencies  
 41 specifically for the purposes of the administration of criminal justice or  
 42 evaluating the fitness of regional computer center employees who have  
 43 access to the Arizona criminal justice information system and the national  
 44 crime information center system.

1           7. With an individual who asserts a belief that criminal history  
2 record information relating to the individual is maintained by an agency  
3 or in an information system in this state that is subject to this section.  
4 On submission of fingerprints, the individual may review this information  
5 for the purpose of determining its accuracy and completeness by making  
6 application to the agency operating the system. Rules adopted under this  
7 section shall include provisions for administrative review and necessary  
8 correction of any inaccurate or incomplete information. The review and  
9 challenge process authorized by this paragraph is limited to criminal  
10 history record information.

11           8. With individuals and agencies pursuant to a specific agreement  
12 with a criminal justice agency to provide services required for the  
13 administration of criminal justice pursuant to that agreement if the  
14 agreement specifically authorizes access to data, limits the use of data  
15 to purposes for which given and ensures the security and confidentiality  
16 of the data consistent with this section.

17           9. With individuals and agencies for the express purpose of  
18 research, evaluative or statistical activities pursuant to an agreement  
19 with a criminal justice agency if the agreement specifically authorizes  
20 access to data, limits the use of data to research, evaluative or  
21 statistical purposes and ensures the confidentiality and security of the  
22 data consistent with this section.

23           10. With the auditor general for audit purposes.

24           11. With central state repositories of other states for noncriminal  
25 justice purposes for dissemination in accordance with the laws of those  
26 states.

27           12. On submission of the fingerprint card, with the department of  
28 child safety and a tribal social services agency to provide criminal  
29 history record information on prospective adoptive parents for the purpose  
30 of conducting the preadoption certification investigation under title 8,  
31 chapter 1, article 1 if the department of economic security is conducting  
32 the investigation, or with an agency or a person appointed by the court,  
33 if the agency or person is conducting the investigation. Information  
34 received under this paragraph shall only be used for the purposes of the  
35 preadoption certification investigation.

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

42           (a) The fingerprint card.

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



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

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

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

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

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

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

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

31           (a) The fingerprint card.

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

34          21. With each school district and charter school in this state.  
35 The department of education and the state board for charter schools shall  
36 provide the department of public safety with a current list of email  
37 addresses for each school district and charter school in this state and  
38 shall periodically provide the department of public safety with updated  
39 email addresses. If the department of public safety is notified that a  
40 person who is required to have a fingerprint clearance card to be employed  
41 by or to engage in volunteer activities at a school district or charter  
42 school has been arrested for or convicted of an offense listed in section  
43 41-1758.03, subsection B or has been arrested for or convicted of an  
44 offense that amounts to unprofessional conduct under section 15-550, the  
45 department of public safety shall notify each school district and charter

1 school in this state that the person's fingerprint clearance card has been  
2 suspended or revoked.

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

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

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

16 23. With a nonprofit organization that interacts with children or  
17 vulnerable adults for the lawful purpose of evaluating the fitness of all  
18 current and prospective employees, contractors and volunteers of the  
19 organization. The criminal history record information shall be provided  
20 on submission of the applicant APPLICANT'S fingerprint card and the  
21 prescribed fee. FINGERPRINTS SUBMITTED PURSUANT TO THIS PARAGRAPH MAY BE  
22 SEARCHED BY THE DEPARTMENT TO CONDUCT STATE CRIMINAL HISTORY RECORDS  
23 CHECKS.

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

27 25. With the governor to provide criminal history record  
28 information on prospective gubernatorial nominees, appointees and  
29 employees as provided by law.

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

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

35 J. The director shall establish a fee in an amount necessary to  
36 cover the cost of federal noncriminal justice fingerprint processing for  
37 criminal history record information checks that are authorized by law for  
38 noncriminal justice employment, licensing or other lawful purposes. An  
39 additional fee may be charged by the department for state noncriminal  
40 justice fingerprint processing. Fees submitted to the department for  
41 state noncriminal justice fingerprint processing are not refundable.

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

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

7 M. A fingerprint account within the records processing fund is  
8 established for the purpose of separately accounting for the collection  
9 and payment of fees for noncriminal justice fingerprint processing by the  
10 department. Monies collected for this purpose shall be credited to the  
11 account, and payments by the department to the United States for federal  
12 noncriminal justice fingerprint processing shall be charged against the  
13 account. Monies in the account not required for payment to the United  
14 States shall be used by the department in support of the department's  
15 noncriminal justice fingerprint processing duties. At the end of each  
16 fiscal year, any balance in the account not required for payment to the  
17 United States or to support the department's noncriminal justice  
18 fingerprint processing duties reverts to the state general fund.

19 N. A records processing fund is established for the purpose of  
20 separately accounting for the collection and payment of fees for  
21 department reports and photographs of traffic accident scenes processed by  
22 the department. Monies collected for this purpose shall be credited to  
23 the fund and shall be used by the department in support of functions  
24 related to providing copies of department reports and photographs. At the  
25 end of each fiscal year, any balance in the fund not required for support  
26 of the functions related to providing copies of department reports and  
27 photographs reverts to the state general fund.

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

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

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

38 Q. The director shall ensure that the following limitations are  
39 observed regarding dissemination of criminal justice information obtained  
40 from the central state repository or through the Arizona criminal justice  
41 information system:

- 42 1. Any criminal justice agency that obtains criminal justice  
43 information from the central state repository or through the Arizona  
44 criminal justice information system assumes responsibility for the  
45 security of the information and shall not secondarily disseminate this

1 information to any individual or agency not authorized to receive this  
2 information directly from the central state repository or originating  
3 agency.

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

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

12 4. The existence or nonexistence of criminal history record  
13 information shall not be confirmed to any individual or agency not  
14 authorized to receive the information itself.

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

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

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

31 S. This section does not apply to criminal history record  
32 information contained in:

33 1. Posters, arrest warrants, announcements or lists for identifying  
34 or apprehending fugitives or wanted persons.

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

39 3. Transcripts or records of judicial proceedings if released by a  
40 court or legislative or administrative proceedings.

41 4. Announcements of executive clemency or pardon.

