

Senate Engrossed

~~vacate conviction; sex trafficking; victims.~~  
(now: DCS; director; duties)

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

# SENATE BILL 1625

AN ACT

AMENDING SECTIONS 8-453, 8-521 AND 41-1750, ARIZONA REVISED STATUTES;  
RELATING TO THE DEPARTMENT OF CHILD SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 8-453, Arizona Revised Statutes, is amended to  
3 read:

4 8-453. Powers and duties

5 A. The director shall:

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

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

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

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

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

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

21 ~~6.~~ 7. Petition, as necessary to implement the case plan  
22 established under section 8-824 or 8-845, for the appointment of a  
23 guardian or a temporary guardian under title 14, chapter 5 for children  
24 who are in the custody of the department pursuant to court order. Persons  
25 applying to be guardians or temporary guardians under this section shall  
26 be fingerprinted. A foster parent or certified adoptive parent already  
27 fingerprinted is not required to be fingerprinted again, if the foster  
28 parent or certified adoptive parent is the person applying to be the  
29 guardian or temporary guardian.

30 ~~7.~~ 8. Cooperate with other agencies of this state, county and  
31 municipal agencies, faith-based organizations and community social  
32 services agencies, if available, to achieve the purposes of this chapter.

33 ~~8.~~ 9. Exchange information, including case specific information,  
34 and cooperate with the department of economic security for the  
35 administration of the department of economic security's programs.

36 ~~9.~~ 10. Administer child welfare activities, including:

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

38 (b) Providing the cost of care of:

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

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

- 1 (iii) Children who are the subject of a dependency petition or are  
2 adjudicated dependent and who are in the custody of the department and  
3 ordered by the court pursuant to section 8-845 to reside in an independent  
4 living program pursuant to section 8-521.
- 5 (c) Providing services for children placed in adoption.
- 6 ~~10.~~ 11. Formulate policies, plans and programs to effectuate the  
7 missions and purposes of the department.
- 8 ~~11.~~ 12. Make contracts and incur obligations within the general  
9 scope of the department's activities and operations subject to the  
10 availability of funds.
- 11 ~~12.~~ 13. Coordinate with, contract with or assist other  
12 departments, agencies and institutions of this state and local and federal  
13 governments in the furtherance of the department's purposes, objectives  
14 and programs.
- 15 ~~13.~~ 14. Accept and disburse grants, matching funds and direct  
16 payments from public or private agencies for the conduct of programs that  
17 are consistent with the overall purposes and objectives of the department.
- 18 ~~14.~~ 15. Collect monies owed to the department.
- 19 ~~15.~~ 16. Act as an agent of the federal government in furtherance  
20 of any functions of the department.
- 21 ~~16.~~ 17. Carry on research and compile statistics relating to the  
22 child welfare program throughout this state, including all phases of  
23 dependency.
- 24 ~~17.~~ 18. Cooperate with the superior court in all matters related  
25 to this title and title 13.
- 26 ~~18.~~ 19. Provide the cost of care and transitional independent  
27 living services for a person WHO IS under twenty-one years of age pursuant  
28 to section 8-521.01.
- 29 ~~19.~~ 20. Ensure that all criminal conduct allegations and reports  
30 of imminent risk of harm are investigated.
- 31 ~~20.~~ 21. Ensure the department's compliance with the Indian child  
32 welfare act of 1978 (P.L. 95-608; 92 Stat. 3069; 25 United States Code  
33 sections 1901 through 1963).
- 34 ~~21.~~ 22. Strengthen relationships with tribal child protection  
35 agencies or programs.
- 36 B. The director may:
- 37 ~~1. Take administrative action to improve the efficiency of the~~  
38 ~~department.~~
- 39 ~~2.~~ 1. Contract with a private entity to provide any functions or  
40 services pursuant to this title.
- 41 ~~3.~~ 2. Apply for, accept, receive and expend public and private  
42 gifts or grants of money or property on the terms and conditions as may be  
43 imposed by the donor and for any purpose provided for by this title.

1         ~~4.~~ 3. Reimburse department volunteers, designated by the director,  
2 for expenses in transporting clients of the department on official  
3 business. Volunteers reimbursed for expenses are not eligible for  
4 workers' compensation under title 23, chapter 6.

