



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

April 10, 2019

The Honorable Katie Hobbs  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on April 10th, 2019:

H.B. 2569 occupational licensing; reciprocity (Petersen)  
S.B. 1030 remote online notarization; registration (Leach)  
S.B. 1069 postsecondary institutions; free expression policies (Boyer)  
S.B. 1180 department of revenue; applicants; fingerprinting (Boyer)  
S.B. 1258 class M driver licenses; applicability (Pratt)  
S.B. 1271 purchaser dwelling actions; notice; complaints (Fann)  
S.B. 1299 state warrants; substitute checks (Brophy McGee)  
S.B. 1312 bad checks; restitution payments (Farnsworth E)  
S.B. 1314 death penalty; aggravating circumstances (Farnsworth E)  
S.B. 1338 veteran special plates; branch seal (Carter)  
S.B. 1347 luxury tax; cavendish; definition (Gowan)  
S.B. 1351 peace officers memorial board; continuation (Borrelli)  
S.B. 1448 alarm systems; low-voltage electric fences (Farnsworth E)  
S.B. 1529 agriculture advisory council; membership (Pratt)  
S.B. 1530 task force; towing safety; extension (Pratt)

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

House Engrossed Senate Bill

**FILED**  
**KATIE HOBBS**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 58**  
**SENATE BILL 1180**

AN ACT

AMENDING SECTIONS 15-512 AND 42-1003, ARIZONA REVISED STATUTES; RELATING  
TO BACKGROUND CHECKS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 15-512, Arizona Revised Statutes, is amended to  
3 read:

4 15-512. Noncertificated personnel; fingerprinting personnel;  
5 background investigations; affidavit; civil  
6 immunity; violation; classification; definition

7 A. Noncertificated personnel and personnel who are not paid  
8 employees of the school district and who are not either the parent or the  
9 guardian of a pupil who attends school in the school district but who are  
10 required or allowed to provide services directly to pupils without the  
11 supervision of a certificated employee and who are initially hired by a  
12 school district after January 1, 1990 shall be fingerprinted as a  
13 condition of employment except for personnel who are required as a  
14 condition of licensing to be fingerprinted if the license is required for  
15 employment or for personnel who were previously employed by a school  
16 district and who reestablished employment with that district within one  
17 year after the date that the employee terminated employment with the  
18 district. A school district may require noncertificated personnel and  
19 personnel who are not paid employees of the school district and who are  
20 not either the parent or the guardian of a pupil who attends school in the  
21 school district but who are required or allowed to provide services  
22 directly to pupils without the supervision of a certificated employee to  
23 obtain a fingerprint clearance card as a condition of employment. Even if  
24 the school district does not require a fingerprint clearance card as a  
25 condition of employment, noncertificated personnel and personnel who are  
26 not paid employees of the school district and who are not either the  
27 parent or the guardian of a pupil who attends school in the school  
28 district but who are required or allowed to provide services directly to  
29 pupils without the supervision of a certificated employee may apply for a  
30 fingerprint clearance card. A school district may release the results of  
31 a background check or communicate whether the person has been issued or  
32 denied a fingerprint clearance card to another school district for  
33 employment purposes. The employee's fingerprints and the form prescribed  
34 in subsection D of this section shall be submitted to the school district  
35 within twenty days after the date an employee begins work. A school  
36 district may terminate an employee if the information on the form provided  
37 under subsection D of this section is inconsistent with the information  
38 received from the fingerprint check or the information received in  
39 connection with a fingerprint clearance card application. The school  
40 district shall develop procedures for fingerprinting employees. For the  
41 purposes of this subsection, "supervision" means under the direction of  
42 and, except for brief periods of time during a school day or a school  
43 activity, within sight of a certificated employee when providing direct  
44 services to pupils.

1 B. Fingerprints submitted pursuant to this section shall be used to  
2 conduct a state and federal criminal records check pursuant to section  
3 41-1750 and Public Law 92-544. The department of public safety may  
4 exchange this fingerprint data with the federal bureau of investigation.