42 5. Computer databases, other than the Arizona criminal justice  
43 information system, that are specifically designed for community  
44 notification of an offender's presence in the community pursuant to

1 section 13-3825 or for public informational purposes authorized by section  
2 13-3827.

3 T. ~~Nothing in~~ This section ~~prevents~~ DOES NOT PREVENT a criminal  
4 justice agency from disclosing to the public criminal history record  
5 information that is reasonably contemporaneous to the event for which an  
6 individual is currently within the criminal justice system, including  
7 information noted on traffic accident reports concerning citations, blood  
8 alcohol tests or arrests made in connection with the traffic accident  
9 being investigated.

10 U. In order to ensure that complete and accurate criminal history  
11 record information is maintained and disseminated by the central state  
12 repository:

13 1. The booking agency shall take legible ten-print fingerprints of  
14 all persons who are arrested for offenses listed in subsection C of this  
15 section. The booking agency shall obtain a process control number and  
16 provide to the person fingerprinted a document that indicates proof of the  
17 fingerprinting and that informs the person that the document must be  
18 presented to the court.

19 2. Except as provided in paragraph 3 of this subsection, if a  
20 person is summoned to court as a result of an indictment or complaint for  
21 an offense listed in subsection C of this section, the court shall order  
22 the person to appear before the county sheriff and provide legible  
23 ten-print fingerprints. The county sheriff shall obtain a process control  
24 number and provide a document to the person fingerprinted that indicates  
25 proof of the fingerprinting and that informs the person that the document  
26 must be presented to the court. For the purposes of this paragraph,  
27 "summoned" includes a written promise to appear by the defendant on a  
28 uniform traffic ticket and complaint.

29 3. If a person is arrested for a misdemeanor offense listed in  
30 subsection C of this section by a city or town law enforcement agency, the  
31 person shall appear before the law enforcement agency that arrested the  
32 defendant and provide legible ten-print fingerprints. The law enforcement  
33 agency shall obtain a process control number and provide a document to the  
34 person fingerprinted that indicates proof of the fingerprinting and that  
35 informs the person that the document must be presented to the court.

36 4. The mandatory fingerprint compliance form shall contain the  
37 following information:

38 (a) Whether ten-print fingerprints have been obtained from the  
39 person.

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

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

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

1 (e) Instructions on reporting for ten-print fingerprinting,  
2 including available times and locations for reporting for ten-print  
3 fingerprinting.

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

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

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

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

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

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

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

41 11. The state department of corrections or the department of  
42 juvenile corrections, within forty days, shall advise the central state  
43 repository that it has assumed supervision of a person convicted of an  
44 offense specified in subsection C of this section or section 8-341,  
45 subsection Q, paragraph 3. The state department of corrections or the

1 department of juvenile corrections shall also report dispositions that  
2 occur thereafter to the central state repository within forty days of the  
3 date of the dispositions. This information shall be submitted on a form  
4 or in a manner required by the department of public safety.

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

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

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

24 X. ~~Nothing in~~ This section ~~creates~~ DOES NOT CREATE a cause of  
25 action or a right to bring an action including an action based on  
26 discrimination due to sexual orientation.

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

31 Z. For the purposes of this section:

32 1. "Administration of criminal justice" means performance of the  
33 detection, apprehension, detention, pretrial release, posttrial release,  
34 prosecution, adjudication, correctional supervision or rehabilitation of  
35 criminal offenders. Administration of criminal justice includes  
36 enforcement of criminal traffic offenses and civil traffic violations,  
37 including parking violations, when performed by a criminal justice agency.  
38 Administration of criminal justice also includes criminal identification  
39 activities and the collection, storage and dissemination of criminal  
40 history record information.

41 2. "Administrative records" means records that contain adequate and  
42 proper documentation of the organization, functions, policies, decisions,  
43 procedures and essential transactions of the agency and that are designed  
44 to furnish information to protect the rights of this state and of persons  
45 directly affected by the agency's activities.

1           3. "Antisemitism" includes the definition of antisemitism that was  
2 adopted by the international holocaust remembrance alliance on May 26,  
3 2016 and that has been adopted by the United States department of state,  
4 including the contemporary examples of antisemitism identified in the  
5 adopted definition.

6           4. "Arizona criminal justice information system" or "system" means  
7 the statewide information system managed by the director for the  
8 collection, processing, preservation, dissemination and exchange of  
9 criminal justice information and includes the electronic equipment,  
10 facilities, procedures and agreements necessary to exchange this  
11 information.

12           5. "BIOMETRIC DATA" MEANS ANY PHYSICAL CHARACTERISTICS, INCLUDING  
13 FINGERPRINTS AND PALM PRINTS AND FACE, TATTOO AND IRIS IMAGES.

14           ~~5.~~ 6. "Booking agency" means the county sheriff or, if a person is  
15 booked into a municipal jail, the municipal law enforcement agency.

16           ~~6.~~ 7. "Central state repository" means the central location within  
17 the department for the collection, storage and dissemination of Arizona  
18 criminal history records and related criminal justice information.

19           ~~7.~~ 8. "Criminal history record information" and "criminal history  
20 record" means information that is collected by criminal justice agencies  
21 on individuals and that consists of identifiable descriptions and  
22 notations of arrests, detentions, indictments and other formal criminal  
23 charges, and any disposition arising from those actions, sentencing,  
24 formal correctional supervisory action and release. Criminal history  
25 record information and criminal history record do not include  
26 identification information to the extent that the information does not  
27 indicate involvement of the individual in the criminal justice system or  
28 information relating to juveniles unless they have been adjudicated as  
29 adults.

30           ~~8.~~ 9. "Criminal justice agency" means either:  
31           (a) A court at any governmental level with criminal or equivalent  
32 jurisdiction, including courts of any foreign sovereignty duly recognized  
33 by the federal government.

34           (b) A government agency or subunit of a government agency that is  
35 specifically authorized to perform as its principal function the  
36 administration of criminal justice pursuant to a statute, ordinance or  
37 executive order and that allocates more than fifty percent of its annual  
38 budget to the administration of criminal justice. This subdivision  
39 includes agencies of any foreign sovereignty duly recognized by the  
40 federal government.

