

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SENATE BILL 1504

AN ACT

AMENDING TITLE 36, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-113; AMENDING SECTIONS 36-883.02 AND 36-897.03, ARIZONA REVISED STATUTES; AMENDING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 135, SECTION 2; REPEALING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 252, SECTION 49; AMENDING SECTION 41-1750, ARIZONA REVISED STATUTES; AMENDING SECTION 41-1758, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 135, SECTION 4; REPEALING SECTION 41-1758, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 252, SECTION 52; AMENDING SECTIONS 41-1758.01, 41-1964 AND 41-1967.01, ARIZONA REVISED STATUTES; AMENDING TITLE 46, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 46-811; RELATING TO FINGERPRINTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 36-113, to read:

4 36-113. Fingerprint clearance cards; information technology
5 positions; vital records systems; facility
6 surveyors; definition

7 A. EACH EMPLOYEE OR CONTRACTOR OF THE DEPARTMENT WHO IS EMPLOYED OR
8 CONTRACTED IN AN INFORMATION TECHNOLOGY POSITION OR WHO HAS ACCESS TO
9 VITAL RECORDS SYSTEMS SHALL HAVE A VALID FINGERPRINT CLEARANCE CARD ISSUED
10 PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1 OR PROVIDE TO THE DEPARTMENT
11 DOCUMENTATION THAT THE PERSON HAS APPLIED FOR A FINGERPRINT CLEARANCE
12 CARD. EACH EMPLOYEE AND CONTRACTOR SHALL CERTIFY ON FORMS THAT ARE
13 PROVIDED BY THE DEPARTMENT THAT THE PERSON IS NOT AWAITING TRIAL ON OR HAS
14 NOT BEEN CONVICTED OF ANY OF THE CRIMINAL OFFENSES LISTED IN SECTION
15 41-1758.07, SUBSECTIONS B AND C IN THIS STATE OR SIMILAR OFFENSES IN
16 ANOTHER STATE OR JURISDICTION.

17 B. THE DEPARTMENT MAY NOT ALLOW A PERSON TO BE AN EMPLOYEE OR
18 CONTRACTOR IN AN INFORMATION TECHNOLOGY POSITION OR HAVE ACCESS TO VITAL
19 RECORDS SYSTEMS IF THAT PERSON HAS BEEN DENIED A FINGERPRINT CLEARANCE
20 CARD PURSUANT TO SECTION 41-1758.07 OR HAS NOT RECEIVED AN INTERIM
21 APPROVAL FROM THE BOARD OF FINGERPRINTING PURSUANT TO SECTION 41-619.55.

22 C. EACH COUNTY EMPLOYEE OR CONTRACTOR WHO HAS ACCESS TO VITAL
23 RECORDS SYSTEMS SHALL HAVE A VALID FINGERPRINT CLEARANCE CARD ISSUED
24 PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

25 D. A LOCAL REGISTRAR MAY NOT ALLOW A PERSON TO BE AN EMPLOYEE OR
26 CONTRACTOR WITH ACCESS TO VITAL RECORDS SYSTEMS IF THAT PERSON HAS BEEN
27 DENIED A FINGERPRINT CLEARANCE CARD PURSUANT TO SECTION 41-1758.07 OR HAS
28 NOT RECEIVED AN INTERIM APPROVAL FROM THE BOARD OF FINGERPRINTING PURSUANT
29 TO SECTION 41-619.55.

30 E. EACH EMPLOYEE OF THE DEPARTMENT WHO INSPECTS FACILITIES WITH
31 CHILDREN OR VULNERABLE ADULTS AS PART OF THE EMPLOYEE'S REGULAR DUTIES
32 SHALL HAVE A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41,
33 CHAPTER 12, ARTICLE 3.1 OR PROVIDE TO THE DEPARTMENT DOCUMENTATION THAT
34 THE PERSON HAS APPLIED FOR A FINGERPRINT CLEARANCE CARD. EACH EMPLOYEE
35 SHALL CERTIFY ON FORMS THAT ARE PROVIDED BY THE DEPARTMENT THAT THE
36 EMPLOYEE IS NOT AWAITING TRIAL ON OR HAS NOT BEEN CONVICTED OF ANY OF THE
37 CRIMINAL OFFENSES LISTED IN SECTION 41-1758.07, SUBSECTIONS B AND C IN
38 THIS STATE OR SIMILAR OFFENSES IN ANOTHER STATE OR JURISDICTION.

