

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

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1356

Introduced by
Senators Marsh: Alston, Bravo, Burch, Diaz, Epstein, Fernandez, Gabaldón,
Gonzales, Hatathlie, Hernandez, Mendez, Miranda, Sundareshan;
Representatives Austin, De Los Santos, Terech, Travers

AN ACT

AMENDING SECTIONS 15-106 AND 15-2403, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 19, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-2407; AMENDING SECTIONS 23-1361, 41-619.51, 41-1750, 41-1758, 41-1758.01 AND 41-1758.08, ARIZONA REVISED STATUTES; RELATING TO ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 15-106. Identity verified fingerprints

5 An applicant who applies for a new teaching certificate in order to
6 teach in a school district, a participant in field experience or student
7 teaching in this state, an applicant who applies for a renewal of an
8 existing teaching certificate in order to continue teaching in a school
9 district, an applicant who is required for the first time to be
10 fingerprinted in order to teach in a charter school and an applicant who
11 is required to renew fingerprints in order to continue teaching in a
12 charter school pursuant to section 15-183, an applicant who is required to
13 be fingerprinted pursuant to section 15-512 OR 15-2407 and any person who
14 is contracted by this state, by a school district or by a charter school
15 to provide tutoring services shall submit for an identity verified
16 fingerprint card that will be used by the department of public safety to
17 process the fingerprint clearance card pursuant to title 41, chapter 12,
18 article 3.1 as follows:

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

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

24 (a) A blank applicant fingerprint card.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 Sec. 2. Section 15-2403, Arizona Revised Statutes, is amended to
16 read:

17 15-2403. Arizona empowerment scholarship accounts;
18 administration; appeals; audit; rules; policy
19 handbook

20 A. The treasurer may contract with private financial management
21 firms to manage Arizona empowerment scholarship accounts.

22 B. The department shall conduct or contract for annual audits of
23 Arizona empowerment scholarship accounts to ensure compliance with section
24 15-2402, subsection B, paragraph 4. The department shall also conduct or
25 contract for random, quarterly and annual audits of Arizona empowerment
26 scholarship accounts as needed to ensure compliance with section 15-2402,
27 subsection B, paragraph 4.

28 C. The department may remove any parent or qualified student from
29 eligibility for an Arizona empowerment scholarship account if the parent
30 or qualified student fails to comply with the terms of the contract or
31 applicable laws, rules or orders or knowingly misuses monies or knowingly
32 fails to comply with the terms of the contract with intent to defraud and
33 shall notify the treasurer. The department shall notify the treasurer to
34 suspend the account of a parent or qualified student and shall notify the
35 parent or qualified student in writing that the account has been suspended
36 and that no further transactions will be allowed or disbursements made.
37 The notification shall specify the reason for the suspension and state
38 that the parent or qualified student has fifteen days, not including
39 weekends, to respond and take corrective action. If the parent or
40 qualified student refuses or fails to contact the department, furnish any
41 information or make any report that may be required for reinstatement
42 within the fifteen-day period, the department may remove the parent or
43 qualified student pursuant to this subsection.

44 D. A parent may appeal to the state board of education any
45 administrative decision the department makes pursuant to this article,

1 including determinations of allowable expenses, removal from the program
2 or enrollment eligibility. The department shall notify the parent in
3 writing that the parent may appeal any administrative decision under this
4 article and the process by which the parent may appeal at the same time
5 the department notifies the parent of an administrative decision under
6 this article. The state board of education shall establish an appeals
7 process, and the department shall post this information on the
8 department's website in the same location as the policy handbook developed
9 pursuant to subsection K of this section.

10 E. A parent may represent himself or herself or designate a
11 representative, not necessarily an attorney, before any appeals hearing
12 held pursuant to this section. Any such designated representative who is
13 not an attorney admitted to practice may not charge for any services
14 rendered in connection with such a hearing. The fact that a
15 representative participated in the hearing or assisted the account holder
16 is not grounds for reversing any administrative decision or order if the
17 evidence supporting the decision or order is substantial, reliable and
18 probative.

19 F. The state board of education may refer cases of substantial
20 misuse of monies to the attorney general for the purpose of collection or
21 for the purpose of a criminal investigation if the state board of
22 education obtains evidence of fraudulent use of an account.

23 G. The department shall make quarterly transfers of the amount
24 calculated pursuant to section 15-2402, subsection C to the treasurer for
25 deposit in the Arizona empowerment scholarship account of each qualified
26 student, except the department may make transfers according to another
27 transfer schedule if the department determines a transfer schedule other
28 than quarterly transfers is necessary to operate the Arizona empowerment
29 scholarship account.

30 H. The department shall accept applications between July 1 and June
31 30 of each year. The department shall enroll and issue an award letter to
32 eligible applicants within thirty days after receipt of a completed
33 application and all required documentation. On or before May 30 of each
34 year, the department shall furnish to the joint legislative budget
35 committee an estimate of the amount required to fund Arizona empowerment
36 scholarship accounts for the following fiscal year. The department shall
37 include in its budget request for the following fiscal year the amount
38 estimated pursuant to section 15-2402, subsection C for each qualified
39 student.

40 I. The state board of education may adopt rules and policies
41 necessary to administer Arizona empowerment scholarship accounts,
42 including rules and policies:

43 1. For establishing an appeals process pursuant to subsection D of
44 this section.

1 2. For conducting or contracting for examinations of the use of
2 account monies.

3 3. For conducting or contracting for random, quarterly and annual
4 reviews of accounts.

5 4. For establishing or contracting for the establishment of an
6 online anonymous fraud reporting service.

