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REFERENCE TITLE: animal and ecological terrorism

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

SB 1081

Introduced by
Senators Verschoor, Allen, Harper; Representative Pearce: Senators Aguirre L, Anderson, Bee, Bennett, Binder, Blendu, Brown, Burns, Cannell R, Garcia, Jarrett, Martin, Miranda, Tibshraeny, Waring, Weiers; Representatives Hanson, Quelland

AN ACT

CHANGING THE DESIGNATION OF TITLE 13, CHAPTER 23, ARIZONA REVISED STATUTES, TO "ORGANIZED CRIME, FRAUD AND TERRORISM"; AMENDING SECTIONS 13-2301 AND 41-1750, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 23, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 13-2319, 13-2320 AND 13-2321; RELATING TO ANIMAL AND ECOLOGICAL TERRORISM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1

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

Section 1. Heading change

The chapter heading of title 13, chapter 23, Arizona Revised Statutes, is changed from "ORGANIZED CRIME AND FRAUD" to "ORGANIZED CRIME, FRAUD AND TERRORISM".

Sec. 2. Section 13-2301, Arizona Revised Statutes, is amended to read:

13-2301. Definitions

A. For the purposes of sections 13-2302, 13-2303 and 13-2304:

1. "Collect an extension of credit" means to induce in any way any person to make repayment of that extension.

2. "Creditor" means any person making an extension of credit or any person claiming by, under or through any person making an extension of credit.

3. "Debtor" means any person to whom an extension of credit is made or any person who guarantees the repayment of an extension of credit, or in any manner undertakes to indemnify the creditor against loss resulting from the failure of any person to whom an extension is made to repay the extension.

4. "Extend credit" means to make or renew any loan or to enter into any agreement, tacit or express, whereby the repayment or satisfaction of any debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

5. "Extortionate extension of credit" means any extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person or the reputation or property of any person.

6. "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person or the reputation or property of any person.

7. "Repayment of any extension of credit" means the repayment, satisfaction or discharge in whole or in part of any debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

B. For the purposes of section 13-2305, 13-2306 or 13-2307:

1. "Dealer in property" means a person who buys and sells property as a business.

2. "Stolen property" means property of another as defined in section 13-1801 that has been the subject of any unlawful taking.

3. "Traffic" means to sell, transfer, distribute, dispense or otherwise dispose of stolen property to another person, or to buy, receive, possess or obtain control of stolen property, with the intent to sell, transfer, distribute, dispense or otherwise dispose of the property to another person.

C. For the purposes of this chapter:

1. "Biological agent" means any microorganism, virus, infectious substance or biological product that may be engineered through biotechnology or any naturally occurring or bioengineered component of any microorganism, virus, infectious substance or biological product and that is capable of causing any of the following:

(a) Death, disease or physical injury in a human, animal, plant or other living organism.

(b) The deterioration or contamination of air, food, water, equipment, supplies or material of any kind.

2. "Combination" means persons who collaborate in carrying on or furthering the activities or purposes of a criminal syndicate even though such persons may not know each other's identity, membership in the combination changes from time to time or one or more members may stand in a wholesaler-retailer or other arm's length relationship with others as to activities or dealings between or among themselves in an illicit operation.

3. "Communication service provider" has the same meaning prescribed in section 13-3001.

4. "Criminal syndicate" means any combination of persons or enterprises engaging, or having the purpose of engaging, on a continuing basis in conduct that violates any one or more provisions of any felony statute of this state.

5. "Explosive agent" means an explosive as defined in section 13-3101 and flammable fuels or fire accelerants in amounts over fifty gallons but excludes:

(a) Fireworks as defined in section 36-1601.

(b) Firearms.

(c) A propellant actuated device or propellant actuated industrial tool.

(d) A device that is commercially manufactured primarily for the purpose of illumination.

(e) A rocket having a propellant charge of less than four ounces.

6. "Material support or resources" includes money or other financial securities, financial services, lodging, sustenance, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, disguises and other physical assets but does not include medical assistance, legal assistance or religious materials.

7. "Public establishment" means a structure that is owned, leased or operated by this state or a political subdivision of this state or a health care institution as defined in section 36-401.

8. "Terrorism" means any felony, including any completed or preparatory offense, that involves the use of a deadly weapon or a weapon of mass destruction or the intentional or knowing infliction of serious physical injury with the intent to either:

(a) Influence the policy or affect the conduct of this state or any of the political subdivisions, agencies or instrumentalities of this state.