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

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

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

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

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

31           8-521. Independent living program; conditions; eligibility;  
32                           rules; progress reports; educational case management  
33                           unit

34          A. The department or a licensed child welfare agency may establish  
35 an independent living program for youths who are the subject of a  
36 dependency petition or who are adjudicated dependent and are all of the  
37 following:

- 38           1. In the custody of the department, a licensed child welfare  
39 agency or a tribal child welfare agency.  
40           2. At least seventeen years of age.  
41           3. Employed or full-time students.

42          B. The independent living program may consist of a residential  
43 program of less than twenty-four hours a day supervision for youths under  
44 the supervision of the department through a licensed child welfare agency

1 or a foster home under contract with the department. Under the  
2 independent living program, the youth is not required to reside at a  
3 licensed child welfare agency or foster home.

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

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

9 E. The department of child safety, a licensed child welfare agency  
10 or a tribal child welfare agency having custody of the youth shall provide  
11 the cost of care as required by section 8-453, subsection A, paragraph  
12 ~~9~~ 10, subdivision (b), item (iii) for each youth placed in an independent  
13 living program pursuant to this section, except that the monthly amount  
14 provided shall not be less than \$1,200.

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

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

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

23 I. The department shall establish an educational case management  
24 unit within the division consisting of two case managers to develop and  
25 coordinate educational case management plans for youths participating in  
26 the independent living program and to assist youths in the program to do  
27 the following:

- 28 1. Graduate from high school.
- 29 2. Pass the statewide assessment pursuant to section 15-741.
- 30 3. Apply for postsecondary financial assistance.
- 31 4. Apply for postsecondary education.

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

34 41-1750. Central state repository; department of public  
35 safety; duties; funds; accounts; definitions

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

- 42 1. Procure from all criminal justice agencies in this state  
43 accurate and complete personal identification data, fingerprints, charges,  
44 process control numbers and dispositions and such other information as may

1 be pertinent to all persons who have been charged with, arrested for,  
2 convicted of or summoned to court as a criminal defendant for any of the  
3 following:

- 4 (a) A felony offense or an offense involving domestic violence as  
5 defined in section 13-3601.
- 6 (b) A violation of title 13, chapter 14 or title 28, chapter 4.
- 7 (c) An offense listed in:
  - 8 (i) Section 32-2422, subsection A, paragraph 4.
  - 9 (ii) Section 32-2441, paragraph 4.
  - 10 (iii) Section 32-2612, subsection A, paragraph 4.
  - 11 (iv) Section 32-2622, subsection A, paragraph 4.
  - 12 (v) Section 41-1758.03, subsections B and C.
  - 13 (vi) Section 41-1758.07, subsections B and C.

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

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

24 4. Cooperate with the central state repositories in other states  
25 and with the appropriate agency of the federal government in the exchange  
26 of information pertinent to violators of the law.

27 5. Ensure the rapid exchange of information concerning the  
28 commission of crime and the detection of violators of the law among the  
29 criminal justice agencies of other states and of the federal government.

30 6. Furnish assistance to peace officers throughout this state in  
31 crime scene investigation for the detection of latent fingerprints and in  
32 the comparison of latent fingerprints.

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

38 8. Establish and enforce the necessary physical and system  
39 safeguards to ensure that the criminal justice information maintained and  
40 disseminated by the central state repository or through the Arizona  
41 criminal justice information system is appropriately protected from  
42 unauthorized inquiry, modification, destruction or dissemination as  
43 required by this section.

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

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

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

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

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

16 C. Criminal justice agencies may provide criminal history records  
17 and related criminal justice information for violations that are not  
18 listed in this section. The chief officers of criminal justice agencies  
19 of this state or its political subdivisions shall provide to the central  
20 state repository fingerprints and information concerning personal  
21 identification data, descriptions, crimes for which persons are arrested,  
22 process control numbers and dispositions and such other information as may  
23 be pertinent to all persons who have been charged with, arrested for,  
24 convicted of or summoned to court as criminal defendants for any of the  
25 following:

26 1. Felony offenses or offenses involving domestic violence as  
27 defined in section 13-3601.

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

30 3. An offense listed in:

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

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

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

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

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

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

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

42 E. The chief officers of criminal justice agencies of this state or  
43 its political subdivisions shall comply with the training and proficiency

1 testing guidelines as required by the department to comply with the  
2 federal national crime information center mandates.

