House Engrossed Senate Bill

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 163

SENATE BILL 1331

AN ACT

AMENDING SECTION 41-1750, 41-2201, 41-2204, 41-2205, 41-2206 AND 41-2405, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA CRIMINAL JUSTICE COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 41-1750, Arizona Revised Statutes, is amended to read:

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

A. ~~Notwithstanding section 41-2205,~~ The department is responsible for the effective operation of the central state repository in order to collect, store and disseminate complete and accurate Arizona criminal history records and related criminal justice information. The department shall:

1. Procure from all criminal justice agencies in this state accurate and complete personal identification data, fingerprints, charges, process control numbers and dispositions and such other information as may be pertinent to all persons who have been charged with, arrested for, convicted of or summoned to court as a criminal defendant for a felony offense or an offense involving domestic violence as defined in section 13-3601 or a violation of title 13, chapter 14 or title 28, chapter 4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. With criminal justice agencies of the federal government, Indian tribes, this state or its political subdivisions and other states, on request by the chief officers of such agencies or their designated representatives, specifically for the purposes of the administration of criminal justice and for evaluating the fitness of current and prospective criminal justice employees.

2. With any noncriminal justice agency pursuant to a statute, ordinance or executive order that specifically authorizes the noncriminal justice agency to receive criminal history record information for the purpose of evaluating the fitness of current or prospective licensees, employees, contract employees or volunteers, on submission of the subject's fingerprints and the prescribed fee. Each statute, ordinance, or executive order that authorizes noncriminal justice agencies to receive criminal history record information for these purposes shall identify the specific categories of licensees, employees, contract employees or volunteers, and shall require that fingerprints of the specified individuals be submitted in conjunction with such requests for criminal history record information.

3. With the board of fingerprinting for the purpose of conducting good cause exceptions pursuant to section 41-619.55.

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

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

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

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

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

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

10. With the auditor general for audit purposes.

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

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

13. With the department of economic security and the superior court for the purpose of evaluating the fitness of custodians or prospective custodians of juveniles, including parents, relatives and prospective guardians. Information received under this paragraph shall only be used for the purposes of that evaluation. The information shall be provided on submission of either:

(a) The fingerprint card.

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

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

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

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

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

18. With the internet sex offender web site database established pursuant to section 13-3827.

19. With licensees of the United States nuclear regulatory commission for the purpose of determining whether an individual should be granted unescorted access to the protected area of a commercial nuclear generating

station on submission of the subject of record's fingerprints and the prescribed fee.

20. With the state board of education for the purpose of evaluating the fitness of a certificated teacher or administrator or an applicant for a teaching or an administrative certificate provided that the state board of education or its employees or agents have reasonable suspicion that the certificated person engaged in conduct that would be a criminal violation of the laws of this state or was involved in immoral or unprofessional conduct or that the applicant engaged in conduct that would warrant disciplinary action if the applicant were certificated at the time of the alleged conduct. The information shall be provided on the submission of either:

(a) The fingerprint card.

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

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

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

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

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

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

M. A fingerprint account within the records processing fund is established for the purpose of separately accounting for the collection and payment of fees for noncriminal justice fingerprint processing by the department. Monies collected for this purpose shall be credited to the account, and payments by the department to the United States for federal noncriminal justice fingerprint processing shall be charged against the account. Monies in the account not required for payment to the United States shall be used by the department in support of the department's noncriminal justice fingerprint processing duties. At the end of each fiscal year, any balance in the account not required for payment to the United States or to

