

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SENATE BILL 1049

AN ACT

AMENDING SECTIONS 8-105, 8-203.01, 8-509, 8-802, 13-1602, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, 41-619.51, 41-619.52, 41-619.53, 41-619.54, 41-619.55, 41-1758.01, 41-1758.03 AND 41-1758.04, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARTICLE 3.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1758.07; AMENDING SECTIONS 41-1964, 41-1967, 41-1967.01, 41-1968, 41-1969 AND 46-141, ARIZONA REVISED STATUTES; RELATING TO FINGERPRINT CLEARANCE CARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-105, Arizona Revised Statutes, is amended to
3 read:

4 8-105. Preadoption certification; investigation; central
5 adoption registry

6 A. Before any prospective adoptive parent may petition to adopt a
7 child the person shall be certified by the court as acceptable to adopt
8 children. A certificate shall be issued only after an investigation
9 conducted by an officer of the court, by an agency or by the division. A
10 written application for certification shall be made directly to the court, to
11 an agency or to the division, in the form and content required by the court,
12 agency or division.

13 B. The division is not required to accept every application for
14 certification. In determining which applications to accept the division may
15 give priority to applications filed by adult residents of this state who wish
16 to adopt a child who has any ~~of the~~ special needs ~~described AS DEFINED~~ in
17 section 8-141.

18 C. After receiving and accepting the written and completed application
19 of the prospective adoptive parent or parents, which shall include a
20 financial statement and a physician's or a registered nurse practitioner's
21 statement of each applicant's physical health, the division, the agency or an
22 officer of the court shall conduct or cause to be conducted an investigation
23 of the prospective adoptive parent or parents to determine if they are fit
24 and proper persons to adopt children.

25 D. The division shall not present for certification a prospective
26 adoptive parent unless that person ~~has~~ AND EACH OTHER ADULT MEMBER OF THE
27 HOUSEHOLD HAVE a valid fingerprint clearance card issued pursuant to ~~title~~
28 ~~41, chapter 12, article 3.1 or provides to the division documentation of the~~
29 ~~person's application for a fingerprint clearance card~~ SECTION 41-1758.07.
30 The prospective adoptive parent AND EACH OTHER ADULT MEMBER OF THE HOUSEHOLD
31 must certify on forms that are provided by the division and that are
32 notarized whether ~~the prospective adoptive parent~~ THAT PERSON is awaiting
33 trial on or has ever been convicted of any of the criminal offenses listed in
34 section ~~41-1758.03~~ 41-1758.07, subsections B and C in this state or similar
35 offenses in another state or jurisdiction.

36 E. An officer of the court may obtain a state and federal criminal
37 records check pursuant to section 41-1750 and Public Law 92-544. The
38 department of public safety may exchange this fingerprint data with the
39 federal bureau of investigation.

40 F. This investigation and report to the court shall consider all
41 relevant and material facts dealing with the prospective adoptive parents'
42 fitness to adopt children and shall include:

- 43 1. A complete social history.
- 44 2. The financial condition of the applicant.
- 45 3. The moral fitness of the applicant.

- 1 4. The religious background of the applicant.
- 2 5. The physical and mental health condition of the applicants.
- 3 6. Any court action for or adjudication of child abuse, abandonment of
4 children, dependency or termination of parent-child relationship in which the
5 applicant had control, care or custody of the child who was the subject of
6 the action.
- 7 7. Whether the person or persons wish to be placed on the central
8 registry established in subsection M of this section.
- 9 8. All other facts bearing on the issue of the fitness of the
10 prospective adoptive parents that the court, agency or division may deem
11 relevant.
- 12 G. The investigator shall not reveal to the prospective adoptive
13 parents the identity of a child or the child's parent or parents and shall
14 not reveal to the child or the child's parent or parents the identity of the
15 prospective adoptive parents if these facts are not already known.
- 16 H. Within ninety days after the original application prescribed by
17 subsection A of this section has been accepted, the division or the agency or
18 a person or agency designated by the court to conduct an investigation shall
19 present to the juvenile court the written report required by subsection F of
20 this section, which shall include a definite recommendation for certifying
21 the applicant as being acceptable or nonacceptable to adopt children ~~with~~ AND
22 the reasons for the recommendation.
- 23 I. Within sixty days after receiving the investigation report required
24 by subsections F and H of this section, the court shall certify the applicant
25 as being acceptable or nonacceptable to adopt children based on the
26 investigation report and recommendations of the report. A certification
27 remains in effect for eighteen months from the date of its issuance and may
28 be extended for additional one year periods if after review the court finds
29 that there have been no material changes in circumstances that would
30 adversely affect the acceptability of the applicant to adopt.
- 31 J. The court may require additional investigation if it finds that
32 additional information is necessary on which to make an appropriate decision
33 regarding certification.
- 34 K. Any applicant who has been certified as nonacceptable may petition
35 the court to review such certification. Notice shall be given to all
36 interested parties and the matter shall be heard by the court, which may
37 affirm or reverse the certification.
- 38 L. If the applicant is certified as nonacceptable, the applicant may
39 not reapply for certification to the court, to any agency or to the division
40 for one year.
- 41 M. The division shall maintain a central adoption registry that
42 includes the names of all prospective adoptive parents currently certified by
43 the court as acceptable to adopt children, except those who request that
44 their names not be included, the names of all children who are under the
45 jurisdiction of the division and who are currently available for adoption,

1 the names of any other children who are currently available for adoption and
2 whose names are voluntarily entered in the registry by any agency, parent or
3 other person that has the right to give consent to the child's adoption, and
4 other information as the division may elect to include in aid of adoptive
5 placements. Access to information in the registry shall be made available on
6 request to any agency under assurances as the division may require that the
7 information sought is in furtherance of adoptive placements and that
8 confidentiality of the information is preserved.

9 N. This section does not apply if:

10 1. The prospective adoptive parent is the spouse of the birth or legal
11 parent of the child to be adopted or is an uncle, aunt, adult sibling,
12 grandparent or great-grandparent of the child of the whole or half-blood or
13 by marriage or adoption.

14 2. The birth or legal parent is deceased but at the time of death the
15 parent had legal and physical custody of the child to be adopted and the
16 child had resided primarily with the spouse of the birth or legal parent
17 during the twenty-four months before the death of the parent.

18 3. The grandparent, great-grandparent, aunt, adult sibling or uncle is
19 deceased but at the time of death that person had legal and physical custody
20 of the child to be adopted and the child had resided primarily with the
21 spouse of the grandparent, great-grandparent, aunt, adult sibling or uncle
22 during the twenty-four months before the death of the grandparent,
23 great-grandparent, aunt, adult sibling or uncle.

24 0. If the applicant has adopted a child within three years preceding
25 the current application and is applying to adopt another child or is a foster
26 parent who is licensed by this state, the division or agency or a person
27 designated by the court to conduct an investigation shall only provide an
28 update report on any changes in circumstances that have occurred since the
29 previous certification or licensing report. If the applicant has adopted a
30 child more than three years before the current application and is applying to
31 adopt another child, the division or agency or a person designated by the
32 court to conduct an investigation may provide an updated report on any
33 changes in circumstances that have occurred since the previous certification
34 or licensing report. The court shall certify the applicant as acceptable to
35 adopt unless there are changes in circumstances that adversely affect the
36 applicant's parenting ability. In making this determination, the court shall
37 consider information from the prior certification or licensing report.

38 Sec. 2. Section 8-203.01, Arizona Revised Statutes, is amended to
39 read:

40 8-203.01. Fingerprinting juvenile probation officers; affidavit

41 A. Juvenile probation officers employed by the juvenile court shall be
42 fingerprinted as a condition of employment. A juvenile probation officer
43 shall submit fingerprints and the form prescribed in subsection D of this
44 section to the chief juvenile probation officer within ~~twenty~~ SEVEN WORKING
45 days after the date a juvenile probation officer begins work. Employment

1 with the juvenile court as a juvenile probation officer is conditioned on the
2 results of the fingerprint check.

3 B. Fingerprint checks shall be conducted pursuant to section 41-1750,
4 subsection G.

5 C. The juvenile court shall assume the costs of fingerprint checks and
6 may charge these costs to the fingerprinted juvenile probation officer.

7 D. Juvenile probation officers shall certify on forms that are
8 provided by the juvenile court and notarized that they are not awaiting trial
9 on and have never been convicted of or admitted committing any of the
10 following criminal offenses in this state or similar offenses in another
11 state or jurisdiction:

- 12 1. Sexual abuse of a minor.
- 13 2. Incest.
- 14 3. First or second degree murder.
- 15 4. Kidnapping.
- 16 5. Arson.
- 17 6. Sexual assault.
- 18 7. Sexual exploitation of a minor.
- 19 8. Contributing to the delinquency of a minor.
- 20 9. Commercial sexual exploitation of a minor.
- 21 10. Felony offenses involving distribution of marijuana, dangerous
22 drugs or narcotic drugs.
- 23 11. Burglary.
- 24 12. Robbery.
- 25 13. A dangerous crime against children pursuant to section 13-705.
- 26 14. Child abuse.
- 27 15. Sexual conduct with a minor.
- 28 16. Molestation of a child.

29 E. The juvenile court shall make documented, good faith efforts to
30 contact previous employers of juvenile probation officers to obtain
31 information or recommendations that may be relevant to an individual's
32 fitness for employment as a juvenile probation officer.

33 Sec. 3. Section 8-509, Arizona Revised Statutes, is amended to read:

34 8-509. Licensing of foster homes; renewal of license;
35 provisional license

36 A. The division shall license and certify foster homes. Licenses are
37 valid for a period of one year.

38 B. The division shall not issue a license without satisfactory proof
39 that the foster parent or parents have completed six actual hours of approved
40 initial foster parent training as set forth in section 8-503 and that each
41 foster parent and each other adult member of the household has a valid
42 fingerprint clearance card issued pursuant to ~~title 41, chapter 12, article~~
43 ~~3.1 or provides to the division documentation of the person's application for~~
44 ~~a fingerprint clearance card~~ SECTION 41-1758.07. The foster parent and each
45 other adult member of the household must certify on forms that are provided

1 by the division and that are notarized whether the foster parent or other
2 adult member of the household is awaiting trial on or has ever been convicted
3 of any of the criminal offenses listed in section ~~41-1758.03~~ 41-1758.07,
4 subsections B and C in this state or similar offenses in another state or
5 jurisdiction.

6 C. The division shall not renew a license without satisfactory proof
7 that the foster parent or parents have completed six actual hours of approved
8 ongoing foster parent training as set forth in section 8-503.

9 D. Notwithstanding the requirements of subsections B and C of this
10 section, if the division determines a condition of hardship to the foster
11 parent or parents, the division may issue a provisional license for a period
12 not to exceed six months. A provisional license may not be renewed.

13 E. Child welfare agencies that submit foster homes for licensing shall
14 conduct an investigation of the foster home pursuant to licensing rules of
15 the division. The division shall conduct investigations of all other foster
16 homes. If the foster home meets all requirements set by the division, the
17 agency shall submit an application stating the foster home's qualifications
18 to the division. The agency may also recommend the types of licensing and
19 certification to be granted to the foster home.

20 F. The division shall accept an adoptive home certification study as a
21 licensing home study if the study has been updated within the past three
22 months to include the information necessary to determine whether the home
23 meets foster care licensing standards.

24 G. This section shall not apply when the child is placed in a home by
25 a means other than by court order and when the home receives no compensation
26 from the state or any political subdivision of the state.

27 H. The division shall not prohibit a person operating a licensed
28 foster home from applying for or receiving compensation as a foster home
29 parent due to employment with the state of Arizona.

30 Sec. 4. Section 8-802, Arizona Revised Statutes, is amended to read:
31 8-802. Child protective services worker; fingerprint clearance
32 cards; powers and duties; alteration of files;
33 violation; classification

34 A. The department of economic security shall employ child protective
35 services workers. All persons who are employed as child protective services
36 workers shall have a valid fingerprint clearance card that is issued pursuant
37 to ~~title 41, chapter 12, article 3.1~~ SECTION 41-1758.07 or shall apply for a
38 fingerprint clearance card within seven working days of employment. A child
39 protective services worker shall certify on forms that are provided by the
40 department of economic security and that are notarized whether the worker is
41 awaiting trial on or has ever been convicted of any of the criminal offenses
42 listed in section ~~41-1758.03~~ 41-1758.07, subsections B and C in this state or
43 similar offenses in another state or jurisdiction.

44 B. The department may cooperate with county agencies and community
45 social services agencies to achieve the purposes of this chapter.