(b) Cause substantial damage to or substantial interruption of public communications, communication service providers, public transportation, common carriers, public utilities, public establishments or other public services.

9. "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi or infectious substances or a recombinant molecule, whatever its origin or method of reproduction, including:

(a) Any poisonous substance or biological product that may be engineered through biotechnology and that is produced by a living organism.

(b) Any poisonous isomer or biological product, homolog or derivative of such substance.

10. "Vector" means a living organism or molecule, including a recombinant molecule or biological product that may be engineered through biotechnology, that is capable of carrying a biological agent or toxin to a host.

11. "Weapon of mass destruction" means:

(a) Any device or object that is designed or that the person intends to use to cause multiple deaths or serious physical injuries through the use of an explosive agent or the release, dissemination or impact of a toxin, biological agent, poisonous chemical, or its precursor, or any vector.

(b) Except as authorized and used in accordance with a license, registration or exemption by the radiation regulatory agency pursuant to section 30-672, any device or object that is designed or that the person intends to use to release radiation or radioactivity at a level that is dangerous to human life.

D. For the purposes of sections 13-2312, 13-2313, 13-2314 and 13-2315, unless the context otherwise requires:

1. "Control", in relation to an enterprise, means the possession of sufficient means to permit substantial direction over the affairs of an enterprise and, in relation to property, means to acquire or possess.

2. "Enterprise" means any corporation, partnership, association, labor union or other legal entity or any group of persons associated in fact although not a legal entity.

3. "Financial institution" means any business under the jurisdiction of the state banking department or a banking or securities regulatory agency of the United States, a business coming within the definition of a bank, financial agency or financial institution as prescribed by 31 United States Code section 5312 or 31 Code of Federal Regulations section 103.11 or a business under the jurisdiction of the securities division of the corporation commission, the state real estate department or the department of insurance.

4. "Racketeering" means any act, including any preparatory or completed offense, that is chargeable or indictable under the laws of the state or country in which the act occurred and, if the act occurred in a

state or country other than this state, that would be chargeable or indictable under the laws of this state if the act had occurred in this state, and that would be punishable by imprisonment for more than one year under the laws of this state and, if the act occurred in a state or country other than this state, under the laws of the state or country in which the act occurred, regardless of whether the act is charged or indicted, and the act involves either:

(a) Terrorism, ANIMAL TERRORISM OR ECOLOGICAL TERRORISM that results or is intended to result in a risk of serious physical injury or death.

(b) Any of the following acts if committed for financial gain:

(i) Homicide.

(ii) Robbery.

(iii) Kidnapping.

(iv) Forgery.

(v) Theft.

(vi) Bribery.

(vii) Gambling.

(viii) Usury.

(ix) Extortion.

(x) Extortionate extensions of credit.

(xi) Prohibited drugs, marijuana or other prohibited chemicals or substances.

(xii) Trafficking in explosives, weapons or stolen property.

(xiii) Participating in a criminal syndicate.

(xiv) Obstructing or hindering criminal investigations or prosecutions.

(xv) Asserting false claims including, but not limited to, false claims asserted through fraud or arson.

(xvi) Intentional or reckless false statements or publications concerning land for sale or lease or sale of subdivided lands or sale and mortgaging of unsubdivided lands.

(xvii) Resale of realty with intent to defraud.

(xviii) Intentional or reckless fraud in the purchase or sale of securities.

(xix) Intentional or reckless sale of unregistered securities or real property securities.

(xx) A scheme or artifice to defraud.

(xxi) Obscenity.

(xxii) Sexual exploitation of a minor.

(xxiii) Prostitution.

(xxiv) Restraint of trade or commerce in violation of section 34-252.

(xxv) Terrorism.

(xxvi) Money laundering.

(xxvii) Obscene or indecent telephone communications to minors for commercial purposes.

(xxviii) Counterfeiting marks as proscribed in section 44-1453.

(xxix) ANIMAL TERRORISM OR ECOLOGICAL TERRORISM.

5. "Records" means any book, paper, writing, computer program, data, image or information that is collected, recorded, preserved or maintained in any form of storage medium.

6. "Remedy racketeering" means to enter a civil judgment pursuant to this chapter or chapter 39 of this title against property or a person who is subject to liability, including liability for injury to the state that is caused by racketeering or by actions in concert with racketeering.