1 support the department's noncriminal justice fingerprint processing duties
2 reverts to the state general fund.
3 N. A records processing fund is established for the purpose of
4 separately accounting for the collection and payment of fees for department
5 reports and photographs of traffic accident scenes processed by the
6 department. Monies collected for this purpose shall be credited to the fund
7 and shall be used by the department in support of functions related to
8 providing copies of department reports and photographs. At the end of each
9 fiscal year, any balance in the fund not required for support of the
10 functions related to providing copies of department reports and photographs
11 reverts to the state general fund.
12 O. The department of economic security may pay from appropriated
13 monies the cost of federal fingerprint processing or federal criminal history
14 record information checks that are authorized by law for employees and
15 volunteers of the department, guardians pursuant to section 46-134,
16 subsection A, paragraph 15, the licensing of foster parents or the
17 certification of adoptive parents.
18 P. The director shall adopt rules that provide for:
19 1. The collection and disposition of fees pursuant to this section.
20 2. The refusal of service to those agencies that are delinquent in
21 paying these fees.
22 Q. The director shall ensure that the following limitations are
23 observed regarding dissemination of criminal justice information obtained
24 from the central state repository or through the Arizona criminal justice
25 information system:
26 1. Any criminal justice agency that obtains criminal justice
27 information from the central state repository or through the Arizona criminal
28 justice information system assumes responsibility for the security of the
29 information and shall not secondarily disseminate this information to any
30 individual or agency not authorized to receive this information directly from
31 the central state repository or originating agency.
32 2. Dissemination to an authorized agency or individual may be
33 accomplished by a criminal justice agency only if the dissemination is for
34 criminal justice purposes in connection with the prescribed duties of the
35 agency and not in violation of this section.
36 3. Criminal history record information disseminated to noncriminal
37 justice agencies or to individuals shall be used only for the purposes for
38 which it was given. Secondary dissemination is prohibited unless otherwise
39 authorized by law.
40 4. The existence or nonexistence of criminal history record
41 information shall not be confirmed to any individual or agency not authorized
42 to receive the information itself.
43 5. Criminal history record information to be released for noncriminal
44 justice purposes to agencies of other states shall only be released to the

central state repositories of those states for dissemination in accordance with the laws of those states.

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

R. This section and the rules adopted under this section apply to all agencies and individuals collecting, storing or disseminating criminal justice information processed by manual or automated operations if the 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, intoxilyzer 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 arresting authority shall take legible fingerprints of all persons arrested for offenses specified in subsection C of this section and, within ten days of the arrest, the arresting authority shall forward the fingerprints to the department in the manner or form required by the department. On the issuance and service of a summons for a defendant who is charged with a felony offense, a violation of title 13, chapter 14 or title 28, chapter 4 or a domestic violence offense as defined in section 13-3601,

the court shall order that the defendant be fingerprinted by the appropriate law enforcement agency and that the defendant appear at a designated time and place for fingerprinting. At the initial appearance or on the arraignment of a summoned defendant who is charged with a felony offense, a violation of title 13, chapter 14 or title 28, chapter 4 or a domestic violence offense as defined in section 13-3601, the court shall order that the defendant be fingerprinted at a designated time and place by the appropriate law enforcement agency if the court has reasonable cause to believe that the defendant was not previously fingerprinted.

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

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

4. The state department of corrections or the department of juvenile corrections, within forty days, shall advise the central state repository that it has assumed supervision of a person convicted of an offense specified in subsection C of this section or section 8-341, subsection S. The state department of corrections or the department of juvenile corrections shall also report dispositions that occur thereafter to the central state repository within forty days of the date of the dispositions. This information shall be submitted on a form or in a manner required by the department of public safety.

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

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

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

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

5. "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.

6. "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 per cent of its annual budget to the administration of criminal justice. This subdivision includes agencies of any foreign sovereignty duly recognized by the federal government.

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

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

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

10. "Management control":

(a) Means the authority to set and enforce:

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

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

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

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

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

12. "Secondary dissemination" means the dissemination of criminal justice information from an individual or agency that originally obtained the

information from the central state repository or through the Arizona criminal justice information system to another individual or agency.

13. "Sexual orientation" means consensual homosexuality or heterosexuality.

14. "Subject of record" means the person who is the primary subject of a criminal justice record.

Sec. 2. Section 41-2201, Arizona Revised Statutes, is amended to read:

41-2201. Definitions

In this ~~chapter~~ ARTICLE, unless the context otherwise requires:

~~1. "Commission" means the Arizona criminal justice commission.~~

~~2.~~ 1. "Component information system" means an independent information system ~~serving~~ THAT SERVES one or more criminal justice agencies and ~~which~~ THAT may participate in the ARIZONA criminal justice information system.

~~3. "Criminal history record information" means data collected on individuals by criminal justice agencies which consists of identifiable descriptions and notations of arrests, detentions, indictments, criminal informations or other formal criminal charges and any disposition arising therefrom, including sentencing, correctional supervision and release. Criminal history record information does not mean identification information, such as fingerprint records, to the extent such information does not indicate involvement of the individual in the criminal justice system, information associated with the administrative functions or correctional treatment process of a criminal justice agency or juvenile justice information.~~

~~4. "Criminal justice agency" means any court or government agency or division of such agency which performs the administration of criminal justice pursuant to statutory authority or executive order and which allocates a substantial part of its budget to the administration of criminal justice or which performs child support enforcement services.~~

2. "CRIMINAL HISTORY RECORD INFORMATION" HAS THE SAME MEANING PRESCRIBED IN SECTION 41-1750.