- 1 C. A child protective services worker shall:
- 2 1. Promote the safety and protection of children.
- 3 2. Accept, screen and assess reports of abuse or neglect pursuant to
- 4 section 8-817.
- 5 3. Receive reports of dependent, abused or abandoned children and be
- 6 prepared to provide temporary foster care for such children on a twenty-four
- 7 hour basis.
- 8 4. Receive from any source oral or written information regarding a
- 9 child who may be in need of protective services. A worker shall not
- 10 interview a child without the prior written consent of the parent, guardian
- 11 or custodian of the child unless either:
- 12 (a) The child initiates contact with the worker.
- 13 (b) The child who is interviewed is the subject of or is the sibling
- 14 of or living with the child who is the subject of an abuse or abandonment
- 15 investigation pursuant to paragraph 5, subdivision (b) of this subsection.
- 16 (c) The interview is conducted pursuant to the terms of the protocols
- 17 established pursuant to section 8-817.
- 18 5. After the receipt of any report or information pursuant to
- 19 paragraph 2, 3 or 4 of this subsection, immediately do both of the following:
- 20 (a) Notify the municipal or county law enforcement agency.
- 21 (b) Make a prompt and thorough investigation of the nature, extent and
- 22 cause of any condition that would tend to support or refute the allegation
- 23 that the child should be adjudicated dependent and the name, age and
- 24 condition of other children in the home. A criminal conduct allegation shall
- 25 be investigated according to the protocols established pursuant to section
- 26 8-817 with the appropriate municipal or county law enforcement agency as
- 27 provided in section 8-817.
- 28 6. Take a child into temporary custody as provided in section 8-821.
- 29 Law enforcement officers shall cooperate with the department to remove a
- 30 child from the custody of the child's parents, guardian or custodian when
- 31 necessary.
- 32 7. After investigation, evaluate conditions created by the parents,
- 33 guardian or custodian that would support or refute the allegation that the
- 34 child should be adjudicated dependent. The child protective services worker
- 35 shall then determine whether any child is in need of protective services.
- 36 8. Offer to the family of any child who is found to be a child in need
- 37 of protective services those services that are designed to correct unresolved
- 38 problems that would indicate a reason to adjudicate the child dependent.
- 39 9. Submit a written report of the worker's investigation to:
- 40 (a) The department's case management information system within
- 41 twenty-one days after receipt of the initial information except as provided
- 42 in section 8-811. If the investigation involves allegations regarding a
- 43 child who at the time of the alleged incident was in the custody of a child
- 44 welfare agency licensed by the department of economic security under this
- 45 title, a copy of the report and any additional investigative or other related

1 reports shall be provided to the board of directors of the agency or to the
2 administrative head of the agency unless the incident is alleged to have been
3 committed by the person. The department shall excise all information with
4 regard to the identity of the source of the reports.

5 (b) The appropriate court forty-eight hours before a dependency
6 hearing pursuant to a petition of dependency or within twenty-one days after
7 a petition of dependency is filed, whichever is earlier. On receipt of the
8 report the court shall make the report available to all parties and counsel.

9 10. Accept a child into voluntary placement pursuant to section 8-806.

10 11. Make a good faith effort to promptly obtain and abide by court
11 orders that restrict or deny custody, visitation or contact by a parent or
12 other person in the home with the child. As part of ~~their~~ THE good faith
13 effort, the child protective services worker shall ask the parent, guardian
14 or custodian under investigation if a current court order exists.

15 D. ~~No~~ A child shall NOT remain in temporary custody for a period
16 exceeding seventy-two hours, excluding Saturdays, Sundays and holidays,
17 unless a dependency petition is filed. If ~~no~~ A petition is NOT filed and the
18 child is released to the child's parent, guardian or custodian, the worker
19 shall file a report of removal with the central registry within seventy-two
20 hours of the child's release. The report shall include:

21 1. The dates of previous referrals, investigations or temporary
22 custody.

23 2. The dates on which other children in the family have been taken
24 into temporary custody.

25 E. The department shall provide child protective services workers who
26 investigate allegations of abuse and neglect with training in forensic
27 interviewing and processes, the protocols established pursuant to section
28 8-817 and relevant law enforcement procedures. All child protective services
29 workers shall be trained in their duty to protect the legal rights of
30 children and families from the time of the initial contact through treatment.
31 The training shall include knowledge of a child's rights as a victim of
32 crime. The training for child protective services workers shall also include
33 instruction on the legal rights of parents and the requirements for legal
34 search and seizure by law enforcement officers.

35 F. In conducting an investigation pursuant to this section, if the
36 worker is made aware that an allegation of abuse or neglect may also have
37 been made in another state, the worker shall contact the appropriate agency
38 in that state to attempt to determine the outcome of any investigation of
39 that allegation.

40 G. Any person who alters a client file for the purpose of fraud or
41 misrepresentation is guilty of a class 2 misdemeanor.

42 Sec. 5. Section 13-1602, Arizona Revised Statutes, is amended to read:

43 13-1602. Criminal damage; classification

44 A. A person commits criminal damage by recklessly:

45 1. Defacing or damaging property of another person; or

1 2. Tampering with property of another person so as substantially to
2 impair its function or value; or
3 3. Tampering with the property of a utility.
4 4. Parking any vehicle in such a manner as to deprive livestock of
5 access to the only reasonably available water.
6 5. Drawing or inscribing a message, slogan, sign or symbol that is
7 made on any public or private building, structure or surface, except the
8 ground, and that is made without permission of the owner.
9 B. Criminal damage is punished as follows:
10 1. Criminal damage is a class 4 felony if the person recklessly
11 damages property of another in an amount of ten thousand dollars or more, or
12 if the person recklessly causes impairment of the functioning of any utility.
13 2. Criminal damage is a class 5 felony if the person recklessly
14 damages property of another in an amount of two thousand dollars or more but
15 less than ten thousand dollars.
16 3. CRIMINAL DAMAGE IS A CLASS 6 FELONY IF THE PERSON RECKLESSLY
17 DAMAGES THE PROPERTY OF ANOTHER IN AN AMOUNT OF ONE THOUSAND DOLLARS OR MORE
18 BUT LESS THAN TWO THOUSAND DOLLARS.
19 ~~3.~~ 4. Criminal damage is a class ~~6 felony~~ 1 MISDEMEANOR if the person
20 recklessly damages property of another in an amount of more than two hundred
21 fifty dollars but less than ~~two~~ ONE thousand dollars.
22 ~~4.~~ 5. In all other cases criminal damage is a class 2 misdemeanor.
23 Sec. 6. Section 36-594.01, Arizona Revised Statutes, is amended to
24 read:
25 36-594.01. Fingerprinting of contract providers and home and
26 community based service providers
27 A. The following persons shall be fingerprinted pursuant to ~~title 41,~~
28 ~~chapter 12, article 3.1~~ SECTION 41-1758.07:
29 1. A person who is paid or who volunteers to work in a facility or
30 program that is licensed by or that has entered into a contract with the
31 division of developmental disabilities to provide services to persons with
32 developmental disabilities.
33 2. A person who applies for certification as a home and community
34 based service provider.
35 B. A person who is required to be fingerprinted pursuant to subsection
36 A, paragraph 1 of this section shall have a valid fingerprint clearance card
37 or shall apply for a fingerprint clearance card before providing services to
38 persons with developmental disabilities.
39 C. A person who is required to be fingerprinted pursuant to subsection
40 A, paragraph 2 of this section shall not be certified unless the person has a
41 valid fingerprint clearance card or provides to the division of developmental
42 disabilities documentation of the person's application for a fingerprint
43 clearance card.

1 D. This section does not apply to home and community based service
2 providers who provide attendant care and who are immediate relatives with
3 whom the person with developmental disabilities resides.

4 E. Persons who are required to be fingerprinted pursuant to subsection
5 A of this section shall certify on forms that are provided by the department
6 whether the person is awaiting trial on or has been convicted of any of the
7 offenses listed in section ~~41-1758.03~~ 41-1758.07, subsections B and C.

8 F. The division of developmental disabilities in the department of
9 economic security shall notify the department of public safety if the
10 division receives credible evidence that a person who possesses a valid
11 fingerprint clearance card either:

12 1. Is arrested for or charged with an offense listed in section
13 ~~41-1758.03~~ 41-1758.07, subsection B OR C.

14 2. Falsified information on the form required by subsection E of this
15 section.

16 Sec. 7. Section 36-594.02, Arizona Revised Statutes, is amended to
17 read:

18 36-594.02. Fingerprinting of adult developmental home licensees
19 and child developmental foster home licensees

20 ~~If~~ A person who applies for a license for an adult developmental home
21 or a child developmental foster home ~~has not been previously fingerprinted~~
22 ~~for any other license, certificate or program with the division of~~
23 ~~developmental disabilities, the person who applies for such a license shall~~
24 have a valid fingerprint clearance card issued pursuant to ~~title 41, chapter~~
25 ~~12, article 3.1 or provide to the division documentation of the person's~~
26 ~~application for a fingerprint clearance card. Such a~~ SECTION 41-1758.07.
27 THE person shall certify on forms that are provided by the department whether
28 the person is awaiting trial on or has been convicted of any of the offenses
29 listed in section ~~41-1758.03~~ 41-1758.07, subsections B and C in this state or
30 similar offenses in another state or jurisdiction.

31 Sec. 8. Section 36-882, Arizona Revised Statutes, is amended to read:

32 36-882. License; posting; transfer prohibited; fee; provisional
33 license; renewal

34 A. A child care facility shall not receive any child for care,
35 supervision or training unless the facility is licensed by the department of
36 health services.

37 B. An application for a license shall be made on a written or
38 electronic form prescribed by the department and shall include:

39 1. Information required by the department for the proper
40 administration of this chapter and rules adopted pursuant to this chapter.

41 2. The name and business or residential address of each controlling
42 person.

43 3. An affirmation by the applicant that no controlling person has been
44 denied a certificate to operate a child care group home or a license to
45 operate a child care facility for the care of children in this state or

1 another state or has had a license to operate a child care facility or a
2 certificate to operate a child care group home revoked for reasons that
3 relate to the endangerment of the health and safety of children.

4 C. An application for an initial license shall include:

5 1. The form ~~THAT IS~~ required pursuant to section 36-883.02, subsection
6 C ~~AND~~ that is completed by the applicant.

7 2. A copy of a valid fingerprint clearance card issued to the
8 applicant pursuant to ~~title 41, chapter 12, article 3.1~~ SECTION 41-1758.07.

9 3. If the applicant's facility is located within one-fourth mile of
10 any agricultural land, the names and addresses of the owners and lessees of
11 the agricultural land and a copy of the agreement required pursuant to
12 subsection D of this section.

13 D. The department shall deny any license that affects agricultural
14 land regulated pursuant to section 3-365, except that the owner of the
15 agricultural land may agree to comply with the buffer zone requirements of
16 section 3-365. If the owner agrees in writing to comply with the buffer zone
17 requirements and records the agreement in the office of the county recorder
18 as a restrictive covenant running with the title to the land, the department
19 may license the child care facility to be located within the affected buffer
20 zone. The agreement may include any stipulations regarding the child care
21 facility, including conditions for future expansion of the facility and
22 changes in the operational status of the facility that will result in a
23 breach of the agreement. This subsection shall not apply to the issuance or
24 renewal of a license for a child care facility located in the same location
25 for which a child care facility license was previously issued.

26 E. On receipt of an application for an initial license, the department
27 shall inspect the applicant's physical space, activities and standards of
28 care. If the department determines that the applicant and the applicant's
29 facility are in substantial compliance with this chapter and rules adopted
30 pursuant to this chapter and the applicant agrees to carry out a plan
31 acceptable to the department to eliminate any deficiencies, the department
32 shall issue an initial license to the applicant.

33 F. The fee for an initial application for licensure is one hundred
34 fifty dollars and is not refundable. The application fee is for the first
35 full licensure period, including any provisional period. The application fee
36 for renewal of a license is one hundred fifty dollars and is not refundable.
37 An applicant for renewal who fails to submit the application forty-five days
38 before the expiration of the license is subject to a fifty dollar late filing
39 fee. The department shall deposit, pursuant to sections 35-146 and 35-147,
40 late filing fees in the state general fund.

41 G. A license is valid for three years from the date of issuance and
42 shall specify the following:

43 1. The name of the applicant.

44 2. The exact address where the applicant will locate the facility.

- 1 3. The maximum number and age limitations of children that shall be
2 cared for at any one time.
- 3 4. The classification of services that the facility is licensed to
4 provide.
- 5 H. The department may issue a provisional license, not to exceed six
6 months, to an applicant or a licensed child care facility if:
- 7 1. The facility changes director.
- 8 2. The department determines that an applicant for an initial license
9 or a licensed child care facility is not in substantial compliance with this
10 chapter and rules adopted pursuant to this chapter and the immediate
11 interests of children, families and the general public are best served if the
12 child care facility or the applicant is given an opportunity to correct
13 deficiencies.
- 14 I. A provisional license shall state the reason for the provisional
15 status.
- 16 J. On the expiration of a provisional license, the department shall
17 issue a regular license for the remainder of the license period if the
18 department determines that the licensee and the child care facility are in
19 substantial compliance with this chapter and rules adopted pursuant to this
20 chapter and the applicant agrees to carry out a plan acceptable to the
21 department to eliminate any deficiencies.
- 22 K. Except as provided in section 36-893, subsection A, on receipt of a
23 renewal application that complies with this chapter and rules adopted
24 pursuant to this chapter, the department shall issue a renewal license to the
25 child care facility.
- 26 L. The licensee shall notify the department in writing within ten days
27 of any change in the child care facility's director.
- 28 M. The license is not transferable from person to person and is valid
29 only for the quarters occupied at the time of issuance.
- 30 N. The license shall be conspicuously posted in the child care
31 facility.
- 32 O. The licensee shall conspicuously post a schedule of fees charged
33 for services and the established policy for a refund of fees for services not
34 rendered.
- 35 P. The licensee shall keep current department inspection reports at
36 the child care facility and shall make them available to parents on request.
37 The licensee shall conspicuously post a notice that identifies the location
38 where these inspection reports are available for review.
- 39 Q. The department of health services shall notify the department of
40 public safety if the department of health services receives credible evidence
41 that a licensee who possesses a valid fingerprint clearance card either:
- 42 1. Is arrested for or charged with an offense listed in section
43 ~~41-1758.03~~ 41-1758.07, subsection B.
- 44 2. Falsified information on any form required by section 36-883.02.

