

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1520

AN ACT

AMENDING SECTIONS 41-619.51, 41-619.54, 41-1750 AND 41-1758, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARTICLE 3.1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-1758.08 AND 41-1758.09; RELATING TO THE ARIZONA BACKGROUND CLEARANCE CARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-619.51, Arizona Revised Statutes, is amended to
3 read:

4 ~~41-619.51.~~ Definitions

5 In this article, unless the context otherwise requires:

6 1. "Agency" means the supreme court, the department of economic
7 security, the department of education, the department of health services, the
8 department of juvenile corrections, the department of emergency and military
9 affairs, the state real estate department or the board of examiners of
10 nursing care institution administrators and assisted living facility
11 managers.

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

13 3. "DEPARTMENT OF PUBLIC SAFETY" INCLUDES AN AUTHORIZED INVESTIGATIVE
14 PROVIDER.

15 ~~3-~~ 4. "Expedited review" means an examination, in accordance with
16 board rule, of the documents an applicant submits by the board or its hearing
17 officer without the applicant being present.

18 5. "FINGERPRINT CLEARANCE CARD" INCLUDES AN ARIZONA BACKGROUND
19 CLEARANCE CARD.

20 ~~4-~~ 6. "Good cause exception" means the issuance of a fingerprint
21 clearance card to an employee pursuant to section 41-619.55.

22 ~~5-~~ 7. "Person" means a person who is required to be fingerprinted
23 pursuant to this article and any of the following:

- 24 (a) Section 8-105.
- 25 (b) Section 8-322.
- 26 (c) Section 8-509.
- 27 (d) Section 8-802.
- 28 (e) Section 15-183.
- 29 (f) Section 15-534.
- 30 (g) Section 15-1330.
- 31 (h) Section 15-1881.
- 32 (i) Section 26-103.
- 33 (j) Section 32-2108.01.
- 34 (k) Section 32-2123.
- 35 (l) Section 36-411.
- 36 (m) Section 36-425.03.
- 37 (n) Section 36-446.04.
- 38 (o) Section 36-594.01.
- 39 (p) Section 36-594.02.
- 40 (q) Section 36-882.
- 41 (r) Section 36-883.02.
- 42 (s) Section 36-897.01.
- 43 (t) Section 36-897.03.
- 44 (u) Section 36-3008.
- 45 (v) Section 41-619.53.

- 1 (w) Section 41-1964.
- 2 (x) Section 41-1967.01.
- 3 (y) Section 41-1968.
- 4 (z) Section 41-1969.
- 5 (aa) Section 41-2814.
- 6 (bb) Section 46-141, subsection A.
- 7 (cc) Section 46-321.

8 Sec. 2. Section 41-619.54, Arizona Revised Statutes, is amended to
9 read:

10 41-619.54. Confidentiality of criminal record information;
11 exception; reporting

12 A. All criminal history record information that is maintained by the
13 board is confidential, except that criminal history record information may be
14 disclosed pursuant to a determination for a good cause exception pursuant to
15 section 41-619.55.

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

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

22 D. On or before December 1 of each year the board shall report the
23 number of applications for a good cause exception and the number of good
24 cause exceptions that were granted for the twelve month period ending
25 September 30. The report shall itemize the number of applications and the
26 number of applications granted for each of the sections listed in section
27 41-619.51, paragraph ~~5~~ 7. For each of these sections, the report shall
28 further itemize each offense listed in section 41-1758.03, subsections B and
29 C and section 41-1758.07, subsections B and C for which a good cause
30 exception was applied for and for which a good cause exception was granted.
31 The board shall provide a copy of the report to the governor, the speaker of
32 the house of representatives and the president of the senate.

33 Sec. 3. Section 41-1750, Arizona Revised Statutes, is amended to read:

34 41-1750. Central state repository; department of public safety;
35 duties; funds; accounts; definitions

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

40 1. Procure from all criminal justice agencies in this state accurate
41 and complete personal identification data, fingerprints, charges, process
42 control numbers and dispositions and such other information as may be
43 pertinent to all persons who have been charged with, arrested for, convicted
44 of or summoned to court as a criminal defendant for a felony offense or an

1 offense involving domestic violence as defined in section 13-3601 or a
2 violation of title 13, chapter 14 or title 28, chapter 4.