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

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

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

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

1           11. With central state repositories of other states for noncriminal  
2 justice purposes for dissemination in accordance with the laws of those  
3 states.

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

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

19           (a) The fingerprint card.

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

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

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

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

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

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

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

42           20. With the state board of education for the purpose of evaluating  
43 the fitness of a certificated educator, an applicant for a teaching or  
44 administrative certificate or a noncertificated person as defined in

1 section 15-505 if the state board of education or its employees or agents  
2 have reasonable suspicion that the educator or person engaged in conduct  
3 that would be a criminal violation of the laws of this state or was  
4 involved in immoral or unprofessional conduct or that the applicant  
5 engaged in conduct that would warrant disciplinary action if the applicant  
6 were certificated at the time of the alleged conduct. The information  
7 shall be provided on the submission of either:

8 (a) The fingerprint card.

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

11 21. With each school district and charter school in this state.  
12 The department of education and the state board for charter schools shall  
13 provide the department of public safety with a current list of email  
14 addresses for each school district and charter school in this state and  
15 shall periodically provide the department of public safety with updated  
16 email addresses. If the department of public safety is notified that a  
17 person who is required to have a fingerprint clearance card to be employed  
18 by or to engage in volunteer activities at a school district or charter  
19 school has been arrested for or convicted of an offense listed in section  
20 41-1758.03, subsection B or has been arrested for or convicted of an  
21 offense that amounts to unprofessional conduct under section 15-550, the  
22 department of public safety shall notify each school district and charter  
23 school in this state that the person's fingerprint clearance card has been  
24 suspended or revoked.

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

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

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

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

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

4           25. With the governor to provide criminal history record  
5 information on prospective gubernatorial nominees, appointees and  
6 employees as provided by law.

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

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

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

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

23           L. Except as provided in subsection 0 of this section, each agency  
24 authorized by this section may charge a fee, in addition to any other fees  
25 prescribed by law, in an amount necessary to cover the cost of state and  
26 federal noncriminal justice fingerprint processing for criminal history  
27 record information checks that are authorized by law for noncriminal  
28 justice employment, licensing or other lawful purposes.

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

41           N. A records processing fund is established for the purpose of  
42 separately accounting for the collection and payment of fees for  
43 department reports and photographs of traffic accident scenes processed by  
44 the department. Monies collected for this purpose shall be credited to

1 the fund and shall be used by the department in support of functions  
2 related to providing copies of department reports and photographs. At the  
3 end of each fiscal year, any balance in the fund not required for support  
4 of the functions related to providing copies of department reports and  
5 photographs reverts to the state general fund.

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

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

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

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

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

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

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

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

35 4. The existence or nonexistence of criminal history record  
36 information shall not be confirmed to any individual or agency not  
37 authorized to receive the information itself.

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

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

1 R. This section and the rules adopted under this section apply to  
2 all agencies and individuals collecting, storing or disseminating criminal  
3 justice information processed by manual or automated operations if the  
4 collection, storage or dissemination is funded in whole or in part with  
5 monies made available by the law enforcement assistance administration  
6 after July 1, 1973, pursuant to title I of the crime control act of 1973,  
7 and to all agencies that interact with or receive criminal justice  
8 information from or through the central state repository and through the  
9 Arizona criminal justice information system.

10 S. This section does not apply to criminal history record  
11 information contained in:

12 1. Posters, arrest warrants, announcements or lists for identifying  
13 or apprehending fugitives or wanted persons.

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

18 3. Transcripts or records of judicial proceedings if released by a  
19 court or legislative or administrative proceedings.

20 4. Announcements of executive clemency or pardon.

21 5. Computer databases, other than the Arizona criminal justice  
22 information system, that are specifically designed for community  
23 notification of an offender's presence in the community pursuant to  
24 section 13-3825 or for public informational purposes authorized by section  
25 13-3827.

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

32 U. In order to ensure that complete and accurate criminal history  
33 record information is maintained and disseminated by the central state  
34 repository:

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

41 2. Except as provided in paragraph 3 of this subsection, if a  
42 person is summoned to court as a result of an indictment or complaint for  
43 an offense listed in subsection C of this section, the court shall order  
44 the person to appear before the county sheriff and provide legible

1 ten-print fingerprints. The county sheriff shall obtain a process control  
2 number and provide a document to the person fingerprinted that indicates  
3 proof of the fingerprinting and that informs the person that the document  
4 must be presented to the court. For the purposes of this paragraph,  
5 "summoned" includes a written promise to appear by the defendant on a  
6 uniform traffic ticket and complaint.