E. For the purposes of sections 13-2316, 13-2316.01 and 13-2316.02:

1. "Access" means to instruct, communicate with, store data in, retrieve data from or otherwise make use of any resources of a computer, computer system or network.

2. "Access device" means any card, token, code, account number, electronic serial number, mobile or personal identification number, password, encryption key, biometric identifier or other means of account access, including a canceled or revoked access device, that can be used alone or in conjunction with another access device to obtain money, goods, services, computer or network access or any other thing of value or that can be used to initiate a transfer of any thing of value.

3. "Computer" means an electronic device that performs logic, arithmetic or memory functions by the manipulations of electronic or magnetic impulses and includes all input, output, processing, storage, software or communication facilities that are connected or related to such a device in a system or network.

4. "Computer contaminant" means any set of computer instructions that is designed to modify, damage, destroy, record or transmit information within a computer, computer system or network without the intent or permission of the owner of the information, computer system or network. Computer contaminant includes a group of computer instructions, such as viruses or worms, that is self-replicating or self-propagating and that is designed to contaminate other computer programs or computer data, to consume computer resources, to modify, destroy, record or transmit data or in some other fashion to usurp the normal operation of the computer, computer system or network.

5. "Computer program" means a series of instructions or statements, in a form acceptable to a computer, that permits the functioning of a computer system in a manner designed to provide appropriate products from the computer system.

6. "Computer software" means a set of computer programs, procedures and associated documentation concerned with the operation of a computer system.

7. "Computer system" means a set of related, connected or unconnected computer equipment, devices and software, including storage, media and peripheral devices.

8. "Critical infrastructure resource" means any computer or communications system or network that is involved in providing services necessary to ensure or protect the public health, safety or welfare, including services that are provided by any of the following:

(a) Medical personnel and institutions.

(b) Emergency services agencies.

(c) Public and private utilities, including water, power, communications and transportation services.

(d) Fire departments, districts or volunteer organizations.

(e) Law enforcement agencies.

(f) Financial institutions.

(g) Public educational institutions.

(h) Government agencies.

9. "False or fraudulent pretense" means the unauthorized use of an access device or the use of an access device to exceed authorized access.

10. "Financial instrument" means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card or marketable security or any other written instrument as defined in section 13-2001 that is transferable for value.

11. "Network" includes a complex of interconnected computer or communication systems of any type.

12. "Property" means financial instruments, information, including electronically produced data, computer software and programs in either machine or human readable form, and anything of value, tangible or intangible.

13. "Proprietary or confidential computer security information" means information about a particular computer, computer system or network that relates to its access devices, security practices, methods and systems, architecture, communications facilities, encryption methods and system vulnerabilities and that is not made available to the public by its owner or operator.

14. "Services" includes computer time, data processing, storage functions and all types of communication functions.

Sec. 3. Title 13, chapter 23, Arizona Revised Statutes, is amended by adding sections 13-2319, 13-2320 and 13-2321, to read:

13-2319. Animal and ecological terrorism; civil action; classification; definitions

A. IT IS UNLAWFUL FOR AN ANIMAL OR ECOLOGICAL TERRORIST ORGANIZATION OR FOR ANY PERSON ACTING ON BEHALF OF, AT THE REQUEST OF OR FOR THE BENEFIT OF AN ANIMAL OR ECOLOGICAL TERRORIST ORGANIZATION TO DO ANY OF THE FOLLOWING:

1. DEPRIVE THE OWNER OF AN ANIMAL OR NATURAL RESOURCE OF PARTICIPATING IN AN ANIMAL OR NATURAL RESOURCE ACTIVITY BY DOING ANY OF THE FOLLOWING:

(a) OBSTRUCTING PERMANENTLY, OR FOR SUCH A PERIOD OF TIME THAT A SIGNIFICANT PORTION OF THE VALUE OR ENJOYMENT OF THE ANIMAL, NATURAL RESOURCE OR OTHER PROPERTY IS LOST TO THE OWNER, THE LAWFUL USE OF AN ANIMAL, NATURAL

RESOURCE OR OTHER PROPERTY OF THE OWNER THROUGH THE USE OF COERCION, FEAR, INTIMIDATION OR PROPERTY DAMAGE.

(b) TAKING OR DETAINING THE ANIMAL, NATURAL RESOURCE OR OTHER PROPERTY AND AGREEING TO RESTORE THE ANIMAL, NATURAL RESOURCE OR OTHER PROPERTY ON THE RECEIPT OF A REWARD OR OTHER COMPENSATION.

