

COMMITTEE ON HEALTH AND HUMAN SERVICES

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1049

(Reference to Senate engrossed bill)

1 Page 8, between lines 22 and 23, insert:

2 "Sec. 6. Section 15-106, Arizona Revised Statutes, is amended to read:

3 15-106. Identity verified fingerprints

4 Beginning on January 1, 2008, an applicant who applies for a new
5 ~~teaching certificate in order to teach in a school district, an applicant who~~
6 ~~applies for a renewal of an existing teaching certificate in order to~~
7 ~~continue teaching in a school district, an applicant who is required for the~~
8 ~~first time to be fingerprinted in order to teach in a charter school and an~~
9 ~~applicant who is required to renew fingerprints in order to continue teaching~~
10 ~~in a charter school pursuant to section 15-183~~ OR A RENEWAL CERTIFICATE TO
11 TEACH IN A SCHOOL DISTRICT OR CHARTER SCHOOL and an applicant who is required
12 to be fingerprinted pursuant to ~~section~~ SECTIONS 15-512 OR 15-1330 shall
13 submit for an identity verified fingerprint card that will be used by the
14 department of public safety to process the fingerprint clearance card
15 pursuant to title 41, chapter 12, article 3.1 as follows:

16 1. The applicant shall submit a request for an application packet from
17 the department of public safety.

18 2. The application packet shall be contained in an envelope specified
19 by the department of public safety and shall include the following:

20 (a) A blank applicant fingerprint card.

21 (b) An application for a fingerprint clearance card.

22 (c) Instructions for the return of the application packet.

23 3. A school district or charter school may contract for fingerprinting
24 services through an entity or entities and shall provide a copy of the
25 instructions to the entity or entities as provided by the department of
26 public safety regarding the submission of identity verified fingerprints. If
27 a school district or charter school elects to provide fingerprinting

1 services, the school district or charter school shall authorize an individual
2 employed by the school district or charter school to administer the services.

3 4. The department of public safety shall provide instructions to law
4 enforcement agencies and public schools regarding the submission of identity
5 verified fingerprints. The department of public safety shall reject the
6 application for a fingerprint clearance card if the application is not
7 correct or is not submitted according to the instructions provided by the
8 department of public safety.

9 5. The applicant, at the time that identity verified fingerprints are
10 taken, shall provide the law enforcement agency, school district, charter
11 school or other entity with a completed application form for a fingerprint
12 clearance card, the fingerprint card with the requisite demographic
13 information and the required fee in the form of a money order or cashier's
14 check made out to the ~~Arizona~~ department of public safety. The law
15 enforcement agency, school district, charter school or other entity shall
16 verify the identity of the applicant through recognized means of photographic
17 identification and a comparison of the demographic information on the
18 photographic identification against the demographic information on the
19 application form and the fingerprint card. The authorized person taking the
20 fingerprints shall enter on the application form a description of the
21 photographic identification presented by the applicant. The law enforcement
22 agency, school district, charter school or other entity shall place the
23 completed fingerprint card, completed application form or any other form
24 required by the department of public safety and the fee provided by the
25 applicant in the ~~post-paid~~ **POSTAGE PREPAID** envelope provided by the
26 department of public safety and mail it to the fingerprinting division ~~at~~ **IN**
27 the department of public safety. A law enforcement agency, school district,
28 charter school or other entity may charge the applicant a reasonable fee for
29 services provided pursuant to this section.

30 6. The department of public safety shall process the application
31 packet in the same manner prescribed for fingerprint clearance cards issued
32 pursuant to title 41, chapter 12, article 3.1.

1 7. The department of public safety shall provide for digital storage
2 and retrieval of identity verified fingerprints taken pursuant to this
3 section. The fingerprints taken pursuant to this section shall be digitally
4 designated in the fingerprint archive as identity verified fingerprint
5 records.