41           ~~9.~~ 10. "Criminal justice information" means information that is  
42 collected by criminal justice agencies and that is needed for the  
43 performance of their legally authorized and required functions, such as  
44 criminal history record information, citation information, stolen property  
45 information, traffic accident reports, wanted persons information and



1 system network log searches. Criminal justice information does not  
2 include the administrative records of a criminal justice agency.

3 ~~10.~~ 11. "Disposition" means information disclosing that a decision  
4 has been made not to bring criminal charges or that criminal proceedings  
5 have been concluded or information relating to sentencing, correctional  
6 supervision, release from correctional supervision, the outcome of an  
7 appellate review of criminal proceedings or executive clemency.

8 ~~11.~~ 12. "Dissemination" means the written, oral or electronic  
9 communication or transfer of criminal justice information to individuals  
10 and agencies other than the criminal justice agency that maintains the  
11 information. Dissemination includes the act of confirming the existence  
12 or nonexistence of criminal justice information.

13 ~~12.~~ 13. "Management control":

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

15 (i) Priorities regarding development and operation of criminal  
16 justice information systems and programs.

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

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

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

28 ~~13.~~ 14. "Process control number" means the Arizona automated  
29 fingerprint identification system number that attaches to each arrest  
30 event at the time of fingerprinting and that is assigned to the arrest  
31 fingerprint card, disposition form and other pertinent documents.

32 15. "RAP BACK SERVICES" MEANS REAL-TIME OR NEAR REAL-TIME  
33 NOTIFICATIONS OF ACTIVITY, SUCH AS ARRESTS ON AN INDIVIDUAL, FOR  
34 AUTHORIZED CRIMINAL JUSTICE OR NONCRIMINAL JUSTICE PURPOSES IN WHICH  
35 CONTINUOUS EVALUATION OF THE INDIVIDUAL'S CRIMINAL HISTORY IS REQUIRED.

36 ~~14.~~ 16. "Secondary dissemination" means the dissemination of  
37 criminal justice information from an individual or agency that originally  
38 obtained the information from the central state repository or through the  
39 Arizona criminal justice information system to another individual or  
40 agency.

41 ~~15.~~ 17. "Sexual orientation" means consensual homosexuality or  
42 heterosexuality.

43 ~~16.~~ 18. "Subject of record" means the person who is the primary  
44 subject of a criminal justice record.

1           Sec. 3. Section 41-1758, Arizona Revised Statutes, is amended to  
2 read:

3           41-1758. Definitions

4           In this article, unless the context otherwise requires:

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

20           2. "Division" means the fingerprinting division in the department  
21 of public safety.

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

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

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

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

- 1 (n) Section 15-1881.
- 2 (o) Section 17-215.
- 3 (p) Section 28-3228.
- 4 (q) Section 28-3413.
- 5 (r) Section 32-122.02.
- 6 (s) Section 32-122.05.
- 7 (t) Section 32-122.06.
- 8 (u) Section 32-823.
- 9 (v) Section 32-1232.
- 10 (w) Section 32-1276.01.
- 11 (x) Section 32-1284.
- 12 (y) Section 32-1297.01.
- 13 (z) Section 32-1904.
- 14 (aa) Section 32-1941.
- 15 (bb) Section 32-1982.
- 16 (cc) Section 32-2022.
- 17 (dd) Section 32-2063.
- 18 (ee) Section 32-2108.01.
- 19 (ff) Section 32-2123.
- 20 (gg) Section 32-2371.
- 21 (hh) Section 32-3430.
- 22 (ii) Section 32-3620.
- 23 (jj) Section 32-3668.
- 24 (kk) Section 32-3669.
- 25 (ll) Section 32-3922.
- 26 (mm) Section 32-3924.
- 27 (nn) Section 32-4128.
- 28 (oo) Section 32-4222.
- 29 (pp) Section 36-113.
- 30 (qq) Section 36-207.
- 31 (rr) Section 36-411.
- 32 (ss) Section 36-425.03.
- 33 (tt) Section 36-446.04.
- 34 (uu) Section 36-594.01.
- 35 (vv) Section 36-594.02.
- 36 (ww) Section 36-766.01.
- 37 (xx) Section 36-882.
- 38 (yy) Section 36-883.02.
- 39 (zz) Section 36-897.01.
- 40 (aaa) Section 36-897.03.
- 41 (bbb) Section 36-3008.
- 42 (ccc) Section 41-619.52.
- 43 (ddd) Section 41-619.53.
- 44 (eee) Section 41-1964.
- 45 (fff) Section 41-1967.01.

- 1 (ggg) Section 41-1968.
- 2 (hhh) Section 41-1969.
- 3 (iii) Section 41-2814.
- 4 (jjj) Section 41-4025.
- 5 (kkk) Section 46-141, subsection A or B.
- 6 (lll) Section 46-321.

7 6. "RAP BACK SERVICES" HAS THE SAME MEANING PRESCRIBED IN SECTION  
8 41-1750.

9 ~~6.~~ 7. "Vulnerable adult" has the same meaning prescribed in  
10 section 13-3623.

11  
12 Sec. 4. Section 41-1758.03, Arizona Revised Statutes, is amended to  
13 read:

14 41-1758.03. Fingerprint clearance cards; issuance; immunity

15 A. On receiving the state and federal criminal history record of a  
16 person, the division shall compare the record with the list of criminal  
17 offenses that preclude the person from receiving a fingerprint clearance  
18 card. If the person's criminal history record does not contain any of the  
19 offenses listed in subsections B and C of this section, the division shall  
20 issue the person a fingerprint clearance card.

21 B. A person who is subject to registration as a sex offender in  
22 this state or any other jurisdiction or who is awaiting trial on or who  
23 has been convicted of committing or attempting, soliciting, facilitating  
24 or conspiring to commit one or more of the following offenses in this  
25 state or the same or similar offenses in another state or jurisdiction is  
26 precluded from receiving a fingerprint clearance card pursuant to this  
27 section:

- 28 1. Sexual abuse of a vulnerable adult.
- 29 2. Incest.
- 30 3. First or second degree murder.
- 31 4. Sexual assault.
- 32 5. Sexual exploitation of a minor.
- 33 6. Sexual exploitation of a vulnerable adult.
- 34 7. Commercial sexual exploitation of a minor.
- 35 8. Commercial sexual exploitation of a vulnerable adult.
- 36 9. Child sex trafficking as prescribed in section 13-3212.
- 37 10. Child abuse.
- 38 11. Abuse of a vulnerable adult.
- 39 12. Sexual conduct with a minor.
- 40 13. Molestation of a child.
- 41 14. Molestation of a vulnerable adult.
- 42 15. A dangerous crime against children as defined in section  
43 13-705.
- 44 16. Exploitation of minors involving drug offenses.