7 5. For establishing an anonymous telephone hotline for fraud
8 reporting.

9 6. That require a surety bond or insurance for account holders.

10 7. FOR DETERMINING WHETHER AN EXPENSE IS ALLOWED, INCLUDING
11 VERIFYING THAT AN INDIVIDUAL WHO PROVIDES TUTORING OR TEACHING SERVICES TO
12 A QUALIFIED STUDENT IS NOT PROHIBITED FROM EMPLOYMENT AT A SCHOOL DISTRICT
13 OR CHARTER SCHOOL IN THIS STATE PURSUANT TO SECTION 15-505, SUBSECTION D.
14 THE DEPARTMENT MAY NOT APPROVE AN EXPENSE UNDER SECTION 15-2402,
15 SUBSECTION B, PARAGRAPH 4, SUBDIVISION (d) IF THE TUTOR OR TEACHER WHO
16 PROVIDES THE SERVICES IS PROHIBITED FROM EMPLOYMENT UNDER SECTION 15-505,
17 SUBSECTION D, INCLUDING PROHIBITED EMPLOYMENT BECAUSE THE INDIVIDUAL HAS
18 EITHER:

19 (a) HAD THE INDIVIDUAL'S CERTIFICATE SUSPENDED OR REVOKED BY THE
20 STATE BOARD OF EDUCATION, INCLUDING RECIPROCAL SUSPENSION OR REVOCATION.

21 (b) ENGAGED IN IMMORAL OR UNPROFESSIONAL CONDUCT.

22 J. The department shall contract with an independent third party
23 for the purposes of determining whether a qualified student is eligible to
24 receive educational therapies or services pursuant to section 15-2402,
25 subsection B, paragraph 4, subdivision (c). If during any period on or
26 after January 1, 2023 the department fails to ensure that a contract with
27 an independent third party is in effect, during that period:

28 1. The county school superintendent of each county may approve a
29 list of independent third parties within the county whose evaluation may
30 be used to determine whether a student who resides within the county is
31 eligible to receive educational therapies or services pursuant to section
32 15-2402, subsection B, paragraph 4, subdivision (c).

33 2. If the county school superintendent of a county does not provide
34 a list of approved independent third parties within ninety days after the
35 beginning of any period during which the department does not have a
36 contract with an independent third party in effect as described in this
37 subsection, the parent of a student who resides within the county has the
38 right to obtain an independent educational evaluation from a qualified
39 examiner to determine whether the student is eligible to receive
40 educational therapies or services pursuant to section 15-2402,
41 subsection B, paragraph 4, subdivision (c). The expense for an
42 educational evaluation undertaken pursuant to this paragraph shall be
43 provided by the school district within which the student resides and that
44 serves the grade level of the student. For the purposes of this

1 paragraph, "qualified examiner" means a licensed physician, psychiatrist
2 or psychologist.

3 K. On or before July 1 of each year, the department shall develop
4 an applicant and participant handbook that includes information relating
5 to policies and processes of Arizona empowerment scholarship accounts.
6 The policy handbook shall comply with the rules adopted by the state board
7 of education pursuant to this section. The department shall post the
8 handbook on its website.

9 L. Except for cases in which the attorney general determines that a
10 parent or account holder has committed fraud, any expenditure from an
11 Arizona empowerment scholarship account for a purchase that is deemed
12 ineligible pursuant to section 15-2402 and that is subsequently repaid by
13 the parent or account holder shall be credited back to the Arizona
14 empowerment scholarship account balance within thirty days after the
15 receipt of payment.

16 M. If, in response to an appeal of an administrative decision made
17 by the department, the state board of education issues a stay of an
18 Arizona empowerment scholarship account suspension pursuant to rules
19 adopted by the board, the department may not withhold funding or contract
20 renewal for the account holder on account of the appealed administrative
21 decision during the stay unless directed by the board to do so.

22 Sec. 3. Title 15, chapter 19, article 1, Arizona Revised Statutes,
23 is amended by adding section 15-2407, to read:

24 15-2407. Qualified schools; personnel; fingerprinting
25 requirements; penalties; definition

26 A. NOTWITHSTANDING SECTIONS 15-161 AND 15-2404, A QUALIFIED SCHOOL
27 THAT ACCEPTS PAYMENT FROM A PARENT OR QUALIFIED STUDENT PURSUANT TO THIS
28 CHAPTER SHALL REQUIRE ALL SCHOOL PERSONNEL TO BOTH:

29 1. HAVE A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE
30 41, CHAPTER 12, ARTICLE 3.1 OR TO APPLY FOR A FINGERPRINT CLEARANCE CARD
31 WITHIN TWENTY DAYS AFTER THE INDIVIDUAL BEGINS WORK.

32 2. BE ELIGIBLE FOR EMPLOYMENT AT A SCHOOL DISTRICT OR CHARTER
33 SCHOOL IN THIS STATE PURSUANT TO SECTION 15-505, SUBSECTION D.

34 B. A QUALIFIED SCHOOL THAT ACCEPTS PAYMENT FROM A PARENT OR
35 QUALIFIED STUDENT PURSUANT TO THIS CHAPTER MAY COMMUNICATE TO A SCHOOL
36 DISTRICT, CHARTER SCHOOL OR OTHER QUALIFIED SCHOOL FOR EMPLOYMENT PURPOSES
37 WHETHER ANY SCHOOL PERSONNEL HAS BEEN ISSUED OR DENIED A FINGERPRINT
38 CLEARANCE CARD.