6 8. A person who has a set of identity verified fingerprints on file
7 with the department of public safety pursuant to this section shall not be
8 required to submit a new set of fingerprints to the department of public
9 safety to renew the person's fingerprint clearance card. On receipt of the
10 required application form and fee for a renewal fingerprint clearance card
11 from a person required to submit identity verified fingerprints, the
12 department of public safety shall attempt to use the electronic copy of the
13 applicant's identity verified fingerprints that are retained pursuant to this
14 section to conduct the ~~fingerprint~~ state and national criminal records
15 checks. The department of public safety may require the applicant to submit
16 a new set of identity verified fingerprints if the department of public
17 safety determines that the original fingerprints submitted have been lost,
18 damaged or are found to be otherwise of insufficient quality to conduct a
19 valid technical fingerprint search either by the department of public safety
20 or the federal bureau of investigation."

21 Renumber to conform

22 Page 10, line 35, after "personnel" insert "WHO ARE HIRED BEFORE JULY 1, 2009"

23 Line 39, after the period insert "ALL OTHER PERSONNEL WHO ARE INITIALLY HIRED
24 AFTER JUNE 30, 2009 MUST HAVE A VALID FINGERPRINT CLEARANCE CARD THAT IS
25 ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1."

26 Line 43, strike "F" insert "G"

27 Page 21, line 33, after the first "personnel" insert "WHO ARE HIRED BEFORE JULY 1,
28 2009"

29 Line 34, after "district" insert "WHO BEGIN UNPAID SERVICE BEFORE JULY 1, 2009"

30 Line 43, after "district" strike remainder of line; strike lines 44 and 45

31 Page 22, line 1, strike "ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1"

32 Line 13, after the first "to" insert "SUBSECTION A OF"

1 Page 23, line 26, strike "already" insert "WHO IS"; after "employed" insert "BEFORE
2 JULY 1, 2009"

3 After line 43 insert:

4 "F. NONCERTIFICATED PERSONNEL WHO ARE INITIALLY HIRED AFTER JUNE 30,
5 2009 AND PERSONNEL WHO ARE NOT PAID EMPLOYEES OF THE SCHOOL DISTRICT WHO
6 BEGIN UNPAID SERVICE AFTER JUNE 30, 2009 MUST HAVE A VALID FINGERPRINT
7 CLEARANCE CARD THAT IS ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1
8 IF THE PERSONNEL:

9 1. ARE NOT EITHER THE PARENT OR THE GUARDIAN OF A PUPIL WHO ATTENDS
10 SCHOOL IN THE SCHOOL DISTRICT.

11 2. ARE REQUIRED OR ALLOWED TO PROVIDE SERVICES DIRECTLY TO PUPILS
12 WITHOUT THE SUPERVISION OF A CERTIFICATED EMPLOYEE."

13 Reletter to conform

14 Page 25, line 3, strike "Subsection A" insert "SUBSECTIONS A AND F"; strike "does"
15 insert "DO"

16 Line 24, strike "F" insert "G"

17 Page 26, lines 38 and 39, after "schools" insert "BEFORE JULY 1, 2009"

18 Page 27, between lines 2 and 3 insert:

19 "D. NONCERTIFICATED PERSONNEL WHO ARE INITIALLY HIRED AFTER JUNE 30,
20 2009 AND NONPAID PERSONNEL WHO BEGIN UNPAID SERVICE AFTER JUNE 30, 2009 MUST
21 HAVE A VALID FINGERPRINT CLEARANCE CARD THAT IS ISSUED PURSUANT TO TITLE 41,
22 CHAPTER 12, ARTICLE 3.1."

23 Reletter to conform

24 Line 37, strike "F" insert "G"

25 Page 35, between lines 9 and 10, insert:

26 "Sec. 17. Section 41-619.51, Arizona Revised Statutes, is amended to
27 read:

28 41-619.51. Definitions

29 In this article, unless the context otherwise requires:

30 1. "Agency" means the supreme court, the department of economic
31 security, the department of education, the department of health services, the
32 department of juvenile corrections, the department of emergency and military

1 affairs or the board of examiners of nursing care institution administrators
2 and assisted living facility managers.

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

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

7 4. "Good cause exception" means the issuance of a fingerprint
8 clearance card to an employee pursuant to section 41-619.55.

9 5. "Person" means a person who is required to be fingerprinted
10 pursuant to this article and any of the following:

11 (a) Section 8-105.

12 (b) Section 8-322.

13 (c) Section 8-509.

14 (d) Section 8-802.

15 (e) Section 15-183.

16 (f) SECTION 15-512.