39 F. THE DEPARTMENT MAY NOT ALLOW A PERSON TO BE AN EMPLOYEE WHO
40 INSPECTS FACILITIES WITH CHILDREN OR VULNERABLE ADULTS AS PART OF THE
41 EMPLOYEE'S REGULAR DUTIES IF THAT PERSON HAS BEEN DENIED A FINGERPRINT
42 CLEARANCE CARD PURSUANT TO SECTION 41-1758.07 OR HAS NOT RECEIVED AN
43 INTERIM APPROVAL FROM THE BOARD OF FINGERPRINTING PURSUANT TO SECTION
44 41-619.55.

1 G. FOR THE PURPOSES OF THIS SECTION, "VULNERABLE ADULT" HAS THE
2 SAME MEANING PRESCRIBED IN SECTION 13-3623.

3 Sec. 2. Section 36-883.02, Arizona Revised Statutes, is amended to
4 read:

5 36-883.02. Child care personnel; fingerprints; exemptions;
6 definition

7 A. Except as provided in subsection B of this section, child care
8 personnel, including volunteers, shall submit the form prescribed in
9 subsection C of this section to the employer and shall have valid
10 fingerprint clearance cards issued pursuant to section 41-1758.07 ~~or shall~~
11 ~~apply for a fingerprint clearance card within seven working days of~~
12 ~~employment or beginning volunteer work~~ BEFORE STARTING EMPLOYMENT OR
13 VOLUNTEER WORK.

14 B. Exempt from the fingerprinting requirements of subsection A of
15 this section are parents, including foster parents and guardians, who are
16 not employees of the child care facility and who participate in activities
17 with their children under the supervision of and in the presence of child
18 care personnel.

19 C. Applicants, licensees and child care personnel shall attest on
20 forms that are provided by the department that:

21 1. They are not awaiting trial on or have never been convicted of
22 or admitted in open court or pursuant to a plea agreement committing any
23 of the offenses listed in section 41-1758.07, subsection B in this state
24 or similar offenses in another state or jurisdiction.

25 2. They are not parents or guardians of a child adjudicated to be a
26 dependent child as defined in section 8-201.

27 3. They have not been denied or had revoked a certificate to
28 operate a child care group home or a license to operate a child care
29 facility in this or any other state or that they have not been denied or
30 had revoked a certification to work in a child care facility or child care
31 group home.

32 D. Employers of child care personnel shall make documented, good
33 faith efforts to contact previous employers of child care personnel to
34 obtain information or recommendations that may be relevant to an
35 individual's fitness for employment in a child care facility.

36 E. The forms required by subsection C of this section are
37 confidential.

38 F. A child care facility shall not allow a person to be employed or
39 volunteer in the facility in any capacity if the person has been denied a
40 fingerprint clearance card pursuant to section 41-1758.07 or has not
41 received an interim approval from the board of fingerprinting pursuant to
42 section 41-619.55, subsection I.

43 G. The employer shall notify the department of public safety if the
44 employer receives credible evidence that any child care personnel either:

1 1. Is arrested for or charged with an offense listed in section
2 41-1758.07, subsection B.

3 2. Falsified information on the form required by subsection C of
4 this section.

5 H. For the purposes of this section, "child care personnel" means
6 any employee or volunteer working at a child care facility.

7 Sec. 3. Section 36-897.03, Arizona Revised Statutes, is amended to
8 read:

9 36-897.03. Child care group homes; child care personnel;
10 fingerprints; definition

11 A. Child care personnel, including volunteers, shall submit the
12 form prescribed in subsection B of this section to the employer and shall
13 have valid fingerprint clearance cards issued pursuant to section
14 41-1758.07 ~~or shall apply for a fingerprint clearance card within seven~~
15 ~~working days of employment or beginning volunteer work~~ BEFORE STARTING
16 EMPLOYMENT OR VOLUNTEER WORK.

17 B. Applicants, certificate holders and child care personnel shall
18 attest on forms that are provided by the department that:

19 1. They are not awaiting trial on or have never been convicted of
20 or admitted in open court or pursuant to a plea agreement committing any
21 of the offenses listed in section 41-1758.07, subsection B or C in this
22 state or similar offenses in another state or jurisdiction.