3. "CRIMINAL JUSTICE AGENCY" HAS THE SAME MEANING PRESCRIBED IN SECTION 41-1750.

4. "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY.

5. "Manager" means the ARIZONA criminal justice information system manager.

6. "System" means the ARIZONA criminal justice information system AS DEFINED IN SECTION 41-1750.

Sec. 3. Section 41-2204, Arizona Revised Statutes, is amended to read:

41-2204. System manager; powers and duties

~~There shall be a system manager who is~~ The director of the department of public safety IS THE SYSTEM MANAGER. The manager shall:

1. Execute the policies ~~of the commission~~ and supervise the operations of the system.

2. Coordinate and standardize the design, development and implementation of the system and subsystem.

3. Provide for system and subsystem planning.

4. Enforce the rules ~~and regulations~~ relating to the security, privacy, confidentiality and dissemination of criminal history record information.

~~5. Submit recommendations to the commission concerning establishment of research, statistical and planning programs including a study of the system.~~

~~6.~~ 5. Provide criminal justice agencies with criminal history record information for operational and management purposes ~~in accordance with the~~ PURSUANT TO rules ~~and regulations established~~ ADOPTED by the ~~commission~~ DEPARTMENT governing the dissemination of such information.

~~7. Perform such other powers and duties as may be prescribed or delegated by the commission.~~

6. RECEIVE PETITIONS FOR REVIEW OF CRIMINAL HISTORY RECORD INFORMATION FROM PERSONS WHO ARE THE SUBJECT OF THE INFORMATION, CONDUCT HEARINGS TO DETERMINE THE ACCURACY OF THAT INFORMATION AND AMEND THE CRIMINAL HISTORY RECORD IF THE INFORMATION IS FOUND TO BE INACCURATE.

Sec. 4. Section 41-2205, Arizona Revised Statutes, is amended to read:

41-2205. Central state repository

A. ~~There shall be a~~ THE central STATE repository for the collection, storage and dissemination of criminal history record information IS ESTABLISHED. The department of public safety shall operate the central STATE repository pursuant to ~~the~~ rules ~~and regulations~~ adopted by the ~~commission~~ DEPARTMENT. The department ~~of public safety~~ shall conduct annual audits to ~~insure~~ ENSURE THAT each criminal justice agency is complying with rules ~~and regulations~~ governing the maintenance and dissemination of criminal history record information.

B. Each criminal justice agency shall report criminal history record information, whether collected manually or by means of an automated system, to the central STATE repository pursuant to ~~the provisions of~~ sections 41-1750 and 41-1751.

Sec. 5. Section 41-2206, Arizona Revised Statutes, is amended to read:

41-2206. Disciplinary action; system participants

THE DEPARTMENT MAY REMOVE any agency, company or individual that fails to conform to the rules ~~and regulations~~ adopted pursuant to this ~~chapter may be subject to removal~~ ARTICLE from participation in the system ~~by action of the commission~~.

Sec. 6. Section 41-2405, Arizona Revised Statutes, is amended to read:

41-2405. Arizona criminal justice commission; powers and duties; staff

A. The Arizona criminal justice commission shall:

1. Monitor the progress and implementation of new and continuing criminal justice legislation.

2. Facilitate ~~information and data exchange~~ RESEARCH among criminal justice agencies AND MAINTAIN CRIMINAL JUSTICE SYSTEM INFORMATION.

~~3. Establish and maintain criminal justice system information archives.~~

3. FACILITATE COORDINATED STATEWIDE EFFORTS TO IMPROVE CRIMINAL JUSTICE INFORMATION AND DATA SHARING.

4. Prepare for the governor ~~an annual~~ A BIENNIAL criminal justice system review report. The report shall contain:

(a) An analysis of all criminal justice programs created by the legislature in the preceding two years.

(b) An analysis of the effectiveness of the criminal code, with a discussion of any problems and recommendations for revisions if deemed necessary.

(c) A study of the level of activity in the several areas of the criminal justice system, with recommendations for redistribution of criminal justice revenues if deemed necessary.

(d) An overall review of the entire criminal justice system including crime prevention, criminal apprehension, prosecution, court administration and incarceration at the state and local levels as well as funding needs for the system.

