

REFERENCE TITLE: mandatory fingerprinting; central state repository

State of Arizona  
House of Representatives  
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2009

## HB 2449

Introduced by  
Representatives Weiers JP: Antenori, Crump, Goodale, Gowan, Hendrix,  
Montenegro, Pratt, Stevens

AN ACT

AMENDING SECTIONS 13-3903 AND 41-1750, ARIZONA REVISED STATUTES; RELATING TO  
FINGERPRINTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3903, Arizona Revised Statutes, is amended to  
3 read:

4 13-3903. Notice to appear and complaint

5 A. In any case in which a person is arrested for ~~an offense that is~~ a  
6 misdemeanor OFFENSE or a petty offense, the arresting officer may release the  
7 arrested person from custody in lieu of taking ~~such~~ THE person to ~~the police~~  
8 ~~station~~ A LAW ENFORCEMENT FACILITY by use of the procedure prescribed in this  
9 section.

10 B. At any time after taking a person arrested for ~~an offense that is~~ a  
11 misdemeanor OFFENSE or a petty offense to ~~the police station~~ A LAW  
12 ENFORCEMENT FACILITY, the arresting officer ~~may~~, instead of taking ~~such~~ THE  
13 person to a magistrate, MAY release ~~such~~ THE person from further custody by  
14 use of the procedure prescribed in this section.

15 C. A PERSON WHO IS ARRESTED FOR AN OFFENSE THAT IS LISTED IN SECTION  
16 41-1750, SUBSECTION C SHALL NOT BE RELEASED PURSUANT TO THIS SECTION UNTIL  
17 THE PERSON PROVIDES A SINGLE FINGERPRINT TO THE ARRESTING AGENCY. THE  
18 ARRESTING AGENCY SHALL PROVIDE TO THE ARRESTED PERSON A MANDATORY FINGERPRINT  
19 COMPLIANCE FORM THAT INCLUDES THE SINGLE FINGERPRINT AND INSTRUCTIONS ON  
20 REPORTING FOR TEN-PRINT FINGERPRINTING, INCLUDING AVAILABLE TIMES AND  
21 LOCATIONS FOR REPORTING FOR TEN-PRINT FINGERPRINTING.

22 ~~C.~~ D. In any case in which a person is arrested for ~~an offense that~~  
23 ~~is~~ a misdemeanor OFFENSE or a petty offense, the arresting officer may  
24 prepare in quadruplicate a written notice to appear and complaint, containing  
25 the name and address of ~~such~~ THE person, the offense charged, and the time  
26 and place where and when ~~such~~ THE person shall appear in court, provided:

27 1. The time specified in the notice to appear is at least five days  
28 after arrest.

29 2. The place specified in the notice shall be the court specified in  
30 section 13-3898.

31 3. The arrested person, in order to secure release as provided in this  
32 section, shall give his written promise so to appear in court by signing at  
33 least one copy of the written notice and complaint prepared by the arresting  
34 officer. The officer shall deliver a copy of the notice and complaint to the  
35 person promising to appear. Thereupon, the officer shall forthwith release  
36 the person arrested from custody.

37 4. The officer ~~shall~~, as soon as practical, SHALL deliver the original  
38 notice and complaint to the magistrate specified therein. Thereupon, the  
39 magistrate shall promptly file the notice and complaint and enter it into the  
40 docket of the court.

41 ~~D.~~ E. The Arizona traffic ticket and complaint may be utilized not  
42 only for the purposes provided ~~in the~~ BY Arizona supreme court rule, but to  
43 satisfy the requirements of this section.

44 ~~E.~~ F. When a person has given his written promise to appear in court  
45 upon a designated date pursuant to this section, and thereafter fails to

1 appear, personally or by counsel, on or before that date, the ~~magistrate~~  
2 ~~COURT~~ shall file a complaint, in writing, under oath, setting forth the  
3 offense of ~~willfully~~ KNOWINGLY violating a written promise to appear in court  
4 in accordance with section 13-3904, and ~~THE MAGISTRATE~~ shall issue a warrant  
5 of arrest thereon. Upon such person's appearance in court for arraignment on  
6 the charge of violating section 13-3904, ~~such magistrate~~ ~~THE COURT~~ shall also  
7 arraign ~~such~~ ~~THE~~ person on the charge stated in the notice to appear and  
8 complaint for which ~~such~~ ~~THE~~ person had previously promised to appear.