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

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

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

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

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

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

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

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

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

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

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

42 13. PROVIDE AUTHORIZED INVESTIGATIVE PROVIDERS, WITHOUT COST, THE
43 ARREST RECORDS OF INDIVIDUALS, INCLUDING THE INDIVIDUAL'S NAME, ADDRESS, DATE
44 OF BIRTH AND SOCIAL SECURITY NUMBER, FOR INDIVIDUALS WHO ARE ARRESTED IN THIS
45 STATE. THE DEPARTMENT SHALL PROVIDE THE RECORDS ELECTRONICALLY, ON A DAILY

1 BASIS AND THROUGH A SECURED, PASSWORD PROTECTED COMPUTERIZED DATA DOWNLOAD
2 SYSTEM OR ANOTHER SYSTEM THAT ACCOMPLISHES EFFECTIVE AND EFFICIENT ELECTRONIC
3 TRANSFER OF INFORMATION. THE RECORDS SHALL BE ACCESSIBLE TO THE AUTHORIZED
4 INVESTIGATIVE PROVIDER IN A FORMAT THAT IS SEARCHABLE AND SORTABLE. THE
5 AUTHORIZED INVESTIGATIVE PROVIDER SHALL PROTECT ANY INFORMATION AND SHALL USE
6 INFORMATION ONLY FOR THE PURPOSE OF THE ARIZONA BACKGROUND CLEARANCE CARD
7 INVESTIGATION.

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

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

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

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

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

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

36 1. With criminal justice agencies of the federal government, Indian
37 tribes, this state or its political subdivisions and other states, on request
38 by the chief officers of such agencies or their designated representatives,
39 specifically for the purposes of the administration of criminal justice and
40 for evaluating the fitness of current and prospective criminal justice
41 employees.

42 2. With any noncriminal justice agency pursuant to a statute,
43 ordinance or executive order that specifically authorizes the noncriminal
44 justice agency to receive criminal history record information for the purpose
45 of evaluating the fitness of current or prospective licensees, employees,

1 contract employees or volunteers, on submission of the subject's fingerprints
2 and the prescribed fee. Each statute, ordinance, or executive order that
3 authorizes noncriminal justice agencies to receive criminal history record
4 information for these purposes shall identify the specific categories of
5 licensees, employees, contract employees or volunteers, and shall require
6 that fingerprints of the specified individuals be submitted in conjunction
7 with such requests for criminal history record information.

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

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

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

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

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

36 8. With individuals and agencies pursuant to a specific agreement with
37 a criminal justice agency to provide services required for the administration
38 of criminal justice pursuant to that agreement if the agreement specifically
39 authorizes access to data, limits the use of data to purposes for which given
40 and ensures the security and confidentiality of the data consistent with this
41 section.

42 9. With individuals and agencies for the express purpose of research,
43 evaluative or statistical activities pursuant to an agreement with a criminal
44 justice agency if the agreement specifically authorizes access to data,
45 limits the use of data to research, evaluative or statistical purposes and

1 ensures the confidentiality and security of the data consistent with this
2 section.

3 10. With the auditor general for audit purposes.

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

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

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

22 (a) The fingerprint card.

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

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

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

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

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

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

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

43 20. With the state board of education for the purpose of evaluating the
44 fitness of a certificated teacher or administrator or an applicant for a
45 teaching or an administrative certificate provided that the state board of

1 education or its employees or agents have reasonable suspicion that the
2 certificated person engaged in conduct that would be a criminal violation of
3 the laws of this state or was involved in immoral or unprofessional conduct
4 or that the applicant engaged in conduct that would warrant disciplinary
5 action if the applicant were certificated at the time of the alleged conduct.
6 The information shall be provided on the submission of either:

7 (a) The fingerprint card.

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

9 21. With each school district and charter school in this state. The
10 state board of education and the state board for charter schools shall
11 provide the department of public safety with a current list of e-mail
12 addresses for each school district and charter school in this state and shall
13 periodically provide the department of public safety with updated e-mail
14 addresses. If the department of public safety is notified that a person who
15 is required to have a fingerprint clearance card to be employed by or to
16 engage in volunteer activities at a school district or charter school has
17 been arrested for or convicted of an offense listed in section 41-1758.03,
18 subsection B or has been arrested for or convicted of an offense that amounts
19 to unprofessional conduct under section 15-550, the department of public
20 safety shall notify each school district and charter school in this state
21 that the person's fingerprint clearance card has been suspended or revoked.