- 1           17. Taking a child for the purpose of prostitution as prescribed in  
2 section 13-3206.
- 3           18. Neglect or abuse of a vulnerable adult.
- 4           19. Sex trafficking.
- 5           20. Sexual abuse.
- 6           21. Production, publication, sale, possession and presentation of  
7 obscene items as prescribed in section 13-3502.
- 8           22. Furnishing harmful items to minors as prescribed in section  
9 13-3506.
- 10          23. Furnishing harmful items to minors by internet activity as  
11 prescribed in section 13-3506.01.
- 12          24. Obscene or indecent telephone communications to minors for  
13 commercial purposes as prescribed in section 13-3512.
- 14          25. Luring a minor for sexual exploitation.
- 15          26. Enticement of persons for purposes of prostitution.
- 16          27. Procurement by false pretenses of person for purposes of  
17 prostitution.
- 18          28. Procuring or placing persons in a house of prostitution.
- 19          29. Receiving earnings of a prostitute.
- 20          30. Causing one's spouse to become a prostitute.
- 21          31. Detention of persons in a house of prostitution for debt.
- 22          32. Keeping or residing in a house of prostitution or employment in  
23 prostitution.
- 24          33. Pandering.
- 25          34. Transporting persons for the purpose of prostitution, polygamy  
26 and concubinage.
- 27          35. Portraying adult as a minor as prescribed in section 13-3555.
- 28          36. Admitting minors to public displays of sexual conduct as  
29 prescribed in section 13-3558.
- 30          37. Unlawful sale or purchase of children.
- 31          38. Child bigamy.
- 32          39. Trafficking of persons for forced labor or services.
- 33          C. A person who is awaiting trial on or who has been convicted of  
34 committing or attempting, soliciting, facilitating or conspiring to commit  
35 one or more of the following offenses in this state or the same or similar  
36 offenses in another state or jurisdiction is precluded from receiving a  
37 fingerprint clearance card, except that the person may petition the board  
38 of fingerprinting for a good cause exception pursuant to section  
39 41-619.55:
  - 40           1. Manslaughter.
  - 41           2. Endangerment.
  - 42           3. Threatening or intimidating.
  - 43           4. Assault.
  - 44           5. Unlawfully administering intoxicating liquors, narcotic drugs or  
45 dangerous drugs.

- 1           6. Assault by vicious animals.
- 2           7. Drive by shooting.
- 3           8. Assaults on officers or ~~fire fighters~~ FIREFIGHTERS.
- 4           9. Discharging a firearm at a structure.
- 5           10. Indecent exposure.
- 6           11. Public sexual indecency.
- 7           12. Aggravated criminal damage.
- 8           13. Theft.
- 9           14. Theft by extortion.
- 10          15. Shoplifting.
- 11          16. Forgery.
- 12          17. Criminal possession of a forgery device.
- 13          18. Obtaining a signature by deception.
- 14          19. Criminal impersonation.
- 15          20. Theft of a credit card or obtaining a credit card by fraudulent
- 16 means.
- 17          21. Receipt of anything of value obtained by fraudulent use of a
- 18 credit card.
- 19          22. Forgery of a credit card.
- 20          23. Fraudulent use of a credit card.
- 21          24. Possession of any machinery, plate or other contrivance or
- 22 incomplete credit card.
- 23          25. False statement as to financial condition or identity to obtain
- 24 a credit card.
- 25          26. Fraud by persons authorized to provide goods or services.
- 26          27. Credit card transaction record theft.
- 27          28. Misconduct involving weapons.
- 28          29. Misconduct involving explosives.
- 29          30. Depositing explosives.
- 30          31. Misconduct involving simulated explosive devices.
- 31          32. Concealed weapon violation.
- 32          33. Possession and sale of peyote.
- 33          34. Possession and sale of a vapor-releasing substance containing a
- 34 toxic substance.
- 35          35. Sale of precursor chemicals.
- 36          36. Possession, use or sale of marijuana, dangerous drugs or
- 37 narcotic drugs.
- 38          37. Manufacture or distribution of an imitation controlled
- 39 substance.
- 40          38. Manufacture or distribution of an imitation prescription-only
- 41 drug.
- 42          39. Manufacture or distribution of an imitation over-the-counter
- 43 drug.
- 44          40. Possession or possession with intent to use an imitation
- 45 controlled substance.

- 1           41. Possession or possession with intent to use an imitation  
2 prescription-only drug.
- 3           42. Possession or possession with intent to use an imitation  
4 over-the-counter drug.
- 5           43. Manufacture of certain substances and drugs by certain means.
- 6           44. Adding poison or other harmful substance to food, drink or  
7 medicine.
- 8           45. A criminal offense involving criminal trespass under title 13,  
9 chapter 15.
- 10          46. A criminal offense involving burglary under title 13,  
11 chapter 15.
- 12          47. A criminal offense under title 13, chapter 23.
- 13          48. Child neglect.
- 14          49. Misdemeanor offenses involving contributing to the delinquency  
15 of a minor.
- 16          50. Offenses involving domestic violence.
- 17          51. Arson.
- 18          52. Kidnapping.
- 19          53. Felony offenses involving sale, distribution or transportation  
20 of, offer to sell, transport or distribute or conspiracy to sell,  
21 transport or distribute marijuana, dangerous drugs or narcotic drugs.
- 22          54. Robbery.
- 23          55. Aggravated assault.
- 24          56. Felony offenses involving contributing to the delinquency of a  
25 minor.
- 26          57. Negligent homicide.
- 27          58. Criminal damage.
- 28          59. Misappropriation of charter school monies as prescribed in  
29 section 13-1818.
- 30          60. Taking identity of another person or entity.
- 31          61. Aggravated taking identity of another person or entity.
- 32          62. Trafficking in the identity of another person or entity.
- 33          63. Cruelty to animals.
- 34          64. Prostitution.
- 35          65. Sale or distribution of material harmful to minors through  
36 vending machines as prescribed in section 13-3513.
- 37          66. Welfare fraud.
- 38          D. A person who is awaiting trial on or who has been convicted of  
39 committing or attempting to commit a misdemeanor or felony violation of  
40 section 28-1381, 28-1382 or 28-1383 in this state or the same or similar  
41 offense in another state or jurisdiction within five years ~~from~~ AFTER the  
42 date of applying for a fingerprint clearance card is precluded from  
43 driving any vehicle to transport employees or clients of the employing  
44 agency as part of the person's employment. The division shall place a  
45 notation on the fingerprint clearance card that indicates this driving