39 C. THE AUDITOR GENERAL SHALL ANNUALLY AUDIT QUALIFIED SCHOOLS FOR
40 COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION. IF THE AUDITOR GENERAL
41 FINDS THAT A QUALIFIED SCHOOL HAS FAILED TO COMPLY WITH THE REQUIREMENTS
42 OF THIS SECTION, THE AUDITOR GENERAL SHALL:

43 1. NOTIFY BOTH THE QUALIFIED SCHOOL AND THE STATE BOARD OF
44 EDUCATION OF THE VIOLATION.

45 2. INSTRUCT THE QUALIFIED SCHOOL HOW TO CURE THE VIOLATION.

1 D. IF THE STATE BOARD OF EDUCATION DETERMINES THAT THE QUALIFIED
2 SCHOOL HAS FAILED TO CORRECT THE VIOLATION WITHIN SIXTY DAYS AFTER THE
3 AUDITOR GENERAL ISSUES A NOTICE PURSUANT TO SUBSECTION C OF THIS SECTION,
4 THE STATE BOARD OF EDUCATION SHALL NOTIFY THE QUALIFIED SCHOOL AND THE
5 DEPARTMENT OF EDUCATION THAT THE QUALIFIED SCHOOL IS NOT IN COMPLIANCE. A
6 QUALIFIED SCHOOL THAT IS DETERMINED TO BE IN NONCOMPLIANCE PURSUANT TO
7 THIS SUBSECTION SHALL REIMBURSE THE DEPARTMENT OF EDUCATION FOR ALL
8 ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNT MONIES THAT THE QUALIFIED SCHOOL
9 RECEIVED PURSUANT TO THIS ARTICLE DURING THE PREVIOUS SCHOOL YEAR.

10 E. FOR THE PURPOSES OF THIS SECTION, "SCHOOL PERSONNEL":

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

13 (a) A PAID EMPLOYEE OF THE QUALIFIED SCHOOL.

14 (b) AN INDIVIDUAL WHO PROVIDES SERVICES DIRECTLY TO STUDENTS OF THE
15 QUALIFIED SCHOOL AND WHO IS ALL OF THE FOLLOWING:

16 (i) NOT A PAID EMPLOYEE OF THE QUALIFIED SCHOOL.

17 (ii) NOT A PARENT OR GUARDIAN OF A STUDENT WHO ATTENDS THE
18 QUALIFIED SCHOOL.

19 (iii) NOT UNDER THE DIRECTION OF OR, EXCEPT FOR BRIEF PERIODS OF
20 TIME DURING A SCHOOL DAY OR SCHOOL ACTIVITY, WITHIN SIGHT OF A PAID
21 EMPLOYEE OF THE QUALIFIED SCHOOL WHILE PROVIDING SERVICES TO STUDENTS.

22 (iv) REQUIRED OR ALLOWED TO PROVIDE SERVICES DIRECTLY TO STUDENTS.

23 2. DOES NOT INCLUDE AN INDIVIDUAL WHO IS EITHER:

24 (a) REQUIRED AS A CONDITION OF LICENSURE TO BE FINGERPRINTED IF THE
25 LICENSE IS REQUIRED FOR EMPLOYMENT.

26 (b) REESTABLISHING EMPLOYMENT WITH A QUALIFIED SCHOOL WITHIN ONE
27 YEAR AFTER TERMINATING EMPLOYMENT WITH THE SAME QUALIFIED SCHOOL.

28 Sec. 4. Section 23-1361, Arizona Revised Statutes, is amended to
29 read:

30 23-1361. Blacklist; definition; exceptions; privileged
31 communications; immunity

32 A. "Blacklist" means any understanding or agreement whereby the
33 names of any person or persons, list of names, descriptions or other means
34 of identification shall be spoken, written, printed or implied for the
35 purpose of being communicated or transmitted between two or more employers
36 of labor, or their bosses, foremen, superintendents, managers, officers or
37 other agents, whereby the laborer is prevented or prohibited from engaging
38 in a useful occupation. Any understanding or agreement between employers,
39 or their bosses, foremen, superintendents, managers, officers or other
40 agents, whether written or verbal, comes within the meaning of this
41 section and it makes no difference whether the employers, or their bosses,
42 foremen, superintendents, managers, officers or other agents, act
43 individually or for some company, corporation, syndicate, partnership or
44 society and it makes no difference whether they are employed or acting as

1 agents for the same or different companies, corporations, syndicates,
2 partnerships or societies.

3 B. It is not unlawful for a former employer to provide to a
4 requesting employer, or agents acting in the employer's behalf,
5 information concerning a person's education, training, experience,
6 qualifications and job performance to be used for the purpose of
7 evaluating the person for employment. It is not unlawful for a school
8 district OR A QUALIFIED SCHOOL AS DEFINED IN SECTION 15-2401 to provide
9 information received as a result of a fingerprint check required by
10 section 15-512 OR 15-2407 to any other school district, CHARTER SCHOOL OR
11 QUALIFIED SCHOOL AS DEFINED IN SECTION 15-2401 if requested to do so by
12 the person who was the subject of the fingerprint check or communicate to
13 any school district, CHARTER SCHOOL OR QUALIFIED SCHOOL AS DEFINED IN
14 SECTION 15-2401 if requested to do so by the person who applied for a
15 fingerprint clearance card whether the person has been issued or denied a
16 fingerprint clearance card. A copy of any written communication regarding
17 employment must be sent by the employer providing the information to the
18 former employee's last known address.

19 C. An employer who in good faith provides information requested by
20 a prospective employer about the reason for termination of a former
21 employee or about the job performance, professional conduct or evaluation
22 of a current or former employee is immune from civil liability for the
23 disclosure or the consequences of providing the information. There is a
24 presumption of good faith if either:

25 1. The employer employs less than one hundred employees and
26 provides only the information authorized by this subsection.