5 C. The school district shall assume the costs of fingerprint checks  
6 and fingerprint clearance cards and may charge these costs to its  
7 fingerprinted employee, except that the school district may not charge the  
8 costs of the fingerprint check or the fingerprint clearance card to  
9 personnel of the school district who are not paid employees. The fees  
10 charged for fingerprinting shall be deposited with the county treasurer  
11 who shall credit the deposit to the fingerprint fund of the school  
12 district. The costs charged to a fingerprinted employee are limited to  
13 and the proceeds in the fund may only be applied to the actual costs,  
14 including personnel costs, incurred as a result of the fingerprint checks  
15 or the fingerprint clearance cards. The fingerprint fund is a continuing  
16 fund that is not subject to reversion.

17 D. Personnel required to be fingerprinted or obtain a fingerprint  
18 clearance card as prescribed in subsection A of this section shall certify  
19 on forms that are provided by the school and notarized whether they are  
20 awaiting trial on or have ever been convicted of or admitted in open court  
21 or pursuant to a plea agreement committing any of the following criminal  
22 offenses in this state or similar offenses in another jurisdiction,  
23 INCLUDING A CHARGE OR CONVICTION THAT HAS BEEN VACATED, SET ASIDE OR  
24 EXPUNGED:

- 25 1. Sexual abuse of a minor.
- 26 2. Incest.
- 27 3. First or second degree murder.
- 28 4. Kidnapping.
- 29 5. Arson.
- 30 6. Sexual assault.
- 31 7. Sexual exploitation of a minor.
- 32 8. Felony offenses involving contributing to the delinquency of a  
33 minor.
- 34 9. Commercial sexual exploitation of a minor.
- 35 10. Felony offenses involving sale, distribution or transportation  
36 of, offer to sell, transport, or distribute or conspiracy to sell,  
37 transport or distribute marijuana or dangerous or narcotic drugs.
- 38 11. Felony offenses involving the possession or use of marijuana,  
39 dangerous drugs or narcotic drugs.
- 40 12. Misdemeanor offenses involving the possession or use of  
41 marijuana or dangerous drugs.
- 42 13. Burglary in the first degree.
- 43 14. Burglary in the second or third degree.
- 44 15. Aggravated or armed robbery.
- 45 16. Robbery.

1           17. A dangerous crime against children as defined in section  
2 13-705.

3           18. Child abuse.

4           19. Sexual conduct with a minor.

5           20. Molestation of a child.

6           21. Manslaughter.

7           22. Aggravated assault.

8           23. Assault.

9           24. Exploitation of minors involving drug offenses.

10          E. A school district may refuse to hire or may review or terminate  
11 personnel who have been convicted of or admitted committing any of the  
12 criminal offenses prescribed in subsection D of this section or of a  
13 similar offense in another jurisdiction. A school district that is  
14 considering terminating an employee pursuant to this subsection shall hold  
15 a hearing to determine whether a person already employed shall be  
16 terminated. In conducting a review, the governing board shall utilize the  
17 guidelines, including the list of offenses that are not subject to review,  
18 as prescribed by the state board of education pursuant to section 15-534,  
19 subsection C. In considering whether to hire or terminate the employment  
20 of a person the governing board shall take into account the following  
21 factors:

22           1. The nature of the crime and the potential for crimes against  
23 children.

24           2. Offenses committed as a minor for which proceedings were held  
25 under the jurisdiction of a juvenile or an adult court.

26           3. Offenses that have been expunged by a court of competent  
27 jurisdiction, if the person has been pardoned or if the person's sentence  
28 has been commuted.

29           4. The employment record of the person since the commission of the  
30 crime if the crime was committed more than ten years before the governing  
31 board's consideration of whether to hire or terminate the person.

32           5. The reliability of the evidence of an admission of a crime  
33 unless made under oath in a court of competent jurisdiction.

34          F. Before employment with the school district, the district shall  
35 make documented, good faith efforts to contact previous employers of a  
36 person to obtain information and recommendations that may be relevant to a  
37 person's fitness for employment. A governing board shall adopt procedures  
38 for conducting background investigations required by this subsection,  
39 including one or more standard forms for use by school district officials  
40 to document their efforts to obtain information from previous employers.  
41 A school district may provide information received as a result of a  
42 background investigation required by this section to any other school  
43 district, to any other public school and to any public entity that agrees  
44 pursuant to a contract or intergovernmental agreement to perform  
45 background investigations for school districts or other public schools.

