

Senate Engrossed House Bill

FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

CHAPTER 230
HOUSE BILL 2290

AN ACT

AMENDING TITLE 41, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE
11; RELATING TO LICENSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 41, chapter 6, Arizona Revised Statutes, is
3 amended by adding article 11, to read:

4 ARTICLE 11. PROVISIONAL LICENSES FOR EX-OFFENDERS

5 41-1093. Provisional license; eligibility; report; definition

6 A. UNLESS SUBSECTION K OF THIS SECTION APPLIES, A LICENSING
7 AUTHORITY SHALL HAVE THE AUTHORITY TO ISSUE TO AN OTHERWISE QUALIFIED
8 APPLICANT WHO HAS BEEN CONVICTED OF AN OFFENSE EITHER OF THE FOLLOWING:

9 1. THE REGULAR LICENSE FOR WHICH THE APPLICANT APPLIED.

10 2. A PROVISIONAL LICENSE.

11 B. THE PROVISIONAL LICENSE SHALL BE VALID FOR A TERM OF NOT MORE
12 THAN ONE YEAR AS SPECIFIED BY THE LICENSING AUTHORITY BY RULE.

13 C. THE LICENSING AUTHORITY MAY REVOKE A PROVISIONAL LICENSE IF THE
14 PROVISIONAL LICENSEE:

15 1. IS CHARGED WITH A NEW FELONY.

16 2. COMMITS AN ACT OR OMISSION THAT CAUSES THE PROVISIONAL
17 LICENSEE'S COMMUNITY SUPERVISION, PROBATION OR PAROLE TO BE REVOKED, IF
18 APPLICABLE.

19 3. VIOLATES THE LAW OR RULES GOVERNING THE PRACTICE OF THE
20 OCCUPATION FOR WHICH THE PROVISIONAL LICENSE IS ISSUED.

21 D. IF THE LICENSING AUTHORITY REVOKES A PROVISIONAL LICENSE UNDER
22 SUBSECTION C OF THIS SECTION, THE PROVISIONAL LICENSEE IS NOT ENTITLED TO
23 RECEIVE ANOTHER PROVISIONAL LICENSE OR THE REGULAR LICENSE FOR WHICH THE
24 APPLICANT ORIGINALLY APPLIED, EVEN IF OTHERWISE QUALIFIED. THE ABILITY OF
25 SUCH A PERSON TO SUBSEQUENTLY OBTAIN ANOTHER SUCH LICENSE IN THE FUTURE IS
26 WITHIN THE DISCRETION OF THE LICENSING AUTHORITY.

27 E. AN APPLICANT WHO IS ON COMMUNITY SUPERVISION, PROBATION OR
28 PAROLE AND WHO IS ISSUED A PROVISIONAL LICENSE UNDER THIS SECTION SHALL
29 PROVIDE TO THE LICENSING AUTHORITY THE NAME AND CONTACT INFORMATION OF THE
30 COMMUNITY SUPERVISION, PROBATION OR PAROLE OFFICER TO WHOM THE APPLICANT
31 REPORTS. THE LICENSING AUTHORITY SHALL NOTIFY THE COMMUNITY SUPERVISION,
32 PROBATION OR PAROLE OFFICER THAT A PROVISIONAL LICENSE HAS BEEN ISSUED.

33 F. IF THE LICENSING AUTHORITY ISSUES A REGULAR OR PROVISIONAL
34 LICENSE TO AN APPLICANT AND THE APPLICANT HAS BEEN ORDERED BY A COURT TO
35 PAY RESTITUTION, THE LICENSING AUTHORITY SHALL NOTIFY THE PROSECUTOR THAT
36 A REGULAR OR PROVISIONAL LICENSE HAS BEEN ISSUED TO THE APPLICANT FOR THE
37 PURPOSES OF RECOVERING RESTITUTION THAT THE APPLICANT MAY OWE.

38 G. IF AN APPLICANT IS EMPLOYED IN A LICENSED ASSISTED LIVING OR
39 SKILLED NURSING FACILITY, THE PROVISIONAL LICENSE MUST INCLUDE A CONDITION
40 THAT THE PROVISIONAL LICENSEE MAY ONLY WORK UNDER THE DIRECT SUPERVISION
41 OF ANOTHER LICENSEE WHO IS NOT A PROVISIONAL LICENSEE, AND THE SUPERVISING
42 LICENSEE MUST SIGN A VERIFYING AFFIDAVIT.