1 H. For the purposes of this section, "child care personnel" means any
2 employee or volunteer working at a child care facility.

3 Sec. 10. Section 36-897.01, Arizona Revised Statutes, is amended to
4 read:

5 36-897.01. Certification; application; fees; rules;
6 fingerprinting; renewal

7 A. A child care group home shall be certified by the department. An
8 application for a certificate shall be made on a written or electronic form
9 prescribed by the department and shall contain all information required by
10 the department.

11 B. If a child care group home is within one-fourth mile of agriculture
12 land, the application shall include the names and addresses of the owners and
13 lessees of any agricultural land within one-fourth mile of the facility.
14 Within ten days after receipt of an application for a certificate, the
15 department shall notify the owners and lessees of agricultural land as listed
16 on the application. The department shall deny a certificate that affects
17 agricultural land regulated pursuant to section 3-365, except that the owner
18 of the agricultural land may agree to comply with the buffer zone
19 requirements of section 3-365. If the owner agrees in writing to comply with
20 the buffer zone requirements and records the agreement in the office of the
21 county recorder as a restrictive covenant running with the title to the land,
22 the department may issue a certificate to the child care group home to be
23 located within the affected buffer zone. The agreement may include any
24 stipulations regarding the child care group home, including conditions for
25 future expansion of the facility and changes in the operational status of the
26 facility that will result in a breach of the agreement. This subsection
27 applies to the renewal of a certificate for a child care group home located
28 in the same location if the child care group home certificate was not
29 previously issued under this subsection.

30 C. An application for an initial certificate shall be accompanied by a
31 nonrefundable application fee of thirty dollars.

32 D. The department shall issue an initial certificate if the department
33 determines that the applicant and the applicant's child care group home are
34 in substantial compliance with the requirements of this article and
35 department rules and the facility agrees to carry out a plan acceptable to
36 the director to eliminate any deficiencies.

37 E. A certificate is valid for three years and may be renewed for
38 successive three-year periods by submitting a renewal application as
39 prescribed by the department and submitting a nonrefundable renewal
40 application fee of thirty dollars. An applicant for renewal who fails to
41 submit the application forty-five days before the expiration of the
42 certificate is subject to a twenty-five dollar late filing fee. Late filing
43 fees collected pursuant to this subsection shall be deposited, pursuant to
44 sections 35-146 and 35-147, in the state general fund.

1 F. In order to ensure that the equipment and services of a child care
2 group home and the good character of an applicant are conducive to the
3 welfare of children, the department by rule shall establish the criteria for
4 granting, denying, suspending and revoking a certificate.

5 G. The director shall adopt rules and prescribe forms as may be
6 necessary for the proper administration and enforcement of this article.

7 H. The certificate shall be conspicuously posted in the child care
8 group home for viewing by parents and the public.

9 I. Current department inspection reports shall be kept at the child
10 care group home and shall be made available to parents on request.

11 J. A certificate is not transferable and is valid only for the
12 location occupied at the time it is issued.

13 K. An application for an initial certificate shall include:

14 1. The form **THAT IS** required pursuant to section 36-897.03, subsection
15 **B AND** that is completed by the applicant.

16 2. A copy of a valid fingerprint clearance card issued to the
17 applicant pursuant to ~~title 41, chapter 12, article 3.1~~ SECTION 41-1758.07.

18 L. Except as provided in section 36-897.10, subsection A, on receipt
19 of a renewal application that complies with this chapter and rules adopted
20 pursuant to this chapter, the department shall issue a renewal certificate to
21 the child care group home.

22 M. The department of health services shall notify the department of
23 public safety if the department of health services receives credible evidence
24 that a person who possesses a valid fingerprint clearance card either:

25 1. Is arrested for or charged with an offense listed in section
26 ~~41-1758.03~~ 41-1758.07, subsection B.

27 2. Falsified information on any form required by section 36-897.03.

28 Sec. 11. Section 36-897.03, Arizona Revised Statutes, is amended to
29 read:

30 36-897.03. Child care group homes; child care personnel;
31 fingerprints; definition

32 A. Child care personnel, including volunteers, shall submit the form
33 prescribed in subsection B of this section to the employer and shall have
34 valid fingerprint clearance cards issued pursuant to ~~title 41, chapter 12,~~
35 ~~article 3.1~~ SECTION 41-1758.07 or shall apply for a fingerprint clearance
36 card within seven working days of employment or beginning volunteer work.

37 B. Applicants, certificate holders and child care personnel shall
38 attest on forms that are provided by the department that:

39 1. They are not awaiting trial on or have never been convicted of or
40 admitted in open court or pursuant to a plea agreement committing any of the
41 offenses listed in section ~~41-1758.03~~ 41-1758.07, subsection B or C in this
42 state or similar offenses in another state or jurisdiction.

43 2. They are not parents or guardians of a child adjudicated to be a
44 dependent child as defined in section 8-201.

1 3. They have not been denied a certificate to operate a child care
2 group home or a license to operate a child care facility for the care of
3 children in this state or another state or had a license to operate a child
4 care facility or a certificate to operate a child care group home revoked for
5 reasons that relate to the endangerment of the health and safety of children.

6 C. The provider shall make documented, good faith efforts to contact
7 previous employers of child care personnel to obtain information or
8 recommendations that may be relevant to an individual's fitness to work in a
9 certified child care group home.

10 D. The director may adopt rules prescribing the exclusion from child
11 care group homes of individuals whose presence may be detrimental to the
12 welfare of children.

13 E. The forms required by subsection B of this section are
14 confidential.

15 F. A person who is awaiting trial on or who has been convicted of or
16 who has admitted in open court or pursuant to a plea agreement to committing
17 a criminal offense listed in section ~~41-1758.03~~ 41-1758.07, subsection B or
18 subsection B, paragraph 2 or 3 of this section is prohibited from being
19 employed in any capacity in a child care group home.

20 G. A person who is awaiting trial on or who has been convicted of or
21 who has admitted in open court or pursuant to a plea agreement to committing
22 a criminal offense listed in section ~~41-1758.03~~ 41-1758.07, subsection C
23 shall not work in a child care group home without direct visual supervision
24 unless the person has applied for and received the required fingerprint
25 clearance card pursuant to section 41-1758 and is registered as child care
26 personnel. A person who is subject to this subsection shall not be employed
27 in any capacity in a child care group home if that person is denied the
28 required fingerprint clearance card.

29 H. The employer shall notify the department of public safety if the
30 employer receives credible evidence that any child care personnel either:

31 1. Is arrested for or charged with an offense listed in section
32 ~~41-1758.03~~ 41-1758.07, subsection B.

33 2. Falsified information on the form required by subsection B of this
34 section.

35 I. For the purposes of this section, "child care personnel" means all
36 employees of and persons who are eighteen years of age or older and who
37 reside in a child care group home that is certified by the department.

38 Sec. 12. Section 41-619.51, Arizona Revised Statutes, is amended to
39 read:

40 41-619.51. Definitions

41 In this article, unless the context otherwise requires:

42 1. "Agency" means the supreme court, the department of economic
43 security, the department of education, the department of health services, the
44 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 15-534.
- 17 (g) Section 15-1330.
- 18 (h) Section 15-1881.
- 19 (i) Section 26-103.
- 20 (j) Section 36-411.
- 21 (k) Section 36-425.03.
- 22 (l) Section 36-446.04.
- 23 (m) Section 36-594.01.
- 24 (n) Section 36-594.02.
- 25 (o) Section 36-882.
- 26 (p) Section 36-883.02.
- 27 (q) Section 36-897.01.
- 28 (r) Section 36-897.03.
- 29 (s) Section 36-3008.
- 30 (t) [SECTION 41-619.53.](#)
- 31 (u) Section 41-1964.
- 32 (v) Section 41-1967.01.
- 33 (w) Section 41-1968.
- 34 (x) Section 41-1969.
- 35 (y) Section 41-2814.
- 36 (z) Section 46-141, subsection A.
- 37 (aa) Section 46-321.

38 Sec. 13. Section 41-619.52, Arizona Revised Statutes, is amended to
39 read:

40 [41-619.52. Board of fingerprinting; organization; meetings](#)

41 A. The board of fingerprinting is established consisting of the
42 following members:

43 1. A representative of the supreme court who is appointed by the chief
44 justice of the supreme court.

1 2. A representative of the department of economic security who is
2 appointed by the director of the department of economic security.

3 3. A representative of the department of education who is appointed by
4 the superintendent of public instruction.

5 4. A representative of the department of health services who is
6 appointed by the director of the department of health services.

7 5. A representative of the department of juvenile corrections who is
8 appointed by the director of the department of juvenile corrections.

9 B. At its initial meeting and annually thereafter, the board shall
10 elect a chairperson and vice-chairperson from among its members and any other
11 officers that are deemed necessary or advisable.

12 C. The board shall meet at least once each calendar quarter and
13 additionally as the chairperson deems necessary. A majority of the members
14 constitutes a quorum for the transaction of business.

15 D. Board members:

16 1. Serve at the pleasure of the appointing authority.

17 2. Are not eligible for compensation but are eligible for
18 reimbursement of expenses pursuant to title 38, chapter 4, article 2.

19 3. Shall have a valid fingerprint clearance card issued pursuant to
20 ~~chapter 12, article 3.1 of this title~~ SECTION 41-1758.07.

21 E. The chief justice, the superintendent of public instruction or a
22 department director may designate an alternate member to represent a member
23 who is appointed pursuant to subsection A by the chief justice, the
24 superintendent of public instruction or a department director, respectively.

25 Sec. 14. Section 41-619.53, Arizona Revised Statutes, is amended to
26 read:

27 41-619.53. Board of fingerprinting; powers and duties;
28 personnel; liability

29 A. The board of fingerprinting shall:

30 1. Determine good cause exceptions pursuant to section 41-619.55. The
31 board may appoint a hearing officer to recommend that an applicant be granted
32 or denied a good cause exception after the hearing officer conducts an
33 expedited review or a good cause exception hearing.

34 2. Adopt rules to implement this article, including rules to establish
35 good cause exceptions for the issuance of fingerprint clearance cards
36 pursuant to ~~section~~ SECTIONS 41-1758.03 AND 41-1758.07. This rule making is
37 exempt from the requirements of chapter 6 of this title.

38 3. Administer and enforce this article and rules adopted pursuant to
39 this article.

40 4. Furnish a copy of its rules, on request, to all applicants who
41 petition the board for a good cause exception pursuant to ~~section~~ SECTIONS
42 41-1758.03 AND 41-1758.07 and, on request, to licensees, contract providers
43 and state agencies.

44 5. Establish fees.

1 B. In order to grant a good cause exception, a majority plus an
2 additional member, of the members present, must vote to approve the
3 application. If the board grants a good cause exception, the board shall
4 request in writing that the department of public safety issue a card to the
5 applicant.

6 C. The board may employ clerical, professional and technical personnel
7 subject to fee monies that are collected and to the budget that is approved
8 by the board members and shall prescribe personnel duties and determine
9 personnel compensation. Personnel employed by the board must have a valid
10 fingerprint clearance card issued pursuant to ~~chapter 12, article 3.1 of this~~
11 ~~title~~ SECTION 41-1758.07. If the applicant is denied a fingerprint clearance
12 card, in order to be employed by the board, the board must grant a good cause
13 exception pursuant to this article by a unanimous vote.

14 D. In making any recommendation to the board to grant or deny a good
15 cause exception, the hearing officer shall consider all of the reasons and
16 criteria prescribed in section 41-619.55, subsection E.

17 E. Members and employees of the board are not liable for acts done or
18 actions taken by any board member or employee if the members or employees act
19 in good faith following the requirements of this article.

20 Sec. 15. Section 41-619.54, Arizona Revised Statutes, is amended to
21 read:

22 41-619.54. Confidentiality of criminal record information;
23 exception; reporting

24 A. All criminal history record information that is maintained by the
25 board is confidential, except that criminal history record information may be
26 disclosed pursuant to a determination for a good cause exception pursuant to
27 section 41-619.55.

28 B. Persons who are present at a good cause exception hearing shall not
29 discuss or share any criminal history record information outside of the good
30 cause exception hearing.

31 C. Except as provided in subsection D of this section, criminal
32 history record information and good cause exception determinations and
33 hearings are exempt from title 39, chapter 1.

