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**MICHELE REAGAN**  
**SECRETARY OF STATE**

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CHAPTER 160

## **SENATE BILL 1295**

AN ACT

AMENDING SECTIONS 13-607, 13-3903 AND 41-1750, ARIZONA REVISED STATUTES;  
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. Section 13-607, Arizona Revised Statutes, is amended to  
3 read:

4 13-607. Judgment of guilt and sentence document; fingerprint;  
5 contents of document; recitations

6 A. At the time of sentencing a person convicted of a felony offense ~~or~~  
7 ~~a violation of section 13-1802, 13-1805, 28-1381 or 28-1382~~, A DOMESTIC  
8 VIOLENCE OFFENSE AS DEFINED IN SECTION 13-3601 OR A VIOLATION OF CHAPTER 14  
9 OF THIS TITLE OR TITLE 28, CHAPTER 4, the court shall execute a judgment of  
10 guilt and sentence document or minute order as prescribed by this section.

11 B. The court or a person appointed by the court shall at the time of  
12 sentencing and in open court EITHER permanently affix ~~the~~ A defendant's ~~right~~  
13 ~~index~~ fingerprint to the document or order OR OBTAIN AND RECORD THE  
14 DEFENDANT'S TWO FINGERPRINT BIOMETRIC-BASED IDENTIFIER IN THE COURT CASE  
15 FILE.

16 C. The document or order shall recite all of the following in addition  
17 to any information deemed appropriate by the court:

18 1. The defendant's full name and date of birth.

19 2. The name of the counsel for the defendant or, if counsel was  
20 waived, the fact that the defendant knowingly, voluntarily and intelligently  
21 waived the defendant's right to counsel after having been fully apprised of  
22 the defendant's right to counsel.

23 3. The name, statutory citation and classification of the offense.

24 4. Whether there was a finding by the trier of fact that the offense  
25 was of a dangerous or repetitive nature pursuant to section 13-703, OR 13-704  
26 or WAS COMMITTED WHILE RELEASED FROM CONFINEMENT PURSUANT TO SECTION 13-708.

27 5. Whether the basis of the finding of guilt was by trial to a jury or  
28 to the court, or by plea of guilty or no contest.

29 6. That there was a knowing, voluntary and intelligent waiver of the  
30 right to a jury trial if the finding of guilt was based on a trial to the  
31 court.

32 7. That there was a knowing, voluntary and intelligent waiver of all  
33 pertinent rights if the finding of guilt was based on a plea of guilty or no  
34 contest.

35 8. A certification by the court or the clerk of the court that at the  
36 time of sentencing and in open court THAT EITHER the defendant's ~~right~~ ~~index~~  
37 fingerprint was permanently affixed to the document or order OR THE  
38 DEFENDANT'S TWO FINGERPRINT BIOMETRIC-BASED IDENTIFIER WAS OBTAINED AND  
39 RECORDED IN THE COURT CASE FILE.

40 D. The document or order shall be made a permanent part of the public  
41 records of the court, and the recitations contained in the document or order  
42 are prima facie evidence of the facts stated in the recitations.

43 E. If the supreme court has authorized the clerk of the court to  
44 maintain an electronic court record, the clerk may maintain only an  
45 electronic reproduction or image of the original document or order.

1           Sec. 2. Section 13-3903, Arizona Revised Statutes, is amended to read:  
2           13-3903. Notice to appear and complaint

3           A. In any case in which a person is arrested for a misdemeanor offense  
4 or a petty offense, the arresting officer may release the arrested person  
5 from custody in lieu of taking the person to a law enforcement facility by  
6 use of the procedure prescribed in this section.

7           B. At any time after taking a person arrested for a misdemeanor  
8 offense or a petty offense to a law enforcement facility, the arresting  
9 officer, instead of taking the person to a magistrate, may release the person  
10 from further custody by use of the procedure prescribed in this section.

11           C. If a person is arrested for a misdemeanor offense or a petty  
12 offense and the offense is listed in section 41-1750, subsection C, the  
13 person shall not be released pursuant to this section until the person  
14 provides EITHER a ~~right-index~~ fingerprint OR A TWO FINGERPRINT  
15 BIOMETRIC-BASED IDENTIFIER to the arresting agency. The arresting agency  
16 shall provide to the arrested person a mandatory fingerprint compliance form  
17 that includes instructions on reporting for ten-print fingerprinting,  
18 including available times and locations for reporting for ten-print  
19 fingerprinting.

20           D. In any case in which a person is arrested for a misdemeanor offense  
21 or a petty offense, the arresting officer may prepare in quadruplicate a  
22 written notice to appear and complaint, containing the name and address of  
23 the person, the offense charged, and the time and place where and when the  
24 person shall appear in court, provided:

25           1. The time specified in the notice to appear is at least five days  
26 after arrest.

27           2. The place specified in the notice shall be the court specified in  
28 section 13-3898.