1 restriction. This subsection does not preclude a person from driving a  
2 vehicle alone as part of the person's employment. This subsection does  
3 not apply to a person who is licensed pursuant to title 32, chapter 20,  
4 except if the person is employed by an agency as defined in section  
5 41-1758.

6 E. Notwithstanding subsection C of this section, on receiving  
7 written notice from the board of fingerprinting that a good cause  
8 exception was granted pursuant to section 41-619.55, the division shall  
9 issue a fingerprint clearance card to the person.

10 F. If the division denies a person's application for a fingerprint  
11 clearance card pursuant to subsection C of this section and a good cause  
12 exception is requested pursuant to section 41-619.55, the division shall  
13 release, on request by the board of fingerprinting, the person's criminal  
14 history record to the board of fingerprinting.

15 G. A person shall be granted a fingerprint clearance card if either  
16 of the following applies:

17 1. An agency granted a good cause exception before August 16, 1999  
18 and no new precluding offense is identified. The fingerprint clearance  
19 card shall specify only the program that granted the good cause exception.  
20 On the request of the applicant, the agency that granted the prior good  
21 cause exception shall notify the division in writing of the date on which  
22 the prior good cause exception was granted and the date of the conviction  
23 and the name of the offense for which the good cause exception was  
24 granted.

25 2. The board granted a good cause exception and no new precluding  
26 offense is identified.

27 H. The licensee or contract provider shall assume the costs of  
28 fingerprint checks and may charge these costs to persons who are required  
29 to be fingerprinted.

30 I. A person who is under eighteen years of age or who is at least  
31 ninety-nine years of age is exempt from the fingerprint clearance card  
32 requirements of this section. At all times the person shall be under the  
33 direct visual supervision of personnel who have valid fingerprint  
34 clearance cards.

35 J. The division ~~shall conduct periodic state criminal history~~  
36 ~~records checks and~~ may conduct ~~federal~~ criminal history records checks  
37 ~~when authorized pursuant to federal law~~ THROUGH STATE AND FEDERAL RAP BACK  
38 SERVICES PURSUANT TO SECTION 41-1750, SUBSECTION G for the purpose of  
39 updating the clearance status of current fingerprint clearance card  
40 holders and may notify ~~the board of fingerprinting and~~ the agency  
41 employing the person OR THE LICENSING AGENCY of the results of the records  
42 check. IF THE DIVISION SUSPENDS A PERSON'S FINGERPRINT CLEARANCE CARD AND  
43 THE PERSON REQUESTS A GOOD CAUSE EXCEPTION PURSUANT TO SECTION 41-619.55,  
44 THE DIVISION SHALL RELEASE, ON REQUEST BY THE BOARD OF FINGERPRINTING, THE  
45 PERSON'S CRIMINAL HISTORY RECORD TO THE BOARD OF FINGERPRINTING.



1 K. The division shall revoke a person's fingerprint clearance card  
2 on receipt of a written request for revocation from the board of  
3 fingerprinting pursuant to section 41-619.55.

4 L. If a person's criminal history record contains an offense listed  
5 in subsection B or C of this section and the final disposition is not  
6 recorded on the record, the division shall conduct research to obtain the  
7 disposition within thirty business days after receipt of the record. If  
8 the division cannot determine, within thirty business days after receipt  
9 of the person's state and federal criminal history record information,  
10 whether the person is awaiting trial on or has been convicted of  
11 committing or attempting, soliciting, facilitating or conspiring to commit  
12 any of the offenses listed in subsection B or C of this section in this  
13 state or the same or a similar offense in another state or jurisdiction,  
14 the division shall not issue a fingerprint clearance card to the person.  
15 If the division is unable to make the determination required by this  
16 ~~section~~ SUBSECTION and does not issue a fingerprint clearance card to a  
17 person, the person may request a good cause exception pursuant to section  
18 41-619.55.

19 M. Except as provided in subsection N of this section, if after  
20 conducting a state and federal criminal history records check the division  
21 determines that it is not authorized to issue a fingerprint clearance card  
22 to a person, the division shall notify the agency that licenses or employs  
23 the person that the division is not authorized to issue a fingerprint  
24 clearance card. This notice shall include the criminal history  
25 information on which the denial was based. This criminal history  
26 information is subject to dissemination restrictions pursuant to section  
27 41-1750 and Public Law 92-544.

28 N. If, after conducting a state and federal criminal history  
29 records check on a person who requests a fingerprint clearance card  
30 pursuant to section 15-1881, the division determines that it is not  
31 authorized to issue a fingerprint clearance card to the person, the  
32 division shall not notify the agency. The division shall notify the  
33 person who requested the card that the division is not authorized to issue  
34 a fingerprint clearance card. The notice shall include the criminal  
35 history information on which the denial was based. This criminal history  
36 information is subject to dissemination restrictions pursuant to section  
37 41-1750 and Public Law 92-544.

38 O. The division is not liable for damages resulting from:

39 1. The issuance of a fingerprint clearance card to a person who is  
40 later found to have been ineligible to receive a fingerprint clearance  
41 card at the time the card was issued.

42 2. The denial of a fingerprint clearance card to a person who is  
43 later found to have been eligible to receive a fingerprint clearance card  
44 at the time issuance of the card was denied.

1 P. The issuance of a fingerprint clearance card does not entitle a  
2 person to employment.

3 Q. Notwithstanding any law to the contrary, a person may apply for  
4 and receive a level I fingerprint clearance card pursuant to section  
5 41-1758.07 to satisfy a requirement that the person have a valid  
6 fingerprint clearance card issued pursuant to this section.