27 2. The employer employs at least one hundred employees and has a
28 regular practice in this state of providing information requested by a
29 prospective employer about the reason for termination of a former employee
30 or about the job performance, professional conduct or evaluation of a
31 current or former employee.

32 D. The presumption of good faith under subsection C of this section
33 is rebuttable by showing that the employer disclosed the information with
34 actual malice or with intent to mislead. This subsection and subsection C
35 of this section do not alter any privileges that exist under common law.
36 For the purposes of this subsection, "actual malice" means knowledge that
37 the information was false or was provided with reckless disregard of its
38 truth or falsity.

39 E. Communications concerning employees or prospective employees
40 that are made by an employer or prospective employer, or by a labor
41 organization, to a government body or agency and that are required by law
42 or that are furnished pursuant to written rules or policies of the
43 government body or agency are privileged.

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

4 G. In response to a request by another bank, savings and loan
5 association, credit union, escrow agent, commercial mortgage banker,
6 mortgage banker or mortgage broker it is not unlawful for a bank, a
7 savings and loan association, a credit union, an escrow agent, a
8 commercial mortgage banker, a mortgage banker or a mortgage broker to
9 provide a written employment reference that advises of the applicant's
10 involvement in any theft, embezzlement, misappropriation or other
11 defalcation that has been reported to federal authorities pursuant to
12 federal banking guidelines or reported to the department of insurance and
13 financial institutions. In order for the immunity provided in subsection
14 H of this section to apply, a copy of the written employment reference
15 must be sent by the institution providing the reference to the last known
16 address of the applicant in question.

17 H. A bank, savings and loan association, credit union, escrow
18 agent, commercial mortgage banker, mortgage banker or mortgage broker is
19 not civilly liable for providing an employment reference unless the
20 information provided is false and the bank, savings and loan association,
21 credit union, escrow agent, commercial mortgage banker, mortgage banker or
22 mortgage broker providing the false information does so with knowledge and
23 malice.

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

27 Sec. 5. Section 41-619.51, Arizona Revised Statutes, is amended to
28 read:

29 41-619.51. Definitions

30 In this article, unless the context otherwise requires:

31 1. "Agency" means the supreme court, the department of economic
32 security, the department of child safety, the department of education, the
33 department of health services, the department of juvenile corrections, the
34 department of emergency and military affairs, the department of public
35 safety, the department of transportation, the state real estate
36 department, the department of insurance and financial institutions, the
37 Arizona game and fish department, the Arizona department of agriculture,
38 the board of examiners of nursing care institution administrators and
39 assisted living facility managers, the state board of dental examiners,
40 the Arizona state board of pharmacy, the board of physical therapy, the
41 state board of psychologist examiners, the board of athletic training, the
42 board of occupational therapy examiners, the state board of podiatry
43 examiners, the acupuncture board of examiners, the state board of
44 technical registration, ~~or~~ the board of massage therapy or the Arizona
45 department of housing.

- 1 2. "Board" means the board of fingerprinting.
- 2 3. "Central registry exception" means notification to the
3 department of economic security, the department of child safety or the
4 department of health services, as appropriate, pursuant to section
5 41-619.57 that the person is not disqualified because of a central
6 registry check conducted pursuant to section 8-804.
- 7 4. "Expedited review" means an examination, in accordance with
8 board rule, of the documents an applicant submits by the board or its
9 hearing officer without the applicant being present.
- 10 5. "Good cause exception" means the issuance of a fingerprint
11 clearance card to an employee pursuant to section 41-619.55.
- 12 6. "Person" means a person who is required to be fingerprinted
13 pursuant to this article or who is subject to a central registry check and
14 any of the following:
- 15 (a) Section 3-314.
- 16 (b) Section 8-105.
- 17 (c) Section 8-322.
- 18 (d) Section 8-463.
- 19 (e) Section 8-509.
- 20 (f) Section 8-802.
- 21 (g) Section 8-804.
- 22 (h) Section 15-183.
- 23 (i) Section 15-503.
- 24 (j) Section 15-512.
- 25 (k) Section 15-534.
- 26 (l) Section 15-763.01.
- 27 (m) Section 15-782.02.
- 28 (n) Section 15-1330.
- 29 (o) Section 15-1881.
- 30 (p) SECTION 15-2407.
- 31 ~~(q)~~ (q) Section 17-215.
- 32 ~~(r)~~ (r) Section 28-3228.
- 33 ~~(s)~~ (s) Section 28-3413.
- 34 ~~(t)~~ (t) Section 32-122.02.
- 35 ~~(u)~~ (u) Section 32-122.05.
- 36 ~~(v)~~ (v) Section 32-122.06.
- 37 ~~(w)~~ (w) Section 32-823.
- 38 ~~(x)~~ (x) Section 32-1232.
- 39 ~~(y)~~ (y) Section 32-1276.01.
- 40 ~~(z)~~ (z) Section 32-1284.
- 41 ~~(za)~~ (aa) Section 32-1297.01.
- 42 ~~(aab)~~ (bb) Section 32-1904.
- 43 ~~(abb)~~ (cc) Section 32-1941.
- 44 ~~(acc)~~ (dd) Section 32-1982.
- 45 ~~(add)~~ (ee) Section 32-2022.