(c) DESTROYING OR DISPOSING OF AN ANIMAL, NATURAL RESOURCE OR OTHER PROPERTY OR ALTERING THE CONDITION OR USEFULNESS OF AN ANIMAL, NATURAL RESOURCE OR OTHER PROPERTY SO THAT THE VALUE OF THE ANIMAL, NATURAL RESOURCE OR OTHER PROPERTY IS SUBSTANTIALLY REDUCED.

2. OBSTRUCTING OR IMPEDING THE USE OF AN ANIMAL FACILITY OR RESEARCH FACILITY OR THE USE OF A NATURAL RESOURCE WITHOUT THE CONSENT OF THE OWNER BY DOING ANY OF THE FOLLOWING:

(a) DAMAGING OR DESTROYING AN ANIMAL FACILITY OR RESEARCH FACILITY OR ANY OTHER PROPERTY IN OR ON THE FACILITY OR PROPERTY OF THE FACILITY.

(b) ENTERING AN ANIMAL FACILITY OR RESEARCH FACILITY THAT AT THE TIME OF ENTRANCE IS CLOSED TO THE PUBLIC.

(c) ENTERING OR REMAINING ON THE GROUNDS OF AN ANIMAL FACILITY OR RESEARCH FACILITY WITH THE INTENT TO COMMIT AN ACT THAT IS PROHIBITED BY THIS SECTION.

(d) ENTERING OR REMAINING ON THE GROUNDS OF AN ANIMAL FACILITY OR RESEARCH FACILITY IF THE PERSON OR ORGANIZATION EITHER:

(i) RECEIVED NOTICE THAT ENTRY WAS PROHIBITED.

(ii) REFUSED TO LEAVE THE FACILITY OR THE PROPERTY OF THE FACILITY AFTER RECEIVING A REQUEST TO LEAVE.

(e) ENTERING AN ANIMAL FACILITY OR RESEARCH FACILITY WITH THE INTENT TO TAKE PICTURES BY PHOTOGRAPH, VIDEO CAMERA OR OTHER MEANS FOR THE PURPOSE OF COMMITTING A CRIMINAL OFFENSE OR DEFAMING THE FACILITY OR THE FACILITY'S OWNER.

3. PROVIDING ADVICE, ASSISTANCE OR DIRECTION IN THE CONDUCT, FINANCING OR MANAGEMENT OF AN ACT OF ANIMAL OR ECOLOGICAL TERRORISM KNOWING OR HAVING REASON TO KNOW THAT AN ACT OF ANIMAL OR ECOLOGICAL TERRORISM HAS OCCURRED OR MAY RESULT BY:

(a) HARBORING OR CONCEALING ANY PERSON OR PROPERTY.

(b) WARNING ANY PERSON OF IMPENDING DISCOVERY, APPREHENSION, PROSECUTION OR CONVICTION. THIS SUBDIVISION DOES NOT APPLY TO A WARNING THAT IS GIVEN IN CONNECTION WITH AN EFFORT TO BRING ANOTHER PERSON INTO COMPLIANCE WITH THE LAW.

(c) PROVIDING ANY PERSON WITH MATERIAL SUPPORT OR RESOURCES OR ANY OTHER MEANS OF AVOIDING DISCOVERY, APPREHENSION, PROSECUTION OR CONVICTION.

(d) CONCEALING OR DISGUISING THE NATURE, LOCATION, SOURCE, OWNERSHIP OR CONTROL OF MATERIAL SUPPORT OR RESOURCES.

(e) PREVENTING OR OBSTRUCTING BY MEANS OF FORCE, DECEPTION OR INTIMIDATION ANYONE FROM PERFORMING AN ACT THAT MIGHT AID IN THE DISCOVERY, APPREHENSION, PROSECUTION OR CONVICTION OF ANY PERSON OR THAT MIGHT AID IN THE PREVENTION OF AN ACT OF ANIMAL OR ECOLOGICAL TERRORISM.

(f) SUPPRESSING BY ANY ACT OF CONCEALMENT, ALTERATION OR DESTRUCTION ANY PHYSICAL EVIDENCE THAT MIGHT AID IN THE DISCOVERY, APPREHENSION, PROSECUTION OR CONVICTION OF ANY PERSON OR THAT MIGHT AID IN THE PREVENTION OF AN ACT OF ANIMAL OR ECOLOGICAL TERRORISM.

(g) CONCEALING THE IDENTITY OF ANY PERSON.