1 School districts and other public schools may enter into intergovernmental  
2 agreements pursuant to section 11-952 and cooperative purchasing  
3 agreements pursuant to rules adopted in accordance with section 15-213 for  
4 the purposes of performing or contracting for the performance of  
5 background investigations and for sharing the results of background  
6 investigations required by this subsection. Information obtained about an  
7 employee or applicant for employment by any school district or other  
8 public school in the performance of a background investigation may be  
9 retained by that school district or the other public school or by any  
10 public entity that agrees pursuant to contract to perform background  
11 investigations for school districts or other public schools and may be  
12 provided to any school district or other public school that is performing  
13 a background investigation required by this subsection.

14 G. A school district may fingerprint or require any other employee  
15 of the district to obtain a fingerprint clearance card, whether paid or  
16 not, or any other applicant for employment with the school district not  
17 otherwise required by this section to be fingerprinted or obtain a  
18 fingerprint clearance card on the condition that the school district may  
19 not charge the costs of the fingerprint check or fingerprint clearance  
20 card to the fingerprinted applicant or nonpaid employee.

21 H. A contractor, subcontractor or vendor or any employee of a  
22 contractor, subcontractor or vendor who is contracted to provide services  
23 on a regular basis at an individual school shall obtain a valid  
24 fingerprint clearance card pursuant to title 41, chapter 12, article 3.1.  
25 A school district governing board shall adopt policies to exempt a person  
26 from the requirements of this subsection if the person's normal job duties  
27 are not likely to result in independent access to or unsupervised contact  
28 with pupils. A school district, its governing board members, its school  
29 council members and its employees are exempt from civil liability for the  
30 consequences of adoption and implementation of policies and procedures  
31 pursuant to this subsection unless the school district, its governing  
32 board members, its school council members or its employees are guilty of  
33 gross negligence or intentional misconduct.

34 I. Subsection A of this section does not apply to a person who  
35 provides instruction or other education services to a pupil, with the  
36 written consent of the parent or guardian of the pupil, under a work  
37 release program, advance placement course or other education program that  
38 occurs off school property.

39 J. Public entities that agree pursuant to contract to perform  
40 background investigations, public schools, the department of education and  
41 previous employers who provide information pursuant to this section are  
42 immune from civil liability unless the information provided is false and  
43 is acted on by the school district to the harm of the employee and the  
44 public entity, the public school, the previous employer or the department  
45 of education knows the information is false or acts with reckless

1 disregard of the information's truth or falsity. A school district that  
2 relies on information obtained pursuant to this section in making  
3 employment decisions is immune from civil liability for use of the  
4 information unless the information obtained is false and the school  
5 district knows the information is false or acts with reckless disregard of  
6 the information's truth or falsity.

7 K. The superintendent of a school district or chief administrator  
8 of a charter school or the person's designee who is responsible for  
9 implementing the governing board's policy regarding background  
10 investigations required by subsection F of this section and who fails to  
11 carry out that responsibility is guilty of unprofessional conduct and  
12 shall be subject to disciplinary action by the state board.

13 L. A school district may hire noncertificated personnel before  
14 receiving the results of the fingerprint check or a fingerprint clearance  
15 card but may terminate employment if the information on the form provided  
16 in subsection D of this section is inconsistent with the information  
17 received from the fingerprint check or the fingerprint clearance card. In  
18 addition to any other conditions or requirements deemed necessary by the  
19 superintendent of public instruction to protect the health and safety of  
20 pupils, noncertificated personnel who are required or allowed unsupervised  
21 contact with pupils may be hired by school districts before the results of  
22 a fingerprint check are received or a fingerprint clearance card is issued  
23 if all of the following conditions are met:

24 1. The school district that is seeking to hire the applicant shall  
25 document in the applicant's file the necessity for hiring and placement of  
26 the applicant before a fingerprint check could be completed or a  
27 fingerprint clearance card could be issued.

28 2. The school district that is seeking to hire the applicant shall  
29 do all of the following:

30 (a) Ensure that the department of public safety completes a  
31 statewide criminal history information check on the applicant. A  
32 statewide criminal history information check shall be completed by the  
33 department of public safety every one hundred twenty days until the date  
34 that the fingerprint check is completed or the fingerprint clearance card  
35 is issued or denied.

