

Senate Engrossed House Bill

FILED

**MICHELE REAGAN
SECRETARY OF STATE**

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House of Representatives
Fifty-second Legislature
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CHAPTER 94

HOUSE BILL 2086

AN ACT

AMENDING TITLE 8, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-463; AMENDING SECTIONS 26-103, 41-619.51, 41-1758, 41-1758.01, 41-1758.02, 41-1758.03, 41-1758.04 AND 41-1758.07, ARIZONA REVISED STATUTES; RELATING TO THE FINGERPRINTING DIVISION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 8, chapter 4, article 1, Arizona Revised Statutes, is
3 amended by adding section 8-463, to read:

4 8-463. Department of child safety employees; fingerprint
5 requirement

6 A. EACH EMPLOYEE OF THE DEPARTMENT WHO HAS CONTACT WITH CHILDREN OR
7 WHO IS EMPLOYED IN AN INFORMATION TECHNOLOGY POSITION SHALL HAVE A VALID
8 FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.07 OR PROVIDE
9 TO THE DEPARTMENT DOCUMENTATION OF THE PERSON'S APPLICATION FOR A FINGERPRINT
10 CLEARANCE CARD. THE EMPLOYEE SHALL CERTIFY ON FORMS THAT ARE PROVIDED BY THE
11 DEPARTMENT AND THAT ARE NOTARIZED THAT THE EMPLOYEE IS NOT AWAITING TRIAL ON
12 OR HAS NEVER BEEN CONVICTED OF OR ADMITTED IN OPEN COURT OR PURSUANT TO A
13 PLEA AGREEMENT TO COMMITTING ANY OF THE CRIMINAL OFFENSES LISTED IN SECTION
14 41-1758.07, SUBSECTIONS B AND C IN THIS STATE OR SIMILAR OFFENSES IN ANOTHER
15 STATE OR JURISDICTION.

16 B. THE DEPARTMENT MAY NOT DISCLOSE INFORMATION OBTAINED PURSUANT TO
17 THIS SECTION EXCEPT TO MEMBERS OF THE DEPARTMENT'S STAFF SOLELY FOR
18 EMPLOYMENT PURPOSES.

19 Sec. 2. Section 26-103, Arizona Revised Statutes, is amended to read:

20 26-103. Department of emergency and military affairs
21 employees; fingerprints; exemptions; definition

22 ~~A. Except as provided in subsection B of this section, Employees shall~~
23 ~~submit the form prescribed in subsection G- D of this section to the~~
24 ~~department and, shall have a valid fingerprint clearance card issued pursuant~~
25 ~~to title 41, chapter 12, article 3.1 or shall apply for a fingerprint~~
26 ~~clearance card within seven working days of employment EXCEPT AS PROVIDED IN~~
27 ~~SUBSECTION C OF THIS SECTION, SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE~~
28 ~~DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS AND THE DEPARTMENT OF PUBLIC~~
29 ~~SAFETY FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS~~
30 ~~CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF~~
31 ~~PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF~~
32 ~~INVESTIGATION.~~

33 B. THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS MAY NOT DISCLOSE
34 INFORMATION OBTAINED PURSUANT TO SUBSECTION A OF THIS SECTION EXCEPT TO
35 MEMBERS OF THE DEPARTMENT'S STAFF SOLELY FOR EMPLOYMENT PURPOSES.

36 ~~B. C. A member of the national guard OR AN EMPLOYEE who has received~~
37 ~~HOLDS A CURRENT security clearance pursuant to national guard laws and~~
38 ~~regulations, except for a general officer who is an employee of the~~
39 ~~department, is exempt from the fingerprinting requirements of subsection A of~~
40 ~~this section.~~

41 ~~G- D. An employee shall certify on a form that is provided by the~~
42 ~~department of emergency and military affairs and notarized that the employee~~
43 ~~is not awaiting trial on or has never been convicted of or admitted in open~~
44 ~~court or pursuant to a plea agreement committing any of the offenses listed~~

1 in section 41-1758.03, subsections B and C in this state or a similar offense
2 in another state or jurisdiction.

3 ~~D.~~ E. The department of emergency and military affairs shall not
4 allow a person to be employed on any national guard reservation or facility
5 in any capacity if the person has ~~been denied a fingerprint clearance card~~
6 ~~pursuant to title 41, chapter 12, article 3.1 or has not received an interim~~
7 ~~approval from the board of fingerprinting pursuant to section 41-619.55,~~
8 ~~subsection I~~ NOT SUBMITTED A FULL SET OF FINGERPRINTS TO THE DEPARTMENT OF
9 EMERGENCY AND MILITARY AFFAIRS AND THE DEPARTMENT OF PUBLIC SAFETY WITHIN THE
10 FIRST THREE DAYS OF EMPLOYMENT FOR THE PURPOSE OF OBTAINING A STATE AND
11 FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW
12 92-544.

13 ~~E.~~ F. For the purposes of this section, "employee" means any person
14 who works for the department of emergency and military affairs or any
15 subdivision of the department of emergency and military affairs, ~~including~~
16 ~~project challenge.~~

17 Sec. 3. Section 41-619.51, Arizona Revised Statutes, is amended to
18 read:

19 41-619.51. Definitions

20 In this article, unless the context otherwise requires:

21 1. "Agency" means the supreme court, the department of economic
22 security, the department of child safety, the department of education, the
23 department of health services, the department of juvenile corrections, the
24 department of emergency and military affairs, the department of
25 transportation, the state real estate department, the state board of
26 appraisal, THE ARIZONA GAME AND FISH DEPARTMENT or the board of examiners of
27 nursing care institution administrators and assisted living facility
28 managers.

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

30 3. "Central registry exception" means notification to the department
31 of economic security or the department of health services, as appropriate,
32 pursuant to section 41-619.57 that the person is not disqualified because of
33 a central registry check conducted pursuant to section 8-804.

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

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

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

42 (a) Section 8-105.

43 (b) Section 8-322.

44 (c) SECTION 8-463.

45 ~~(e)~~ (d) Section 8-509.