B. THIS SECTION DOES NOT APPLY TO:

1. ANY GOVERNMENT AGENCY OR ITS EMPLOYEES WHO ARE CARRYING OUT THE AGENCY'S RESPONSIBILITIES UNDER LAW.

2. THE LAWFUL ACTIVITIES OF ANY FINANCIAL INSTITUTION OR OTHER SECURED PARTY.

3. ANY HUMANE ANIMAL TREATMENT SHELTER WHOSE PRIMARY PURPOSE IS THE BONA FIDE CONTROL OR HUMANE CARE OF ANIMALS OR ITS EMPLOYEES WHO ARE ACTING WITHIN THE SCOPE OF THEIR EMPLOYMENT.

C. A PERSON WHO SUFFERS ECONOMIC LOSS AS A RESULT OF A VIOLATION OF THIS SECTION MAY BRING AN ACTION IN SUPERIOR COURT AGAINST THE PERSON OR ORGANIZATION THAT CAUSED THE ECONOMIC LOSS FOR BOTH:

1. AN AMOUNT THAT IS EQUAL TO THREE TIMES THE ECONOMIC DAMAGES, INCLUDING THE COST OF LOST OR DAMAGED PROPERTY OR RECORDS, THE COST OF REPEATING AN INTERRUPTED OR INVALIDATED EXPERIMENT, LOSS OF PROFITS OR OTHER CONSEQUENTIAL DAMAGES.

2. COURT COSTS AND REASONABLE ATTORNEY FEES.

D. A VIOLATION OF THIS SECTION IS A CLASS 4 FELONY EXCEPT THAT A VIOLATION OF THIS SECTION THAT RESULTS IN SERIOUS PHYSICAL INJURY IS A CLASS 2 FELONY.

E. FOR THE PURPOSES OF THIS SECTION:

1. "ANIMAL" MEANS ANY MAMMAL, BIRD, REPTILE OR AMPHIBIAN THAT IS LAWFULLY CONFINED FOR FOOD, FUR, FIBER PRODUCTION, AGRICULTURAL ACTIVITIES, RESEARCH, TESTING, EDUCATIONAL PURPOSES OR WILDLIFE PURPOSES.

2. "ANIMAL ACTIVITY" MEANS ANY ACTIVITY THAT INVOLVES THE USE OF ANIMALS OR ANIMAL PARTS, INCLUDING HUNTING, FISHING, TRAPPING, TRAVELING, CAMPING, PRODUCTION, PREPARATION OR PROCESSING OF FOOD OR FOOD PRODUCTS, CLOTHING OR GARMENT MANUFACTURING, MEDICAL OR OTHER RESEARCH, ENTERTAINMENT, RECREATION, AGRICULTURE, BIOTECHNOLOGY OR ANY OTHER SERVICE INVOLVING THE USE OF ANIMALS.

3. "ANIMAL FACILITY" INCLUDES A VEHICLE, BUILDING, STRUCTURE, RESEARCH FACILITY, NATURE PRESERVE OR OTHER PREMISES WHERE AN ANIMAL IS LAWFULLY KEPT, HANDLED, HOUSED, EXHIBITED, BRED OR OFFERED FOR SALE, INCLUDING A ZOO, RODEO, CIRCUS, AMUSEMENT PARK, HUNTING PRESERVE AND HORSE AND DOG EVENT.

4. "ANIMAL OR ECOLOGICAL TERRORIST ORGANIZATION" MEANS ANY ASSOCIATION, ORGANIZATION, ENTITY, COALITION OR COMBINATION OF TWO OR MORE PERSONS WITH THE PRIMARY OR INCIDENTAL PURPOSE OF SUPPORTING ANY ACTIVITY THROUGH INTIMIDATION, COERCION, FORCE OR FEAR THAT IS INTENDED TO OBSTRUCT, IMPEDE OR DETER ANY PERSON FROM PARTICIPATING IN A LAWFUL ANIMAL ACTIVITY, FROM MINING, FORESTING, HARVESTING, GATHERING OR PROCESSING NATURAL RESOURCES

OR FROM BEING LAWFULLY PRESENT IN OR ON AN ANIMAL FACILITY OR RESEARCH FACILITY.

5. "NATURAL RESOURCE" MEANS A MATERIAL SOURCE OF WEALTH THAT OCCURS IN A NATURAL STATE AND THAT HAS ECONOMIC VALUE, INCLUDING TIMBER, FRESH WATER OR MINERAL DEPOSITS.