- 1 ~~(ee)~~ (ff) Section 32-2063.
- 2 ~~(ff)~~ (gg) Section 32-2108.01.
- 3 ~~(gg)~~ (hh) Section 32-2123.
- 4 ~~(hh)~~ (ii) Section 32-2371.
- 5 ~~(ii)~~ (jj) Section 32-3430.
- 6 ~~(jj)~~ (kk) Section 32-3620.
- 7 ~~(kk)~~ (ll) Section 32-3668.
- 8 ~~(ll)~~ (mm) Section 32-3669.
- 9 ~~(mm)~~ (nn) Section 32-3922.
- 10 ~~(nn)~~ (oo) Section 32-3924.
- 11 ~~(oo)~~ (pp) Section 32-4222.
- 12 ~~(pp)~~ (qq) Section 32-4128.
- 13 ~~(qq)~~ (rr) Section 36-113.
- 14 ~~(rr)~~ (ss) Section 36-207.
- 15 ~~(ss)~~ (tt) Section 36-411.
- 16 ~~(tt)~~ (uu) Section 36-425.03.
- 17 ~~(uu)~~ (vv) Section 36-446.04.
- 18 ~~(vv)~~ (ww) Section 36-594.01.
- 19 ~~(ww)~~ (xx) Section 36-594.02.
- 20 ~~(xx)~~ (yy) Section 36-766.01.
- 21 ~~(yy)~~ (zz) Section 36-882.
- 22 ~~(zz)~~ (aaa) Section 36-883.02.
- 23 ~~(aaa)~~ (bbb) Section 36-897.01.
- 24 ~~(bbb)~~ (ccc) Section 36-897.03.
- 25 ~~(ccc)~~ (ddd) Section 36-3008.
- 26 ~~(ddd)~~ (eee) Section 41-619.53.
- 27 ~~(eee)~~ (fff) Section 41-1964.
- 28 ~~(fff)~~ (ggg) Section 41-1967.01.
- 29 ~~(ggg)~~ (hhh) Section 41-1968.
- 30 ~~(hhh)~~ (iii) Section 41-1969.
- 31 ~~(iii)~~ (jjj) Section 41-2814.
- 32 ~~(jjj)~~ (kkk) Section 41-4025.
- 33 ~~(kkk)~~ (lll) Section 46-141, subsection A or B.
- 34 ~~(lll)~~ (mmm) Section 46-321.

35 Sec. 6. Section 41-1750, Arizona Revised Statutes, is amended to
36 read:

37 41-1750. Central state repository; department of public
38 safety; duties; funds; accounts; definitions

39 A. The department is responsible for the effective operation of the
40 central state repository in order to collect, store and disseminate
41 complete and accurate Arizona criminal history records and related
42 criminal justice information. The department may procure criminal history
43 records and related criminal justice information for violations that are
44 not listed in this section. The department shall:

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

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

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

10 (c) An offense listed in:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 C. 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.

32 3. An offense listed in:

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

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

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

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

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

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

39 D. The chief officers of law enforcement agencies of this state or
40 its political subdivisions shall provide to the department such
41 information as necessary to operate the statewide uniform crime reporting
42 program and to cooperate with the federal government uniform crime
43 reporting program.

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

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

10 G. The director shall authorize the exchange of criminal justice
11 information between the central state repository, or through the Arizona
12 criminal justice information system, whether directly or through any
13 intermediary, only as follows:

14 1. With criminal justice agencies of the federal government, Indian
15 tribes, this state or its political subdivisions and other states, on
16 request by the chief officers of such agencies or their designated
17 representatives, specifically for the purposes of the administration of
18 criminal justice and for evaluating the fitness of current and prospective
19 criminal justice employees. The department may conduct periodic state and
20 federal criminal history records checks for the purpose of updating the
21 status of current criminal justice employees or volunteers and may notify
22 the criminal justice agency of the results of the records check. The
23 department is authorized to submit fingerprints to the federal bureau of
24 investigation to be retained for the purpose of being searched by future
25 submissions to the federal bureau of investigation including latent
26 fingerprint searches.

27 2. With any noncriminal justice agency pursuant to a statute,
28 ordinance or executive order that specifically authorizes the noncriminal
29 justice agency to receive criminal history record information for the
30 purpose of evaluating the fitness of current or prospective licensees,
31 employees, contract employees or volunteers, on submission of the
32 subject's fingerprints and the prescribed fee. Each statute, ordinance,
33 or executive order that authorizes noncriminal justice agencies to receive
34 criminal history record information for these purposes shall identify the
35 specific categories of licensees, employees, contract employees or
36 volunteers, and shall require that fingerprints of the specified
37 individuals be submitted in conjunction with such requests for criminal
38 history record information. The department may conduct periodic state and
39 federal criminal history records checks for the purpose of updating the
40 status of current licensees, employees, contract employees or volunteers
41 and may notify the noncriminal justice agency of the results of the
42 records check. The department is authorized to submit fingerprints to the
43 federal bureau of investigation to be retained for the purpose of being
44 searched by future submissions to the federal bureau of investigation
45 including latent fingerprint searches.

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

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

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

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

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

30 8. With individuals and agencies pursuant to a specific agreement
31 with a criminal justice agency to provide services required for the
32 administration of criminal justice pursuant to that agreement if the
33 agreement specifically authorizes access to data, limits the use of data
34 to purposes for which given and ensures the security and confidentiality
35 of the data consistent with this section.

36 9. With individuals and agencies for the express purpose of
37 research, evaluative or statistical activities pursuant to an agreement
38 with a criminal justice agency if the agreement specifically authorizes
39 access to data, limits the use of data to research, evaluative or
40 statistical purposes and ensures the confidentiality and security of the
41 data consistent with this section.

42 10. With the auditor general for audit purposes.