- 1 ~~(d)~~ (e) Section 8-802.
- 2 ~~(e)~~ (f) Section 8-804.
- 3 ~~(f)~~ ~~Section 8-804.01.~~
- 4 (g) Section 15-183.
- 5 (h) SECTION 15-503.
- 6 (i) SECTION 15-512.
- 7 ~~(h)~~ (j) Section 15-534.
- 8 (k) SECTION 15-763.01.
- 9 ~~(i)~~ (l) Section 15-782.02.
- 10 ~~(j)~~ (m) Section 15-1330.
- 11 ~~(k)~~ (n) Section 15-1881.
- 12 ~~(l)~~ (o) Section 17-215.
- 13 ~~(m)~~ ~~Section 26-103.~~
- 14 ~~(n)~~ (p) Section 28-3413.
- 15 ~~(o)~~ (q) Section 32-2108.01.
- 16 ~~(p)~~ (r) Section 32-2123.
- 17 ~~(q)~~ (s) Section 32-2371.
- 18 ~~(r)~~ (t) Section 32-2372.
- 19 ~~(s)~~ (u) Section 32-3620.
- 20 ~~(t)~~ (v) Section 32-3668.
- 21 ~~(u)~~ (w) Section 32-3669.
- 22 ~~(v)~~ (x) Section 36-207.
- 23 ~~(w)~~ (y) Section 36-411.
- 24 ~~(x)~~ (z) Section 36-425.03.
- 25 ~~(y)~~ (aa) Section 36-446.04.
- 26 ~~(z)~~ (bb) Section 36-594.01.
- 27 ~~(aa)~~ (cc) Section 36-594.02.
- 28 ~~(bb)~~ (dd) Section 36-882.
- 29 ~~(cc)~~ (ee) Section 36-883.02.
- 30 ~~(dd)~~ (ff) Section 36-897.01.
- 31 ~~(ee)~~ (gg) Section 36-897.03.
- 32 ~~(ff)~~ (hh) Section 36-3008.
- 33 ~~(gg)~~ (ii) Section 41-619.53.
- 34 ~~(hh)~~ (jj) Section 41-1964.
- 35 ~~(ii)~~ (kk) Section 41-1967.01.
- 36 ~~(jj)~~ (ll) Section 41-1968.
- 37 ~~(kk)~~ (mm) Section 41-1969.
- 38 ~~(ll)~~ (nn) Section 41-2814.
- 39 ~~(mm)~~ (oo) Section 46-141, subsection A.
- 40 ~~(nn)~~ (pp) Section 46-321.

41 Sec. 4. Section 41-1758, Arizona Revised Statutes, is amended to read:

42 41-1758. Definitions

43 In this article, unless the context otherwise requires:

44 1. "Agency" means the supreme court, the department of economic
45 security, the department of child safety, the department of education, the

1 department of health services, the department of juvenile corrections, the
2 department of emergency and military affairs, the department of
3 transportation, the state real estate department, the state board of
4 appraisal, the board of fingerprinting, THE ARIZONA GAME AND FISH DEPARTMENT
5 or the board of examiners of nursing care institution administrators and
6 assisted living facility managers.

7 2. "Division" means the fingerprinting division in the department of
8 public safety.

9 3. "Electronic or internet-based fingerprinting services" means a
10 secure system for digitizing applicant fingerprints and transmitting the
11 applicant data and fingerprints of a person or entity submitting fingerprints
12 to the department of public safety for any authorized purpose under this
13 title. For the purposes of this paragraph, "secure system" means a system
14 that complies with the information technology security policy approved by the
15 department of public safety.

16 4. "Good cause exception" means the issuance of a fingerprint
17 clearance card to an ~~employee~~ APPLICANT pursuant to section 41-619.55.

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

- 20 (a) Section 8-105.
- 21 (b) Section 8-322.
- 22 (c) SECTION 8-463.
- 23 ~~(c)~~ (d) Section 8-509.
- 24 ~~(d)~~ (e) Section 8-802.
- 25 ~~(e)~~ (f) Section 15-183.
- 26 ~~(f)~~ (g) Section 15-503.
- 27 ~~(g)~~ (h) Section 15-512.
- 28 ~~(h)~~ (i) Section 15-534.
- 29 (j) SECTION 15-763.01.
- 30 ~~(i)~~ (k) Section 15-782.02.
- 31 ~~(j)~~ (l) Section 15-1330.
- 32 ~~(k)~~ (m) Section 15-1881.
- 33 ~~(l)~~ (n) Section 17-215.
- 34 ~~(m)~~ ~~Section 26-103.~~
- 35 ~~(n)~~ (o) Section 28-3413.
- 36 ~~(o)~~ (p) Section 32-2108.01.
- 37 ~~(p)~~ (q) Section 32-2123.
- 38 ~~(q)~~ (r) Section 32-2371.
- 39 ~~(r)~~ (s) Section 32-2372.
- 40 ~~(s)~~ (t) Section 32-3620.
- 41 ~~(t)~~ (u) Section 32-3668.
- 42 ~~(u)~~ (v) Section 32-3669.
- 43 ~~(v)~~ (w) Section 36-207.
- 44 ~~(w)~~ (x) Section 36-411.
- 45 ~~(x)~~ (y) Section 36-425.03.

- 1 (y) (z) Section 36-446.04.
- 2 (z) (aa) Section 36-594.01.
- 3 (aa) (bb) Section 36-594.02.
- 4 (bb) (cc) Section 36-882.
- 5 (cc) (dd) Section 36-883.02.
- 6 (dd) (ee) Section 36-897.01.
- 7 (ee) (ff) Section 36-897.03.
- 8 (ff) (gg) Section 36-3008.
- 9 (gg) (hh) Section 41-619.52.
- 10 (hh) (ii) Section 41-619.53.
- 11 (ii) (jj) Section 41-1964.
- 12 (jj) (kk) Section 41-1967.01.
- 13 (kk) (ll) Section 41-1968.
- 14 (ll) (mm) Section 41-1969.
- 15 (mm) (nn) Section 41-2814.
- 16 (nn) (oo) Section 46-141, subsection A.
- 17 (oo) (pp) Section 46-321.

18 6. "Vulnerable adult" has the same meaning prescribed in section
19 13-3623.

20 Sec. 5. Section 41-1758.01, Arizona Revised Statutes, is amended to
21 read:

22 41-1758.01. Fingerprinting division; powers and duties

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

25 1. Conduct fingerprint background checks for persons and applicants
26 who are seeking licenses from state agencies, employment with licensees,
27 contract providers and state agencies or employment or educational
28 opportunities with agencies that require fingerprint background checks
29 pursuant to sections 8-105, 8-322, 8-463, 8-509, 8-802, 15-183, 15-503,
30 15-512, 15-534, 15-782.02, 15-763.01, 15-1330, 15-1881, 17-215, ~~26-103,~~
31 28-3413, 32-2108.01, 32-2123, 32-2371, 32-2372, 32-3620, 32-3668, 32-3669,
32 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-882,
33 36-883.02, 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964,
34 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141, subsection A and
35 section 46-321.