9 ~~F. G. Nothing in~~ This section ~~shall be construed to~~ DOES NOT affect  
10 a peace officer's authority to conduct an otherwise lawful search incident to  
11 his arrest even though ~~such~~ ~~THE~~ arrested person is released before being  
12 taken to the police station or before a magistrate pursuant to this section.

13 Sec. 2. Section 41-1750, Arizona Revised Statutes, is amended to read:

14 41-1750. Central state repository; department of public safety;  
15 duties; funds; accounts; definitions

16 A. The department is responsible for the effective operation of the  
17 central state repository in order to collect, store and disseminate complete  
18 and accurate Arizona criminal history records and related criminal justice  
19 information. The department shall:

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

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

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

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

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

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

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

5           8. Establish and enforce the necessary physical and system safeguards  
6 to ensure that the criminal justice information maintained and disseminated  
7 by the central state repository or through the Arizona criminal justice  
8 information system is appropriately protected from unauthorized inquiry,  
9 modification, destruction or dissemination as required by this section.

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

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

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

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

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

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

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

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

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

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

5 1. With criminal justice agencies of the federal government, Indian  
6 tribes, this state or its political subdivisions and other states, on request  
7 by the chief officers of such agencies or their designated representatives,  
8 specifically for the purposes of the administration of criminal justice and  
9 for evaluating the fitness of current and prospective criminal justice  
10 employees.

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

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

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

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

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

40 7. With an individual who asserts a belief that criminal history  
41 record information relating to the individual is maintained by an agency or  
42 in an information system in this state that is subject to this section. On  
43 submission of fingerprints, the individual may review this information for  
44 the purpose of determining its accuracy and completeness by making  
45 application to the agency operating the system. Rules adopted under this

1 section shall include provisions for administrative review and necessary  
2 correction of any inaccurate or incomplete information. The review and  
3 challenge process authorized by this paragraph is limited to criminal history  
4 record information.

5 8. With individuals and agencies pursuant to a specific agreement with  
6 a criminal justice agency to provide services required for the administration  
7 of criminal justice pursuant to that agreement if the agreement specifically  
8 authorizes access to data, limits the use of data to purposes for which given  
9 and ensures the security and confidentiality of the data consistent with this  
10 section.

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

17 10. With the auditor general for audit purposes.

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

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

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

36 (a) The fingerprint card.

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

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

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

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

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

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

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

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

21           (a) The fingerprint card.

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

23           21. With each school district and charter school in this state. The  
24 state board of education and the state board for charter schools shall  
25 provide the department of public safety with a current list of ~~electronic~~  
26 e-mail addresses for each school district and charter school in this state  
27 and shall periodically provide the department of public safety with updated  
28 ~~electronic~~ e-mail addresses. If the department of public safety is notified  
29 that a person who is required to have a fingerprint clearance card to be  
30 employed by or to engage in volunteer activities at a school district or  
31 charter school has been arrested ~~FOR~~ or convicted of an offense listed in  
32 section 41-1758.03, subsection B or has been arrested ~~FOR~~ or convicted of an  
33 offense that amounts to unprofessional conduct under section 15-550, the  
34 department of public safety shall notify each school district and charter  
35 school in this state that the person's fingerprint clearance card has been  
36 suspended or revoked.

37           22. With the child protective services division of the department of  
38 economic security as provided by law, which currently is the Adam Walsh child  
39 protection and safety act of 2006, ~~—~~ (42 United States Code section 16961),  
40 for the purposes of investigating or responding to reports of child abuse,  
41 neglect or exploitation. Information received pursuant to this paragraph  
42 from the national crime information center, the interstate identification  
43 index and the Arizona criminal justice information system network shall only  
44 be used for the purposes of investigating or responding as prescribed in this

1 paragraph. The information shall be provided on submission to the department  
2 of public safety of either:

3 (a) The fingerprints of the person being investigated.

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

5 H. The director shall adopt rules necessary to execute this section.

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

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

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

20 L. Except as provided in subsection 0 of this section, each agency  
21 authorized by this section may charge a fee, in addition to any other fees  
22 prescribed by law, in an amount necessary to cover the cost of state and  
23 federal noncriminal justice fingerprint processing for criminal history  
24 record information checks that are authorized by law for noncriminal justice  
25 employment, licensing or other lawful purposes.