43 11. With central state repositories of other states for noncriminal
44 justice purposes for dissemination in accordance with the laws of those
45 states.

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

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

16 (a) The fingerprint card.

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

19 14. On submission of a fingerprint card, provide criminal history
20 record information to the superior court for the purpose of evaluating the
21 fitness of investigators appointed under section 14-5303 or 14-5407,
22 guardians appointed under section 14-5206 or 14-5304 or conservators
23 appointed under section 14-5401.

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

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

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

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

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

39 20. With the state board of education for the purpose of evaluating
40 the fitness of a certificated educator, an applicant for a teaching or
41 administrative certificate or a noncertificated person as defined in
42 section 15-505 if the state board of education or its employees or agents
43 have reasonable suspicion that the educator or person engaged in conduct
44 that would be a criminal violation of the laws of this state or was
45 involved in immoral or unprofessional conduct or that the applicant

1 engaged in conduct that would warrant disciplinary action if the applicant
2 were certificated at the time of the alleged conduct. The information
3 shall be provided on the submission of either:

4 (a) The fingerprint card.

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

7 21. With each school district and charter school in this state **AND**
8 **WITH EACH QUALIFIED SCHOOL THAT ENROLLS ONE OR MORE QUALIFIED STUDENTS**
9 **PURSUANT TO TITLE 15, CHAPTER 19.** The department of education and the
10 state board for charter schools shall provide the department of public
11 safety with a current list of email addresses for each school district,
12 ~~and~~ charter school **AND QUALIFIED SCHOOL** ~~in this state~~ and shall
13 periodically provide the department of public safety with updated email
14 addresses. If the department of public safety is notified that a person
15 who is required to have a fingerprint clearance card to be employed by or
16 to engage in volunteer activities at a school district, ~~or~~ charter school
17 **OR QUALIFIED SCHOOL** has been arrested for or convicted of an offense
18 listed in section 41-1758.03, subsection B or has been arrested for or
19 convicted of an offense that amounts to unprofessional conduct under
20 section 15-550, the department of public safety shall notify each school
21 district, ~~and~~ charter school **AND QUALIFIED SCHOOL** in this state that the
22 person's fingerprint clearance card has been suspended or revoked.

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

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

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

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

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

1 25. With the governor to provide criminal history record
2 information on prospective gubernatorial nominees, appointees and
3 employees as provided by law.

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

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

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

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

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

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

38 N. A records processing fund is established for the purpose of
39 separately accounting for the collection and payment of fees for
40 department reports and photographs of traffic accident scenes processed by
41 the department. Monies collected for this purpose shall be credited to
42 the fund and shall be used by the department in support of functions
43 related to providing copies of department reports and photographs. At the
44 end of each fiscal year, any balance in the fund not required for support

1 of the functions related to providing copies of department reports and
2 photographs reverts to the state general fund.

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

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

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

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

13 Q. The director shall ensure that the following limitations are
14 observed regarding dissemination of criminal justice information obtained
15 from the central state repository or through the Arizona criminal justice
16 information system:

17 1. Any criminal justice agency that obtains criminal justice
18 information from the central state repository or through the Arizona
19 criminal justice information system assumes responsibility for the
20 security of the information and shall not secondarily disseminate this
21 information to any individual or agency not authorized to receive this
22 information directly from the central state repository or originating
23 agency.

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

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

32 4. The existence or nonexistence of criminal history record
33 information shall not be confirmed to any individual or agency not
34 authorized to receive the information itself.

35 5. Criminal history record information to be released for
36 noncriminal justice purposes to agencies of other states shall only be
37 released to the central state repositories of those states for
38 dissemination in accordance with the laws of those states.

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

42 R. This section and the rules adopted under this section apply to
43 all agencies and individuals collecting, storing or disseminating criminal
44 justice information processed by manual or automated operations if the
45 collection, storage or dissemination is funded in whole or in part with

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

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

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

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

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

16 4. Announcements of executive clemency or pardon.

17 5. Computer databases, other than the Arizona criminal justice
18 information system, that are specifically designed for community
19 notification of an offender's presence in the community pursuant to
20 section 13-3825 or for public informational purposes authorized by section
21 13-3827.

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

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

31 1. The booking agency shall take legible ten-print fingerprints of
32 all persons who are arrested for offenses listed in subsection C of this
33 section. The booking agency shall obtain a process control number and
34 provide to the person fingerprinted a document that indicates proof of the
35 fingerprinting and that informs the person that the document must be
36 presented to the court.

37 2. Except as provided in paragraph 3 of this subsection, if a
38 person is summoned to court as a result of an indictment or complaint for
39 an offense listed in subsection C of this section, the court shall order
40 the person to appear before the county sheriff and provide legible
41 ten-print fingerprints. The county sheriff shall obtain a process control
42 number and provide a document to the person fingerprinted that indicates
43 proof of the fingerprinting and that informs the person that the document
44 must be presented to the court. For the purposes of this paragraph,

1 "summoned" includes a written promise to appear by the defendant on a
2 uniform traffic ticket and complaint.

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

10 4. The mandatory fingerprint compliance form shall contain the
11 following information:

12 (a) Whether ten-print fingerprints have been obtained from the
13 person.

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

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

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

18 (e) Instructions on reporting for ten-print fingerprinting,
19 including available times and locations for reporting for ten-print
20 fingerprinting.

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

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

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

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

38 8. If the defendant fails to present a completed mandatory
39 fingerprint compliance form or if the court has not received the process
40 control number, the court, on its own motion, may remand the defendant
41 into custody for ten-print fingerprinting. If otherwise eligible for
42 release, the defendant shall be released from custody after being
43 ten-print fingerprinted.

