

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 177

SENATE BILL 1444

AN ACT

AMENDING TITLE 15, CHAPTER 13, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1649; RELATING TO UNIVERSITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)



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

2 Section 1. Title 15, chapter 13, article 2, Arizona Revised Statutes,
3 is amended by adding section 15-1649, to read:

4 15-1649. Fingerprinting academic and nonacademic personnel;
5 civil immunity; definitions

6 A. THE FINALIST FOR A SECURITY OR SAFETY-SENSITIVE POSITION AT A
7 UNIVERSITY THAT IS UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS
8 SHALL BE FINGERPRINTED AS A CONDITION OF EMPLOYMENT. THE FINALIST SHALL
9 SUBMIT A FULL SET OF FINGERPRINTS TO THE UNIVERSITY FOR THE PURPOSE OF
10 OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION
11 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE
12 THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

13 B. A UNIVERSITY MAY USE INFORMATION OBTAINED PURSUANT TO THIS SECTION
14 ONLY FOR THE PURPOSE OF EVALUATING THE FINALISTS FOR EMPLOYMENT IN SECURITY
15 OR SAFETY-SENSITIVE POSITIONS. A UNIVERSITY MAY PROVIDE INFORMATION RECEIVED
16 PURSUANT TO THIS SECTION TO ANY OTHER UNIVERSITY THAT IS EVALUATING THE
17 FINALIST FOR EMPLOYMENT IF THE UNIVERSITY IS UNDER THE JURISDICTION OF THE
18 ARIZONA BOARD OF REGENTS. A UNIVERSITY MAY REFUSE TO HIRE, MAY RESCIND AN
19 OFFER OF EMPLOYMENT TO OR MAY REVIEW AND TERMINATE THE EMPLOYMENT OF A
20 FINALIST OR EMPLOYEE WHO HAS BEEN CONVICTED OF OR WHO HAS ADMITTED COMMITTING
21 ANY CRIMINAL OFFENSE. A UNIVERSITY THAT IS CONSIDERING TERMINATING AN
22 EMPLOYEE PURSUANT TO THIS SUBSECTION SHALL PROVIDE DUE PROCESS TO THE
23 EMPLOYEE IN ACCORDANCE WITH POLICIES ADOPTED BY THE ARIZONA BOARD OF REGENTS
24 AND THE UNIVERSITY BEFORE TAKING DISCIPLINARY ACTION.

25 C. A UNIVERSITY THAT RELIES ON INFORMATION OBTAINED PURSUANT TO THIS
26 SECTION IN MAKING EMPLOYMENT DECISIONS IS IMMUNE FROM CIVIL LIABILITY FOR USE
27 OF THE INFORMATION UNLESS THE INFORMATION OBTAINED IS FALSE AND THE
28 UNIVERSITY KNOWS THE INFORMATION IS FALSE OR ACTS WITH RECKLESS DISREGARD OF
29 THE INFORMATION'S TRUTH OR FALSITY.

30 D. A SECURITY OR SAFETY-SENSITIVE POSITION SHALL BE IDENTIFIED AS A
31 SECURITY OR SAFETY-SENSITIVE POSITION IN THE JOB DESCRIPTION AND IN ANY
32 ADVERTISEMENTS FOR THE POSITION.

33 E. FOR THE PURPOSES OF THIS SECTION:

34 1. "FINALIST" MEANS ANY PERSON IN THE GROUP OF INDIVIDUALS ACTUALLY
35 SUBMITTED TO THE HIRING OFFICIAL FOR SELECTION AS A NEW HIRE OR ANY EMPLOYEE
36 OF A UNIVERSITY WHO SEEKS A TRANSFER, A RECLASSIFICATION OR A REASSIGNMENT TO
37 A SECURITY OR SAFETY-SENSITIVE POSITION.

38 2. "SECURITY OR SAFETY-SENSITIVE POSITION" MEANS ANY POSITION
39 DESIGNATED AS A SECURITY OR SAFETY-SENSITIVE POSITION BY A UNIVERSITY DUE TO
40 APPLICABLE FEDERAL OR STATE LAW OR PURSUANT TO RULES OR POLICIES ADOPTED BY
41 THE ARIZONA BOARD OF REGENTS OR THE UNIVERSITY.

APPROVED BY THE GOVERNOR APRIL 22, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2005.

Passed the House April 12, 2005,

by the following vote: 57 Ayes,

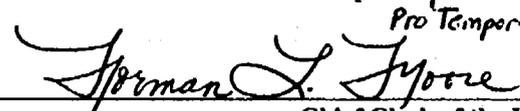
2 Nays, 1 Not Voting

Passed the Senate March 7, 2005,

by the following vote: 27 Ayes,

2 Nays, 1 Not Voting



Speaker of the House
Pro Tempore


Chief Clerk of the House



President of the Senate


Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1444

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 18, 2005,

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

Ken Bennett
President of the Senate
Cherrin B. Bunker
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19th day of April, 2005,

at 8:05 o'clock a. M.

Wendiger Ybarra
Secretary to the Governor

Approved this 22 day of

April, 2005,

at 2⁰⁰ o'clock P. M.

J. F. [Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of April, 2005

at 3:53 o'clock P. M.

Janice K. Brewer
Secretary of State

S.B. 1444