23 2. They are not parents or guardians of a child adjudicated to be a
24 dependent child as defined in section 8-201.

25 3. They have not been denied a certificate to operate a child care
26 group home or a license to operate a child care facility for the care of
27 children in this state or another state or had a license to operate a
28 child care facility or a certificate to operate a child care group home
29 revoked for reasons that relate to the endangerment of the health and
30 safety of children.

31 C. The provider shall make documented, good faith efforts to
32 contact previous employers of child care personnel to obtain information
33 or recommendations that may be relevant to an individual's fitness to work
34 in a certified child care group home.

35 D. The director may adopt rules prescribing the exclusion from
36 child care group homes of individuals whose presence may be detrimental to
37 the welfare of children.

38 E. The forms required by subsection B of this section are
39 confidential.

40 F. A person who is awaiting trial on or who has been convicted of
41 or who has admitted in open court or pursuant to a plea agreement to
42 committing a criminal offense listed in section 41-1758.07, subsection B
43 or subsection B, paragraph 2 or 3 of this section is prohibited from being
44 employed in any capacity in a child care group home.

1 G. A person who is awaiting trial on or who has been convicted of
2 or who has admitted in open court or pursuant to a plea agreement to
3 committing a criminal offense listed in section 41-1758.07, subsection C
4 shall not work in a child care group home without direct visual
5 supervision unless the person has applied for and received the required
6 fingerprint clearance card pursuant to section 41-1758 and is registered
7 as child care personnel. A person who is subject to this subsection shall
8 not be employed in any capacity in a child care group home if that person
9 is denied the required fingerprint clearance card.

10 H. The employer shall notify the department of public safety if the
11 employer receives credible evidence that any child care personnel either:

12 1. Is arrested for or charged with an offense listed in section
13 41-1758.07, subsection B.

14 2. Falsified information on the form required by subsection B of
15 this section.

16 I. For the purposes of this section, "child care personnel" means
17 all employees of and persons who are eighteen years of age or older and
18 who reside in a child care group home that is certified by the department.

19 Sec. 4. Section 41-619.51, Arizona Revised Statutes, as amended by
20 Laws 2019, chapter 135, section 2, is amended to read:

21 41-619.51. Definitions

22 In this article, unless the context otherwise requires:

23 1. "Agency" means the supreme court, the department of economic
24 security, the department of child safety, the department of education, the
25 department of health services, the department of juvenile corrections, the
26 department of emergency and military affairs, the department of public
27 safety, the department of transportation, the state real estate
28 department, the department of INSURANCE AND financial institutions, the
29 Arizona game and fish department, the Arizona department of agriculture,
30 the board of examiners of nursing care institution administrators and
31 assisted living facility managers, the state board of dental examiners,
32 the Arizona state board of pharmacy or the board of physical therapy or
33 the state board of technical registration.

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

35 3. "Central registry exception" means notification to the
36 department of economic security, the department of child safety or the
37 department of health services, as appropriate, pursuant to section
38 41-619.57 that the person is not disqualified because of a central
39 registry check conducted pursuant to section 8-804.

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

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

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

- 4 (a) Section 3-314.
- 5 (b) Section 8-105.
- 6 (c) Section 8-322.
- 7 (d) Section 8-463.
- 8 (e) Section 8-509.
- 9 (f) Section 8-802.
- 10 (g) Section 8-804.
- 11 (h) Section 15-183.
- 12 (i) Section 15-503.
- 13 (j) Section 15-512.
- 14 (k) Section 15-534.
- 15 (l) Section 15-763.01.
- 16 (m) Section 15-782.02.
- 17 (n) Section 15-1330.
- 18 (o) Section 15-1881.
- 19 (p) Section 17-215.
- 20 (q) Section 28-3228.
- 21 (r) Section 28-3413.
- 22 (s) Section 32-122.02.
- 23 (t) Section 32-122.05.
- 24 (u) Section 32-122.06.
- 25 (v) Section 32-1232.
- 26 (w) Section 32-1276.01.
- 27 (x) Section 32-1284.
- 28 (y) Section 32-1297.01.
- 29 (z) Section 32-1904.
- 30 (aa) Section 32-1941.
- 31 (bb) Section 32-2022.
- 32 (cc) Section 32-2108.01.
- 33 (dd) Section 32-2123.
- 34 (ee) Section 32-2371.
- 35 (ff) Section 32-3620.
- 36 (gg) Section 32-3668.
- 37 (hh) Section 32-3669.
- 38 (ii) SECTION 36-113.
- 39 ~~(jj)~~ (jj) Section 36-207.
- 40 ~~(jjj)~~ (kk) Section 36-411.
- 41 ~~(kkk)~~ (ll) Section 36-425.03.
- 42 ~~(lll)~~ (mm) Section 36-446.04.
- 43 ~~(mmm)~~ (nn) Section 36-594.01.
- 44 ~~(nnn)~~ (oo) Section 36-594.02.
- 45 ~~(ooo)~~ (pp) Section 36-882.