34 D. On or before December 1 of each year the board shall report the
35 number of applications for a good cause exception and the number of good
36 cause exceptions that were granted for the twelve month period ending
37 September 30. The report shall itemize the number of applications and the
38 number of applications granted for each of the sections listed in section
39 41-619.51, paragraph ~~6~~ 5. For each of these sections, the report shall
40 further itemize each offense listed in section 41-1758.03, subsections B and
41 C AND SECTION 41-1758.07, SUBSECTIONS B AND C for which a good cause
42 exception was applied for and for which a good cause exception was granted.
43 The board shall provide a copy of the report to the governor, the speaker of
44 the house of representatives and the president of the senate.

1 6. The extent of the person's rehabilitation, including:
2 (a) Completion of probation, parole or community supervision.
3 (b) Whether the person paid restitution or other compensation for the
4 offense.
5 (c) Evidence of positive action to change criminal behavior, such as
6 completion of a drug treatment program or counseling.
7 (d) Personal references attesting to the person's rehabilitation.
8 F. If the board grants a good cause exception to a person, the board
9 shall request in writing that the department of public safety issue a
10 fingerprint clearance card to the person.
11 G. The board's staff, under the direction of the executive director of
12 the board, shall review reports it receives of the arrest, charging or
13 conviction of a person for offenses listed in ~~section~~ SECTIONS 41-1758.03 AND
14 41-1758.07 who previously received a fingerprint clearance card. Except as
15 provided by subsection J of this section, the executive director shall report
16 any arrest, charge or conviction of a prohibited crime to the state agencies
17 listed on the applicant's fingerprint clearance card application.
18 H. The board may request in writing that the department of public
19 safety revoke a person's fingerprint clearance card pursuant to section
20 41-1758.04 if the person received a fingerprint clearance card and the person
21 is subsequently convicted of an offense listed in section 41-1758.03,
22 subsection B or C OR SECTION 41-1758.07, SUBSECTION B OR C.
23 I. Pending the outcome of a good cause exception determination, the
24 board or its hearing officer may issue interim approval in accordance with
25 board rule to continue working to a good cause exception applicant.
26 J. If the board's staff, under the direction of the executive
27 director, receives a report of an arrest, charging or conviction of a
28 prohibited crime for a person who previously received a fingerprint clearance
29 card pursuant to section 15-1881, the executive director shall not report
30 this information to the state agency that is listed on the applicant's
31 fingerprint clearance card application but shall notify the person issued the
32 fingerprint clearance card of the report.
33 K. The board is exempt from ~~title 41,~~ chapter 6, article 10 OF THIS
34 TITLE.
35 L. A person who is required to obtain a fingerprint clearance card
36 pursuant to section 41-619.52 is not eligible to receive a good cause
37 exception pursuant to this section.
38 Sec. 17. Section 41-1758.01, Arizona Revised Statutes, is amended to
39 read:
40 41-1758.01. Fingerprinting division; duties
41 The fingerprinting division is established in the department of public
42 safety and shall:
43 1. Conduct fingerprint background checks for persons and applicants
44 who are seeking employment with licensees, contract providers and state
45 agencies or seeking employment or educational opportunities with agencies

1 that require fingerprint background checks pursuant to sections 8-105, 8-322,
2 8-509, 8-802, 15-183, ~~15-512~~, 15-534, 15-1330, 15-1881, 26-103, 36-411,
3 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01,
4 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968,
5 41-1969 and 41-2814, section 46-141, subsection A and section 46-321.

6 2. Issue fingerprint clearance cards. On issuance, a fingerprint
7 clearance card becomes the personal property of the cardholder and the
8 cardholder shall retain possession of the fingerprint clearance card.

9 3. On submission of an application for a fingerprint clearance card,
10 collect the fees established by the board of fingerprinting pursuant to
11 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the
12 monies collected in the board of fingerprinting fund.

13 4. Inform in writing each person who submits fingerprints for a
14 fingerprint background check of the person's right to petition the board of
15 fingerprinting for a good cause exception pursuant to ~~section~~ SECTIONS
16 41-1758.03 AND 41-1758.07.

17 5. Administer and enforce this article.

18 Sec. 18. Section 41-1758.03, Arizona Revised Statutes, is amended to
19 read:

20 41-1758.03. Fingerprint clearance cards; issuance; immunity

21 A. On receiving the state and federal criminal history record of a
22 person, the division shall compare the record with the list of criminal
23 offenses that preclude the person from receiving a fingerprint clearance
24 card. If the person's criminal history record does not contain any of the
25 offenses listed in subsections B and C of this section, the division shall
26 issue the person a fingerprint clearance card.

27 B. A person who is subject to registration as a sex offender in this
28 state or any other jurisdiction or who is awaiting trial on or who has been
29 convicted of committing or attempting, soliciting, facilitating or conspiring
30 to commit one or more of the following offenses in this state or the same or
31 similar offenses in another state or jurisdiction is precluded from receiving
32 a fingerprint clearance card:

- 33 1. Sexual abuse of a vulnerable adult.
- 34 2. Incest.
- 35 3. First or second degree murder.
- 36 4. Sexual assault.
- 37 5. Sexual exploitation of a minor.
- 38 6. Sexual exploitation of a vulnerable adult.
- 39 7. Commercial sexual exploitation of a minor.
- 40 8. Commercial sexual exploitation of a vulnerable adult.
- 41 9. Child prostitution as prescribed in section 13-3212.
- 42 10. Child abuse.
- 43 11. Abuse of a vulnerable adult.
- 44 12. Sexual conduct with a minor.
- 45 13. Molestation of a child.

- 1 14. Molestation of a vulnerable adult.
- 2 15. A dangerous crime against children as defined in section 13-705.
- 3 16. Exploitation of minors involving drug offenses.
- 4 17. Taking a child for the ~~purposes~~ PURPOSE of prostitution as
- 5 prescribed in section 13-3206.
- 6 18. Neglect or abuse of a vulnerable adult.
- 7 19. Sex trafficking.
- 8 20. Sexual abuse.
- 9 21. Production, publication, sale, possession and presentation of
- 10 obscene items as prescribed in section 13-3502.
- 11 22. Furnishing harmful items to minors as prescribed in section
- 12 13-3506.
- 13 23. Furnishing harmful items to minors by internet activity as
- 14 prescribed in section 13-3506.01.
- 15 24. Obscene or indecent telephone communications to minors for
- 16 commercial purposes as prescribed in section 13-3512.
- 17 25. Luring a minor for sexual exploitation.
- 18 26. Enticement of persons for purposes of prostitution.
- 19 27. Procurement by false pretenses of person for purposes of
- 20 prostitution.
- 21 28. Procuring or placing persons in a house of prostitution.
- 22 29. Receiving earnings of a prostitute.
- 23 30. Causing one's spouse to become a prostitute.
- 24 31. Detention of persons in a house of prostitution for debt.
- 25 32. Keeping or residing in a house of prostitution or employment in
- 26 prostitution.
- 27 33. Pandering.
- 28 34. Transporting persons for the purpose of prostitution, polygamy and
- 29 concubinage.
- 30 35. Portraying adult as a minor as prescribed in section 13-3555.
- 31 36. Admitting minors to public displays of sexual conduct as prescribed
- 32 in section 13-3558.
- 33 37. UNLAWFUL SALE OR PURCHASE OF CHILDREN.
- 34 38. CHILD BIGAMY.
- 35 C. A person who is awaiting trial on or who has been convicted of
- 36 committing or attempting, soliciting, facilitating or conspiring to commit
- 37 one or more of the following offenses in this state or the same or similar
- 38 offenses in another state or jurisdiction is precluded from receiving a
- 39 fingerprint clearance card, except that the person may petition the board of
- 40 fingerprinting for a good cause exception pursuant to section 41-619.55:
- 41 1. Manslaughter.
- 42 2. Endangerment.
- 43 3. Threatening or intimidating.
- 44 4. Assault.

- 1 5. Unlawfully administering intoxicating liquors, narcotic drugs or
2 dangerous drugs.
- 3 6. Assault by vicious animals.
- 4 7. Drive by shooting.
- 5 8. Assaults on officers or fire fighters.
- 6 9. Discharging a firearm at a structure.
- 7 10. Indecent exposure.
- 8 11. Public sexual indecency.
- 9 12. Aggravated criminal damage.
- 10 13. Theft.
- 11 14. Theft by extortion.
- 12 15. Shoplifting.
- 13 16. Forgery.
- 14 17. Criminal possession of a forgery device.
- 15 18. Obtaining a signature by deception.
- 16 19. Criminal impersonation.
- 17 20. Theft of a credit card or obtaining a credit card by fraudulent
18 means.
- 19 21. Receipt of anything of value obtained by fraudulent use of a credit
20 card.
- 21 22. Forgery of a credit card.
- 22 23. Fraudulent use of a credit card.
- 23 24. Possession of any machinery, plate or other contrivance or
24 incomplete credit card.
- 25 25. False statement as to financial condition or identity to obtain a
26 credit card.
- 27 26. Fraud by persons authorized to provide goods or services.
- 28 27. Credit card transaction record theft.
- 29 28. Misconduct involving weapons.
- 30 29. Misconduct involving explosives.
- 31 30. Depositing explosives.
- 32 31. Misconduct involving simulated explosive devices.
- 33 32. Concealed weapon violation.
- 34 33. Possession and sale of peyote.
- 35 34. Possession and sale of a vapor-releasing substance containing a
36 toxic substance.
- 37 35. Sale of precursor chemicals.
- 38 36. Possession, use or sale of marijuana, dangerous drugs or narcotic
39 drugs.
- 40 37. Manufacture or distribution of an imitation controlled substance.
- 41 38. Manufacture or distribution of an imitation prescription-only drug.
- 42 39. Manufacture or distribution of an imitation over-the-counter drug.
- 43 40. Possession or possession with intent to use an imitation controlled
44 substance.

- 1 41. Possession or possession with intent to use an imitation
2 prescription-only drug.
- 3 42. Possession or possession with intent to use an imitation
4 over-the-counter drug.
- 5 43. Manufacture of certain substances and drugs by certain means.
- 6 44. Adding poison or other harmful substance to food, drink or
7 medicine.
- 8 45. A criminal offense involving criminal trespass and burglary under
9 title 13, chapter 15.
- 10 46. A criminal offense under title 13, chapter 23.
- 11 47. Child neglect.
- 12 48. Misdemeanor offenses involving contributing to the delinquency of a
13 minor.
- 14 49. Offenses involving domestic violence.
- 15 50. Arson.
- 16 51. Kidnapping.
- 17 52. Felony offenses involving sale, distribution or transportation of,
18 offer to sell, transport or distribute or conspiracy to sell, transport or
19 distribute marijuana, dangerous drugs or narcotic drugs.
- 20 53. Robbery.
- 21 54. Aggravated assault.
- 22 55. Felony offenses involving contributing to the delinquency of a
23 minor.
- 24 56. Negligent homicide.
- 25 57. Criminal damage.
- 26 58. Misappropriation of charter school monies as prescribed in section
27 13-1818.
- 28 59. Taking identity of another person or entity.
- 29 60. Aggravated taking identity of another person or entity.
- 30 61. Trafficking in the identity of another person or entity.
- 31 62. Cruelty to animals.
- 32 63. Prostitution.
- 33 64. Sale or distribution of material harmful to minors through vending
34 machines as prescribed in section 13-3513.
- 35 65. Welfare fraud.
- 36 D. A person who is awaiting trial on or who has been convicted of
37 committing or attempting ~~or conspiring~~ to commit a violation of section
38 28-1381, 28-1382 or 28-1383 in this state or the same or similar offense in
39 another state or jurisdiction within five years from the date of applying for
40 a fingerprint clearance card is precluded from driving any vehicle to
41 transport employees or clients of the employing agency as part of the
42 person's employment. The division shall place a notation on the fingerprint
43 clearance card that indicates this driving restriction. This subsection does
44 not preclude a person from driving a vehicle alone as part of the person's
45 employment.

1 E. Notwithstanding subsection C of this section, on receiving written
2 notice from the board of fingerprinting that a good cause exception was
3 granted pursuant to section 41-619.55, the division shall issue a fingerprint
4 clearance card to the person.

5 F. If the division denies a person's application for a fingerprint
6 clearance card pursuant to subsection C of this section and a good cause
7 exception is requested pursuant to section 41-619.55, the division shall
8 release, on request by the board of fingerprinting, the person's criminal
9 history record to the board of fingerprinting.

10 G. A person shall be granted a fingerprint clearance card if either of
11 the following applies:

12 1. An agency granted a good cause exception before August 16, 1999 and
13 no new precluding offense is identified. The fingerprint clearance card
14 shall specify only the program that granted the good cause exception. On the
15 request of the applicant, the agency that granted the prior good cause
16 exception shall notify the division in writing of the date on which the prior
17 good cause exception was granted and the date of the conviction and the name
18 of the offense for which the good cause exception was granted.

19 2. The board granted a good cause exception and no new precluding
20 offense is identified. ~~The fingerprint clearance card shall specify the~~
21 ~~programs for which the board granted the good cause exception.~~

22 H. The licensee or contract provider shall assume the costs of
23 fingerprint checks and may charge these costs to persons required to be
24 fingerprinted.