36 (b) Obtain references from the applicant's current employer and two  
37 most recent previous employers except for applicants who have been  
38 employed for at least five years by the applicant's most recent employer.

39 (c) Provide general supervision of the applicant until the date  
40 that the fingerprint check is completed or the fingerprint clearance card  
41 is issued or denied.

42 (d) Report to the superintendent of public instruction on June 30  
43 and December 31 each year the number of applicants hired before the  
44 completion of a fingerprint check or the issuance of a fingerprint  
45 clearance card. In addition, the school district shall report the number

1 of applicants for whom fingerprint checks were not received or fingerprint  
2 clearance cards were not issued after one hundred twenty days and after  
3 one hundred seventy-five days of hire.

4 M. Notwithstanding any other law, this section does not apply to  
5 pupils who attend school in a school district and who are also employed by  
6 a school district.

7 N. A person who makes a false statement, representation or  
8 certification in any application for employment with the school district  
9 is guilty of a class 3 misdemeanor.

10 O. For the purposes of this section, "background investigation"  
11 means any communication with an employee's or applicant's former employer  
12 that concerns the education, training, experience, qualifications and job  
13 performance of the employee or applicant and that is used for the purpose  
14 of evaluating the employee or applicant for employment. Background  
15 investigation does not include the results of any state or federal  
16 criminal history records check.

17 Sec. 2. Section 42-1003, Arizona Revised Statutes, is amended to  
18 read:

19 42-1003. Department organization; director's staff; deputy  
20 director; assistant directors; fingerprinting;  
21 consumer reports; definition

22 A. The department ~~shall consist~~ CONSISTS of such divisions as the  
23 director deems necessary to achieve maximum efficiency, economy and  
24 effectiveness in administering and collecting taxes. The departmental  
25 organization shall provide for administering taxes as prescribed by law  
26 and for administrative services to the department, including data  
27 processing, accounting, records management, publications, collection of  
28 delinquent accounts, personnel services and budget and property control.

29 B. The director may divide the state into a reasonable number of  
30 districts and establish a full-time or part-time branch office or offices  
31 in each district as may be necessary. In establishing districts and  
32 branch offices, the director shall give due consideration to economy of  
33 administration and service to the taxpayers.

34 C. The director may employ, appoint and remove, in the manner  
35 prescribed by law, such officers, agents, branch office deputies and other  
36 staff personnel as ~~he~~ THE DIRECTOR deems necessary to assist ~~him~~ in ~~the~~  
37 ~~administration of~~ ADMINISTERING the department. The director's staff may  
38 perform such functions as the director prescribes ~~which include, but are~~  
39 ~~not limited to~~, INCLUDING budget development, legal research and analysis,  
40 tax research, departmental audit and public relations.

41 D. A deputy director of the department may be appointed by the  
42 director with the approval of the governor. The deputy director, if  
43 appointed, ~~shall serve~~ SERVES at the pleasure of the director with the  
44 approval of the governor. The deputy director shall assist the director  
45 in ~~the administration of~~ ADMINISTERING the department and ~~shall have such~~

1 HAS THE duties and responsibilities as ~~may be assigned to him~~ by the  
2 director ASSIGNS.

3 E. The director ~~may~~, with the approval of the governor, MAY appoint  
4 an assistant director to head each division of the department. Any  
5 assistant director appointed ~~shall be~~ IS directly responsible for the  
6 functions performed by ~~his or her~~ THE ASSISTANT DIRECTOR'S division. Each  
7 assistant director ~~shall serve~~ SERVES at the pleasure of the director with  
8 the approval of the governor.

9 F. The director may appoint other deputies or assistants to conduct  
10 hearings, prescribe administrative rules or perform any other duty  
11 prescribed for the department by law.

12 G. The director may require officers, agents, deputies and other  
13 employees designated by the director to give bond for the faithful  
14 performance of their duties in such AN amount and with such sureties as  
15 the director ~~may determine~~ DETERMINES or as prescribed by statute. The  
16 department shall pay all premiums on the bonds out of monies appropriated  
17 for the administration of the department.

18 H. The director and officers and employees designated by ~~him~~ THE  
19 DIRECTOR may administer an oath to any person or take the acknowledgement  
20 of any person in respect of any return or report required by law or the  
21 administrative rules of the department.