1 ~~(pp)~~ (qq) Section 36-883.02.
2 ~~(qq)~~ (rr) Section 36-897.01.
3 ~~(rr)~~ (ss) Section 36-897.03.
4 ~~(ss)~~ (tt) Section 36-3008.
5 ~~(tt)~~ (uu) Section 41-619.53.
6 ~~(uu)~~ (vv) Section 41-1964.
7 ~~(vv)~~ (ww) Section 41-1967.01.
8 ~~(ww)~~ (xx) Section 41-1968.
9 ~~(xx)~~ (yy) Section 41-1969.
10 ~~(yy)~~ (zz) Section 41-2814.
11 ~~(zz)~~ (aaa) Section 46-141, subsection A or B.
12 ~~(aaa)~~ (bbb) Section 46-321.
13 Sec. 5. Repeal
14 Section 41-619.51, Arizona Revised Statutes, as amended by Laws
15 2019, chapter 252, section 49, is repealed.
16 Sec. 6. Section 41-1750, Arizona Revised Statutes, is amended to
17 read:
18 41-1750. Central state repository: department of public
19 safety; duties; funds; accounts; definitions
20 A. The department is responsible for the effective operation of the
21 central state repository in order to collect, store and disseminate
22 complete and accurate Arizona criminal history records and related
23 criminal justice information. The department shall:
24 1. Procure from all criminal justice agencies in this state
25 accurate and complete personal identification data, fingerprints, charges,
26 process control numbers and dispositions and such other information as may
27 be pertinent to all persons who have been charged with, arrested for,
28 convicted of or summoned to court as a criminal defendant for a felony
29 offense or an offense involving domestic violence as defined in section
30 13-3601 or a violation of title 13, chapter 14 or title 28, chapter 4.
31 2. Collect information concerning the number and nature of offenses
32 known to have been committed in this state and of the legal steps taken in
33 connection with these offenses, such other information that is useful in
34 the study of crime and in the administration of criminal justice and all
35 other information deemed necessary to operate the statewide uniform crime
36 reporting program and to cooperate with the federal government uniform
37 crime reporting program.
38 3. Collect information concerning criminal offenses that manifest
39 evidence of prejudice based on race, color, religion, national origin,
40 sexual orientation, gender or disability.
41 4. Cooperate with the central state repositories in other states
42 and with the appropriate agency of the federal government in the exchange
43 of information pertinent to violators of the law.

1 5. Ensure the rapid exchange of information concerning the
2 commission of crime and the detection of violators of the law among the
3 criminal justice agencies of other states and of the federal government.

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

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

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

18 9. Aid and encourage coordination and cooperation among criminal
19 justice agencies through the statewide and interstate exchange of criminal
20 justice information.

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

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

27 12. Provide criminal history record information to the
28 fingerprinting division for the purpose of screening applicants for
29 fingerprint clearance cards.

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

33 C. The chief officers of criminal justice agencies of this state or
34 its political subdivisions shall provide to the central state repository
35 fingerprints and information concerning personal identification data,
36 descriptions, crimes for which persons are arrested, process control
37 numbers and dispositions and such other information as may be pertinent to
38 all persons who have been charged with, arrested for, convicted of or
39 summoned to court as criminal defendants for felony offenses or offenses
40 involving domestic violence as defined in section 13-3601 or violations of
41 title 13, chapter 14 or title 28, chapter 4 that have occurred in this
42 state.

43 D. The chief officers of law enforcement agencies of this state or
44 its political subdivisions shall provide to the department such
45 information as necessary to operate the statewide uniform crime reporting

1 program and to cooperate with the federal government uniform crime
2 reporting program.