25 I. A person who is under eighteen years of age or who is at least
26 ninety-nine years of age is exempt from the fingerprint clearance card
27 requirements of this section. At all times the person shall be under the
28 direct visual supervision of personnel who have valid fingerprint clearance
29 cards.

30 J. The division may conduct periodic state criminal history records
31 checks for the purpose of updating the clearance status of current
32 fingerprint clearance card holders and may notify the board of fingerprinting
33 and the agency employing the person of the results of the records check.

34 K. The division shall revoke a person's fingerprint clearance card on
35 receipt of a written request for revocation from the board of fingerprinting
36 pursuant to section 41-619.55.

37 L. The division shall not issue a fingerprint clearance card to a
38 person if the division cannot determine, within thirty business days after
39 receipt of the person's state and federal criminal history record
40 information, whether the person is awaiting trial on or has been convicted of
41 committing any of the offenses listed in subsection B or C of this section.
42 If the division is unable to make the determination required by this section
43 and does not issue a fingerprint clearance card to a person, the person may
44 request a good cause exception pursuant to section 41-619.55.

1 M. Except as provided in subsection N of this section, if after
2 conducting a state and federal criminal history ~~record~~ RECORDS check the
3 division determines that it is not authorized to issue a fingerprint
4 clearance card to a person, the division shall notify the agency that
5 licenses or employs the person that the division is not authorized to issue a
6 fingerprint clearance card. This notice shall include the criminal history
7 information on which the denial was based. This criminal history information
8 is subject to dissemination restrictions pursuant to section 41-1750 and
9 Public Law 92-544.

10 N. If, after conducting a state and federal criminal history ~~record~~
11 RECORDS check on a person who requests a fingerprint clearance card pursuant
12 to section 15-1881, the division determines that it is not authorized to
13 issue a fingerprint clearance card to the person, the division shall not
14 notify the agency. The division shall notify the person who requested the
15 card that the division is not authorized to issue a fingerprint clearance
16 card.

17 O. The division is not liable for damages resulting from:

18 1. The issuance of a fingerprint clearance card to a person who is
19 later found to have been ineligible to receive a fingerprint clearance card
20 at the time the card was issued.

21 2. The denial of a fingerprint clearance card to a person who is later
22 found to have been eligible to receive a fingerprint clearance card at the
23 time issuance of the card was denied.

24 P. The issuance of a fingerprint clearance card does not entitle a
25 person to employment.

26 Q. NOTWITHSTANDING ANY LAW TO THE CONTRARY, A PERSON MAY APPLY FOR AND
27 RECEIVE A LEVEL I FINGERPRINT CLEARANCE CARD PURSUANT TO SECTION 41-1758.07
28 TO SATISFY A REQUIREMENT THAT THE PERSON HAVE A VALID FINGERPRINT CLEARANCE
29 CARD ISSUED PURSUANT TO THIS SECTION.

30 Sec. 19. Section 41-1758.04, Arizona Revised Statutes, is amended to
31 read:

32 41-1758.04. Denial, suspension or revocation of fingerprint
33 clearance card

34 A. The division shall deny the issuance of a fingerprint clearance
35 card to any person who is awaiting trial on or who has been convicted of an
36 offense listed in section 41-1758.03, subsection B or C OR SECTION
37 41-1758.07, SUBSECTION B OR C.

38 B. The division shall revoke the fingerprint clearance card of a
39 person who has received a fingerprint clearance card and who is subsequently
40 convicted of an offense listed in section 41-1758.03, subsection B OR SECTION
41 41-1758.07, SUBSECTION B.

42 C. The division shall suspend the fingerprint clearance card of a
43 person who BECOMES SUBJECT TO REGISTRATION AS A SEX OFFENDER OR A PERSON WHO
44 is arrested for an offense listed in section 41-1758.03, subsection B or C OR
45 SECTION 41-1758.07, SUBSECTION B OR C.

1 D. A person who has been arrested for an offense listed in section
2 41-1758.03, subsection C OR SECTION 41-1758.07, SUBSECTION C and whose
3 fingerprint clearance card has been suspended pursuant to this section may
4 request a good cause exception hearing pursuant to section 41-619.55.

5 Sec. 20. Title 41, chapter 12, article 3.1, Arizona Revised Statutes,
6 is amended by adding section 41-1758.07, to read:

7 41-1758.07. Level I fingerprint clearance cards; definitions

8 A. ON RECEIVING THE STATE AND FEDERAL CRIMINAL HISTORY RECORD OF A
9 PERSON WHO IS REQUIRED TO BE FINGERPRINTED PURSUANT TO THIS SECTION, THE
10 FINGERPRINTING DIVISION IN THE DEPARTMENT OF PUBLIC SAFETY SHALL COMPARE THE
11 RECORD WITH THE LIST OF CRIMINAL OFFENSES THAT PRECLUDE THE PERSON FROM
12 RECEIVING A LEVEL I FINGERPRINT CLEARANCE CARD. IF THE PERSON'S CRIMINAL
13 HISTORY RECORD DOES NOT CONTAIN ANY OF THE OFFENSES LISTED IN SUBSECTIONS B
14 AND C OF THIS SECTION, THE FINGERPRINTING DIVISION SHALL ISSUE THE PERSON A
15 LEVEL I FINGERPRINT CLEARANCE CARD.

16 B. A PERSON WHO IS SUBJECT TO REGISTRATION AS A SEX OFFENDER IN THIS
17 STATE OR ANY OTHER JURISDICTION OR WHO IS AWAITING TRIAL ON OR WHO HAS BEEN
18 CONVICTED OF COMMITTING OR ATTEMPTING, SOLICITING, FACILITATING OR CONSPIRING
19 TO COMMIT ONE OR MORE OF THE FOLLOWING OFFENSES IN THIS STATE OR THE SAME OR
20 SIMILAR OFFENSES IN ANOTHER STATE OR JURISDICTION IS PRECLUDED FROM RECEIVING
21 A LEVEL I FINGERPRINT CLEARANCE CARD:

- 22 1. SEXUAL ABUSE OF A VULNERABLE ADULT.
- 23 2. INCEST.
- 24 3. HOMICIDE, INCLUDING FIRST OR SECOND DEGREE MURDER, MANSLAUGHTER AND
25 NEGLIGENT HOMICIDE.
- 26 4. SEXUAL ASSAULT.
- 27 5. SEXUAL EXPLOITATION OF A MINOR.
- 28 6. SEXUAL EXPLOITATION OF A VULNERABLE ADULT.
- 29 7. COMMERCIAL SEXUAL EXPLOITATION OF A MINOR.
- 30 8. COMMERCIAL SEXUAL EXPLOITATION OF A VULNERABLE ADULT.
- 31 9. CHILD PROSTITUTION AS PRESCRIBED IN SECTION 13-3212.
- 32 10. CHILD ABUSE.
- 33 11. FELONY CHILD NEGLECT.
- 34 12. ABUSE OF A VULNERABLE ADULT.
- 35 13. SEXUAL CONDUCT WITH A MINOR.
- 36 14. MOLESTATION OF A CHILD.
- 37 15. MOLESTATION OF A VULNERABLE ADULT.
- 38 16. DANGEROUS CRIMES AGAINST CHILDREN AS DEFINED IN SECTION 13-705.
- 39 17. EXPLOITATION OF MINORS INVOLVING DRUG OFFENSES.
- 40 18. TAKING A CHILD FOR THE PURPOSE OF PROSTITUTION AS PRESCRIBED IN
41 SECTION 13-3206.
- 42 19. NEGLECT OR ABUSE OF A VULNERABLE ADULT.
- 43 20. SEX TRAFFICKING.
- 44 21. SEXUAL ABUSE.

1 22. PRODUCTION, PUBLICATION, SALE, POSSESSION AND PRESENTATION OF
2 OBSCENE ITEMS AS PRESCRIBED IN SECTION 13-3502.

3 23. FURNISHING HARMFUL ITEMS TO MINORS AS PRESCRIBED IN SECTION
4 13-3506.

5 24. FURNISHING HARMFUL ITEMS TO MINORS BY INTERNET ACTIVITY AS
6 PRESCRIBED IN SECTION 13-3506.01.

7 25. OBSCENE OR INDECENT TELEPHONE COMMUNICATIONS TO MINORS FOR
8 COMMERCIAL PURPOSES AS PRESCRIBED IN SECTION 13-3512.

9 26. LURING A MINOR FOR SEXUAL EXPLOITATION.

10 27. ENTICEMENT OF PERSONS FOR PURPOSES OF PROSTITUTION.

11 28. PROCUREMENT BY FALSE PRETENSES OF PERSON FOR PURPOSES OF
12 PROSTITUTION.

13 29. PROCURING OR PLACING PERSONS IN A HOUSE OF PROSTITUTION.

14 30. RECEIVING EARNINGS OF A PROSTITUTE.

15 31. CAUSING ONE'S SPOUSE TO BECOME A PROSTITUTE.

16 32. DETENTION OF PERSONS IN A HOUSE OF PROSTITUTION FOR DEBT.

17 33. KEEPING OR RESIDING IN A HOUSE OF PROSTITUTION OR EMPLOYMENT IN
18 PROSTITUTION.

19 34. PANDERING.

20 35. TRANSPORTING PERSONS FOR THE PURPOSE OF PROSTITUTION, POLYGAMY AND
21 CONCUBINAGE.

22 36. PORTRAYING ADULT AS A MINOR AS PRESCRIBED IN SECTION 13-3555.

23 37. ADMITTING MINORS TO PUBLIC DISPLAYS OF SEXUAL CONDUCT AS PRESCRIBED
24 IN SECTION 13-3558.

25 38. ANY FELONY OFFENSE INVOLVING CONTRIBUTING TO THE DELINQUENCY OF A
26 MINOR.

27 39. UNLAWFUL SALE OR PURCHASE OF CHILDREN.

28 40. CHILD BIGAMY.

29 41. ANY FELONY OFFENSE INVOLVING DOMESTIC VIOLENCE AS DEFINED IN
30 SECTION 13-3601 EXCEPT FOR A FELONY OFFENSE ONLY INVOLVING CRIMINAL DAMAGE IN
31 AN AMOUNT OF MORE THAN TWO HUNDRED FIFTY DOLLARS BUT LESS THAN ONE THOUSAND
32 DOLLARS IF THE OFFENSE WAS COMMITTED BEFORE THE EFFECTIVE DATE OF THIS
33 SECTION.

34 42. ANY FELONY OFFENSE IN VIOLATION OF TITLE 13, CHAPTER 12 IF
35 COMMITTED WITHIN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A LEVEL I
36 FINGERPRINT CLEARANCE CARD.

37 43. FELONY DRUG OR ALCOHOL RELATED OFFENSES IF COMMITTED WITHIN FIVE
38 YEARS BEFORE THE DATE OF APPLYING FOR A LEVEL I FINGERPRINT CLEARANCE CARD.

39 44. FELONY INDECENT EXPOSURE.

40 45. FELONY PUBLIC SEXUAL INDECENCY.

41 46. TERRORISM.

42 47. ANY OFFENSE INVOLVING A VIOLENT CRIME AS DEFINED IN SECTION
43 13-901.03.

44 C. A PERSON WHO IS AWAITING TRIAL ON OR WHO HAS BEEN CONVICTED OF
45 COMMITTING OR ATTEMPTING, SOLICITING, FACILITATING OR CONSPIRING TO COMMIT