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

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

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

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

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

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

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

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

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

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

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

42 8. If the defendant fails to present a completed mandatory  
43 fingerprint compliance form or if the court has not received the process  
44 control number, the court, on its own motion, may remand the defendant

1 into custody for ten-print fingerprinting. If otherwise eligible for  
2 release, the defendant shall be released from custody after being  
3 ten-print fingerprinted.

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

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

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

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

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

41 W. The department shall make available to agencies that contribute  
42 to, or receive criminal justice information from, the central state  
43 repository or through the Arizona criminal justice information system a



1 continuing training program in the proper methods for collecting, storing  
2 and disseminating information in compliance with this section.

3 X. Nothing in this section creates a cause of action or a right to  
4 bring an action including an action based on discrimination due to sexual  
5 orientation.

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

10 Z. For the purposes of this section:

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

20 2. "Administrative records" means records that contain adequate and  
21 proper documentation of the organization, functions, policies, decisions,  
22 procedures and essential transactions of the agency and that are designed  
23 to furnish information to protect the rights of this state and of persons  
24 directly affected by the agency's activities.

25 3. "Antisemitism" includes the definition of antisemitism that was  
26 adopted by the international holocaust remembrance alliance on May 26,  
27 2016 and that has been adopted by the United States department of state,  
28 including the contemporary examples of antisemitism identified in the  
29 adopted definition.

30 4. "Arizona criminal justice information system" or "system" means  
31 the statewide information system managed by the director for the  
32 collection, processing, preservation, dissemination and exchange of  
33 criminal justice information and includes the electronic equipment,  
34 facilities, procedures and agreements necessary to exchange this  
35 information.

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

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

41 7. "Criminal history record information" and "criminal history  
42 record" means information that is collected by criminal justice agencies  
43 on individuals and that consists of identifiable descriptions and  
44 notations of arrests, detentions, indictments and other formal criminal

1 charges, and any disposition arising from those actions, sentencing,  
2 formal correctional supervisory action and release. Criminal history  
3 record information and criminal history record do not include  
4 identification information to the extent that the information does not  
5 indicate involvement of the individual in the criminal justice system or  
6 information relating to juveniles unless they have been adjudicated as  
7 adults.

8 8. "Criminal justice agency" means either:

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

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

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

26 10. "Disposition" means information disclosing that a decision has  
27 been made not to bring criminal charges or that criminal proceedings have  
28 been concluded or information relating to sentencing, correctional  
29 supervision, release from correctional supervision, the outcome of an  
30 appellate review of criminal proceedings or executive clemency.

31 11. "Dissemination" means the written, oral or electronic  
32 communication or transfer of criminal justice information to individuals  
33 and agencies other than the criminal justice agency that maintains the  
34 information. Dissemination includes the act of confirming the existence  
35 or nonexistence of criminal justice information.

36 12. "Management control":

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

38 (i) Priorities regarding development and operation of criminal  
39 justice information systems and programs.

40 (ii) Standards for the selection, supervision and termination of  
41 personnel involved in the development of criminal justice information  
42 systems and programs and in the collection, maintenance, analysis and  
43 dissemination of criminal justice information.

- 1           (iii) Policies governing the operation of computers, circuits and  
2 telecommunications terminals used to process criminal justice information  
3 to the extent that the equipment is used to process, store or transmit  
4 criminal justice information.
- 5           (b) Includes the supervision of equipment, systems design,  
6 programming and operating procedures necessary for the development and  
7 implementation of automated criminal justice information systems.
- 8           13. "Process control number" means the Arizona automated  
9 fingerprint identification system number that attaches to each arrest  
10 event at the time of fingerprinting and that is assigned to the arrest  
11 fingerprint card, disposition form and other pertinent documents.
- 12           14. "Secondary dissemination" means the dissemination of criminal  
13 justice information from an individual or agency that originally obtained  
14 the information from the central state repository or through the Arizona  
15 criminal justice information system to another individual or agency.
- 16           15. "Sexual orientation" means consensual homosexuality or  
17 heterosexuality.
- 18           16. "Subject of record" means the person who is the primary subject  
19 of a criminal justice record.