36 2. Issue fingerprint clearance cards. On issuance, a fingerprint
37 clearance card becomes the personal property of the cardholder and the
38 cardholder shall retain possession of the fingerprint clearance card.

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

43 4. Inform in writing each person who submits fingerprints for a
44 fingerprint background check of the ~~person's~~ right to petition the board of

1 fingerprinting for a good cause exception pursuant to ~~sections~~ SECTION
2 41-1758.03, ~~and~~ 41-1758.04 OR 41-1758.07.

3 5. IF AFTER CONDUCTING A STATE AND FEDERAL CRIMINAL HISTORY RECORDS
4 CHECK THE DIVISION DETERMINES THAT IT IS NOT AUTHORIZED TO ISSUE A
5 FINGERPRINT CLEARANCE CARD TO A PERSON, INFORM THE PERSON IN WRITING THAT THE
6 DIVISION IS NOT AUTHORIZED TO ISSUE A FINGERPRINT CLEARANCE CARD. THE NOTICE
7 SHALL INCLUDE THE CRIMINAL HISTORY INFORMATION ON WHICH THE DENIAL WAS
8 BASED. THIS CRIMINAL HISTORY INFORMATION IS SUBJECT TO DISSEMINATION
9 RESTRICTIONS PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544.

10 6. NOTIFY THE PERSON IN WRITING IF THE DIVISION SUSPENDS, REVOKES OR
11 PLACES A DRIVING RESTRICTION NOTATION ON A FINGERPRINT CLEARANCE CARD
12 PURSUANT TO SECTION 41-1758.04. THE NOTICE SHALL INCLUDE THE CRIMINAL
13 HISTORY INFORMATION ON WHICH THE SUSPENSION, REVOCATION OR PLACEMENT OF THE
14 DRIVING RESTRICTION NOTATION WAS BASED. THIS CRIMINAL HISTORY INFORMATION IS
15 SUBJECT TO DISSEMINATION RESTRICTIONS PURSUANT TO SECTION 41-1750 AND PUBLIC
16 LAW 92-544.

17 ~~5.~~ 7. Administer and enforce this article.

18 B. The fingerprinting division may contract for electronic or
19 internet-based fingerprinting services through an entity or entities for the
20 acquisition and transmission of applicant fingerprint and data submissions to
21 the department, including identity verified fingerprints pursuant to section
22 15-106. The entity or entities contracted by the department of public safety
23 may charge the applicant a fee for services provided pursuant to this
24 article. The entity or entities contracted by the department of public
25 safety shall comply with:

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

28 2. The information technology security policy approved by the
29 department of public safety.

30 Sec. 6. Section 41-1758.02, Arizona Revised Statutes, is amended to
31 read:

32 41-1758.02. Fingerprint checks; registration

33 A. The person, provider or agency shall submit a full set of
34 fingerprints to the division for the purpose of obtaining a state and federal
35 criminal history records check pursuant to section 41-1750 and Public Law
36 92-544. If the person can present a valid fingerprint clearance card or
37 credible documentation that the person's application for a fingerprint
38 clearance card is pending, the person, provider or agency is not required to
39 submit another application for a fingerprint clearance card. The division
40 may exchange this fingerprint data with the federal bureau of investigation.

41 B. EXCEPT AS PROVIDED IN SECTION 15-106, PARAGRAPH 9, the person shall
42 submit a new set of fingerprints to the division for a fingerprint background
43 check every six years. The division shall conduct a new state and federal
44 criminal history records check on application for a new card. ~~All class one~~
45 ~~or class two fingerprint clearance cards that were issued before October 1,~~

1 ~~2003 pursuant to this article shall remain valid until their normal~~
2 ~~expiration dates at which time the cardholder shall apply for a new~~
3 ~~fingerprint clearance card.~~

4 C. In order to ~~obtain~~ APPLY FOR a fingerprint clearance card, a person
5 shall submit a completed application for a fingerprint clearance card
6 provided by the division.

7 D. The person, provider or agency shall submit the application
8 required by subsection C of this section along with the fingerprints AND
9 APPLICABLE FEE to the division for a criminal history records check.

10 Sec. 7. Section 41-1758.03, Arizona Revised Statutes, is amended to
11 read:

12 41-1758.03. Fingerprint clearance cards; issuance; immunity

13 A. On receiving the state and federal criminal history record of a
14 person, the division shall compare the record with the list of criminal
15 offenses that preclude the person from receiving a fingerprint clearance
16 card. If the person's criminal history record does not contain any of the
17 offenses listed in subsections B and C of this section, the division shall
18 issue the person a fingerprint clearance card.

19 B. A person who is subject to registration as a sex offender in this
20 state or any other jurisdiction or who is awaiting trial on or who has been
21 convicted of committing or attempting, soliciting, facilitating or conspiring
22 to commit one or more of the following offenses in this state or the same or
23 similar offenses in another state or jurisdiction is precluded from receiving
24 a fingerprint clearance card PURSUANT TO THIS SECTION:

- 25 1. Sexual abuse of a vulnerable adult.
- 26 2. Incest.
- 27 3. First or second degree murder.
- 28 4. Sexual assault.
- 29 5. Sexual exploitation of a minor.
- 30 6. Sexual exploitation of a vulnerable adult.
- 31 7. Commercial sexual exploitation of a minor.
- 32 8. Commercial sexual exploitation of a vulnerable adult.
- 33 9. Child prostitution as prescribed in section 13-3212.
- 34 10. Child abuse.
- 35 11. Abuse of a vulnerable adult.
- 36 12. Sexual conduct with a minor.
- 37 13. Molestation of a child.
- 38 14. Molestation of a vulnerable adult.
- 39 15. A dangerous crime against children as defined in section 13-705.
- 40 16. Exploitation of minors involving drug offenses.
- 41 17. Taking a child for the purpose of prostitution as prescribed in
42 section 13-3206.
- 43 18. Neglect or abuse of a vulnerable adult.
- 44 19. Sex trafficking.
- 45 20. Sexual abuse.