22 22. With the child protective services division of the department of
23 economic security as provided by law, which currently is the Adam Walsh child
24 protection and safety act of 2006 (42 United States Code section 16961), for
25 the purposes of investigating or responding to reports of child abuse,
26 neglect or exploitation. Information received pursuant to this paragraph
27 from the national crime information center, the interstate identification
28 index and the Arizona criminal justice information system network shall only
29 be used for the purposes of investigating or responding as prescribed in this
30 paragraph. The information shall be provided on submission to the department
31 of public safety of either:

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

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

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

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

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

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

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

11 M. A fingerprint account within the records processing fund is
12 established for the purpose of separately accounting for the collection and
13 payment of fees for noncriminal justice fingerprint processing by the
14 department. Monies collected for this purpose shall be credited to the
15 account, and payments by the department to the United States for federal
16 noncriminal justice fingerprint processing shall be charged against the
17 account. Monies in the account not required for payment to the United States
18 shall be used by the department in support of the department's noncriminal
19 justice fingerprint processing duties. At the end of each fiscal year, any
20 balance in the account not required for payment to the United States or to
21 support the department's noncriminal justice fingerprint processing duties
22 reverts to the state general fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 4. Announcements of executive clemency or pardon.

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

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

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

14 1. The arresting authority shall take legible ten-print fingerprints
15 of all persons who are arrested for offenses listed in subsection C of this
16 section including persons who are arrested and released pursuant to section
17 13-3903, subsection C. The arresting authority may transfer an arrestee to a
18 booking agency for ten-print fingerprinting. The arresting authority or
19 booking agency shall obtain a process control number and provide to the
20 person fingerprinted a document that indicates proof of the fingerprinting
21 and that informs the person that the document must be presented to the court.

22 2. The mandatory fingerprint compliance form shall contain the
23 following information:

24 (a) Whether ten-print fingerprints have been obtained from the person.

25 (b) Whether a process control number was obtained.

26 (c) The offense or offenses for which the process control number was
27 obtained.

28 (d) Any report number of the arresting authority.

29 (e) Instructions on reporting for ten-print fingerprinting, including
30 available times and locations for reporting for ten-print fingerprinting.

31 (f) Instructions that direct the person to provide the form to the
32 court at the person's next court appearance.

33 3. Within ten days after a person is fingerprinted, the arresting
34 authority or agency that took the fingerprints shall forward the fingerprints
35 to the department in the manner or form required by the department.

36 4. On the issuance of a summons for a defendant who is charged with an
37 offense listed in subsection C of this section, the summons shall direct the
38 defendant to provide ten-print fingerprints to the appropriate law
39 enforcement agency.

40 5. At the initial appearance or on the arraignment of a summoned
41 defendant who is charged with an offense listed in subsection C of this
42 section, if the person does not present a completed mandatory fingerprint
43 compliance form to the court or if the court has not received the process
44 control number, the court shall order that within twenty calendar days the

1 defendant be ten-print fingerprinted at a designated time and place by the
2 appropriate law enforcement agency.

3 6. If the defendant fails to present a completed mandatory fingerprint
4 compliance form or if the court has not received the process control number,
5 the court, on its own motion, may remand the defendant into custody for
6 ten-print fingerprinting. If otherwise eligible for release, the defendant
7 shall be released from custody after being ten-print fingerprinted.

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

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

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

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

37 V. The director shall adopt rules specifying that any agency that
38 collects, stores or disseminates criminal justice information that is subject
39 to this section shall establish effective security measures to protect the
40 information from unauthorized access, disclosure, modification or
41 dissemination. The rules shall include reasonable safeguards to protect the
42 affected information systems from fire, flood, wind, theft, sabotage or other
43 natural or man-made hazards or disasters.

44 W. The department shall make available to agencies that contribute to,
45 or receive criminal justice information from, the central state repository or

1 through the Arizona criminal justice information system a continuing training
2 program in the proper methods for collecting, storing and disseminating
3 information in compliance with this section.

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

7 Y. For the purposes of this section:

8 1. "Administration of criminal justice" means performance of the
9 detection, apprehension, detention, pretrial release, posttrial release,
10 prosecution, adjudication, correctional supervision or rehabilitation of
11 criminal offenders. Administration of criminal justice includes enforcement
12 of criminal traffic offenses and civil traffic violations, including parking
13 violations, when performed by a criminal justice agency. Administration of
14 criminal justice also includes criminal identification activities and the
15 collection, storage and dissemination of criminal history record information.

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

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

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

29 5. "Criminal history record information" and "criminal history record"
30 means information that is collected by criminal justice agencies on
31 individuals and that consists of identifiable descriptions and notations of
32 arrests, detentions, indictments and other formal criminal charges, and any
33 disposition arising from those actions, sentencing, formal correctional
34 supervisory action and release. Criminal history record information and
35 criminal history record do not include identification information to the
36 extent that the information does not indicate involvement of the individual
37 in the criminal justice system or information relating to juveniles unless
38 they have been adjudicated as adults.