43 H. IF A PROVISIONAL LICENSEE WAS CONVICTED OF AN OFFENSE THAT
44 INVOLVES A VIOLATION OF TITLE 13, CHAPTER 15 OR 19 WITHIN THE LAST TEN
45 YEARS AND IF THE OCCUPATION IS ONE IN WHICH A LICENSEE REGULARLY ENTERS

1 PRIVATE RESIDENCES, THE PROVISIONAL LICENSE MUST INCLUDE A CONDITION THAT
2 THE PROVISIONAL LICENSEE ONLY WORK UNDER THE DIRECT SUPERVISION OF ANOTHER
3 LICENSEE WHO HAS NO CRIMINAL RECORD DURING ALL HOME VISITS AND THE
4 SUPERVISING LICENSEE MUST SIGN A VERIFYING AFFIDAVIT. IF THE OFFENSE
5 OCCURRED MORE THAN TEN YEARS AGO, THE CONDITION IS DISCRETIONARY WITH THE
6 LICENSING AUTHORITY. THE REGULAR LICENSE MAY INCLUDE THIS CONDITION IF
7 THE LICENSING AUTHORITY DETERMINES THAT THE CONDITION IS WARRANTED. THE
8 LICENSING AUTHORITY MAY CONDUCT REASONABLE ENFORCEMENT ACTIVITIES TO
9 ENSURE THIS SUPERVISION CONDITION IS COMPLIED WITH OVER THE COURSE OF THE
10 LICENSE TERM.

11 I. THIS SECTION DOES NOT PRECLUDE A LICENSING AUTHORITY FROM
12 EXERCISING ITS EXISTING DISCRETION TO ISSUE A LICENSE TO INDIVIDUALS WHO
13 ARE NOT COVERED UNDER THIS SECTION.

14 J. A PERSON WHO IS INCARCERATED MAY NOT APPLY FOR A PROVISIONAL
15 LICENSE UNTIL AFTER THE PERSON'S RELEASE.

16 K. THIS SECTION DOES NOT APPLY TO:

17 1. A PERSON WHO IS CONVICTED OF:

18 (a) A VIOLENT CRIME AS DEFINED IN SECTION 13-901.03.

19 (b) A VIOLATION OF SECTION 13-1403, SUBSECTION B.

20 (c) A SEXUAL OFFENSE AS DEFINED IN SECTION 13-1420.

21 (d) KIDNAPPING UNDER SECTION 13-1304.

22 (e) AN OFFENSE IN VIOLATION OF TITLE 13, CHAPTER 20, 21 OR 22 OR
23 SECTION 13-2310 OR 13-2311 IF THE LICENSED OCCUPATION IS ONE IN WHICH THE
24 LICENSEE OWES A FIDUCIARY DUTY TO A CLIENT.

25 2. ANY OCCUPATION WHERE THE LICENSEE WOULD BE SUPERVISING
26 VULNERABLE ADULTS AS DEFINED IN SECTION 46-451 OR CHILDREN.

27 3. ANY INITIAL OR RENEWAL LICENSE APPLICATION WHERE THE APPLICANT
28 WAS CONVICTED OF COMMITTING AN OFFENSE IN THE COURSE OF PERFORMING THE
29 DUTIES OF THE OCCUPATION OR A SUBSTANTIALLY SIMILAR OCCUPATION.

30 4. REPETITIVE OFFENDERS PURSUANT TO SECTION 13-703.

31 L. EACH LICENSING AUTHORITY SHALL SUBMIT A REPORT ON OR BEFORE
32 JULY 1 EACH YEAR TO THE GOVERNOR AND PROVIDE A COPY OF THIS REPORT TO THE
33 SECRETARY OF STATE. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION
34 FOR THE PREVIOUS CALENDAR YEAR:

35 1. THE NUMBER OF PROVISIONAL LICENSE APPLICATIONS THAT WERE
36 RECEIVED.

37 2. THE NUMBER OF PROVISIONAL LICENSES THAT WERE GRANTED.

38 3. THE NUMBER OF PROVISIONAL LICENSE APPLICATIONS THAT WERE DENIED.

39 4. THE NUMBER OF PROVISIONAL LICENSES THAT WERE REVOKED.

40 M. FOR THE PURPOSES OF THIS SECTION, "LICENSING AUTHORITY" MEANS
41 ANY AGENCY, DEPARTMENT, BOARD OR COMMISSION OF THIS STATE THAT ISSUES A
42 LICENSE PURSUANT TO TITLE 32, EXCEPT TITLE 32, CHAPTER 40, FOR THE
43 PURPOSES OF OPERATING A BUSINESS IN THIS STATE TO AN INDIVIDUAL WHO
44 PROVIDES A SERVICE TO ANY PERSON.

APPROVED BY THE GOVERNOR MAY 1, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2017.

Passed the House February 21, 20 17

Passed the Senate April 20, 20 17

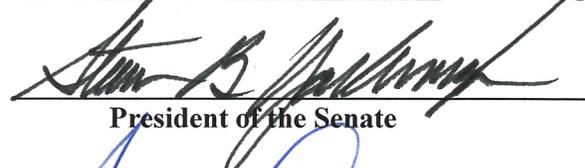
by the following vote: 57 Ayes,

by the following vote: 30 Ayes,

1 Nays, 2 Not Voting

0 Nays, 0 Not Voting


Speaker of the House


President of the Senate

Jim Drake
Chief Clerk of the House

Susan Owens
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. 2290

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 25, 2017,

by the following vote: 57 Ayes,

0 Nays, 2 Not Voting 1 Vacant

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

25th day of April, 2017,

at 12:09 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 1st day of

May, 2017,

at 2:07 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2290

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of May, 2017,

at 7:03 o'clock P. M.

[Signature]
Secretary of State