- 1 21. Production, publication, sale, possession and presentation of
- 2 obscene items as prescribed in section 13-3502.
- 3 22. Furnishing harmful items to minors as prescribed in section
- 4 13-3506.
- 5 23. Furnishing harmful items to minors by internet activity as
- 6 prescribed in section 13-3506.01.
- 7 24. Obscene or indecent telephone communications to minors for
- 8 commercial purposes as prescribed in section 13-3512.
- 9 25. Luring a minor for sexual exploitation.
- 10 26. Enticement of persons for purposes of prostitution.
- 11 27. Procurement by false pretenses of person for purposes of
- 12 prostitution.
- 13 28. Procuring or placing persons in a house of prostitution.
- 14 29. Receiving earnings of a prostitute.
- 15 30. Causing one's spouse to become a prostitute.
- 16 31. Detention of persons in a house of prostitution for debt.
- 17 32. Keeping or residing in a house of prostitution or employment in
- 18 prostitution.
- 19 33. Pandering.
- 20 34. Transporting persons for the purpose of prostitution, polygamy and
- 21 concubinage.
- 22 35. Portraying adult as a minor as prescribed in section 13-3555.
- 23 36. Admitting minors to public displays of sexual conduct as prescribed
- 24 in section 13-3558.
- 25 37. Unlawful sale or purchase of children.
- 26 38. Child bigamy.
- 27 39. Trafficking of persons for forced labor or services.
- 28 C. A person who is awaiting trial on or who has been convicted of
- 29 committing or attempting, soliciting, facilitating or conspiring to commit
- 30 one or more of the following offenses in this state or the same or similar
- 31 offenses in another state or jurisdiction is precluded from receiving a
- 32 fingerprint clearance card, except that the person may petition the board of
- 33 fingerprinting for a good cause exception pursuant to section 41-619.55:
- 34 1. Manslaughter.
- 35 2. Endangerment.
- 36 3. Threatening or intimidating.
- 37 4. Assault.
- 38 5. Unlawfully administering intoxicating liquors, narcotic drugs or
- 39 dangerous drugs.
- 40 6. Assault by vicious animals.
- 41 7. Drive by shooting.
- 42 8. Assaults on officers or fire fighters.
- 43 9. Discharging a firearm at a structure.
- 44 10. Indecent exposure.
- 45 11. Public sexual indecency.

- 1 12. Aggravated criminal damage.
- 2 13. Theft.
- 3 14. Theft by extortion.
- 4 15. Shoplifting.
- 5 16. Forgery.
- 6 17. Criminal possession of a forgery device.
- 7 18. Obtaining a signature by deception.
- 8 19. Criminal impersonation.
- 9 20. Theft of a credit card or obtaining a credit card by fraudulent
- 10 means.
- 11 21. Receipt of anything of value obtained by fraudulent use of a credit
- 12 card.
- 13 22. Forgery of a credit card.
- 14 23. Fraudulent use of a credit card.
- 15 24. Possession of any machinery, plate or other contrivance or
- 16 incomplete credit card.
- 17 25. False statement as to financial condition or identity to obtain a
- 18 credit card.
- 19 26. Fraud by persons authorized to provide goods or services.
- 20 27. Credit card transaction record theft.
- 21 28. Misconduct involving weapons.
- 22 29. Misconduct involving explosives.
- 23 30. Depositing explosives.
- 24 31. Misconduct involving simulated explosive devices.
- 25 32. Concealed weapon violation.
- 26 33. Possession and sale of peyote.
- 27 34. Possession and sale of a vapor-releasing substance containing a
- 28 toxic substance.
- 29 35. Sale of precursor chemicals.
- 30 36. Possession, use or sale of marijuana, dangerous drugs or narcotic
- 31 drugs.
- 32 37. Manufacture or distribution of an imitation controlled substance.
- 33 38. Manufacture or distribution of an imitation prescription-only drug.
- 34 39. Manufacture or distribution of an imitation over-the-counter drug.
- 35 40. Possession or possession with intent to use an imitation controlled
- 36 substance.
- 37 41. Possession or possession with intent to use an imitation
- 38 prescription-only drug.
- 39 42. Possession or possession with intent to use an imitation
- 40 over-the-counter drug.
- 41 43. Manufacture of certain substances and drugs by certain means.
- 42 44. Adding poison or other harmful substance to food, drink or
- 43 medicine.
- 44 45. A criminal offense involving criminal trespass ~~and burglary~~ under
- 45 title 13, chapter 15.

- 1 46. A CRIMINAL OFFENSE INVOLVING BURGLARY UNDER TITLE 13, CHAPTER 15.
2 ~~46.~~ 47. A criminal offense under title 13, chapter 23.
3 ~~47.~~ 48. Child neglect.
4 ~~48.~~ 49. Misdemeanor offenses involving contributing to the delinquency
5 of a minor.
6 ~~49.~~ 50. Offenses involving domestic violence.
7 ~~50.~~ 51. Arson.
8 ~~51.~~ 52. Kidnapping.
9 ~~52.~~ 53. Felony offenses involving sale, distribution or transportation
10 of, offer to sell, transport or distribute or conspiracy to sell, transport
11 or distribute marijuana, dangerous drugs or narcotic drugs.
12 ~~53.~~ 54. Robbery.
13 ~~54.~~ 55. Aggravated assault.
14 ~~55.~~ 56. Felony offenses involving contributing to the delinquency of a
15 minor.
16 ~~56.~~ 57. Negligent homicide.
17 ~~57.~~ 58. Criminal damage.
18 ~~58.~~ 59. Misappropriation of charter school monies as prescribed in
19 section 13-1818.
20 ~~59.~~ 60. Taking identity of another person or entity.
21 ~~60.~~ 61. Aggravated taking identity of another person or entity.
22 ~~61.~~ 62. Trafficking in the identity of another person or entity.
23 ~~62.~~ 63. Cruelty to animals.
24 ~~63.~~ 64. Prostitution.
25 ~~64.~~ 65. Sale or distribution of material harmful to minors through
26 vending machines as prescribed in section 13-3513.
27 ~~65.~~ 66. Welfare fraud.
- 28 D. A person who is awaiting trial on or who has been convicted of
29 committing or attempting to commit a MISDEMEANOR OR FELONY violation of
30 section 28-1381, 28-1382 or 28-1383 in this state or the same or similar
31 offense in another state or jurisdiction within five years from the date of
32 applying for a fingerprint clearance card is precluded from driving any
33 vehicle to transport employees or clients of the employing agency as part of
34 the person's employment. The division shall place a notation on the
35 fingerprint clearance card that indicates this driving restriction. This
36 subsection does not preclude a person from driving a vehicle alone as part of
37 the person's employment.
- 38 E. Notwithstanding subsection C of this section, on receiving written
39 notice from the board of fingerprinting that a good cause exception was
40 granted pursuant to section 41-619.55, the division shall issue a fingerprint
41 clearance card to the person.
- 42 F. If the division denies a person's application for a fingerprint
43 clearance card pursuant to subsection C of this section and a good cause
44 exception is requested pursuant to section 41-619.55, the division shall

1 release, on request by the board of fingerprinting, the person's criminal
2 history record to the board of fingerprinting.