17 ~~(f)~~ (g) Section 15-534.

18 ~~(g)~~ (h) Section 15-1330.

19 ~~(h)~~ (i) Section 15-1881.

20 ~~(i)~~ (j) Section 26-103.

21 ~~(j)~~ (k) Section 36-411.

22 ~~(k)~~ (l) Section 36-425.03.

23 ~~(l)~~ (m) Section 36-446.04.

24 ~~(m)~~ (n) Section 36-594.01.

25 ~~(n)~~ (o) Section 36-594.02.

26 ~~(o)~~ (p) Section 36-882.

27 ~~(p)~~ (q) Section 36-883.02.

28 ~~(q)~~ (r) Section 36-897.01.

29 ~~(r)~~ (s) Section 36-897.03.

30 ~~(s)~~ (t) Section 36-3008.

31 (u) SECTION 41-619.53.

32 ~~(t)~~ (v) Section 41-1964.

- 1 ~~(u)~~ (w) Section 41-1967.01.
- 2 ~~(v)~~ (x) Section 41-1968.
- 3 ~~(w)~~ (y) Section 41-1969.
- 4 ~~(x)~~ (z) Section 41-2814.
- 5 ~~(y)~~ (aa) Section 46-141, subsection A.
- 6 ~~(z)~~ (bb) Section 46-321."

7 Renumber to conform

8 Page 39, between lines 7 and 8, insert:

9 "Sec. 22. Section 41-1758, Arizona Revised Statutes, is amended to read:

10 41-1758. Definitions

11 In this article, unless the context otherwise requires:

12 1. "Agency" means the supreme court, the department of economic
13 security, the department of education, the department of health services, the
14 department of juvenile corrections, the department of emergency and military
15 affairs, the board of fingerprinting or the board of examiners of nursing
16 care institution administrators and assisted living facility managers.

17 2. "Division" means the fingerprinting division in the department of
18 public safety.

19 3. "Good cause exception" means the issuance of a fingerprint
20 clearance card to an employee pursuant to section 41-619.55.

21 4. "Person" means a person who is required to be fingerprinted
22 pursuant to any of the following:

23 (a) Section 8-105.

24 (b) Section 8-322.

25 (c) Section 8-509.

26 (d) Section 8-802.

27 (e) Section 15-183.

28 (f) SECTION 15-512.

29 ~~(f)~~ (g) Section 15-534.

30 ~~(g)~~ (h) Section 15-1330.

31 ~~(h)~~ (i) Section 15-1881.

32 ~~(i)~~ (j) Section 26-103.

- 1 ~~(j)~~ (k) Section 36-411.
- 2 ~~(k)~~ (l) Section 36-425.03.
- 3 ~~(l)~~ (m) Section 36-446.04.
- 4 ~~(m)~~ (n) Section 36-594.01.
- 5 ~~(n)~~ (o) Section 36-594.02.
- 6 ~~(o)~~ (p) Section 36-882.
- 7 ~~(p)~~ (q) Section 36-883.02.
- 8 ~~(q)~~ (r) Section 36-897.01.
- 9 ~~(r)~~ (s) Section 36-897.03.
- 10 ~~(s)~~ (t) Section 36-3008.
- 11 ~~(t)~~ (u) Section 41-619.52.
- 12 ~~(u)~~ (v) Section 41-619.53.
- 13 ~~(v)~~ (w) Section 41-1964.
- 14 ~~(w)~~ (x) Section 41-1967.01.
- 15 ~~(x)~~ (y) Section 41-1968.
- 16 ~~(y)~~ (z) Section 41-1969.
- 17 ~~(z)~~ (aa) Section 41-2814.
- 18 ~~(aa)~~ (bb) Section 46-141, subsection A.
- 19 ~~(bb)~~ (cc) Section 46-321.

20 5. "Vulnerable adult" has the same meaning prescribed in
21 section 13-3623."

- 22 Renumber to conform
- 23 Page 39, line 17, after "15-183," insert "15-512,"
- 24 Page 50, line 9, strike "AFTER" insert "FROM"
- 25 Amend title to conform

and, as so amended, it do pass

STEVE COURT
Vice-Chairman

1049-hhs
6/9/09
10:57 AM
H:jjb