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

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

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

16 1. With criminal justice agencies of the federal government, Indian
17 tribes, this state or its political subdivisions and other states, on
18 request by the chief officers of such agencies or their designated
19 representatives, specifically for the purposes of the administration of
20 criminal justice and for evaluating the fitness of current and prospective
21 criminal justice employees. THE DEPARTMENT MAY CONDUCT PERIODIC STATE AND
22 FEDERAL CRIMINAL HISTORY RECORDS CHECKS FOR THE PURPOSE OF UPDATING THE
23 STATUS OF CURRENT CRIMINAL JUSTICE EMPLOYEES OR VOLUNTEERS AND MAY NOTIFY
24 THE CRIMINAL JUSTICE AGENCY OF THE RESULTS OF THE RECORDS CHECK. THE
25 DEPARTMENT IS AUTHORIZED TO SUBMIT FINGERPRINTS TO THE FEDERAL BUREAU OF
26 INVESTIGATION TO BE RETAINED FOR THE PURPOSE OF BEING SEARCHED BY FUTURE
27 SUBMISSIONS TO THE FEDERAL BUREAU OF INVESTIGATION INCLUDING LATENT
28 FINGERPRINT SEARCHES.

29 2. With any noncriminal justice agency pursuant to a statute,
30 ordinance or executive order that specifically authorizes the noncriminal
31 justice agency to receive criminal history record information for the
32 purpose of evaluating the fitness of current or prospective licensees,
33 employees, contract employees or volunteers, on submission of the
34 subject's fingerprints and the prescribed fee. Each statute, ordinance,
35 or executive order that authorizes noncriminal justice agencies to receive
36 criminal history record information for these purposes shall identify the
37 specific categories of licensees, employees, contract employees or
38 volunteers, and shall require that fingerprints of the specified
39 individuals be submitted in conjunction with such requests for criminal
40 history record information. THE DEPARTMENT MAY CONDUCT PERIODIC STATE AND
41 FEDERAL CRIMINAL HISTORY RECORDS CHECKS FOR THE PURPOSE OF UPDATING THE
42 STATUS OF CURRENT LICENSEES, EMPLOYEES, CONTRACT EMPLOYEES OR VOLUNTEERS
43 AND MAY NOTIFY THE NONCRIMINAL JUSTICE AGENCY OF THE RESULTS OF THE
44 RECORDS CHECK. THE DEPARTMENT IS AUTHORIZED TO SUBMIT FINGERPRINTS TO THE
45 FEDERAL BUREAU OF INVESTIGATION TO BE RETAINED FOR THE PURPOSE OF BEING

1 SEARCHED BY FUTURE SUBMISSIONS TO THE FEDERAL BUREAU OF INVESTIGATION
2 INCLUDING LATENT FINGERPRINT SEARCHES.

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

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

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

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

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

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

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

44 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 department of education for the purpose of evaluating
43 the fitness of a certificated teacher or administrator or an applicant for
44 a teaching or an administrative certificate provided that the department
45 of education or its employees or agents have reasonable suspicion that the

1 certificated person engaged in conduct that would be a criminal violation
2 of the laws of this state or was involved in immoral or unprofessional
3 conduct or that the applicant engaged in conduct that would warrant
4 disciplinary action if the applicant were certificated at the time of the
5 alleged conduct. The information shall be provided on the submission of
6 either:

7 (a) The fingerprint card.

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

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

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

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

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

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

42 24. With the superior court for the purpose of determining an
43 individual's eligibility for substance abuse and treatment courts in a
44 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

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

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

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

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

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

4. Announcements of executive clemency or pardon.

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

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

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

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

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

44 9. In every criminal case in which the defendant is incarcerated or
45 fingerprinted as a result of the charge, an originating law enforcement

1 agency or prosecutor, within forty days of the disposition, shall advise
2 the central state repository of all dispositions concerning the
3 termination of criminal proceedings against an individual arrested for an
4 offense specified in subsection C of this section. This information shall
5 be submitted on a form or in a manner required by the department.