(e) Recommendations for constitutional, statutory and administrative revisions that are necessary to develop and maintain a cohesive and effective criminal justice system.

5. Provide supplemental reports on criminal justice issues of special timeliness.

6. ~~Evaluate and~~ IN COORDINATION WITH OTHER GOVERNMENTAL AGENCIES, gather information ~~concerning potential and existing~~ ON programs THAT ARE designed to effectuate community crime prevention AND EDUCATION using citizen participation AND ON PROGRAMS FOR ALCOHOL AND DRUG ABUSE PREVENTION, EDUCATION AND TREATMENT and disseminate that information to the public, political subdivisions, law enforcement agencies and the legislature.

7. Make recommendations to the legislature and the governor ~~each year, pursuant to paragraph 4 of this subsection,~~ regarding the purposes and formula for allocation of fund monies as provided in section 41-2401, subsection D and section 41-2402 THROUGH THE BIENNIAL AGENCY BUDGET REQUEST.

8. Adopt rules for the purpose of allocating fund monies as provided in sections 41-2402 and 41-2407 that are consistent with the purposes set forth in those sections and that promote effective and efficient use of the monies.

~~9. With other agencies of government, coordinate the development, implementation and assessment of programs for alcohol and drug enforcement, education, prevention and treatment.~~

~~10.~~ 9. Make reports to the governor and the legislature as they require.

~~11. In relation to the criminal justice information system established in chapter 17 of this title:~~

~~(a) Establish the technical criteria to be followed for connecting a component information system to the system.~~

~~(b) Adopt rules for the administration and management of the system.~~

~~(c) Conduct hearings to adjudicate disputes between criminal justice agencies if the dispute concerns lack of compliance by either of such agencies with rules relating to the system adopted by the commission.~~

~~(d) Receive petitions for review of criminal history record information from the subject of the information, conduct hearings to determine the accuracy of the information concerning the subject and amend the criminal history record information if inaccurate.~~

~~(e) Formulate policies, plans and programs for expansion of the system as needed.~~

~~(f) Set developmental priorities for the system.~~

~~(g) Develop and submit to the legislature the cost sharing formula for participants in the system.~~

~~(h) Provide information to the public on the purposes of the system.~~

~~(i) Adopt plans and rules for the privacy, confidentiality and security of the system and the dissemination of criminal history record information.~~

~~(j)~~ 10. Oversee the research, analysis, studies, reports and publication of crime and criminal justice statistics prepared by the Arizona statistical analysis center, which is an operating section of the criminal justice commission.

~~12.~~ 11. Prepare an annual report on law enforcement activities in this state funded by the drug enforcement account or the criminal justice enhancement fund and relating to illicit drugs and drug related gang activity. The report shall be submitted by October 31 of each year to the governor, the president of the senate and the speaker of the house of representatives. The report shall include:

(a) The name and a description of each law enforcement program dealing with illegal drug activity or street gang activity, or both.

(b) The objective and goals of each program.

(c) The source and amount of monies received by each program.

(d) The name of the agency or entity that administers each program.

(e) The effectiveness of each program.

B. The Arizona criminal justice commission may, as necessary to perform its functions:

1. Request any state or local criminal justice agency to submit any necessary information.

2. Form subcommittees, make studies, conduct inquiries and hold hearings.

3. Employ consultants for special projects and such staff as deemed necessary or advisable to carry out this section.

4. Delegate its duties to carry out this section, including:

1 (a) The authority to enter into contracts and agreements on behalf of
2 the commission.
3 (b) The authority to appoint, hire, terminate and discipline all
4 personnel of the commission including consultants.
5 5. Establish joint research and information facilities with
6 governmental and private agencies.
7 6. Accept and expend public and private grants of monies, gifts and
8 contributions and expend, distribute or allocate monies appropriated to it
9 for the purpose of enhancing efforts to investigate or prosecute and
10 adjudicate any crime and to implement this chapter.

APPROVED BY THE GOVERNOR MAY 1, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2007.

Passed the House April 17, 20 07,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate February 22, 20 07,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Timothy S. Bee
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

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

S.B. 1331

SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 26, 20 07

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

Timothy S. Bee
President of the Senate

Chuman Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

26th day of April, 2007

at 11:30 o'clock a. M.

Jennifer Ybarra
Secretary to the Governor

Approved this 1 day of

May 2007

at 1:45 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 1ST day of MAY, 20 07

S.B. 1331

at 4:30 o'clock P. M.

Janice K. Brewer
Secretary of State