22 I. The director may reassign the administration of taxes and may  
23 assign and delegate the duties, powers and functions of the department  
24 among its divisions in order to achieve maximum efficiency, economy and  
25 effectiveness. The director or ~~his~~ THE deputy DIRECTOR, if any, shall  
26 enforce cooperation among the divisions in the provision and integration  
27 of all functions at all levels of the department.

28 J. THE DIRECTOR MAY OBTAIN A STATE AND FEDERAL CRIMINAL RECORDS  
29 CHECK FOR AN APPLICANT FOR EMPLOYMENT FOR THE PURPOSE OF HIRING PERSONNEL  
30 OR FOR ANY EMPLOYEE, CONTRACTOR OR TEMPORARY EMPLOYEE AS REQUIRED BY  
31 INTERNAL REVENUE SERVICE GUIDELINES OR ANY OTHER FEDERAL GUIDELINES.  
32 BEFORE MAKING A FINAL OFFER OF EMPLOYMENT OR FOR PURPOSES OF SCREENING AN  
33 EMPLOYEE OR CONTRACTOR, THE DIRECTOR SHALL REQUIRE THE PREFERRED  
34 APPLICANTS, EMPLOYEES OR CONTRACTORS TO SUBMIT A FULL SET OF FINGERPRINTS.  
35 THE DIRECTOR SHALL SUBMIT THE FINGERPRINTS TO THE DEPARTMENT OF PUBLIC  
36 SAFETY FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS  
37 CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT  
38 OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL  
39 BUREAU OF INVESTIGATION. THE DEPARTMENT OF REVENUE MAY DISCLOSE  
40 INFORMATION OBTAINED PURSUANT TO THIS SUBSECTION ONLY TO MEMBERS OF THE  
41 DEPARTMENT'S STAFF SOLELY FOR EMPLOYMENT PURPOSES. AN APPLICANT,  
42 EMPLOYEE, CONTRACTOR OR TEMPORARY EMPLOYEE IS NOT DISQUALIFIED FROM  
43 EMPLOYMENT UNDER THIS SUBSECTION EXCEPT IN ACCORDANCE WITH SECTION 13-904,  
44 SUBSECTION E.

1 K. THE DIRECTOR MAY OBTAIN A CONSUMER REPORT FOR AN APPLICANT FOR  
2 EMPLOYMENT FOR THE PURPOSE OF HIRING PERSONNEL WHOSE JOB DUTIES INCLUDE  
3 THE DISTRIBUTION OF TAX REVENUES PURSUANT TO THIS TITLE AND TITLE 43.  
4 CONSUMER REPORT INFORMATION MAY BE OBTAINED AND USED ONLY IN ACCORDANCE  
5 WITH THE FAIR CREDIT REPORTING ACT (P.L. 90-321; 84 STAT. 1128; 15 UNITED  
6 STATES CODE SECTIONS 1681 THROUGH 1681x). THE CONSUMER REPORT INFORMATION  
7 SHALL NOT BE THE SOLE REASON FOR THE DISQUALIFICATION OF THE APPLICANT.

8 L. FOR THE PURPOSES OF THIS SECTION, "APPLICANT" MEANS ANY PERSON  
9 WHO SEEKS EMPLOYMENT AS A NEW HIRE OR ANY EMPLOYEE OF THE DEPARTMENT WHO  
10 SEEKS A TRANSFER, A RECLASSIFICATION OR A REASSIGNMENT TO A DIFFERENT  
11 POSITION.

**APPROVED BY THE GOVERNOR APRIL 10, 2019.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2019.**

Passed the House April 3, 2019,

Passed the Senate March 6, 2019

by the following vote: 60 Ayes,

by the following vote: 24 Ayes,

0 Nays, 0 Not Voting

6 Nays, 0 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

S.B. 1180

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 4, 2019

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Karen Fann

President of the Senate

Susan Owens

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

4<sup>th</sup> day of April, 2019

at 2:51 o'clock P M.

Ryan Glendon

Secretary to the Governor

Approved this 10<sup>th</sup> day of

April 2019

at 2:16 o'clock P M.

Janet D. Terry

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 10 day of April, 2019

at 4:20 o'clock P. M.

[Signature]

Secretary of State

S.B. 1180