26 M. A fingerprint account within the records processing fund is  
27 established for the purpose of separately accounting for the collection and  
28 payment of fees for noncriminal justice fingerprint processing by the  
29 department. Monies collected for this purpose shall be credited to the  
30 account, and payments by the department to the United States for federal  
31 noncriminal justice fingerprint processing shall be charged against the  
32 account. Monies in the account not required for payment to the United States  
33 shall be used by the department in support of the department's noncriminal  
34 justice fingerprint processing duties. At the end of each fiscal year, any  
35 balance in the account not required for payment to the United States or to  
36 support the department's noncriminal justice fingerprint processing duties  
37 reverts to the state general fund.

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

1 functions related to providing copies of department reports and photographs  
2 reverts to the state general fund.

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

9 P. The director shall adopt rules that provide for:

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

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

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

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

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

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

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

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

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

41 R. This section and the rules adopted under this section apply to all  
42 agencies and individuals collecting, storing or disseminating criminal  
43 justice information processed by manual or automated operations if the  
44 collection, storage or dissemination is funded in whole or in part with  
45 monies made available by the law enforcement assistance administration after

1 July 1, 1973, pursuant to title I of the crime control act of 1973, and to  
2 all agencies that interact with or receive criminal justice information from  
3 or through the central state repository and through the Arizona criminal  
4 justice information system.

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

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

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

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

15 4. Announcements of executive clemency or pardon.

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

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

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

29 1. The arresting authority shall take legible **TEN-PRINT** fingerprints  
30 of all persons **WHO ARE** arrested for offenses specified in subsection C of  
31 this section. ~~and,~~ **THE ARRESTING AUTHORITY MAY TRANSFER AN ARRESTEE TO A**  
32 **BOOKING AGENCY FOR FINGERPRINTING. AT THE TIME OF FINGERPRINTING, THE LAW**  
33 **ENFORCEMENT AGENCY SHALL PROVIDE TO THE PERSON FINGERPRINTED A DEPARTMENT**  
34 **APPROVED DOCUMENT THAT INDICATES PROOF OF THE FINGERPRINTING AND THAT INFORMS**  
35 **THE PERSON THAT THE DOCUMENT MUST BE PRESENTED TO THE COURT.**

36 2. **WITHIN SEVENTY-TWO HOURS AFTER A PERSON IS FINGERPRINTED, THE**  
37 **ARRESTING AUTHORITY OR AGENCY THAT TOOK THE FINGERPRINTS SHALL FORWARD TO ALL**  
38 **COURTS THAT THE PERSON IS CHARGED WITH AN OFFENSE EITHER BY A FINAL**  
39 **DISPOSITION REPORT OR, IF PERMITTED BY THE COURT, AN ELECTRONIC RECORD**  
40 **INDICATING THAT THE PERSON WAS FINGERPRINTED.**

41 3. Within ten days ~~of the arrest~~ **AFTER A PERSON IS FINGERPRINTED,** the  
42 arresting authority **OR AGENCY THAT TOOK THE FINGERPRINTS** shall forward the  
43 fingerprints to the department in the manner or form required by the  
44 department.

1           4. IF THE COURT DOES NOT HAVE PROOF THAT THE DEFENDANT WAS  
2 FINGERPRINTED, on the issuance ~~and service~~ of a summons for a defendant who  
3 is charged with ~~a felony offense, a violation of title 13, chapter 14 or~~  
4 ~~title 28, chapter 4 or a domestic violence offense as defined in section~~  
5 ~~13-3601~~ AN OFFENSE LISTED IN SUBSECTION C OF THIS SECTION, the court shall  
6 order that the defendant ~~be fingerprinted by~~ PROVIDE TEN-PRINT FINGERPRINTS  
7 TO the appropriate law enforcement agency and that the defendant appear at a  
8 designated time and place for fingerprinting.