7 Sec. 5. Section 41-1758.07, Arizona Revised Statutes, is amended to  
8 read:

9 41-1758.07. Level I fingerprint clearance cards; definitions

10 A. On receiving the state and federal criminal history record of a  
11 person who is required to be fingerprinted pursuant to this section, the  
12 ~~fingerprinting division in the department of public safety~~ shall compare  
13 the record with the list of criminal offenses that preclude the person  
14 from receiving a level I fingerprint clearance card. If the person's  
15 criminal history record does not contain any of the offenses listed in  
16 subsections B and C of this section, the ~~fingerprinting~~ division shall  
17 issue the person a level I fingerprint clearance card.

18 B. A person who is subject to registration as a sex offender in  
19 this state or any other jurisdiction or who is awaiting trial on or who  
20 has been convicted of committing or attempting, soliciting, facilitating  
21 or conspiring to commit one or more of the following offenses in this  
22 state or the same or similar offenses in another state or jurisdiction is  
23 precluded from receiving a level I fingerprint clearance card:

- 24 1. Sexual abuse of a vulnerable adult.
- 25 2. Incest.
- 26 3. Homicide, including first or second degree murder, manslaughter  
27 and negligent homicide.
- 28 4. Sexual assault.
- 29 5. Sexual exploitation of a minor.
- 30 6. Sexual exploitation of a vulnerable adult.
- 31 7. Commercial sexual exploitation of a minor.
- 32 8. Commercial sexual exploitation of a vulnerable adult.
- 33 9. Child sex trafficking as prescribed in section 13-3212.
- 34 10. Child abuse.
- 35 11. Felony child neglect.
- 36 12. Abuse of a vulnerable adult.
- 37 13. Sexual conduct with a minor.
- 38 14. Molestation of a child.
- 39 15. Molestation of a vulnerable adult.
- 40 16. Dangerous crimes against children as defined in section 13-705.
- 41 17. Exploitation of minors involving drug offenses.
- 42 18. Taking a child for the purpose of prostitution as prescribed in  
43 section 13-3206.
- 44 19. Neglect or abuse of a vulnerable adult.
- 45 20. Sex trafficking.

- 1           21. Sexual abuse.
- 2           22. Production, publication, sale, possession and presentation of  
3 obscene items as prescribed in section 13-3502.
- 4           23. Furnishing harmful items to minors as prescribed in section  
5 13-3506.
- 6           24. Furnishing harmful items to minors by internet activity as  
7 prescribed in section 13-3506.01.
- 8           25. Obscene or indecent telephone communications to minors for  
9 commercial purposes as prescribed in section 13-3512.
- 10          26. Luring a minor for sexual exploitation.
- 11          27. Enticement of persons for purposes of prostitution.
- 12          28. Procurement by false pretenses of person for purposes of  
13 prostitution.
- 14          29. Procuring or placing persons in a house of prostitution.
- 15          30. Receiving earnings of a prostitute.
- 16          31. Causing one's spouse to become a prostitute.
- 17          32. Detention of persons in a house of prostitution for debt.
- 18          33. Keeping or residing in a house of prostitution or employment in  
19 prostitution.
- 20          34. Pandering.
- 21          35. Transporting persons for the purpose of prostitution, polygamy  
22 and concubinage.
- 23          36. Portraying adult as a minor as prescribed in section 13-3555.
- 24          37. Admitting minors to public displays of sexual conduct as  
25 prescribed in section 13-3558.
- 26          38. Any felony offense involving contributing to the delinquency of  
27 a minor.
- 28          39. Unlawful sale or purchase of children.
- 29          40. Child bigamy.
- 30          41. Any felony offense involving domestic violence as defined in  
31 section 13-3601 except for a felony offense only involving criminal damage  
32 in an amount of more than \$250 but less than \$1,000 if the offense was  
33 committed before June 29, 2009.
- 34          42. Any felony offense in violation of title 13, chapter 12 if  
35 committed within five years before the date of applying for a level I  
36 fingerprint clearance card.
- 37          43. Felony drug or alcohol related offenses if committed within  
38 five years before the date of applying for a level I fingerprint clearance  
39 card.
- 40          44. Felony indecent exposure.
- 41          45. Felony public sexual indecency.
- 42          46. Terrorism.
- 43          47. Any offense involving a violent crime as defined in section  
44 13-901.03.
- 45          48. Trafficking of persons for forced labor or services.

- 1 C. A person who is awaiting trial on or who has been convicted of  
2 committing or attempting, soliciting, facilitating or conspiring to commit  
3 one or more of the following offenses in this state or the same or similar  
4 offenses in another state or jurisdiction is precluded from receiving a  
5 level I fingerprint clearance card, except that the person may petition  
6 the board of fingerprinting for a good cause exception pursuant to section  
7 41-619.55:
- 8 1. Any misdemeanor offense in violation of title 13, chapter 12.
  - 9 2. Misdemeanor indecent exposure.
  - 10 3. Misdemeanor public sexual indecency.
  - 11 4. Aggravated criminal damage.
  - 12 5. Theft.
  - 13 6. Theft by extortion.
  - 14 7. Shoplifting.
  - 15 8. Forgery.
  - 16 9. Criminal possession of a forgery device.
  - 17 10. Obtaining a signature by deception.
  - 18 11. Criminal impersonation.
  - 19 12. Theft of a credit card or obtaining a credit card by fraudulent  
20 means.
  - 21 13. Receipt of anything of value obtained by fraudulent use of a  
22 credit card.
  - 23 14. Forgery of a credit card.
  - 24 15. Fraudulent use of a credit card.
  - 25 16. Possession of any machinery, plate or other contrivance or  
26 incomplete credit card.
  - 27 17. False statement as to financial condition or identity to obtain  
28 a credit card.
  - 29 18. Fraud by persons authorized to provide goods or services.
  - 30 19. Credit card transaction record theft.
  - 31 20. Misconduct involving weapons.
  - 32 21. Misconduct involving explosives.
  - 33 22. Depositing explosives.
  - 34 23. Misconduct involving simulated explosive devices.
  - 35 24. Concealed weapon violation.
  - 36 25. Misdemeanor possession and misdemeanor sale of peyote.
  - 37 26. Felony possession and felony sale of peyote if committed more  
38 than five years before the date of applying for a level I fingerprint  
39 clearance card.
  - 40 27. Misdemeanor possession and misdemeanor sale of a  
41 vapor-releasing substance containing a toxic substance.
  - 42 28. Felony possession and felony sale of a vapor-releasing  
43 substance containing a toxic substance if committed more than five years  
44 before the date of applying for a level I fingerprint clearance card.
  - 45 29. Misdemeanor sale of precursor chemicals.