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

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

15 11. The state department of corrections or the department of
16 juvenile corrections, within forty days, shall advise the central state
17 repository that it has assumed supervision of a person convicted of an
18 offense specified in subsection C of this section or section 8-341,
19 subsection Q, paragraph 3. The state department of corrections or the
20 department of juvenile corrections shall also report dispositions that
21 occur thereafter to the central state repository within forty days of the
22 date of the dispositions. This information shall be submitted on a form
23 or in a manner required by the department of public safety.

24 12. Each criminal justice agency shall query the central state
25 repository before dissemination of any criminal history record information
26 to ensure the completeness of the information. Inquiries shall be made
27 before any dissemination except in those cases in which time is of the
28 essence and the repository is technically incapable of responding within
29 the necessary time period. If time is of the essence, the inquiry shall
30 still be made and the response shall be provided as soon as possible.

31 V. The director shall adopt rules specifying that any agency that
32 collects, stores or disseminates criminal justice information that is
33 subject to this section shall establish effective security measures to
34 protect the information from unauthorized access, disclosure, modification
35 or dissemination. The rules shall include reasonable safeguards to
36 protect the affected information systems from fire, flood, wind, theft,
37 sabotage or other natural or man-made hazards or disasters.

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

43 X. Nothing in this section creates a cause of action or a right to
44 bring an action including an action based on discrimination due to sexual
45 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.

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

36 7. "Criminal history record information" and "criminal history
37 record" means information that is collected by criminal justice agencies
38 on individuals and that consists of identifiable descriptions and
39 notations of arrests, detentions, indictments and other formal criminal
40 charges, and any disposition arising from those actions, sentencing,
41 formal correctional supervisory action and release. Criminal history
42 record information and criminal history record do not include
43 identification information to the extent that the information does not
44 indicate involvement of the individual in the criminal justice system or

1 information relating to juveniles unless they have been adjudicated as
2 adults.

3 8. "Criminal justice agency" means either:

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

7 (b) A government agency or subunit of a government agency that is
8 specifically authorized to perform as its principal function the
9 administration of criminal justice pursuant to a statute, ordinance or
10 executive order and that allocates more than fifty percent of its annual
11 budget to the administration of criminal justice. This subdivision
12 includes agencies of any foreign sovereignty duly recognized by the
13 federal government.

14 9. "Criminal justice information" means information that is
15 collected by criminal justice agencies and that is needed for the
16 performance of their legally authorized and required functions, such as
17 criminal history record information, citation information, stolen property
18 information, traffic accident reports, wanted persons information and
19 system network log searches. Criminal justice information does not
20 include the administrative records of a criminal justice agency.

21 10. "Disposition" means information disclosing that a decision has
22 been made not to bring criminal charges or that criminal proceedings have
23 been concluded or information relating to sentencing, correctional
24 supervision, release from correctional supervision, the outcome of an
25 appellate review of criminal proceedings or executive clemency.

26 11. "Dissemination" means the written, oral or electronic
27 communication or transfer of criminal justice information to individuals
28 and agencies other than the criminal justice agency that maintains the
29 information. Dissemination includes the act of confirming the existence
30 or nonexistence of criminal justice information.

31 12. "Management control":

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

33 (i) Priorities regarding development and operation of criminal
34 justice information systems and programs.

35 (ii) Standards for the selection, supervision and termination of
36 personnel involved in the development of criminal justice information
37 systems and programs and in the collection, maintenance, analysis and
38 dissemination of criminal justice information.

39 (iii) Policies governing the operation of computers, circuits and
40 telecommunications terminals used to process criminal justice information
41 to the extent that the equipment is used to process, store or transmit
42 criminal justice information.

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

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

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

9 15. "Sexual orientation" means consensual homosexuality or
10 heterosexuality.

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

13 Sec. 7. Section 41-1758, Arizona Revised Statutes, is amended to
14 read:

15 41-1758. Definitions

16 In this article, unless the context otherwise requires:

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

32 2. "Division" means the fingerprinting division in the department
33 of public safety.

34 3. "Electronic or internet-based fingerprinting services" means a
35 secure system for digitizing applicant fingerprints and transmitting the
36 applicant data and fingerprints of a person or entity submitting
37 fingerprints to the department of public safety for any authorized purpose
38 under this title. For the purposes of this paragraph, "secure system"
39 means a system that complies with the information technology security
40 policy approved by the department of public safety.

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

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

45 (a) Section 3-314.