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

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

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

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

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

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

Y. For the purposes of this section:

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

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

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

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

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

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

7. "Criminal justice agency" means either:

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

(b) A government agency or subunit of a government agency that is specifically authorized to perform as its principal function the administration of criminal justice pursuant to a statute, ordinance or executive order and that allocates more than fifty percent of its annual

1 budget to the administration of criminal justice. This subdivision
2 includes agencies of any foreign sovereignty duly recognized by the
3 federal government.

4 8. "Criminal justice information" means information that is
5 collected by criminal justice agencies and that is needed for the
6 performance of their legally authorized and required functions, such as
7 criminal history record information, citation information, stolen property
8 information, traffic accident reports, wanted persons information and
9 system network log searches. Criminal justice information does not
10 include the administrative records of a criminal justice agency.

11 9. "Disposition" means information disclosing that a decision has
12 been made not to bring criminal charges or that criminal proceedings have
13 been concluded or information relating to sentencing, correctional
14 supervision, release from correctional supervision, the outcome of an
15 appellate review of criminal proceedings or executive clemency.

16 10. "Dissemination" means the written, oral or electronic
17 communication or transfer of criminal justice information to individuals
18 and agencies other than the criminal justice agency that maintains the
19 information. Dissemination includes the act of confirming the existence
20 or nonexistence of criminal justice information.

21 11. "Management control":

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

23 (i) Priorities regarding development and operation of criminal
24 justice information systems and programs.

25 (ii) Standards for the selection, supervision and termination of
26 personnel involved in the development of criminal justice information
27 systems and programs and in the collection, maintenance, analysis and
28 dissemination of criminal justice information.

29 (iii) Policies governing the operation of computers, circuits and
30 telecommunications terminals used to process criminal justice information
31 to the extent that the equipment is used to process, store or transmit
32 criminal justice information.

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

36 12. "Process control number" means the Arizona automated
37 fingerprint identification system number that attaches to each arrest
38 event at the time of fingerprinting and that is assigned to the arrest
39 fingerprint card, disposition form and other pertinent documents.

40 13. "Secondary dissemination" means the dissemination of criminal
41 justice information from an individual or agency that originally obtained
42 the information from the central state repository or through the Arizona
43 criminal justice information system to another individual or agency.

44 14. "Sexual orientation" means consensual homosexuality or
45 heterosexuality.

1 15. "Subject of record" means the person who is the primary subject
2 of a criminal justice record.

3 Sec. 7. Section 41-1758, Arizona Revised Statutes, as amended by
4 Laws 2019, chapter 135, section 4, is amended to read:

5 41-1758. Definitions

6 In this article, unless the context otherwise requires:

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

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

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

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

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

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

1 (o) Section 17-215.
2 (p) Section 28-3228.
3 (q) Section 28-3413.
4 (r) Section 32-122.02.
5 (s) Section 32-122.05.
6 (t) Section 32-122.06.
7 (u) Section 32-1232.
8 (v) Section 32-1276.01.
9 (w) Section 32-1284.
10 (x) Section 32-1297.01.
11 (y) Section 32-1904.
12 (z) Section 32-1941.
13 (aa) Section 32-2022.
14 (bb) Section 32-2108.01.
15 (cc) Section 32-2123.
16 (dd) Section 32-2371.
17 (ee) Section 32-3620.
18 (ff) Section 32-3668.
19 (gg) Section 32-3669.
20 (hh) SECTION 36-113.
21 ~~(hh)~~ (ii) Section 36-207.
22 ~~(ii)~~ (jj) Section 36-411.
23 ~~(jj)~~ (kk) Section 36-425.03.
24 ~~(kk)~~ (ll) Section 36-446.04.
25 ~~(ll)~~ (mm) Section 36-594.01.
26 ~~(mm)~~ (nn) Section 36-594.02.
27 ~~(nn)~~ (oo) Section 36-882.
28 ~~(oo)~~ (pp) Section 36-883.02.
29 ~~(pp)~~ (qq) Section 36-897.01.
30 ~~(qq)~~ (rr) Section 36-897.03.
31 ~~(rr)~~ (ss) Section 36-3008.
32 ~~(ss)~~ (tt) Section 41-619.52.
33 ~~(tt)~~ (uu) Section 41-619.53.
34 ~~(uu)~~ (vv) Section 41-1964.
35 ~~(vv)~~ (ww) Section 41-1967.01.
36 ~~(ww)~~ (xx) Section 41-1968.
37 ~~(xx)~~ (yy) Section 41-1969.
38 ~~(yy)~~ (zz) Section 41-2814.
39 ~~(zz)~~ (aaa) Section 46-141, subsection A or B.
40 ~~(aaa)~~ (bbb) Section 46-321.
41 6. "Vulnerable adult" has the same meaning prescribed in section
42 13-3623.
43 Sec. 8. Repeal
44 Section 41-1758, Arizona Revised Statutes, as amended by Laws 2019,
45 chapter 252, section 52, is repealed.