6. "NOTICE" MEANS EITHER:

(a) AN ORAL OR WRITTEN COMMUNICATION BY THE OWNER OR ANOTHER PERSON WITH APPARENT AUTHORITY TO ACT FOR THE OWNER.

(b) A FENCE OR OTHER ENCLOSURE THAT IS OBVIOUSLY DESIGNED TO EXCLUDE INTRUDERS OR TO CONTAIN ANIMALS.

(c) A SIGN OR SIGNS THAT ARE POSTED ON THE PROPERTY OR AT THE ENTRANCE TO A BUILDING, THAT ARE REASONABLY LIKELY TO COME TO THE ATTENTION OF INTRUDERS AND THAT INDICATE THAT ENTRY IS PROHIBITED.

7. "OWNER" MEANS A PERSON WHO HAS EITHER:

(a) TITLE TO THE PROPERTY.

(b) LAWFUL POSSESSION OF THE PROPERTY.

8. "POSSESSION" MEANS ACTUAL CARE, CUSTODY, CONTROL OR MANAGEMENT.

9. "RESEARCH FACILITY" MEANS A PLACE, LABORATORY, INSTITUTION, MEDICAL CARE FACILITY, GOVERNMENT FACILITY, PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION OR NATURE PRESERVE AT WHICH A SCIENTIFIC TEST, EXPERIMENT OR INVESTIGATION INVOLVING THE USE OF ANIMALS OR OTHER ECOLOGICAL ORGANISMS IS LAWFULLY CARRIED OUT, CONDUCTED OR ATTEMPTED.

13-2320. Terrorists; registration

A. A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF SECTION 13-2308.01 OR 13-2319 SHALL WITHIN SEVEN DAYS AFTER CONVICTION REGISTER WITH THE SHERIFF.

B. IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC SAFETY AND EACH COUNTY SHERIFF, BEFORE THE PERSON IS RELEASED FROM CONFINEMENT THE STATE DEPARTMENT OF CORRECTIONS SHALL COMPLETE THE REGISTRATION OF ANY PERSON WHO WAS CONVICTED OF A VIOLATION OF SECTION 13-2308.01 OR 13-2319. WITHIN THREE DAYS AFTER THE PERSON'S RELEASE FROM CONFINEMENT, THE STATE DEPARTMENT OF CORRECTIONS SHALL FORWARD THE REGISTERED PERSON'S RECORDS TO THE DEPARTMENT OF PUBLIC SAFETY AND TO THE SHERIFF OF THE COUNTY IN WHICH THE REGISTERED PERSON INTENDS TO RESIDE.

C. AT THE TIME OF REGISTERING, THE PERSON SHALL SIGN A STATEMENT IN WRITING GIVING SUCH INFORMATION AS REQUIRED BY THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING ALL NAMES BY WHICH THE PERSON IS KNOWN. THE SHERIFF SHALL FINGERPRINT AND PHOTOGRAPH THE PERSON AND WITHIN THREE DAYS SHALL SEND COPIES OF THE STATEMENT, FINGERPRINTS AND PHOTOGRAPHS TO THE CRIMINAL IDENTIFICATION SECTION WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND THE CHIEF OF POLICE, IF ANY, OF THE PLACE WHERE THE PERSON RESIDES.

D. ON THE PERSON'S INITIAL REGISTRATION AND EVERY YEAR AFTER THE PERSON'S INITIAL REGISTRATION, THE PERSON SHALL OBTAIN A NONOPERATING IDENTIFICATION LICENSE OR A DRIVER LICENSE FROM THE DEPARTMENT OF TRANSPORTATION. NOTWITHSTANDING SECTIONS 28-3165 AND 28-3171, THE LICENSE

SHALL BE VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE, AND THE PERSON SHALL SUBMIT TO THE DEPARTMENT OF TRANSPORTATION PROOF OF THE PERSON'S ADDRESS. THE DEPARTMENT OF TRANSPORTATION SHALL MAKE A COPY OF THE PHOTOGRAPH AVAILABLE TO THE CRIMINAL IDENTIFICATION SECTION OF THE DEPARTMENT OF PUBLIC SAFETY OR TO ANY LAW ENFORCEMENT AGENCY.