- 1 ONE OR MORE OF THE FOLLOWING OFFENSES IN THIS STATE OR THE SAME OR SIMILAR
2 OFFENSES IN ANOTHER STATE OR JURISDICTION IS PRECLUDED FROM RECEIVING A LEVEL
3 I FINGERPRINT CLEARANCE CARD, EXCEPT THAT THE PERSON MAY PETITION THE BOARD
4 OF FINGERPRINTING FOR A GOOD CAUSE EXCEPTION PURSUANT TO SECTION 41-619.55:
- 5 1. ANY MISDEMEANOR OFFENSE IN VIOLATION OF TITLE 13, CHAPTER 12.
 - 6 2. MISDEMEANOR INDECENT EXPOSURE.
 - 7 3. MISDEMEANOR PUBLIC SEXUAL INDECENCY.
 - 8 4. AGGRAVATED CRIMINAL DAMAGE.
 - 9 5. THEFT.
 - 10 6. THEFT BY EXTORTION.
 - 11 7. SHOPLIFTING.
 - 12 8. FORGERY.
 - 13 9. CRIMINAL POSSESSION OF A FORGERY DEVICE.
 - 14 10. OBTAINING A SIGNATURE BY DECEPTION.
 - 15 11. CRIMINAL IMPERSONATION.
 - 16 12. THEFT OF A CREDIT CARD OR OBTAINING A CREDIT CARD BY FRAUDULENT
17 MEANS.
 - 18 13. RECEIPT OF ANYTHING OF VALUE OBTAINED BY FRAUDULENT USE OF A CREDIT
19 CARD.
 - 20 14. FORGERY OF A CREDIT CARD.
 - 21 15. FRAUDULENT USE OF A CREDIT CARD.
 - 22 16. POSSESSION OF ANY MACHINERY, PLATE OR OTHER CONTRIVANCE OR
23 INCOMPLETE CREDIT CARD.
 - 24 17. FALSE STATEMENT AS TO FINANCIAL CONDITION OR IDENTITY TO OBTAIN A
25 CREDIT CARD.
 - 26 18. FRAUD BY PERSONS AUTHORIZED TO PROVIDE GOODS OR SERVICES.
 - 27 19. CREDIT CARD TRANSACTION RECORD THEFT.
 - 28 20. MISCONDUCT INVOLVING WEAPONS.
 - 29 21. MISCONDUCT INVOLVING EXPLOSIVES.
 - 30 22. DEPOSITING EXPLOSIVES.
 - 31 23. MISCONDUCT INVOLVING SIMULATED EXPLOSIVE DEVICES.
 - 32 24. CONCEALED WEAPON VIOLATION.
 - 33 25. MISDEMEANOR POSSESSION AND MISDEMEANOR SALE OF PEYOTE.
 - 34 26. FELONY POSSESSION AND FELONY SALE OF PEYOTE IF COMMITTED MORE THAN
35 FIVE YEARS BEFORE THE DATE OF APPLYING FOR A LEVEL I FINGERPRINT CLEARANCE
36 CARD.
 - 37 27. MISDEMEANOR POSSESSION AND MISDEMEANOR SALE OF A VAPOR-RELEASING
38 SUBSTANCE CONTAINING A TOXIC SUBSTANCE.
 - 39 28. FELONY POSSESSION AND FELONY SALE OF A VAPOR-RELEASING SUBSTANCE
40 CONTAINING A TOXIC SUBSTANCE IF COMMITTED MORE THAN FIVE YEARS BEFORE THE
41 DATE OF APPLYING FOR A LEVEL I FINGERPRINT CLEARANCE CARD.
 - 42 29. MISDEMEANOR SALE OF PRECURSOR CHEMICALS.
 - 43 30. FELONY SALE OF PRECURSOR CHEMICALS IF COMMITTED MORE THAN FIVE
44 YEARS BEFORE THE DATE OF APPLYING FOR A LEVEL I FINGERPRINT CLEARANCE CARD.

- 1 31. MISDEMEANOR POSSESSION, MISDEMEANOR USE OR MISDEMEANOR SALE OF
2 MARIJUANA, DANGEROUS DRUGS OR NARCOTIC DRUGS.
- 3 32. FELONY POSSESSION, FELONY USE OR FELONY SALE OF MARIJUANA,
4 DANGEROUS DRUGS OR NARCOTIC DRUGS IF COMMITTED MORE THAN FIVE YEARS BEFORE
5 THE DATE OF APPLYING FOR A LEVEL I FINGERPRINT CLEARANCE CARD.
- 6 33. MISDEMEANOR MANUFACTURE OR MISDEMEANOR DISTRIBUTION OF AN IMITATION
7 CONTROLLED SUBSTANCE.
- 8 34. FELONY MANUFACTURE OR FELONY DISTRIBUTION OF AN IMITATION
9 CONTROLLED SUBSTANCE IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF
10 APPLYING FOR A LEVEL I FINGERPRINT CLEARANCE CARD.
- 11 35. MISDEMEANOR MANUFACTURE OR MISDEMEANOR DISTRIBUTION OF AN IMITATION
12 PRESCRIPTION-ONLY DRUG.
- 13 36. FELONY MANUFACTURE OR FELONY DISTRIBUTION OF AN IMITATION
14 PRESCRIPTION-ONLY DRUG IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF
15 APPLYING FOR A LEVEL I FINGERPRINT CLEARANCE CARD.
- 16 37. MISDEMEANOR MANUFACTURE OR MISDEMEANOR DISTRIBUTION OF AN IMITATION
17 OVER-THE-COUNTER DRUG.
- 18 38. FELONY MANUFACTURE OR FELONY DISTRIBUTION OF AN IMITATION
19 OVER-THE-COUNTER DRUG IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF
20 APPLYING FOR A LEVEL I FINGERPRINT CLEARANCE CARD.
- 21 39. MISDEMEANOR POSSESSION OR MISDEMEANOR POSSESSION WITH INTENT TO USE
22 AN IMITATION CONTROLLED SUBSTANCE.
- 23 40. FELONY POSSESSION OR FELONY POSSESSION WITH INTENT TO USE AN
24 IMITATION CONTROLLED SUBSTANCE IF COMMITTED MORE THAN FIVE YEARS BEFORE THE
25 DATE OF APPLYING FOR A LEVEL I FINGERPRINT CLEARANCE CARD.
- 26 41. MISDEMEANOR POSSESSION OR MISDEMEANOR POSSESSION WITH INTENT TO USE
27 AN IMITATION PRESCRIPTION-ONLY DRUG.
- 28 42. FELONY POSSESSION OR FELONY POSSESSION WITH INTENT TO USE AN
29 IMITATION PRESCRIPTION-ONLY DRUG IF COMMITTED MORE THAN FIVE YEARS BEFORE THE
30 DATE OF APPLYING FOR A LEVEL I FINGERPRINT CLEARANCE CARD.
- 31 43. MISDEMEANOR POSSESSION OR MISDEMEANOR POSSESSION WITH INTENT TO USE
32 AN IMITATION OVER-THE-COUNTER DRUG.
- 33 44. FELONY POSSESSION OR FELONY POSSESSION WITH INTENT TO USE AN
34 IMITATION OVER-THE-COUNTER DRUG IF COMMITTED MORE THAN FIVE YEARS BEFORE THE
35 DATE OF APPLYING FOR A LEVEL I FINGERPRINT CLEARANCE CARD.
- 36 45. MISDEMEANOR MANUFACTURE OF CERTAIN SUBSTANCES AND DRUGS BY CERTAIN
37 MEANS.
- 38 46. FELONY MANUFACTURE OF CERTAIN SUBSTANCES AND DRUGS BY CERTAIN MEANS
39 IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A LEVEL I
40 FINGERPRINT CLEARANCE CARD.
- 41 47. ADDING POISON OR OTHER HARMFUL SUBSTANCE TO FOOD, DRINK OR
42 MEDICINE.
- 43 48. A CRIMINAL OFFENSE INVOLVING CRIMINAL TRESPASS AND BURGLARY UNDER
44 TITLE 13, CHAPTER 15.
- 45 49. A CRIMINAL OFFENSE UNDER TITLE 13, CHAPTER 23, EXCEPT TERRORISM.

- 1 50. MISDEMEANOR OFFENSES INVOLVING CHILD NEGLECT.
- 2 51. MISDEMEANOR OFFENSES INVOLVING CONTRIBUTING TO THE DELINQUENCY OF A
- 3 MINOR.
- 4 52. MISDEMEANOR OFFENSES INVOLVING DOMESTIC VIOLENCE AS DEFINED IN
- 5 SECTION 13-3601.
- 6 53. FELONY OFFENSES INVOLVING DOMESTIC VIOLENCE IF THE OFFENSE ONLY
- 7 INVOLVED CRIMINAL DAMAGE IN AN AMOUNT OF MORE THAN TWO HUNDRED FIFTY DOLLARS
- 8 BUT LESS THAN ONE THOUSAND DOLLARS AND THE OFFENSE WAS COMMITTED BEFORE THE
- 9 EFFECTIVE DATE OF THIS SECTION.
- 10 54. ARSON.
- 11 55. FELONY OFFENSES INVOLVING SALE, DISTRIBUTION OR TRANSPORTATION OF,
- 12 OFFER TO SELL, TRANSPORT OR DISTRIBUTE OR CONSPIRACY TO SELL, TRANSPORT OR
- 13 DISTRIBUTE MARIJUANA, DANGEROUS DRUGS OR NARCOTIC DRUGS IF COMMITTED MORE
- 14 THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A LEVEL I FINGERPRINT
- 15 CLEARANCE CARD.
- 16 56. CRIMINAL DAMAGE.
- 17 57. MISAPPROPRIATION OF CHARTER SCHOOL MONIES AS PRESCRIBED IN SECTION
- 18 13-1818.
- 19 58. TAKING IDENTITY OF ANOTHER PERSON OR ENTITY.
- 20 59. AGGRAVATED TAKING IDENTITY OF ANOTHER PERSON OR ENTITY.
- 21 60. TRAFFICKING IN THE IDENTITY OF ANOTHER PERSON OR ENTITY.
- 22 61. CRUELTY TO ANIMALS.
- 23 62. PROSTITUTION, AS PRESCRIBED IN SECTION 13-3214.
- 24 63. SALE OR DISTRIBUTION OF MATERIAL HARMFUL TO MINORS THROUGH VENDING
- 25 MACHINES AS PRESCRIBED IN SECTION 13-3513.
- 26 64. WELFARE FRAUD.
- 27 65. ANY FELONY OFFENSE IN VIOLATION OF TITLE 13, CHAPTER 12 IF
- 28 COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A LEVEL I
- 29 FINGERPRINT CLEARANCE CARD.
- 30 66. KIDNAPPING.
- 31 67. ROBBERY, AGGRAVATED ROBBERY OR ARMED ROBBERY.
- 32 D. A PERSON WHO IS AWAITING TRIAL ON OR WHO HAS BEEN CONVICTED OF
- 33 COMMITTING OR ATTEMPTING TO COMMIT A MISDEMEANOR VIOLATION OF SECTION
- 34 28-1381, 28-1382 OR 28-1383 IN THIS STATE OR THE SAME OR SIMILAR OFFENSE IN
- 35 ANOTHER STATE OR JURISDICTION WITHIN FIVE YEARS FROM THE DATE OF APPLYING FOR
- 36 A LEVEL I FINGERPRINT CLEARANCE CARD IS PRECLUDED FROM DRIVING ANY VEHICLE TO
- 37 TRANSPORT EMPLOYEES OR CLIENTS OF THE EMPLOYING AGENCY AS PART OF THE
- 38 PERSON'S EMPLOYMENT. THE DIVISION SHALL PLACE A NOTATION ON THE LEVEL I
- 39 FINGERPRINT CLEARANCE CARD THAT INDICATES THIS DRIVING RESTRICTION. THIS
- 40 SUBSECTION DOES NOT PRECLUDE A PERSON FROM DRIVING A VEHICLE ALONE AS PART OF
- 41 THE PERSON'S EMPLOYMENT.

1 E. NOTWITHSTANDING SUBSECTION C OF THIS SECTION, ON RECEIVING WRITTEN
2 NOTICE FROM THE BOARD OF FINGERPRINTING THAT A GOOD CAUSE EXCEPTION WAS
3 GRANTED PURSUANT TO SECTION 41-619.55, THE FINGERPRINTING DIVISION SHALL
4 ISSUE A LEVEL I FINGERPRINT CLEARANCE CARD TO THE APPLICANT.

5 F. IF THE FINGERPRINTING DIVISION DENIES A PERSON'S APPLICATION FOR A
6 LEVEL I FINGERPRINT CLEARANCE CARD PURSUANT TO SUBSECTION C OF THIS SECTION
7 AND A GOOD CAUSE EXCEPTION IS REQUESTED PURSUANT TO SECTION 41-619.55, THE
8 FINGERPRINTING DIVISION SHALL RELEASE, ON REQUEST BY THE BOARD OF
9 FINGERPRINTING, THE PERSON'S CRIMINAL HISTORY RECORD TO THE BOARD OF
10 FINGERPRINTING.

11 G. A PERSON SHALL BE GRANTED A LEVEL I FINGERPRINT CLEARANCE CARD
12 PURSUANT TO THIS SECTION IF EITHER OF THE FOLLOWING APPLIES:

13 1. AN AGENCY GRANTED A GOOD CAUSE EXCEPTION BEFORE AUGUST 16, 1999 AND
14 NO NEW PRECLUDING OFFENSE IS IDENTIFIED. THE FINGERPRINT CLEARANCE CARD
15 SHALL SPECIFY ONLY THE PROGRAM THAT GRANTED THE GOOD CAUSE EXCEPTION. ON THE
16 REQUEST OF THE APPLICANT, THE AGENCY THAT GRANTED THE PRIOR GOOD CAUSE
17 EXCEPTION SHALL NOTIFY THE FINGERPRINTING DIVISION IN WRITING OF THE DATE ON
18 WHICH THE PRIOR GOOD CAUSE EXCEPTION WAS GRANTED AND THE DATE OF THE
19 CONVICTION AND THE NAME OF THE OFFENSE FOR WHICH THE GOOD CAUSE EXCEPTION WAS
20 GRANTED.

21 2. THE BOARD GRANTED A GOOD CAUSE EXCEPTION AND NO NEW PRECLUDING
22 OFFENSE IS IDENTIFIED.

23 H. THE LICENSEE OR CONTRACT PROVIDER SHALL ASSUME THE COSTS OF
24 FINGERPRINT CHECKS CONDUCTED PURSUANT TO THIS SECTION AND MAY CHARGE THESE
25 COSTS TO PERSONS REQUIRED TO BE FINGERPRINTED.

26 I. A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE OR WHO IS AT LEAST
27 NINETY-NINE YEARS OF AGE IS EXEMPT FROM THE LEVEL I FINGERPRINT CLEARANCE
28 CARD REQUIREMENTS OF THIS SECTION. AT ALL TIMES THE PERSON SHALL BE UNDER
29 THE DIRECT VISUAL SUPERVISION OF PERSONNEL WHO HAVE VALID LEVEL I FINGERPRINT
30 CLEARANCE CARDS.