3 G. A person shall be granted a fingerprint clearance card if either of
4 the following applies:

5 1. An agency granted a good cause exception before August 16, 1999 and
6 no new precluding offense is identified. The fingerprint clearance card
7 shall specify only the program that granted the good cause exception. On the
8 request of the applicant, the agency that granted the prior good cause
9 exception shall notify the division in writing of the date on which the prior
10 good cause exception was granted and the date of the conviction and the name
11 of the offense for which the good cause exception was granted.

12 2. The board granted a good cause exception and no new precluding
13 offense is identified.

14 H. The licensee or contract provider shall assume the costs of
15 fingerprint checks and may charge these costs to persons who are required to
16 be fingerprinted.

17 I. A person who is under eighteen years of age or who is at least
18 ninety-nine years of age is exempt from the fingerprint clearance card
19 requirements of this section. At all times the person shall be under the
20 direct visual supervision of personnel who have valid fingerprint clearance
21 cards.

22 J. The division shall conduct periodic state criminal history records
23 checks and may conduct federal criminal history records checks when
24 authorized pursuant to federal law for the purpose of updating the clearance
25 status of current fingerprint clearance card holders and may notify the board
26 of fingerprinting and the agency employing the person of the results of the
27 records check.

28 K. The division shall revoke a person's fingerprint clearance card on
29 receipt of a written request for revocation from the board of fingerprinting
30 pursuant to section 41-619.55.

31 ~~L. The division shall not issue a fingerprint clearance card to a~~
32 ~~person~~ IF A PERSON'S CRIMINAL HISTORY RECORD CONTAINS AN OFFENSE LISTED IN
33 SUBSECTION B OR C OF THIS SECTION AND THE FINAL DISPOSITION IS NOT RECORDED
34 ON THE RECORD, THE DIVISION SHALL CONDUCT RESEARCH TO OBTAIN THE DISPOSITION
35 WITHIN THIRTY BUSINESS DAYS AFTER RECEIPT OF THE RECORD. If the division
36 cannot determine, within thirty business days after receipt of the person's
37 state and federal criminal history record information, whether the person is
38 awaiting trial on or has been convicted of committing OR ATTEMPTING,
39 SOLICITING, FACILITATING OR CONSPIRING TO COMMIT any of the offenses listed
40 in subsection B or C of this section IN THIS STATE OR A SAME OR SIMILAR
41 OFFENSE IN ANOTHER STATE OR JURISDICTION, THE DIVISION SHALL NOT ISSUE A
42 FINGERPRINT CLEARANCE CARD TO THE PERSON. If the division is unable to make
43 the determination required by this section and does not issue a fingerprint
44 clearance card to a person, the person may request a good cause exception
45 pursuant to section 41-619.55.

1 M. Except as provided in subsection N of this section, if after
2 conducting a state and federal criminal history records check the division
3 determines that it is not authorized to issue a fingerprint clearance card to
4 a person, the division shall notify the agency that licenses or employs the
5 person that the division is not authorized to issue a fingerprint clearance
6 card. This notice shall include the criminal history information on which
7 the denial was based. This criminal history information is subject to
8 dissemination restrictions pursuant to section 41-1750 and Public Law 92-544.

9 N. If, after conducting a state and federal criminal history records
10 check on a person who requests a fingerprint clearance card pursuant to
11 section 15-1881, the division determines that it is not authorized to issue a
12 fingerprint clearance card to the person, the division shall not notify the
13 agency. The division shall notify the person who requested the card that the
14 division is not authorized to issue a fingerprint clearance card. THE NOTICE
15 SHALL INCLUDE THE CRIMINAL HISTORY INFORMATION ON WHICH THE DENIAL WAS
16 BASED. THIS CRIMINAL HISTORY INFORMATION IS SUBJECT TO DISSEMINATION
17 RESTRICTIONS PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544.

18 O. The division is not liable for damages resulting from:

19 1. The issuance of a fingerprint clearance card to a person who is
20 later found to have been ineligible to receive a fingerprint clearance card
21 at the time the card was issued.

22 2. The denial of a fingerprint clearance card to a person who is later
23 found to have been eligible to receive a fingerprint clearance card at the
24 time issuance of the card was denied.

25 P. The issuance of a fingerprint clearance card does not entitle a
26 person to employment.

27 Q. Notwithstanding any law to the contrary, a person may apply for and
28 receive a level I fingerprint clearance card pursuant to section 41-1758.07
29 to satisfy a requirement that the person have a valid fingerprint clearance
30 card issued pursuant to this section.

31 Sec. 8. Section 41-1758.04, Arizona Revised Statutes, is amended to
32 read:

33 41-1758.04. Denial, suspension, driving restricted or
34 revocation of fingerprint clearance card

35 A. The division shall deny the issuance of a fingerprint clearance
36 card to any person who is awaiting trial on or who has been convicted of an
37 offense listed in section 41-1758.03, subsection B or C or section
38 41-1758.07, subsection B or C. THE DIVISION SHALL DENY THE ISSUANCE OF A
39 FINGERPRINT CLEARANCE CARD IF REQUIRED PURSUANT TO SECTION 41-1758.03,
40 SUBSECTION L OR SECTION 41-1758.07, SUBSECTION L.

41 B. The division shall revoke the fingerprint clearance card of a
42 person who has received a fingerprint clearance card and who is subsequently
43 convicted of an offense listed in section 41-1758.03, subsection B or section
44 41-1758.07, subsection B.

1 C. The division shall suspend the fingerprint clearance card of a
2 person who becomes subject to registration as a sex offender or a person who
3 is arrested for an offense listed in section 41-1758.03, subsection B or C or
4 section 41-1758.07, subsection B or C.

5 D. A person who has been arrested for an offense listed in section
6 41-1758.03, subsection C or section 41-1758.07, subsection C and whose
7 fingerprint clearance card has been suspended pursuant to this section may
8 request a good cause exception hearing pursuant to section 41-619.55.

9 E. THE DIVISION SHALL PLACE A DRIVING RESTRICTION NOTATION ON THE
10 FINGERPRINT CLEARANCE CARD OF A PERSON WHO IS SUBSEQUENTLY ARRESTED FOR AN
11 OFFENSE LISTED IN SECTION 41-1758.03, SUBSECTION D OR SECTION 41-1758.07,
12 SUBSECTION D.