13-2321. Internet terrorist web site; investigation of records; immunity; fees

A. THE DEPARTMENT OF PUBLIC SAFETY SHALL ESTABLISH AND MAINTAIN AN INTERNET TERRORIST WEB SITE FOR PERSONS WHO WERE CONVICTED OF A VIOLATION OF SECTION 13-2308.01 OR 13-2319. THE PURPOSE OF THE INTERNET TERRORIST WEB SITE IS TO PROVIDE TERRORIST INFORMATION TO THE PUBLIC.

B. THE INTERNET TERRORIST WEB SITE SHALL INCLUDE THE FOLLOWING INFORMATION FOR EACH CONVICTED PERSON IN THIS STATE WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 13-2320:

1. THE OFFENDER'S NAME, ADDRESS AND DATE OF BIRTH.

2. A CURRENT PHOTOGRAPH.

C. THE DEPARTMENT OF PUBLIC SAFETY SHALL ANNUALLY UPDATE ON THE WEB SITE THE NAME, ADDRESS AND PHOTOGRAPH OF EACH OFFENDER.

D. THE DEPARTMENT OF TRANSPORTATION SHALL SEND COPIES OF EACH OFFENDER'S NONOPERATING IDENTIFICATION LICENSE OR DRIVER LICENSE PHOTOGRAPH TO THE DEPARTMENT OF PUBLIC SAFETY FOR INCLUSION ON THE TERRORIST WEB SITE.

E. THE DEPARTMENT OF PUBLIC SAFETY SHALL ANNUALLY VERIFY THE ADDRESSES OF ALL TERRORIST REGISTRATION RECORDS CONTAINED WITHIN THE ARIZONA CRIMINAL JUSTICE INFORMATION SYSTEM. BEFORE INCLUDING THE ADDRESS OF AN OFFENDER ON THE WEB SITE, THE DEPARTMENT OF PUBLIC SAFETY SHALL CONFIRM THAT THE ADDRESS IS CORRECT. TO CONFIRM AN ADDRESS, THE DEPARTMENT SHALL CONDUCT A SEARCH OF THE ARIZONA CRIMINAL JUSTICE INFORMATION SYSTEM. IF THIS SEARCH DOES NOT PROVIDE THE NECESSARY CONFIRMATION, THE DEPARTMENT SHALL USE ALTERNATIVE PUBLIC AND PRIVATE SECTOR RESOURCES THAT ARE CURRENTLY USED FOR CRIMINAL INVESTIGATION PURPOSES TO CONFIRM THE ADDRESS. THE DEPARTMENT IS PROHIBITED FROM USING OR RELEASING THE INFORMATION FROM THE ALTERNATIVE PUBLIC AND PRIVATE SECTOR RESOURCES EXCEPT PURSUANT TO THIS SECTION. A CUSTODIAN OR PUBLIC OR PRIVATE SECTOR RESOURCE THAT RELEASES INFORMATION PURSUANT TO THIS SUBSECTION IS NOT CIVILLY OR CRIMINALLY LIABLE IN ANY ACTION ALLEGING A VIOLATION OF CONFIDENTIALITY.

F. THE DEPARTMENT OF PUBLIC SAFETY MAY PETITION THE SUPERIOR COURT FOR ENFORCEMENT OF SUBSECTION E OF THIS SECTION IF A PUBLIC OR PRIVATE SECTOR RESOURCE REFUSES TO COMPLY. THE COURT SHALL GRANT ENFORCEMENT IF THE DEPARTMENT HAS REASONABLE GROUNDS TO BELIEVE THE RECORDS SOUGHT TO BE INSPECTED ARE RELEVANT TO CONFIRMING THE IDENTITY AND ADDRESS OF A TERRORIST.

G. AN OFFENDER SHALL REMAIN ON THE WEB SITE FOR AT LEAST THREE YEARS, AT WHICH TIME THE OFFENDER MAY APPLY TO THE DEPARTMENT OF PUBLIC SAFETY TO BE REMOVED FROM THE WEB SITE.

H. A PERSON WHO PROVIDES OR FAILS TO PROVIDE INFORMATION REQUIRED BY THIS SECTION IS NOT CIVILLY OR CRIMINALLY LIABLE UNLESS THE ACT OR OMISSION IS WANTON OR WILFUL.

I. FOR THE PURPOSES OF IMPLEMENTING THIS SECTION, THE DEPARTMENT MAY CHARGE AND COLLECT FEES AS DETERMINED BY THE DIRECTOR.

Sec. 4. Section 41-1750, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

8. Establish and enforce the necessary physical and system safeguards to ensure that the criminal justice information maintained and disseminated by the central state repository or through the Arizona criminal justice

information system is appropriately protected from unauthorized inquiry, modification, destruction or dissemination as required by this section.