31 J. THE FINGERPRINTING DIVISION MAY CONDUCT PERIODIC STATE CRIMINAL
32 HISTORY RECORDS CHECKS FOR THE PURPOSE OF UPDATING THE CLEARANCE STATUS OF
33 CURRENT LEVEL I FINGERPRINT CLEARANCE CARD HOLDERS PURSUANT TO THIS SECTION
34 AND MAY NOTIFY THE BOARD OF FINGERPRINTING AND THE AGENCY OF THE RESULTS OF
35 THE RECORDS CHECK.

36 K. THE FINGERPRINTING DIVISION SHALL REVOKE A PERSON'S LEVEL I
37 FINGERPRINT CLEARANCE CARD ON RECEIPT OF A WRITTEN REQUEST FOR REVOCATION
38 FROM THE BOARD OF FINGERPRINTING PURSUANT TO SECTION 41-619.55.

39 L. THE FINGERPRINTING DIVISION SHALL NOT ISSUE A LEVEL I FINGERPRINT
40 CLEARANCE CARD TO AN APPLICANT IF THE DIVISION CANNOT DETERMINE, WITHIN
41 THIRTY BUSINESS DAYS AFTER RECEIPT OF THE PERSON'S STATE AND FEDERAL CRIMINAL
42 HISTORY RECORD INFORMATION, WHETHER THE PERSON IS AWAITING TRIAL ON OR HAS
43 BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES LISTED IN SUBSECTION B OR C
44 OF THIS SECTION. IF THE DIVISION IS UNABLE TO MAKE THE DETERMINATION
45 REQUIRED BY THIS SECTION AND DOES NOT ISSUE A LEVEL I FINGERPRINT CLEARANCE

1 CARD TO A PERSON, THE PERSON MAY REQUEST A GOOD CAUSE EXCEPTION PURSUANT TO
2 SECTION 41-619.55.

3 M. IF AFTER CONDUCTING A STATE AND FEDERAL CRIMINAL HISTORY RECORDS
4 CHECK THE FINGERPRINTING DIVISION DETERMINES THAT IT IS NOT AUTHORIZED TO
5 ISSUE A LEVEL I FINGERPRINT CLEARANCE CARD TO AN APPLICANT, THE DIVISION
6 SHALL NOTIFY THE AGENCY THAT THE FINGERPRINTING DIVISION IS NOT AUTHORIZED TO
7 ISSUE A LEVEL I FINGERPRINT CLEARANCE CARD. THIS NOTICE SHALL INCLUDE THE
8 CRIMINAL HISTORY INFORMATION ON WHICH THE DENIAL WAS BASED. THIS CRIMINAL
9 HISTORY INFORMATION IS SUBJECT TO DISSEMINATION RESTRICTIONS PURSUANT TO
10 SECTION 41-1750 AND PUBLIC LAW 92-544.

11 N. THE FINGERPRINTING DIVISION IS NOT LIABLE FOR DAMAGES RESULTING
12 FROM:

13 1. THE ISSUANCE OF A LEVEL I FINGERPRINT CLEARANCE CARD TO AN
14 APPLICANT WHO IS LATER FOUND TO HAVE BEEN INELIGIBLE TO RECEIVE A LEVEL I
15 FINGERPRINT CLEARANCE CARD AT THE TIME THE CARD WAS ISSUED.

16 2. THE DENIAL OF A LEVEL I FINGERPRINT CLEARANCE CARD TO AN APPLICANT
17 WHO IS LATER FOUND TO HAVE BEEN ELIGIBLE TO RECEIVE A LEVEL I FINGERPRINT
18 CLEARANCE CARD AT THE TIME ISSUANCE OF THE CARD WAS DENIED.

19 O. NOTWITHSTANDING ANY LAW TO THE CONTRARY, AN INDIVIDUAL MAY APPLY
20 FOR AND RECEIVE A LEVEL I FINGERPRINT CLEARANCE CARD PURSUANT TO THIS SECTION
21 TO SATISFY A REQUIREMENT THAT THE PERSON HAVE A VALID FINGERPRINT CLEARANCE
22 CARD ISSUED PURSUANT TO SECTION 41-1758.03.

23 P. NOTWITHSTANDING ANY LAW TO THE CONTRARY, EXCEPT AS PRESCRIBED
24 PURSUANT TO SUBSECTION Q OF THIS SECTION, AN INDIVIDUAL WHO RECEIVES A
25 LEVEL I FINGERPRINT CLEARANCE CARD PURSUANT TO THIS SECTION ALSO SATISFIES A
26 REQUIREMENT THAT THE INDIVIDUAL HAVE A VALID FINGERPRINT CLEARANCE CARD
27 ISSUED PURSUANT TO SECTION 41-1758.03.

28 Q. UNLESS A CARDHOLDER COMMITS AN OFFENSE LISTED IN SUBSECTION B OR C
29 OF THIS SECTION AFTER THE EFFECTIVE DATE OF THIS SECTION, A FINGERPRINT
30 CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.03 BEFORE THE EFFECTIVE
31 DATE OF THIS SECTION AND ITS RENEWALS ARE VALID FOR ALL REQUIREMENTS FOR A
32 LEVEL I FINGERPRINT CLEARANCE CARD EXCEPT THOSE RELATING TO THE REQUIREMENTS
33 OF SECTION 8-105 OR 8-509. A FINGERPRINT CLEARANCE CARD ISSUED BEFORE THE
34 EFFECTIVE DATE OF THIS SECTION TO MEET THE REQUIREMENTS OF SECTION 8-105 OR
35 8-509 AND ITS RENEWALS ARE VALID AFTER THE EFFECTIVE DATE OF THIS SECTION TO
36 MEET ALL REQUIREMENTS FOR A LEVEL I FINGERPRINT CLEARANCE CARD, INCLUDING THE
37 REQUIREMENTS OF SECTION 8-105 OR 8-509 IF THE CARDHOLDER HAS BEEN CERTIFIED
38 BY THE COURT TO ADOPT OR HAS BEEN ISSUED A FOSTER HOME LICENSE BEFORE THE
39 EFFECTIVE DATE OF THIS SECTION.

40 R. THE ISSUANCE OF A LEVEL I FINGERPRINT CLEARANCE CARD DOES NOT
41 ENTITLE A PERSON TO EMPLOYMENT.

1 S. FOR THE PURPOSES OF THIS SECTION:

2 1. "PERSON" MEANS A PERSON WHO IS FINGERPRINTED PURSUANT TO:

3 (a) SECTION 8-105, 8-509, 8-802, 36-594.01, 36-594.02, 36-882,
4 36-883.02, 36-897.01, 36-897.03, 41-619.52, 41-619.53, 41-1964, 41-1967.01,
5 41-1968, 41-1969 OR 46-141.

6 (b) SUBSECTION O OF THIS SECTION.

7 2. "RENEWAL" MEANS THE ISSUANCE OF A FINGERPRINT CLEARANCE CARD TO AN
8 EXISTING FINGERPRINT CLEARANCE CARD HOLDER WHO APPLIES BEFORE THE PERSON'S
9 EXISTING FINGERPRINT CLEARANCE CARD EXPIRES.

10 Sec. 21. Section 41-1964, Arizona Revised Statutes, is amended to
11 read:

12 41-1964. Day care homes; child care personnel; fingerprints;
13 definition

14 A. Child care personnel shall have valid fingerprint clearance cards
15 issued pursuant to ~~chapter 12, article 3.1 of this title~~ SECTION 41-1758.07
16 or shall apply for a fingerprint clearance card no later than seven working
17 days from the date of certification by the department or within seven working
18 days after residing or working in the home of a child care home provider or
19 being designated as a backup provider.

20 B. Before certification or within seven working days after residing or
21 working in the home of a child care provider or being designated as a backup
22 provider, child care personnel shall certify on forms that are provided by
23 the department and notarized whether:

24 1. They are awaiting trial on or have been convicted of or admitted
25 committing any of the criminal offenses listed in section ~~41-1758.03~~
26 41-1758.07, subsections B and C in this state or similar offenses in another
27 state or jurisdiction.

28 2. They are parents or guardians of a child adjudicated to be a
29 dependent child as defined in section 8-201.

30 3. They have been denied a license to operate a facility for the care
31 of children for cause in this state or another state or had a license or
32 certificate to operate such a facility revoked.

33 C. The department shall make documented, good faith efforts to contact
34 previous employers of certified day care home personnel to obtain information
35 or recommendations that may be relevant to an individual's fitness for work
36 in a certified day care home.

37 D. The notarized forms are confidential.

38 E. The department of economic security shall notify the department of
39 public safety if the department of economic security receives credible
40 evidence that any child care personnel who possesses a valid fingerprint
41 clearance card either:

42 1. Is arrested for or charged with an offense listed in section
43 ~~41-1758.03~~ 41-1758.07, subsection B OR C.

44 2. Falsified information on the form required by subsection B of this
45 section.

1 F. For the purposes of this section, "child care personnel" means
2 child care home providers, in-home providers and noncertified relative
3 providers as defined in section 46-801 and designated backup providers and
4 all persons who are eighteen years of age or older and who work or reside in
5 the home of a child care home provider.

6 Sec. 22. Section 41-1967, Arizona Revised Statutes, is amended to
7 read:

8 41-1967. Child care resource and referral system; immunity

9 A. The department shall establish and maintain a statewide child care
10 resource and referral system, including a child care home provider registry,
11 through community-based organizations to:

12 1. Provide families with:

13 (a) Information on all types of child care.

14 (b) Referrals to child care providers and programs.

15 (c) Information about child care resources and services.

16 (d) Information about choosing child care.

17 (e) Information about registered child care home providers.

18 2. Assist child care providers and programs with:

19 (a) Information on training related to child care issues.

20 (b) Technical assistance that relates to initiating or providing child
21 care services.

22 (c) Parent referrals.

23 (d) Becoming registered as a child care home provider.

24 3. Coordinate with the community to:

25 (a) Develop statistics of the demand for and supply of child care.

26 (b) Maintain ongoing relationships with all local groups interested in
27 child care.

28 B. The child care resource and referral system shall:

29 1. Identify all available child care providers and programs through
30 coordination with public and private agencies.

31 2. Collect in a uniform method provider information for the referral
32 database that includes:

33 (a) The type of program.

34 (b) The hours of service.

35 (c) The ages of children served.

36 (d) Fees for service.

37 (e) The licensure, certification and registration status of providers.

38 (f) Other significant provider and program information.

39 3. Establish and maintain a referral process that responds to parental
40 need for information. The child care resource and referral system shall make
41 referrals to child care providers and programs that:

42 (a) Promote parental choice and meet the needs of families.

43 (b) Are included in the resource and referral database.

44 4. Collect in a uniform method family information for the referral
45 database that includes the:

- 1 (a) Number of calls and contacts.
- 2 (b) Ages of children in need of care.
- 3 (c) Days and times of care requested.
- 4 (d) Type of care requested.
- 5 (e) Special needs and requests made by the family.
- 6 (f) Reason that the care is needed.
- 7 5. Provide outreach services that include:
- 8 (a) Efforts to reach parents and providers in local communities.
- 9 (b) Involvement in the local communities.
- 10 (c) Publication of services through all available media sources,
- 11 agencies and other appropriate channels.
- 12 (d) Public awareness information to parents and providers about the
- 13 child care home provider registry and the benefits of using the registry or
- 14 becoming registered.
- 15 6. Provide technical assistance to existing and prospective child care
- 16 providers and programs that include:
- 17 (a) Information on all aspects of initiating new child care services
- 18 including child care regulations, zoning, program and budget development and
- 19 assistance in finding information from other sources.
- 20 (b) Educational information and resources that assist existing child
- 21 care providers and programs to better serve the children and parents in their
- 22 community.
- 23 (c) Local coordination of existing child care and child related
- 24 services.
- 25 7. Establish and maintain a child care home provider registry that
- 26 includes:
- 27 (a) Child care home providers that are registered pursuant to section
- 28 41-1967.01.
- 29 (b) A complaint tracking system that contains written complaints
- 30 concerning providers and written provider responses. The complaints and
- 31 responses are available to the public.
- 32 (c) A system for notifying a provider that is excluded or removed from
- 33 the registry that the provider may appeal directly to the entity making the
- 34 determination resulting in the exclusion or removal.
- 35 (d) Information provided by registered providers relating to the
- 36 services provided and child care environment.
- 37 C. The following child care providers are eligible to be considered
- 38 for inclusion in the child care resource and referral database, unless barred
- 39 by other provisions of law:
- 40 1. Child care providers licensed or certified by a government agency
- 41 ~~which~~ THAT is authorized by law to license, certify or approve child care
- 42 providers.
- 43 2. Child care home providers that are registered pursuant to section
- 44 41-1967.01. These providers shall submit and amend when necessary sworn,
- 45 written statements to the department or its designees, on forms approved by

1 the department, attesting that the provider is not subject to exclusion or
2 removal from the child care resource and referral database under any of the
3 grounds specified in subsection E of this section.