- 1 (b) Section 8-105.
- 2 (c) Section 8-322.
- 3 (d) Section 8-463.
- 4 (e) Section 8-509.
- 5 (f) Section 8-802.
- 6 (g) Section 15-183.
- 7 (h) Section 15-503.
- 8 (i) Section 15-512.
- 9 (j) Section 15-534.
- 10 (k) Section 15-763.01.
- 11 (l) Section 15-782.02.
- 12 (m) Section 15-1330.
- 13 (n) Section 15-1881.
- 14 (o) SECTION 15-2407.
- 15 ~~(p)~~ (p) Section 17-215.
- 16 ~~(q)~~ (q) Section 28-3228.
- 17 ~~(r)~~ (r) Section 28-3413.
- 18 ~~(s)~~ (s) Section 32-122.02.
- 19 ~~(t)~~ (t) Section 32-122.05.
- 20 ~~(u)~~ (u) Section 32-122.06.
- 21 ~~(v)~~ (v) Section 32-823.
- 22 ~~(w)~~ (w) Section 32-1232.
- 23 ~~(x)~~ (x) Section 32-1276.01.
- 24 ~~(y)~~ (y) Section 32-1284.
- 25 ~~(z)~~ (z) Section 32-1297.01.
- 26 ~~(aa)~~ (aa) Section 32-1904.
- 27 ~~(bb)~~ (bb) Section 32-1941.
- 28 ~~(cc)~~ (cc) Section 32-1982.
- 29 ~~(dd)~~ (dd) Section 32-2022.
- 30 ~~(ee)~~ (ee) Section 32-2063.
- 31 ~~(ff)~~ (ff) Section 32-2108.01.
- 32 ~~(gg)~~ (gg) Section 32-2123.
- 33 ~~(hh)~~ (hh) Section 32-2371.
- 34 ~~(ii)~~ (ii) Section 32-3430.
- 35 ~~(jj)~~ (jj) Section 32-3620.
- 36 ~~(kk)~~ (kk) Section 32-3668.
- 37 ~~(ll)~~ (ll) Section 32-3669.
- 38 ~~(mm)~~ (mm) Section 32-3922.
- 39 ~~(nn)~~ (nn) Section 32-3924.
- 40 ~~(oo)~~ (oo) Section 32-4128.
- 41 ~~(pp)~~ (pp) Section 32-4222.
- 42 ~~(qq)~~ (qq) Section 36-113.
- 43 ~~(rr)~~ (rr) Section 36-207.
- 44 ~~(ss)~~ (ss) Section 36-411.
- 45 ~~(tt)~~ (tt) Section 36-425.03.

- 1 ~~(tt)~~ (uu) Section 36-446.04.
- 2 ~~(uu)~~ (vv) Section 36-594.01.
- 3 ~~(vv)~~ (ww) Section 36-594.02.
- 4 ~~(ww)~~ (xx) Section 36-766.01.
- 5 ~~(xx)~~ (yy) Section 36-882.
- 6 ~~(yy)~~ (zz) Section 36-883.02.
- 7 ~~(zz)~~ (aaa) Section 36-897.01.
- 8 ~~(aaa)~~ (bbb) Section 36-897.03.
- 9 ~~(bbb)~~ (ccc) Section 36-3008.
- 10 ~~(ccc)~~ (ddd) Section 41-619.52.
- 11 ~~(ddd)~~ (eee) Section 41-619.53.
- 12 ~~(eee)~~ (fff) Section 41-1964.
- 13 ~~(fff)~~ (ggg) Section 41-1967.01.
- 14 ~~(ggg)~~ (hhh) Section 41-1968.
- 15 ~~(hhh)~~ (iii) Section 41-1969.
- 16 ~~(iii)~~ (jjj) Section 41-2814.
- 17 ~~(jjj)~~ (kkk) Section 41-4025.
- 18 ~~(kkk)~~ (lll) Section 46-141, subsection A or B.
- 19 ~~(lll)~~ (mmm) Section 46-321.

20 6. "Vulnerable adult" has the same meaning prescribed in section
 21 13-3623.

22 Sec. 8. Section 41-1758.01, Arizona Revised Statutes, is amended to
 23 read:

24 41-1758.01. Fingerprinting division; powers and duties

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

- 27 1. Conduct fingerprint background checks for persons and applicants
 28 who are seeking licenses from state agencies, employment with licensees,
 29 contract providers and state agencies or employment or educational
 30 opportunities with agencies that require fingerprint background checks
 31 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
 32 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 15-2407,
 33 17-215, 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823,
 34 32-1232, 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982,
 35 32-2022, 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668,
 36 32-3669, 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411,
 37 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02,
 38 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01,
 39 41-1968, 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141, subsection A or B
 40 and section 46-321.

41 2. Issue fingerprint clearance cards. On issuance, a fingerprint
 42 clearance card becomes the personal property of the cardholder and the
 43 cardholder shall retain possession of the fingerprint clearance card.

44 3. On submission of an application for a fingerprint clearance
 45 card, collect the fees established by the board of fingerprinting pursuant

1 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
2 the monies collected in the board of fingerprinting fund.

3 4. Inform in writing each person who submits fingerprints for a
4 fingerprint background check of the right to petition the board of
5 fingerprinting for a good cause exception pursuant to section 41-1758.03,
6 41-1758.04 or 41-1758.07.

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

14 6. Notify the person in writing if the division suspends, revokes
15 or places a driving restriction notation on a fingerprint clearance card
16 pursuant to section 41-1758.04. The notice shall include the criminal
17 history information on which the suspension, revocation or placement of
18 the driving restriction notation was based. This criminal history
19 information is subject to dissemination restrictions pursuant to section
20 41-1750 and Public Law 92-544.

21 7. Administer and enforce this article.

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

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

32 2. The information technology security policy approved by the
33 department of public safety.

34 Sec. 9. Section 41-1758.08, Arizona Revised Statutes, is amended to
35 read:

36 41-1758.08. Fingerprint clearance card; use of expired card

37 A. Notwithstanding any other law, an expired fingerprint clearance
38 card may be used to satisfy the fingerprint requirements of section
39 15-183, 15-503, 15-512, 15-534, 15-782.02, 15-1330, ~~15-1881~~ OR 15-2407
40 if the person signs an affidavit stating both of the following:

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

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

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

7 Sec. 10. Fingerprinting requirement; current school personnel

8 Notwithstanding section 15-2407, subsection A, as added by this act,
9 current school personnel, as defined in section 15-2407, Arizona Revised
10 Statutes, as added by this act, must comply with the fingerprint clearance
11 card requirements prescribed in section 15-2407, Arizona Revised Statutes,
12 as added by this act, within six months after the effective date of this
13 act.