1 Sec. 9. Section 41-1758.01, Arizona Revised Statutes, is amended to
2 read:

3 41-1758.01. Fingerprinting division; powers and duties

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

6 1. Conduct fingerprint background checks for persons and applicants
7 who are seeking licenses from state agencies, employment with licensees,
8 contract providers and state agencies or employment or educational
9 opportunities with agencies that require fingerprint background checks
10 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
11 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
12 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-1232, 32-1276.01,
13 32-1284, 32-1297.01, 32-1904, 32-1941, 32-2022, 32-2108.01, 32-2123,
14 32-2371, 32-3620, 32-3668, 32-3669, 36-113, 36-207, 36-411, 36-425.03,
15 36-446.04, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03,
16 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 and
17 41-2814, section 46-141, subsection A or B and section 46-321.

18 2. Issue fingerprint clearance cards. On issuance, a fingerprint
19 clearance card becomes the personal property of the cardholder and the
20 cardholder shall retain possession of the fingerprint clearance card.

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

25 4. Inform in writing each person who submits fingerprints for a
26 fingerprint background check of the right to petition the board of
27 fingerprinting for a good cause exception pursuant to section 41-1758.03,
28 41-1758.04 or 41-1758.07.

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

36 6. Notify the person in writing if the division suspends, revokes
37 or places a driving restriction notation on a fingerprint clearance card
38 pursuant to section 41-1758.04. The notice shall include the criminal
39 history information on which the suspension, revocation or placement of
40 the driving restriction notation was based. This criminal history
41 information is subject to dissemination restrictions pursuant to section
42 41-1750 and Public Law 92-544.

43 7. Administer and enforce this article.

44 B. The fingerprinting division may contract for electronic or
45 internet-based fingerprinting services through an entity or entities for

1 the acquisition and transmission of applicant fingerprint and data
2 submissions to the department, including identity verified fingerprints
3 pursuant to section 15-106. The entity or entities contracted by the
4 department of public safety may charge the applicant a fee for services
5 provided pursuant to this article. The entity or entities contracted by
6 the department of public safety shall comply with:

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

9 2. The information technology security policy approved by the
10 department of public safety.

11 Sec. 10. Section 41-1964, Arizona Revised Statutes, is amended to
12 read:

13 41-1964. Day care homes; child care personnel; fingerprints;
14 definition

15 A. Child care personnel shall have valid fingerprint clearance
16 cards issued pursuant to section 41-1758.07 ~~or shall apply for a~~
17 ~~fingerprint clearance card no later than seven working days from the date~~
18 ~~of certification~~ BEFORE BEING CERTIFIED by the department or ~~within seven~~
19 ~~working days after~~ residing or working in the home of a child care home
20 provider or being designated as a backup provider.

21 B. Before certification or within seven working days after residing
22 or working in the home of a child care provider or being designated as a
23 backup provider, child care personnel shall certify on forms that are
24 provided by the department and notarized whether:

25 1. They are awaiting trial on or have been convicted of or admitted
26 committing any of the criminal offenses listed in section 41-1758.07,
27 subsections B and C in this state or similar offenses in another state or
28 jurisdiction.

29 2. They are parents or guardians of a child adjudicated to be a
30 dependent child as defined in section 8-201.

31 3. They have been denied a license to operate a facility for the
32 care of children for cause in this state or another state or had a license
33 or certificate to operate such a facility revoked.

34 C. The department shall make documented, good faith efforts to
35 contact previous employers of certified day care home personnel to obtain
36 information or recommendations that may be relevant to an individual's
37 fitness for work in a certified day care home.

38 D. The notarized forms are confidential.

39 E. The department of economic security shall notify the department
40 of public safety if the department of economic security receives credible
41 evidence that any child care personnel who possesses a valid fingerprint
42 clearance card either:

43 1. Is arrested for or charged with an offense listed in section
44 41-1758.07, subsection B or C.