- 1           30. Felony sale of precursor chemicals if committed more than five  
2 years before the date of applying for a level I fingerprint clearance  
3 card.
- 4           31. Misdemeanor possession, misdemeanor use or misdemeanor sale of  
5 marijuana, dangerous drugs or narcotic drugs.
- 6           32. Felony possession, felony use or felony sale of marijuana,  
7 dangerous drugs or narcotic drugs if committed more than five years before  
8 the date of applying for a level I fingerprint clearance card.
- 9           33. Misdemeanor manufacture or misdemeanor distribution of an  
10 imitation controlled substance.
- 11           34. Felony manufacture or felony distribution of an imitation  
12 controlled substance if committed more than five years before the date of  
13 applying for a level I fingerprint clearance card.
- 14           35. Misdemeanor manufacture or misdemeanor distribution of an  
15 imitation prescription-only drug.
- 16           36. Felony manufacture or felony distribution of an imitation  
17 prescription-only drug if committed more than five years before the date  
18 of applying for a level I fingerprint clearance card.
- 19           37. Misdemeanor manufacture or misdemeanor distribution of an  
20 imitation over-the-counter drug.
- 21           38. Felony manufacture or felony distribution of an imitation  
22 over-the-counter drug if committed more than five years before the date of  
23 applying for a level I fingerprint clearance card.
- 24           39. Misdemeanor possession or misdemeanor possession with intent to  
25 use an imitation controlled substance.
- 26           40. Felony possession or felony possession with intent to use an  
27 imitation controlled substance if committed more than five years before  
28 the date of applying for a level I fingerprint clearance card.
- 29           41. Misdemeanor possession or misdemeanor possession with intent to  
30 use an imitation prescription-only drug.
- 31           42. Felony possession or felony possession with intent to use an  
32 imitation prescription-only drug if committed more than five years before  
33 the date of applying for a level I fingerprint clearance card.
- 34           43. Misdemeanor possession or misdemeanor possession with intent to  
35 use an imitation over-the-counter drug.
- 36           44. Felony possession or felony possession with intent to use an  
37 imitation over-the-counter drug if committed more than five years before  
38 the date of applying for a level I fingerprint clearance card.
- 39           45. Misdemeanor manufacture of certain substances and drugs by  
40 certain means.
- 41           46. Felony manufacture of certain substances and drugs by certain  
42 means if committed more than five years before the date of applying for a  
43 level I fingerprint clearance card.
- 44           47. Adding poison or other harmful substance to food, drink or  
45 medicine.

- 1           48. A criminal offense involving criminal trespass under title 13,  
2 chapter 15.
- 3           49. A criminal offense involving burglary under title 13,  
4 chapter 15.
- 5           50. A criminal offense under title 13, chapter 23, except  
6 terrorism.
- 7           51. Misdemeanor offenses involving child neglect.
- 8           52. Misdemeanor offenses involving contributing to the delinquency  
9 of a minor.
- 10          53. Misdemeanor offenses involving domestic violence as defined in  
11 section 13-3601.
- 12          54. Felony offenses involving domestic violence if the offense only  
13 involved criminal damage in an amount of more than \$250 but less than  
14 \$1,000 and the offense was committed before June 29, 2009.
- 15          55. Arson.
- 16          56. Felony offenses involving sale, distribution or transportation  
17 of, offer to sell, transport or distribute or conspiracy to sell,  
18 transport or distribute marijuana, dangerous drugs or narcotic drugs if  
19 committed more than five years before the date of applying for a level I  
20 fingerprint clearance card.
- 21          57. Criminal damage.
- 22          58. Misappropriation of charter school monies as prescribed in  
23 section 13-1818.
- 24          59. Taking identity of another person or entity.
- 25          60. Aggravated taking identity of another person or entity.
- 26          61. Trafficking in the identity of another person or entity.
- 27          62. Cruelty to animals.
- 28          63. Prostitution, ~~as~~ as prescribed in section 13-3214.
- 29          64. Sale or distribution of material harmful to minors through  
30 vending machines as prescribed in section 13-3513.
- 31          65. Welfare fraud.
- 32          66. Any felony offense in violation of title 13, chapter 12 if  
33 committed more than five years before the date of applying for a level I  
34 fingerprint clearance card.
- 35          67. Kidnapping.
- 36          68. Robbery, aggravated robbery or armed robbery.
- 37          D. A person who is awaiting trial on or who has been convicted of  
38 committing or attempting to commit a misdemeanor violation of section  
39 28-1381, 28-1382 or 28-1383 in this state or the same or a similar offense  
40 in another state or jurisdiction within five years ~~from~~ AFTER the date of  
41 applying for a level I fingerprint clearance card is precluded from  
42 driving any vehicle to transport employees or clients of the employing  
43 agency as part of the person's employment. The division shall place a  
44 notation on the level I fingerprint clearance card that indicates this

1 driving restriction. This subsection does not preclude a person from  
2 driving a vehicle alone as part of the person's employment.

3 E. Notwithstanding subsection C of this section, on receiving  
4 written notice from the board of fingerprinting that a good cause  
5 exception was granted pursuant to section 41-619.55, the ~~fingerprinting~~  
6 division shall issue a level I fingerprint clearance card to the  
7 applicant.

8 F. If the ~~fingerprinting~~ division denies a person's application for  
9 a level I fingerprint clearance card pursuant to subsection C of this  
10 section and a good cause exception is requested pursuant to section  
11 41-619.55, the ~~fingerprinting~~ division shall release, on request by the  
12 board of fingerprinting, the person's criminal history record to the board  
13 of fingerprinting.