29           3. The arrested person, in order to secure release as provided in this  
30 section, shall give his written promise so to appear in court by signing at  
31 least one copy of the written notice and complaint prepared by the arresting  
32 officer. The officer shall deliver a copy of the notice and complaint to the  
33 person promising to appear. Thereupon, the officer shall forthwith release  
34 the person arrested from custody.

35           4. The officer, as soon as practical, shall deliver the original  
36 notice and complaint to the magistrate specified therein. Thereupon, the  
37 magistrate shall promptly file the notice and complaint and enter it into the  
38 docket of the court.

39           E. The Arizona traffic ticket and complaint may be utilized not only  
40 for the purposes provided by Arizona supreme court rule, but to satisfy the  
41 requirements of this section.

42           F. When a person has given his written promise to appear in court ~~upon~~  
43 ~~ON~~ a designated date pursuant to this section, and thereafter fails to  
44 appear, personally or by counsel, on or before that date, the court clerk or  
45 other court staff shall file a complaint, in writing, under oath, setting

1 forth the offense of knowingly violating a written promise to appear in court  
2 in accordance with section 13-3904, and the magistrate shall issue a warrant  
3 of arrest thereon. ~~Upon such~~ ON THE person's appearance in court for  
4 arraignment on the charge of violating section 13-3904, the court shall also  
5 arraign the person on the charge stated in the notice to appear and complaint  
6 for which the person had previously promised to appear.

7 G. This section does not affect a peace officer's authority to conduct  
8 an otherwise lawful search incident to his arrest even though the arrested  
9 person is released before being taken to the police station or before a  
10 magistrate pursuant to this section.

11 Sec. 3. Section 41-1750, Arizona Revised Statutes, is amended to read:  
12 41-1750. Central state repository; department of public safety;  
13 duties; funds; accounts; definitions

14 A. The department is responsible for the effective operation of the  
15 central state repository in order to collect, store and disseminate complete  
16 and accurate Arizona criminal history records and related criminal justice  
17 information. The department shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41           7. With an individual who asserts a belief that criminal history  
42 record information relating to the individual is maintained by an agency or  
43 in an information system in this state that is subject to this section. On  
44 submission of fingerprints, the individual may review this information for  
45 the purpose of determining its accuracy and completeness by making

1 application to the agency operating the system. Rules adopted under this  
2 section shall include provisions for administrative review and necessary  
3 correction of any inaccurate or incomplete information. The review and  
4 challenge process authorized by this paragraph is limited to criminal history  
5 record information.

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

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

18 10. With the auditor general for audit purposes.

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

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

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

36 (a) The fingerprint card.

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

38 14. On submission of a fingerprint card, provide criminal history  
39 record information to the superior court for the purpose of evaluating the  
40 fitness of investigators appointed under section 14-5303 or 14-5407,  
41 guardians appointed under section 14-5206 or 14-5304 or conservators  
42 appointed under section 14-5401.

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

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

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

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

9           19. With licensees of the United States nuclear regulatory commission  
10 for the purpose of determining whether an individual should be granted  
11 unescorted access to the protected area of a commercial nuclear generating  
12 station on submission of the subject of record's fingerprints and the  
13 prescribed fee.

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

23           (a) The fingerprint card.

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

25           21. With each school district and charter school in this state. The  
26 state board of education and the state board for charter schools shall  
27 provide the department of public safety with a current list of e-mail  
28 addresses for each school district and charter school in this state and shall  
29 periodically provide the department of public safety with updated e-mail  
30 addresses. If the department of public safety is notified that a person who  
31 is required to have a fingerprint clearance card to be employed by or to  
32 engage in volunteer activities at a school district or charter school has  
33 been arrested for or convicted of an offense listed in section 41-1758.03,  
34 subsection B or has been arrested for or convicted of an offense that amounts  
35 to unprofessional conduct under section 15-550, the department of public  
36 safety shall notify each school district and charter school in this state  
37 that the person's fingerprint clearance card has been suspended or revoked.

38           22. With the department of child safety as provided by law, which  
39 currently is the Adam Walsh child protection and safety act of 2006  
40 (42 United States Code section 16961), for the purposes of investigating or  
41 responding to reports of child abuse, neglect or exploitation. Information  
42 received pursuant to this paragraph from the national crime information  
43 center, the interstate identification index and the Arizona criminal justice  
44 information system network shall only be used for the purposes of

1 investigating or responding as prescribed in this paragraph. The information  
2 shall be provided on submission to the department of public safety of either:

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

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

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

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

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

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

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

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

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

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

1           N. A records processing fund is established for the purpose of  
2 separately accounting for the collection and payment of fees for department  
3 reports and photographs of traffic accident scenes processed by the  
4 department. Monies collected for this purpose shall be credited to the fund  
5 and shall be used by the department in support of functions related to  
6 providing copies of department reports and photographs. At the end of each  
7 fiscal year, any balance in the fund not required for support of the  
8 functions related to providing copies of department reports and photographs  
9 reverts to the state general fund.