2. Falsified information on the form required by subsection B of this section.

F. For the purposes of this section, "child care personnel" means child care home providers, in-home providers and noncertified relative providers as defined in section 46-801 and designated backup providers and all persons who are eighteen years of age or older and who work or reside in the home of a child care home provider.

Sec. 11. Section 41-1967.01, Arizona Revised Statutes, is amended to read:

41-1967.01. Child care home provider: registration: fingerprints; definition

A. A child care home provider who receives compensation to care for four or fewer children and who has not been certified by the department of economic security pursuant to section 46-807 or licensed or certified by the department of health services pursuant to section 36-883 or 36-897.01 shall register with the department of economic security if the child care home provider wishes to be listed with the child care resource and referral system.

B. Each applicant for registration shall submit a full set of fingerprints to the department of public safety for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.

C. Child care providers shall have a valid fingerprint clearance card issued pursuant to section 41-1758.07 ~~or shall apply for a fingerprint clearance card by the date of registration~~ BEFORE BEING REGISTERED with the department OR RESIDING IN A SETTING THAT IS CERTIFIED OR LICENSED BY THE DEPARTMENT.

D. By the date of registration, child care providers shall certify on forms that are provided by the department and notarized whether:

1. They are awaiting trial on or have been convicted of or admitted committing any of the criminal offenses listed in section 41-1758.07, subsection B or C in this state or similar offenses in another state or jurisdiction.

2. They are parents or guardians of a child adjudicated to be a dependent child as defined in section 8-201.

3. They have been denied a license to operate a child care facility for cause in this state or another state or had a license or certificate to operate a child care facility revoked.

E. The notarized forms are confidential.

F. Each applicant for registration shall not have been the subject of an investigation ~~where~~ IN WHICH a report of child abuse or neglect has been substantiated.

G. Each applicant shall maintain current training and certification in first aid and infant and child cardiopulmonary resuscitation.

1 H. The applicant shall enclose any pool on the applicant's premises
2 pursuant to section 36-1681, subsections A, B and C.

3 I. The applicant shall separately store firearms and ammunition
4 under lock and key or A combination lock.

5 J. The department shall adopt rules to carry out this section.

6 K. The director shall charge a fee for processing the fingerprint
7 information required pursuant to this section.

8 L. Any obligation or liability under this section is governed by
9 ~~the provisions of~~ section 41-1967, subsections F, G and H.

10 M. For the purposes of this section, "child care provider" means a
11 registered child care home provider pursuant to subsection A of this
12 section AND ANY PERSON WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND WHO WORKS
13 OR RESIDES IN THE HOME OF A CHILD CARE HOME PROVIDER.

14 Sec. 12. Title 46, chapter 7, article 1, Arizona Revised Statutes,
15 is amended by adding section 46-811, to read:

16 46-811. Child care providers; background check requirements

17 A. THE DEPARTMENT OF ECONOMIC SECURITY AND THE DEPARTMENT OF HEALTH
18 SERVICES MAY CONDUCT BACKGROUND CHECKS PURSUANT TO THE REQUIREMENTS OF THE
19 CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 2014 (P. L. 113-186) THAT
20 ARE NOT INCLUDED IN THE FINGERPRINT CLEARANCE CARD PROCESS ESTABLISHED BY
21 SECTION 41-1758.02 FOR:

22 1. EMPLOYEES AND VOLUNTEERS OF CHILD CARE PROVIDERS AS DEFINED IN
23 SECTION 46-801.

24 2. ALL PERSONS WHO ARE EIGHTEEN YEARS OF AGE OR OLDER AND WHO WORK
25 OR RESIDE IN THE HOME OF A CHILD CARE HOME PROVIDER AS DEFINED IN SECTION
26 46-801.

27 3. CHILD CARE PERSONNEL AS DEFINED IN SECTION 36-897.03.

28 4. CHILD CARE PROVIDERS AS DEFINED IN SECTION 41-1967.01.

29 B. THE DEPARTMENT OF ECONOMIC SECURITY MAY ENTER INTO AGREEMENTS
30 WITH OTHER GOVERNMENT AGENCIES TO CONDUCT THE BACKGROUND CHECKS REQUIRED
31 IN SUBSECTION A OF THIS SECTION.