13 F. THE DIVISION SHALL NOTIFY THE AGENCY AND PERSON IN WRITING IF THE
14 DIVISION SUSPENDS, REVOKES OR PLACES A DRIVING RESTRICTION NOTATION ON A
15 PERSON'S FINGERPRINT CLEARANCE CARD PURSUANT TO THIS SECTION. THE NOTICE
16 SHALL INCLUDE THE CRIMINAL HISTORY INFORMATION ON WHICH THE SUSPENSION,
17 REVOCATION OR PLACEMENT OF THE DRIVING RESTRICTION WAS BASED. THIS CRIMINAL
18 HISTORY INFORMATION IS SUBJECT TO DISSEMINATION RESTRICTIONS PURSUANT TO
19 SECTION 41-1750 AND PUBLIC LAW 92-544.

20 Sec. 9. Section 41-1758.07, Arizona Revised Statutes, is amended to
21 read:

22 41-1758.07. Level I fingerprint clearance cards; definitions

23 A. On receiving the state and federal criminal history record of a
24 person who is required to be fingerprinted pursuant to this section, the
25 fingerprinting division in the department of public safety shall compare the
26 record with the list of criminal offenses that preclude the person from
27 receiving a level I fingerprint clearance card. If the person's criminal
28 history record does not contain any of the offenses listed in subsections B
29 and C of this section, the fingerprinting division shall issue the person a
30 level I fingerprint clearance card.

31 B. A person who is subject to registration as a sex offender in this
32 state or any other jurisdiction or who is awaiting trial on or who has been
33 convicted of committing or attempting, soliciting, facilitating or conspiring
34 to commit one or more of the following offenses in this state or the same or
35 similar offenses in another state or jurisdiction is precluded from receiving
36 a level I fingerprint clearance card:

- 37 1. Sexual abuse of a vulnerable adult.
- 38 2. Incest.
- 39 3. Homicide, including first or second degree murder, manslaughter and
40 negligent homicide.
- 41 4. Sexual assault.
- 42 5. Sexual exploitation of a minor.
- 43 6. Sexual exploitation of a vulnerable adult.
- 44 7. Commercial sexual exploitation of a minor.
- 45 8. Commercial sexual exploitation of a vulnerable adult.

- 1 9. Child prostitution as prescribed in section 13-3212.
- 2 10. Child abuse.
- 3 11. Felony child neglect.
- 4 12. Abuse of a vulnerable adult.
- 5 13. Sexual conduct with a minor.
- 6 14. Molestation of a child.
- 7 15. Molestation of a vulnerable adult.
- 8 16. Dangerous crimes against children as defined in section 13-705.
- 9 17. Exploitation of minors involving drug offenses.
- 10 18. Taking a child for the purpose of prostitution as prescribed in
- 11 section 13-3206.
- 12 19. Neglect or abuse of a vulnerable adult.
- 13 20. Sex trafficking.
- 14 21. Sexual abuse.
- 15 22. Production, publication, sale, possession and presentation of
- 16 obscene items as prescribed in section 13-3502.
- 17 23. Furnishing harmful items to minors as prescribed in section
- 18 13-3506.
- 19 24. Furnishing harmful items to minors by internet activity as
- 20 prescribed in section 13-3506.01.
- 21 25. Obscene or indecent telephone communications to minors for
- 22 commercial purposes as prescribed in section 13-3512.
- 23 26. Luring a minor for sexual exploitation.
- 24 27. Enticement of persons for purposes of prostitution.
- 25 28. Procurement by false pretenses of person for purposes of
- 26 prostitution.
- 27 29. Procuring or placing persons in a house of prostitution.
- 28 30. Receiving earnings of a prostitute.
- 29 31. Causing one's spouse to become a prostitute.
- 30 32. Detention of persons in a house of prostitution for debt.
- 31 33. Keeping or residing in a house of prostitution or employment in
- 32 prostitution.
- 33 34. Pandering.
- 34 35. Transporting persons for the purpose of prostitution, polygamy and
- 35 concubinage.
- 36 36. Portraying adult as a minor as prescribed in section 13-3555.
- 37 37. Admitting minors to public displays of sexual conduct as prescribed
- 38 in section 13-3558.
- 39 38. Any felony offense involving contributing to the delinquency of a
- 40 minor.
- 41 39. Unlawful sale or purchase of children.
- 42 40. Child bigamy.
- 43 41. Any felony offense involving domestic violence as defined in
- 44 section 13-3601 except for a felony offense only involving criminal damage in

1 an amount of more than two hundred fifty dollars but less than one thousand
2 dollars if the offense was committed before June 29, 2009.

3 42. Any felony offense in violation of title 13, chapter 12 if
4 committed within five years before the date of applying for a level I
5 fingerprint clearance card.

6 43. Felony drug or alcohol related offenses if committed within five
7 years before the date of applying for a level I fingerprint clearance card.

8 44. Felony indecent exposure.

9 45. Felony public sexual indecency.

10 46. Terrorism.

11 47. Any offense involving a violent crime as defined in section
12 13-901.03.

13 48. Trafficking of persons for forced labor or services.

14 C. A person who is awaiting trial on or who has been convicted of
15 committing or attempting, soliciting, facilitating or conspiring to commit
16 one or more of the following offenses in this state or the same or similar
17 offenses in another state or jurisdiction is precluded from receiving a level
18 I fingerprint clearance card, except that the person may petition the board
19 of fingerprinting for a good cause exception pursuant to section 41-619.55:

20 1. Any misdemeanor offense in violation of title 13, chapter 12.

21 2. Misdemeanor indecent exposure.

22 3. Misdemeanor public sexual indecency.

23 4. Aggravated criminal damage.

24 5. Theft.

25 6. Theft by extortion.

26 7. Shoplifting.

27 8. Forgery.

28 9. Criminal possession of a forgery device.

29 10. Obtaining a signature by deception.

30 11. Criminal impersonation.

31 12. Theft of a credit card or obtaining a credit card by fraudulent
32 means.

33 13. Receipt of anything of value obtained by fraudulent use of a credit
34 card.

35 14. Forgery of a credit card.

36 15. Fraudulent use of a credit card.

37 16. Possession of any machinery, plate or other contrivance or
38 incomplete credit card.

39 17. False statement as to financial condition or identity to obtain a
40 credit card.

41 18. Fraud by persons authorized to provide goods or services.

42 19. Credit card transaction record theft.

43 20. Misconduct involving weapons.

44 21. Misconduct involving explosives.

45 22. Depositing explosives.