4 D. Child care providers identified in subsection C, paragraph 1 of
5 this section may be excluded or removed from the child care resource and
6 referral database whenever the provider's license or certification is
7 revoked, terminated or suspended, or when a child care facility is closed for
8 cause.

9 E. Child care home providers identified in subsection C, paragraph 2
10 of this section may be excluded or removed from the child care home provider
11 registry and the child care resource and referral database if:

12 1. The provider fails to obtain a fingerprint clearance card or the
13 provider's fingerprint clearance card is revoked or suspended.

14 2. The provider has been denied a license to operate a facility for
15 the care of children or had a license or certificate to operate a facility
16 revoked or has been removed for cause from participation in the child and
17 adult food program in this state or in any other state or jurisdiction.

18 3. The provider, the provider's employees or any person eighteen years
19 of age or older who resides in the provider's child care facility has been
20 convicted of or is awaiting trial on any of the criminal offenses listed in
21 section ~~41-1758.03~~ 41-1758.07, subsections B and C in this state or similar
22 criminal offenses in any other state or jurisdiction.

23 4. The provider, the provider's employees or any person who resides in
24 the provider's child care facility has been the subject of an investigation
25 where a report of child abuse or neglect has been substantiated by a child
26 protective services agency or a law enforcement agency in this state or in
27 any other state or jurisdiction.

28 5. The provider fails to maintain current training and certification
29 in first aid and infant and child cardiopulmonary resuscitation.

30 6. The provider fails to enclose a pool pursuant to section 36-1681,
31 subsections A, B and C.

32 7. The provider fails to separately store firearms and ammunition
33 under lock and key or combination lock.

34 F. This section and section 41-1967.01 do not create an affirmative
35 obligation on the part of any state agency or any child care resource and
36 referral agency to review, monitor or investigate child care providers and
37 programs.

38 G. Neither this state nor its officers or employees, acting within the
39 scope of their employment, are liable for any damage or injury caused by
40 their conduct pursuant to this section or section 41-1967.01, except for
41 gross negligence or conduct intended to cause injury.

42 H. Neither a child care resource and referral agency nor its officers
43 and employees, acting within the scope of their employment, are liable for
44 any damage or injury caused by their conduct pursuant to this section or

1 section 41-1967.01, except for gross negligence or conduct intended to cause
2 injury.

3 I. The department shall adopt rules that are consistent with the terms
4 of this section.

5 Sec. 23. Section 41-1967.01, Arizona Revised Statutes, is amended to
6 read:

7 41-1967.01. Child care home provider; registration;
8 fingerprints; definition

9 A. A child care home provider who receives compensation to care for
10 four or fewer children and who has not been certified by the department of
11 economic security pursuant to section 46-807 or licensed or certified by the
12 department of health services pursuant to section 36-883 or 36-897.01 shall
13 register with the department of economic security if the child care home
14 provider wishes to be listed with the child care resource and referral
15 system.

16 B. Each applicant for registration shall submit a full set of
17 fingerprints to the department of public safety for the purpose of obtaining
18 a state and federal criminal records check pursuant to section 41-1750 and
19 Public Law 92-544. The department of public safety may exchange this
20 fingerprint data with the federal bureau of investigation.

21 C. Child care providers shall have a valid fingerprint clearance card
22 issued pursuant to ~~chapter 12, article 3.1 of this title~~ SECTION 41-1758.07
23 or shall apply for a fingerprint clearance card by the date of registration
24 with the department.

25 D. By the date of registration, child care providers shall certify on
26 forms that are provided by the department and notarized whether:

27 1. They are awaiting trial on or have been convicted of or admitted
28 committing any of the following criminal offenses LISTED IN SECTION
29 41-1758.07, SUBSECTION B OR C in this state or similar offenses in another
30 state or jurisdiction:-.

- 31 ~~(a) Sexual abuse of a minor.~~
- 32 ~~(b) Incest.~~
- 33 ~~(c) First or second degree murder.~~
- 34 ~~(d) Kidnapping.~~
- 35 ~~(e) Arson.~~
- 36 ~~(f) Sexual assault.~~
- 37 ~~(g) Sexual exploitation of a minor.~~
- 38 ~~(h) Felony offenses involving contributing to the delinquency of a~~
39 ~~minor.~~
- 40 ~~(i) Commercial sexual exploitation of a minor.~~
- 41 ~~(j) Felony offenses involving sale, distribution or transportation of,~~
42 ~~offer to sell, transport or distribute or conspiracy to sell, transport or~~
43 ~~distribute marijuana, dangerous drugs or narcotic drugs.~~
- 44 ~~(k) Felony offenses involving the possession or use of marijuana,~~
45 ~~dangerous drugs or narcotic drugs.~~

- 1 ~~(l) Burglary.~~
- 2 ~~(m) Aggravated or armed robbery.~~
- 3 ~~(n) Robbery.~~
- 4 ~~(o) A dangerous crime against children as defined in section 13-705.~~
- 5 ~~(p) Child abuse.~~
- 6 ~~(q) Sexual conduct with a minor.~~
- 7 ~~(r) Molestation of a child.~~
- 8 ~~(s) Manslaughter.~~
- 9 ~~(t) Assault or aggravated assault.~~
- 10 ~~(u) Exploitation of minors involving drug offenses.~~
- 11 ~~(v) A violation of section 28-1381, 28-1382 or 28-1383.~~
- 12 ~~(w) Offenses involving domestic violence.~~

13 2. They are parents or guardians of a child adjudicated to be a
14 dependent child as defined in section 8-201.

15 3. They have been denied a license to operate a child care facility
16 for cause in this state or another state or had a license or certificate to
17 operate a child care facility revoked.

18 E. The notarized forms are confidential.

19 F. Each applicant for registration shall not have been the subject of
20 an investigation where a report of child abuse or neglect has been
21 substantiated.

22 G. Each applicant shall maintain current training and certification in
23 first aid and infant and child cardiopulmonary resuscitation.

24 H. The applicant shall enclose any pool on the applicant's premises
25 pursuant to section 36-1681, subsections A, B and C.

26 I. The applicant shall separately store firearms and ammunition under
27 lock and key or combination lock.

28 J. The department shall adopt rules to carry out this section.

29 K. The director shall charge a fee for processing the fingerprint
30 information required pursuant to this section.

31 L. Any obligation or liability under this section is governed by the
32 provisions of section 41-1967, subsections F, G and H.

33 M. For the purposes of this section, "child care provider" means a
34 registered child care home provider pursuant to subsection A of this section.

35 Sec. 24. Section 41-1968, Arizona Revised Statutes, is amended to
36 read:

37 41-1968. DES employees; fingerprint requirement; definition

38 Each employee of the department who has contact with children or
39 vulnerable adults shall have a valid fingerprint clearance card issued
40 pursuant to ~~chapter 12, article 3.1 of this title~~ SECTION 41-1758.07 or
41 provide to the department documentation of the person's application for a
42 fingerprint clearance card. The employee shall certify on forms that are
43 provided by the department and that are notarized whether the employee is
44 awaiting trial on or has ever been convicted of any of the criminal offenses
45 listed in section ~~41-1758.03~~ 41-1758.07, subsections B and C in this state or

1 similar offenses in another state or jurisdiction. For the purposes of this
2 section, "vulnerable adult" has the same meaning prescribed in section
3 13-3623.

4 Sec. 25. Section 41-1969, Arizona Revised Statutes, is amended to
5 read:

6 41-1969. Information technology personnel; criminal history
7 records

8 A. Each employee of the department of economic security who is
9 employed in an information technology position shall have a valid fingerprint
10 clearance card issued pursuant to ~~chapter 12, article 3.1 of this title~~
11 SECTION 41-1758.07 or provide to the department documentation of the person's
12 application for a fingerprint clearance card. Before accepting an offer of
13 employment, an applicant for an information technology position in the
14 department of economic security shall have a valid fingerprint clearance card
15 issued pursuant to ~~chapter 12, article 3.1 of this title~~ SECTION 41-1758.07
16 or provide to the department documentation of the person's application for a
17 fingerprint clearance card.

18 B. The department of economic security shall not disclose information
19 obtained pursuant to subsection A of this section except to members of the
20 department's staff solely for employment purposes.

21 Sec. 26. Section 46-141, Arizona Revised Statutes, is amended to read:

22 46-141. Criminal record information checks; fingerprinting
23 employees and applicants

24 A. Each license granted by the department of economic security and
25 each contract entered into between the department of economic security and
26 any contract provider for the provision of services to juveniles shall
27 provide that, as a condition of employment, personnel who are employed by the
28 licensee or contractor, whether paid or not, and who are required or allowed
29 to provide services directly to juveniles shall have a valid fingerprint
30 clearance card issued pursuant to ~~title 41, chapter 12, article 3.1~~ SECTION
31 41-1758.07 or shall apply for a fingerprint clearance card within seven
32 working days of employment.

33 B. The licensee or contractor shall assume the costs of fingerprint
34 checks and may charge these costs to its fingerprinted personnel. The
35 department may allow all or part of the costs of fingerprint checks to be
36 included as an allowable cost in a contract.

37 C. A service contract or license with any contract provider or
38 licensee that involves the employment of persons who have contact with
39 juveniles shall provide that the contract or license may be canceled or
40 terminated immediately if a person certifies pursuant to subsections F and G
41 of this section that the person is awaiting trial on or has been convicted of
42 any of the offenses listed in subsections F and G of this section in this
43 state or similar offenses in another state or jurisdiction or if the person
44 does not possess or is denied issuance of a valid fingerprint clearance card.

1 D. A contract provider or licensee may avoid cancellation or
2 termination of the contract or license under subsection C of this section if
3 a person who does not possess or has been denied issuance of a valid
4 fingerprint clearance card or who certifies pursuant to subsections F and G
5 of this section that the person has been convicted of or is awaiting trial on
6 any of the offenses listed in section ~~41-1758.03~~ 41-1758.07, subsection B is
7 immediately prohibited from employment or service with the contract provider
8 or licensee in any capacity requiring or allowing contact with juveniles.

9 E. A contract provider or licensee may avoid cancellation or
10 termination of the contract or license under subsection C of this section if
11 a person who does not possess or has been denied issuance of a valid
12 fingerprint clearance card or who certifies pursuant to subsections F and G
13 of this section that the person has been convicted of or is awaiting trial on
14 any of the offenses listed in section ~~41-1758.03~~ 41-1758.07, subsection C is
15 immediately prohibited from employment or service with the contract provider
16 or licensee in any capacity requiring contact with juveniles unless the
17 person is granted a good cause exception pursuant to section 41-619.55.

18 F. Personnel who are employed by any contract provider or licensee,
19 whether paid or not, and who are required or allowed to provide services
20 directly to juveniles shall certify on forms provided by the department of
21 economic security and notarized whether they are awaiting trial on or have
22 ever been convicted of any of the criminal offenses listed in section
23 ~~41-1758.03~~ 41-1758.07, subsections B and C in this state or similar offenses
24 in another state or jurisdiction.

25 G. Personnel who are employed by any contract provider or licensee,
26 whether paid or not, and who are required or allowed to provide services
27 directly to juveniles shall certify on forms provided by the department of
28 economic security and notarized whether they have ever committed any act of
29 sexual abuse of a child, including sexual exploitation and commercial sexual
30 exploitation, or any act of child abuse.

31 H. Federally recognized Indian tribes or military bases may submit and
32 the department of economic security shall accept certifications that state
33 that personnel who are employed or who will be employed during the contract
34 term have not been convicted of, have not admitted committing or are not
35 awaiting trial on any offense under subsection F of this section.

36 I. A person who applies to the department of economic security for a
37 license or certificate or for paid or unpaid employment, including contract
38 services, and who will provide direct services to juveniles or vulnerable
39 adults shall submit a full set of fingerprints to the department for the
40 purpose of obtaining a state and federal criminal records check pursuant to
41 section 41-1750 and Public Law 92-544. The department of public safety may
42 exchange this fingerprint data with the federal bureau of investigation.
43 This subsection does not apply to those persons who are subject to section
44 8-105, 8-509, 8-802 or 41-1968.

1 J. The special services unit of the department of economic security
2 may use the department of public safety automated system to update all
3 criminal history record information in order to ensure, to the maximum extent
4 reasonably possible, complete disposition information. The department of
5 economic security may deny employment or issuance or renewal of the contract
6 or license applied for in these cases if it determines that the criminal
7 history record information indicates that such employee, applicant or
8 contractor is not qualified or suitable.

9 K. Volunteers who provide services to juveniles under the direct
10 visual supervision of the contractor's or licensee's employees are exempt
11 from the fingerprinting requirements of this section.

12 L. The department of economic security shall notify the department of
13 public safety if the department of economic security receives credible
14 evidence that a person who possesses a valid fingerprint clearance card
15 pursuant to subsection A of this section either:

16 1. Is arrested for or charged with an offense listed in section
17 ~~41-1758.03~~ 41-1758.07, subsection B OR C.

18 2. Falsified information on the form required by subsection F of this
19 section.

20 Sec. 27. Emergency

21 This act is an emergency measure that is necessary to preserve the
22 public peace, health or safety and is operative immediately as provided by
23 law.