9           5. IF THE COURT DOES NOT HAVE PROOF THAT THE DEFENDANT WAS  
10 FINGERPRINTED, at the initial appearance or on the arraignment of a summoned  
11 defendant who is charged with ~~a felony offense, a violation of title 13,~~  
12 ~~chapter 14 or title 28, chapter 4 or a domestic violence offense as defined~~  
13 ~~in section 13-3601~~ AN OFFENSE LISTED IN SUBSECTION C OF THIS SECTION, the  
14 court shall order that the defendant be fingerprinted at a designated time  
15 and place by the appropriate law enforcement agency ~~if the court has~~  
16 ~~reasonable cause to believe that the defendant was not previously~~  
17 ~~fingerprinted.~~

18           6. IF THE DEFENDANT FAILS TO COMPLY WITH THE ORDER TO BE FINGERPRINTED  
19 PURSUANT TO PARAGRAPH 4 OR 5 OF THIS SUBSECTION, THE DEFENDANT'S RELEASE  
20 SHALL BE REVOKED AND THE DEFENDANT SHALL BE REMANDED INTO CUSTODY FOR  
21 FINGERPRINTING. THE DEFENDANT SHALL BE RELEASED FROM CUSTODY, IF OTHERWISE  
22 ELIGIBLE FOR RELEASE, AFTER THE DEFENDANT IS FINGERPRINTED.

23           ~~2-~~ 7. In every criminal case in which the defendant is incarcerated  
24 or fingerprinted as a result of the charge, an originating law enforcement  
25 agency or prosecutor, within forty days of the disposition, shall advise the  
26 central state repository of all dispositions concerning the termination of  
27 criminal proceedings against an individual arrested for an offense specified  
28 in subsection C of this section. This information shall be submitted on a  
29 form or in a manner required by the department.

30           ~~3-~~ 8. Dispositions resulting from formal proceedings in a court  
31 having jurisdiction in a criminal action against an individual who is  
32 arrested for an offense specified in subsection C of this section or section  
33 8-341, subsection T shall be reported to the central state repository within  
34 forty days of the date of the disposition. This information shall be  
35 submitted on a form or in a manner specified by rules approved by the supreme  
36 court.

37           ~~4-~~ 9. The state department of corrections or the department of  
38 juvenile corrections, within forty days, shall advise the central state  
39 repository that it has assumed supervision of a person convicted of an  
40 offense specified in subsection C of this section or section 8-341,  
41 subsection T. The state department of corrections or the department of  
42 juvenile corrections shall also report dispositions that occur thereafter to  
43 the central state repository within forty days of the date of the  
44 dispositions. This information shall be submitted on a form or in a manner  
45 required by the department of public safety.

1           ~~5-~~ 10. Each criminal justice agency shall query the central state  
2 repository before dissemination of any criminal history record information to  
3 ensure the completeness of the information. Inquiries shall be made before  
4 any dissemination except in those cases in which time is of the essence and  
5 the repository is technically incapable of responding within the necessary  
6 time period. If time is of the essence, the inquiry shall still be made and  
7 the response shall be provided as soon as possible.

8           V. The director shall adopt rules specifying that any agency that  
9 collects, stores or disseminates criminal justice information that is subject  
10 to this section shall establish effective security measures to protect the  
11 information from unauthorized access, disclosure, modification or  
12 dissemination. The rules shall include reasonable safeguards to protect the  
13 affected information systems from fire, flood, wind, theft, sabotage or other  
14 natural or man-made hazards or disasters.

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

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

23           Y. For the purposes of this section:

24           1. "Administration of criminal justice" means performance of the  
25 detection, apprehension, detention, pretrial release, posttrial release,  
26 prosecution, adjudication, correctional supervision or rehabilitation of  
27 criminal offenders. Administration of criminal justice includes enforcement  
28 of criminal traffic offenses and civil traffic violations, including parking  
29 violations, when performed by a criminal justice agency. Administration of  
30 criminal justice also includes criminal identification activities and the  
31 collection, storage and dissemination of criminal history record information.

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

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

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

1           5. "Criminal history record information" and "criminal history record"  
2 means information that is collected by criminal justice agencies on  
3 individuals and that consists of identifiable descriptions and notations of  
4 arrests, detentions, indictments and other formal criminal charges, and any  
5 disposition arising from those actions, sentencing, formal correctional  
6 supervisory action and release. Criminal history record information and  
7 criminal history record do not include identification information to the  
8 extent that the information does not indicate involvement of the individual  
9 in the criminal justice system or information relating to juveniles unless  
10 they have been adjudicated as adults.

11           6. "Criminal justice agency" means either:

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

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

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

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

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

39           10. "Management control":

40           (a) Means the authority to set and enforce:

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

43           (ii) Standards for the selection, supervision and termination of  
44 personnel involved in the development of criminal justice information systems

1 and programs and in the collection, maintenance, analysis and dissemination  
2 of criminal justice information.

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

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

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

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

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

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