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

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

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

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

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

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

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

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

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

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

1. With criminal justice agencies of the federal government, Indian tribes, this state or its political subdivisions and other states, on request

by the chief officers of such agencies or their designated representatives, specifically for the purposes of the administration of criminal justice and for evaluating the fitness of current and prospective criminal justice employees.

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

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

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

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

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

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

8. With individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration

of criminal justice pursuant to that agreement if the agreement specifically authorizes access to data, limits the use of data to purposes for which given and ensures the security and confidentiality of the data consistent with the provisions of this section.

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

10. With the auditor general for audit purposes.

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

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

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

(a) The fingerprint card.

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

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

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

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

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

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

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

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

(a) The fingerprint card.

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

21. WITH THE INTERNET TERRORIST WEB SITE DATABASE ESTABLISHED PURSUANT TO SECTION 13-2321.

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

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

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

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

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

M. A fingerprint account within the records processing fund is established for the purpose of separately accounting for the collection and payment of fees for noncriminal justice fingerprint processing by the department. Monies collected for this purpose shall be credited to the account, and payments by the department to the United States for federal

noncriminal justice fingerprint processing shall be charged against the account. Monies in the account not required for payment to the United States shall be used by the department in support of the department's noncriminal justice fingerprint processing duties. At the end of each fiscal year, any balance in the account not required for payment to the United States or to support the department's noncriminal justice fingerprint processing duties reverts to the state general fund.

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

O. The department of economic security may pay from appropriated monies the cost of federal fingerprint processing or federal criminal history record information checks that are authorized by law for employees and volunteers of the department, guardians pursuant to section 46-134, subsection A, paragraph 15, the licensing of foster parents or the certification of adoptive parents.

P. The director shall adopt rules that provide for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Announcements of executive clemency or pardon.

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

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

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

1. The arresting authority shall take legible fingerprints of all persons arrested for offenses specified in subsection C of this section and,

within ten days of the arrest, the arresting authority shall forward the fingerprints to the department in the manner or form required by the department. On the issuance and service of a summons for a defendant who is charged with a felony offense, a violation of title 13, chapter 14 or title 28, chapter 4 or a domestic violence offense as defined in section 13-3601, the court shall order that the defendant be fingerprinted by the appropriate law enforcement agency and that the defendant appear at a designated time and place for fingerprinting. At the initial appearance or on the arraignment of a summoned defendant who is charged with a felony offense, a violation of title 13, chapter 14 or title 28, chapter 4 or a domestic violence offense as defined in section 13-3601, the court shall order that the defendant be fingerprinted at a designated time and place by the appropriate law enforcement agency if the court has reasonable cause to believe that the defendant was not previously fingerprinted.

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

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

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

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

V. The director shall adopt rules specifying that any agency that collects, stores or disseminates criminal justice information that is subject

to this section shall establish effective security measures to protect the information from unauthorized access, disclosure, modification or dissemination. The rules shall include reasonable safeguards to protect the affected information systems from fire, flood, wind, theft, sabotage or other natural or man-made hazards or disasters.

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

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

Y. For THE purposes of this section:

1. "Administration of criminal justice" means performance of the detection, apprehension, detention, pretrial release, ~~post-trial~~ POSTTRIAL release, prosecution, adjudication, correctional supervision or rehabilitation of criminal offenders. Administration of criminal justice includes enforcement of criminal traffic offenses and civil traffic violations, including parking violations, when performed by a criminal justice agency. Administration of criminal justice also includes criminal identification activities and the collection, storage and dissemination of criminal history record information.

2. "Administrative records" means records that contain adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency and that are designed to furnish information to protect the rights of this state and of persons directly affected by the agency's activities.

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

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

5. "Criminal history record information" and "criminal history record" means information that is collected by criminal justice agencies on individuals and that consists of identifiable descriptions and notations of arrests, detentions, indictments and other formal criminal charges, and any disposition arising from those actions, sentencing, formal correctional supervisory action and release. Criminal history record information and criminal history record do not include identification information to the extent that the information does not indicate involvement of the individual

in the criminal justice system or information relating to juveniles unless they have been adjudicated as adults.

6. "Criminal justice agency" means either:

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

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

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

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

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

10. "Management control":

(a) Means the authority to set and enforce:

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

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

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

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

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

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

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

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