- 1 23. Misconduct involving simulated explosive devices.
- 2 24. Concealed weapon violation.
- 3 25. Misdemeanor possession and misdemeanor sale of peyote.
- 4 26. Felony possession and felony sale of peyote if committed more than
5 five years before the date of applying for a level I fingerprint clearance
6 card.
- 7 27. Misdemeanor possession and misdemeanor sale of a vapor-releasing
8 substance containing a toxic substance.
- 9 28. Felony possession and felony sale of a vapor-releasing substance
10 containing a toxic substance if committed more than five years before the
11 date of applying for a level I fingerprint clearance card.
- 12 29. Misdemeanor sale of precursor chemicals.
- 13 30. Felony sale of precursor chemicals if committed more than five
14 years before the date of applying for a level I fingerprint clearance card.
- 15 31. Misdemeanor possession, misdemeanor use or misdemeanor sale of
16 marijuana, dangerous drugs or narcotic drugs.
- 17 32. Felony possession, felony use or felony sale of marijuana,
18 dangerous drugs or narcotic drugs if committed more than five years before
19 the date of applying for a level I fingerprint clearance card.
- 20 33. Misdemeanor manufacture or misdemeanor distribution of an imitation
21 controlled substance.
- 22 34. Felony manufacture or felony distribution of an imitation
23 controlled substance if committed more than five years before the date of
24 applying for a level I fingerprint clearance card.
- 25 35. Misdemeanor manufacture or misdemeanor distribution of an imitation
26 prescription-only drug.
- 27 36. Felony manufacture or felony distribution of an imitation
28 prescription-only drug if committed more than five years before the date of
29 applying for a level I fingerprint clearance card.
- 30 37. Misdemeanor manufacture or misdemeanor distribution of an imitation
31 over-the-counter drug.
- 32 38. Felony manufacture or felony distribution of an imitation
33 over-the-counter drug if committed more than five years before the date of
34 applying for a level I fingerprint clearance card.
- 35 39. Misdemeanor possession or misdemeanor possession with intent to use
36 an imitation controlled substance.
- 37 40. Felony possession or felony possession with intent to use an
38 imitation controlled substance if committed more than five years before the
39 date of applying for a level I fingerprint clearance card.
- 40 41. Misdemeanor possession or misdemeanor possession with intent to use
41 an imitation prescription-only drug.
- 42 42. Felony possession or felony possession with intent to use an
43 imitation prescription-only drug if committed more than five years before the
44 date of applying for a level I fingerprint clearance card.

- 1 43. Misdemeanor possession or misdemeanor possession with intent to use
2 an imitation over-the-counter drug.
- 3 44. Felony possession or felony possession with intent to use an
4 imitation over-the-counter drug if committed more than five years before the
5 date of applying for a level I fingerprint clearance card.
- 6 45. Misdemeanor manufacture of certain substances and drugs by certain
7 means.
- 8 46. Felony manufacture of certain substances and drugs by certain means
9 if committed more than five years before the date of applying for a level I
10 fingerprint clearance card.
- 11 47. Adding poison or other harmful substance to food, drink or
12 medicine.
- 13 48. A criminal offense involving criminal trespass ~~and burglary~~ under
14 title 13, chapter 15.
- 15 49. A CRIMINAL OFFENSE INVOLVING BURGLARY UNDER TITLE 13, CHAPTER 15.
- 16 ~~49.~~ 50. A criminal offense under title 13, chapter 23, except
17 terrorism.
- 18 ~~50.~~ 51. Misdemeanor offenses involving child neglect.
- 19 ~~51.~~ 52. Misdemeanor offenses involving contributing to the delinquency
20 of a minor.
- 21 ~~52.~~ 53. Misdemeanor offenses involving domestic violence as defined in
22 section 13-3601.
- 23 ~~53.~~ 54. Felony offenses involving domestic violence if the offense
24 only involved criminal damage in an amount of more than two hundred fifty
25 dollars but less than one thousand dollars and the offense was committed
26 before June 29, 2009.
- 27 ~~54.~~ 55. Arson.
- 28 ~~55.~~ 56. Felony offenses involving sale, distribution or transportation
29 of, offer to sell, transport or distribute or conspiracy to sell, transport
30 or distribute marijuana, dangerous drugs or narcotic drugs if committed more
31 than five years before the date of applying for a level I fingerprint
32 clearance card.
- 33 ~~56.~~ 57. Criminal damage.
- 34 ~~57.~~ 58. Misappropriation of charter school monies as prescribed in
35 section 13-1818.
- 36 ~~58.~~ 59. Taking identity of another person or entity.
- 37 ~~59.~~ 60. Aggravated taking identity of another person or entity.
- 38 ~~60.~~ 61. Trafficking in the identity of another person or entity.
- 39 ~~61.~~ 62. Cruelty to animals.
- 40 ~~62.~~ 63. Prostitution, as prescribed in section 13-3214.
- 41 ~~63.~~ 64. Sale or distribution of material harmful to minors through
42 vending machines as prescribed in section 13-3513.
- 43 ~~64.~~ 65. Welfare fraud.

1 ~~65.~~ 66. Any felony offense in violation of title 13, chapter 12 if
2 committed more than five years before the date of applying for a level I
3 fingerprint clearance card.

4 ~~66.~~ 67. Kidnapping.

5 ~~67.~~ 68. Robbery, aggravated robbery or armed robbery.

6 D. A person who is awaiting trial on or who has been convicted of
7 committing or attempting to commit a misdemeanor violation of section
8 28-1381, 28-1382 or 28-1383 in this state or the same or a similar offense in
9 another state or jurisdiction within five years from the date of applying for
10 a level I fingerprint clearance card is precluded from driving any vehicle to
11 transport employees or clients of the employing agency as part of the
12 person's employment. The division shall place a notation on the level I
13 fingerprint clearance card that indicates this driving restriction. This
14 subsection does not preclude a person from driving a vehicle alone as part of
15 the person's employment.

16 E. Notwithstanding subsection C of this section, on receiving written
17 notice from the board of fingerprinting that a good cause exception was
18 granted pursuant to section 41-619.55, the fingerprinting division shall
19 issue a level I fingerprint clearance card to the applicant.

20 F. If the fingerprinting division denies a person's application for a
21 level I fingerprint clearance card pursuant to subsection C of this section
22 and a good cause exception is requested pursuant to section 41-619.55, the
23 fingerprinting division shall release, on request by the board of
24 fingerprinting, the person's criminal history record to the board of
25 fingerprinting.

26 G. A person shall be granted a level I fingerprint clearance card
27 pursuant to this section if either of the following applies:

28 1. An agency granted a good cause exception before August 16, 1999 and
29 no new precluding offense is identified. The fingerprint clearance card
30 shall specify only the program that granted the good cause exception. On the
31 request of the applicant, the agency that granted the prior good cause
32 exception shall notify the fingerprinting division in writing of the date on
33 which the prior good cause exception was granted, the date of the conviction
34 and the name of the offense for which the good cause exception was granted.