10           O. The department of child safety may pay from appropriated monies the  
11 cost of federal fingerprint processing or federal criminal history record  
12 information checks that are authorized by law for employees and volunteers of  
13 the department, guardians pursuant to section 8-453, subsection A, paragraph  
14 ~~7~~ 6, the licensing of foster parents or the certification of adoptive  
15 parents.

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

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

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

20           Q. The director shall ensure that the following limitations are  
21 observed regarding dissemination of criminal justice information obtained  
22 from the central state repository or through the Arizona criminal justice  
23 information system:

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

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

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

38           4. The existence or nonexistence of criminal history record  
39 information shall not be confirmed to any individual or agency not authorized  
40 to receive the information itself.

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

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

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

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

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

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

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

23           4. Announcements of executive clemency or pardon.

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

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

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

37           1. The arresting authority shall take legible ten-print fingerprints  
38 of all persons who are arrested for offenses listed in subsection C of this  
39 section including persons who are arrested and released pursuant to section  
40 13-3903, subsection C. The arresting authority may transfer an arrestee to a  
41 booking agency for ten-print fingerprinting. IF THE BOOKING AGENCY CANNOT  
42 DETERMINE WHETHER LEGIBLE TEN-PRINT FINGERPRINTS WERE TAKEN FROM THE  
43 ARRESTEE, THE BOOKING AGENCY SHALL TAKE THE ARRESTEE'S TEN-PRINT  
44 FINGERPRINTS. The arresting authority or booking agency shall obtain a  
45 process control number and provide to the person fingerprinted a document

1 that indicates proof of the fingerprinting and that informs the person that  
2 the document must be presented to the court.

3 2. The mandatory fingerprint compliance form shall contain the  
4 following information:

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

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

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

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

10 (e) Instructions on reporting for ten-print fingerprinting, including  
11 available times and locations for reporting for ten-print fingerprinting.

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

14 3. Within ten days after a person is fingerprinted, the arresting  
15 authority or agency that took the fingerprints shall forward the fingerprints  
16 to the department in the manner or form required by the department.

17 4. On the issuance of a summons for a defendant who is charged with an  
18 offense listed in subsection C of this section, the summons shall direct the  
19 defendant to provide ten-print fingerprints to the appropriate law  
20 enforcement agency.

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

28 6. If the defendant fails to present a completed mandatory fingerprint  
29 compliance form or if the court has not received the process control number,  
30 the court, on its own motion, may remand the defendant into custody for  
31 ten-print fingerprinting. If otherwise eligible for release, the defendant  
32 shall be released from custody after being ten-print fingerprinted.

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

40 8. Dispositions resulting from formal proceedings in a court having  
41 jurisdiction in a criminal action against an individual who is arrested for  
42 an offense specified in subsection C of this section or section 8-341,  
43 subsection V, paragraph 3 shall be reported to the central state repository  
44 within forty days of the date of the disposition. This information shall be

1 submitted on a form or in a manner specified by rules approved by the supreme  
2 court.

3 9. The state department of corrections or the department of juvenile  
4 corrections, within forty days, shall advise the central state repository  
5 that it has assumed supervision of a person convicted of an offense specified  
6 in subsection C of this section or section 8-341, subsection V, paragraph 3.  
7 The state department of corrections or the department of juvenile corrections  
8 shall also report dispositions that occur thereafter to the central state  
9 repository within forty days of the date of the dispositions. This  
10 information shall be submitted on a form or in a manner required by the  
11 department of public safety.

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

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

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

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

34 Y. For the purposes of this section:

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

43 2. "Administrative records" means records that contain adequate and  
44 proper documentation of the organization, functions, policies, decisions,  
45 procedures and essential transactions of the agency and that are designed to

1 furnish information to protect the rights of this state and of persons  
2 directly affected by the agency's activities.

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

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

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

21 6. "Criminal justice agency" means either:

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

25 (b) A government agency or subunit of a government agency that is  
26 specifically authorized to perform as its principal function the  
27 administration of criminal justice pursuant to a statute, ordinance or  
28 executive order and that allocates more than fifty per cent of its annual  
29 budget to the administration of criminal justice. This subdivision includes  
30 agencies of any foreign sovereignty duly recognized by the federal  
31 government.

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

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

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

6           10. "Management control":

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

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

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

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

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

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

25           12. "Secondary dissemination" means the dissemination of criminal  
26 justice information from an individual or agency that originally obtained the  
27 information from the central state repository or through the Arizona criminal  
28 justice information system to another individual or agency.

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

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

~~APPROVED BY THE GOVERNOR APRIL 1, 2015.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 2, 2015.~~

Passed the House March 24, 2015,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate February 19, 2015,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]  
President of the Senate

[Signature]  
Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

26th day of March, 2015.

at 3:28 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 1st day of

April, 2015,

at 1:49 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 2 day of April, 2015,

at 9:00 o'clock A M.

[Signature]  
Secretary of State

S.B. 1295