14 G. A person shall be granted a level I fingerprint clearance card  
15 pursuant to this section if either of the following applies:

16 1. An agency granted a good cause exception before August 16, 1999  
17 and no new precluding offense is identified. The fingerprint clearance  
18 card shall specify only the program that granted the good cause exception.  
19 On the request of the applicant, the agency that granted the prior good  
20 cause exception shall notify the ~~fingerprinting~~ division in writing of the  
21 date on which the prior good cause exception was granted, the date of the  
22 conviction and the name of the offense for which the good cause exception  
23 was granted.

24 2. The board granted a good cause exception and no new precluding  
25 offense is identified.

26 H. The licensee or contract provider shall assume the costs of  
27 fingerprint checks conducted pursuant to this section and may charge these  
28 costs to persons who are required to be fingerprinted.

29 I. A person who is under eighteen years of age or who is at least  
30 ninety-nine years of age is exempt from the level I fingerprint clearance  
31 card requirements of this section. At all times the person shall be under  
32 the direct visual supervision of personnel who have valid level I  
33 fingerprint clearance cards.

34 J. The ~~fingerprinting~~ division ~~shall conduct periodic state~~  
35 ~~criminal history records checks and~~ may conduct ~~federal~~ criminal history  
36 records checks ~~when authorized pursuant to federal law~~ THROUGH STATE AND  
37 FEDERAL RAP BACK SERVICES PURSUANT TO SECTION 41-1750, SUBSECTION G for  
38 the purpose of updating the clearance status of current level I  
39 fingerprint clearance cardholders pursuant to this section and may notify  
40 ~~the board of fingerprinting and~~ the EMPLOYING OR LICENSING agency of the  
41 results of the records check. IF THE DIVISION SUSPENDS A PERSON'S  
42 FINGERPRINT CLEARANCE CARD AND THE PERSON REQUESTS A GOOD CAUSE EXCEPTION  
43 PURSUANT TO SECTION 41-619.55, THE DIVISION SHALL RELEASE, ON REQUEST BY  
44 THE BOARD OF FINGERPRINTING, THE PERSON'S CRIMINAL HISTORY RECORD TO THE  
45 BOARD OF FINGERPRINTING.

1 K. The ~~fingerprinting~~ division shall revoke a person's level I  
2 fingerprint clearance card on receipt of a written request for revocation  
3 from the board of fingerprinting pursuant to section 41-619.55.

4 L. If a person's criminal history record contains an offense listed  
5 in subsection B or C of this section and the final disposition is not  
6 recorded on the record, the division shall conduct research to obtain the  
7 disposition within thirty business days after receipt of the record. If  
8 the division cannot determine, within thirty business days after receipt  
9 of the person's state and federal criminal history record information,  
10 whether the person is awaiting trial on or has been convicted of  
11 committing or attempting, soliciting, facilitating or conspiring to commit  
12 any of the offenses listed in subsection B or C of this section in this  
13 state or the same or a similar offense in another state or jurisdiction,  
14 the division shall not issue a level I fingerprint clearance card to the  
15 person. If the division is unable to make the determination required by  
16 this ~~section~~ SUBSECTION and does not issue a level I fingerprint clearance  
17 card to a person, the person may request a good cause exception pursuant  
18 to section 41-619.55.

19 M. If after conducting a state and federal criminal history records  
20 check the ~~fingerprinting~~ division determines that it is not authorized to  
21 issue a level I fingerprint clearance card to an applicant, the division  
22 shall notify the agency that the ~~fingerprinting~~ division is not authorized  
23 to issue a level I fingerprint clearance card. This notice shall include  
24 the criminal history information on which the denial was based. This  
25 criminal history information is subject to dissemination restrictions  
26 pursuant to section 41-1750 and Public Law 92-544.

27 N. The ~~fingerprinting~~ division is not liable for damages resulting  
28 from:

29 1. The issuance of a level I fingerprint clearance card to an  
30 applicant who is later found to have been ineligible to receive a level I  
31 fingerprint clearance card at the time the card was issued.

32 2. The denial of a level I fingerprint clearance card to an  
33 applicant who is later found to have been eligible to receive a level I  
34 fingerprint clearance card at the time issuance of the card was denied.

35 O. Notwithstanding any law to the contrary, an individual may apply  
36 for and receive a level I fingerprint clearance card pursuant to this  
37 section to satisfy a requirement that the person have a valid fingerprint  
38 clearance card issued pursuant to section 41-1758.03.

39 P. Notwithstanding any law to the contrary, except as prescribed  
40 pursuant to subsection Q of this section, an individual who receives a  
41 level I fingerprint clearance card pursuant to this section also satisfies  
42 a requirement that the individual have a valid fingerprint clearance card  
43 issued pursuant to section 41-1758.03.



1 Q. Unless a cardholder commits an offense listed in subsection B or  
2 C of this section after June 29, 2009, a fingerprint clearance card issued  
3 pursuant to section 41-1758.03 before June 29, 2009 and its renewals are  
4 valid for all requirements for a level I fingerprint clearance card except  
5 those relating to the requirements of section 8-105 or 8-509. A  
6 fingerprint clearance card issued before June 29, 2009 to meet the  
7 requirements of section 8-105 or 8-509 and its renewals are valid after  
8 June 29, 2009 to meet all requirements for a level I fingerprint clearance  
9 card, including the requirements of section 8-105 or 8-509, if the  
10 cardholder has been certified by the court to adopt or has been issued a  
11 foster home license before June 29, 2009.

12 R. The issuance of a level I fingerprint clearance card does not  
13 entitle a person to employment.

14 S. For the purposes of this section:

15 1. "Person" means a person who is fingerprinted pursuant to:

16 (a) Section 3-314, 8-105, 8-463, 8-509, 8-802, 17-215, 36-207,  
17 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, 36-2819,  
18 36-2855, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 or  
19 46-141.

20 (b) Subsection 0 of this section.

21 2. "Renewal" means the issuance of a fingerprint clearance card to  
22 an existing fingerprint clearance cardholder who applies before the  
23 person's existing fingerprint clearance card expires.

24 Sec. 6. Emergency

25 This act is an emergency measure that is necessary to preserve the  
26 public peace, health or safety and is operative immediately as provided by  
27 law.