35 2. The board granted a good cause exception and no new precluding
36 offense is identified.

37 H. The licensee or contract provider shall assume the costs of
38 fingerprint checks conducted pursuant to this section and may charge these
39 costs to persons who are required to be fingerprinted.

40 I. A person who is under eighteen years of age or who is at least
41 ninety-nine years of age is exempt from the level I fingerprint clearance
42 card requirements of this section. At all times the person shall be under
43 the direct visual supervision of personnel who have valid level I fingerprint
44 clearance cards.

1 J. The fingerprinting division shall conduct periodic state criminal
2 history records checks and may conduct federal criminal history records
3 checks when authorized pursuant to federal law for the purpose of updating
4 the clearance status of current level I fingerprint clearance cardholders
5 pursuant to this section and may notify the board of fingerprinting and the
6 agency of the results of the records check.

7 K. The fingerprinting division shall revoke a person's level I
8 fingerprint clearance card on receipt of a written request for revocation
9 from the board of fingerprinting pursuant to section 41-619.55.

10 ~~L. The fingerprinting division shall not issue a level I fingerprint~~
11 ~~clearance card to an applicant~~ IF A PERSON'S CRIMINAL HISTORY RECORD CONTAINS
12 AN OFFENSE LISTED IN SUBSECTION B OR C OF THIS SECTION AND THE FINAL
13 DISPOSITION IS NOT RECORDED ON THE RECORD, THE DIVISION SHALL CONDUCT
14 RESEARCH TO OBTAIN THE DISPOSITION WITHIN THIRTY BUSINESS DAYS AFTER RECEIPT
15 OF THE RECORD. If the division cannot determine, within thirty business days
16 after receipt of the person's state and federal criminal history record
17 information, whether the person is awaiting trial on or has been convicted of
18 committing OR ATTEMPTING, SOLICITING, FACILITATING OR CONSPIRING TO COMMIT
19 any of the offenses listed in subsection B or C of this section IN THIS STATE
20 OR THE SAME OR SIMILAR OFFENSE IN ANOTHER STATE OR JURISDICTION, THE DIVISION
21 SHALL NOT ISSUE A LEVEL I FINGERPRINT CLEARANCE CARD TO THE PERSON. If the
22 division is unable to make the determination required by this section and
23 does not issue a level I fingerprint clearance card to a person, the person
24 may request a good cause exception pursuant to section 41-619.55.

25 M. If after conducting a state and federal criminal history records
26 check the fingerprinting division determines that it is not authorized to
27 issue a level I fingerprint clearance card to an applicant, the division
28 shall notify the agency that the fingerprinting division is not authorized to
29 issue a level I fingerprint clearance card. This notice shall include the
30 criminal history information on which the denial was based. This criminal
31 history information is subject to dissemination restrictions pursuant to
32 section 41-1750 and Public Law 92-544.

33 N. The fingerprinting division is not liable for damages resulting
34 from:

35 1. The issuance of a level I fingerprint clearance card to an
36 applicant who is later found to have been ineligible to receive a level I
37 fingerprint clearance card at the time the card was issued.

38 2. The denial of a level I fingerprint clearance card to an applicant
39 who is later found to have been eligible to receive a level I fingerprint
40 clearance card at the time issuance of the card was denied.

41 O. Notwithstanding any law to the contrary, an individual may apply
42 for and receive a level I fingerprint clearance card pursuant to this section
43 to satisfy a requirement that the person have a valid fingerprint clearance
44 card issued pursuant to section 41-1758.03.

1 P. Notwithstanding any law to the contrary, except as prescribed
2 pursuant to subsection Q of this section, an individual who receives a
3 level I fingerprint clearance card pursuant to this section also satisfies a
4 requirement that the individual have a valid fingerprint clearance card
5 issued pursuant to section 41-1758.03.

6 Q. Unless a cardholder commits an offense listed in subsection B or C
7 of this section after June 29, 2009, a fingerprint clearance card issued
8 pursuant to section 41-1758.03 before June 29, 2009 and its renewals are
9 valid for all requirements for a level I fingerprint clearance card except
10 those relating to the requirements of section 8-105 or 8-509. A fingerprint
11 clearance card issued before June 29, 2009 to meet the requirements of
12 section 8-105 or 8-509 and its renewals are valid after June 29, 2009 to meet
13 all requirements for a level I fingerprint clearance card, including the
14 requirements of section 8-105 or 8-509, if the cardholder has been certified
15 by the court to adopt or has been issued a foster home license before June
16 29, 2009.

17 R. The issuance of a level I fingerprint clearance card does not
18 entitle a person to employment.

19 S. For the purposes of this section:

20 1. "Person" means a person who is fingerprinted pursuant to:

21 (a) Section 8-105, 8-463, 8-509, 8-802, 17-215, 36-207, 36-594.01,
22 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, 41-619.52, 41-619.53,
23 41-1964, 41-1967.01, 41-1968, 41-1969 or 46-141.

24 (b) Subsection 0 of this section.

25 2. "Renewal" means the issuance of a fingerprint clearance card to an
26 existing fingerprint clearance cardholder who applies before the person's
27 existing fingerprint clearance card expires.

APPROVED BY THE GOVERNOR MARCH 30, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2015.

Passed the House January 29, 20 15

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 March 18, 20 15

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2086

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

March 24, 2015,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting



Speaker of the House



Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

25th day of March, 2015,

at 3:31 o'clock P. M.

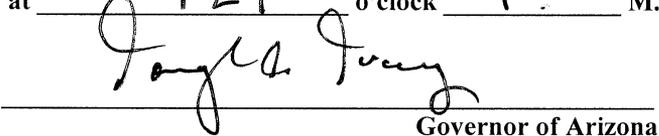


Secretary to the Governor

Approved this 30th day of

March, 2015,

at 1:27 o'clock P. M.



Governor of Arizona

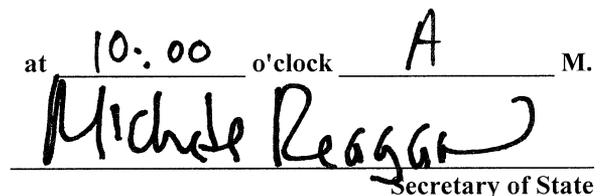
H.B. 2086

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 31st day of March, 2015,

at 10:00 o'clock A M.



Secretary of State