39 6. "Criminal justice agency" means either:

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

43 (b) A government agency or subunit of a government agency that is
44 specifically authorized to perform as its principal function the
45 administration of criminal justice pursuant to a statute, ordinance or

1 executive order and that allocates more than fifty per cent of its annual
2 budget to the administration of criminal justice. This subdivision includes
3 agencies of any foreign sovereignty duly recognized by the federal
4 government.

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

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

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

22 10. "Management control":

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

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

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

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

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

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

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

1 13. "Sexual orientation" means consensual homosexuality or
2 heterosexual.

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

5 Sec. 4. Section 41-1758, Arizona Revised Statutes, is amended to read:
6 41-1758. Definitions

7 In this article, unless the context otherwise requires:

8 1. "Agency" means the supreme court, the department of economic
9 security, the department of education, the department of health services, the
10 department of juvenile corrections, the department of emergency and military
11 affairs, the state real estate department, the board of fingerprinting or the
12 board of examiners of nursing care institution administrators and assisted
13 living facility managers.

14 2. "Division" means the fingerprinting division in the department of
15 public safety.

16 3. "AUTHORIZED INVESTIGATIVE PROVIDER" MEANS AN ARIZONA CRIMINAL
17 BACKGROUND INVESTIGATION COMPANY THAT IS LICENSED TO CONDUCT CRIMINAL HISTORY
18 RECORDS INVESTIGATIONS BY THE DEPARTMENT OF ADMINISTRATION PURSUANT TO
19 SECTION 41-1758.09.

20 ~~3.~~ 4. "Good cause exception" means the issuance of a fingerprint
21 clearance card to an employee pursuant to section 41-619.55.

22 ~~4.~~ 5. "Person" means a person who is required to be fingerprinted
23 pursuant to any of the following:

- 24 (a) Section 8-105.
- 25 (b) Section 8-322.
- 26 (c) Section 8-509.
- 27 (d) Section 8-802.
- 28 (e) Section 15-183.
- 29 (f) Section 15-503.
- 30 (g) Section 15-512.
- 31 (h) Section 15-534.
- 32 (i) Section 15-1330.
- 33 (j) Section 15-1881.
- 34 (k) Section 26-103.
- 35 (l) Section 32-2108.01.
- 36 (m) Section 32-2123.
- 37 (n) Section 36-411.
- 38 (o) Section 36-425.03.
- 39 (p) Section 36-446.04.
- 40 (q) Section 36-594.01.
- 41 (r) Section 36-594.02.
- 42 (s) Section 36-882.
- 43 (t) Section 36-883.02.
- 44 (u) Section 36-897.01.
- 45 (v) Section 36-897.03.

- 1 (w) Section 36-3008.
- 2 (x) Section 41-619.52.
- 3 (y) Section 41-619.53.
- 4 (z) Section 41-1964.
- 5 (aa) Section 41-1967.01.
- 6 (bb) Section 41-1968.
- 7 (cc) Section 41-1969.
- 8 (dd) Section 41-2814.
- 9 (ee) Section 46-141, subsection A.
- 10 (ff) Section 46-321.

11 ~~5-~~ 6. "Vulnerable adult" has the same meaning prescribed in section
12 13-3623.

13 Sec. 5. Title 41, chapter 12, article 3.1, Arizona Revised Statutes,
14 is amended by adding sections 41-1758.08 and 41-1758.09, to read:

15 41-1758.08. Arizona background clearance card option

16 IF THE EMPLOYEES OR LICENSEES OF ANY AGENCY OR EMPLOYER IN THIS STATE
17 ARE REQUIRED TO OBTAIN A DEPARTMENT OF PUBLIC SAFETY ISSUED FINGERPRINT
18 CLEARANCE CARD, THE AGENCY OR EMPLOYER, TO THE EXTENT THAT IT IS NOT
19 PROHIBITED BY STATE OR FEDERAL LAW, MAY ACCEPT AN ARIZONA BACKGROUND
20 CLEARANCE CARD THAT IS ISSUED BY AN AUTHORIZED INVESTIGATIVE PROVIDER IN
21 PLACE OF THE FINGERPRINT CLEARANCE CARD.

22 41-1758.09. Arizona authorized investigative provider;
23 licensure; duties; identity verification;
24 violation classification

25 A. THE DEPARTMENT OF ADMINISTRATION SHALL LICENSE AND MONITOR AN
26 AUTHORIZED INVESTIGATIVE PROVIDER FOR THE PURPOSE OF CONDUCTING STATE AND
27 FEDERAL CRIMINAL HISTORY RECORDS INVESTIGATIONS AND ISSUING ARIZONA
28 BACKGROUND CLEARANCE CARDS TO APPLICANTS. TO BE LICENSED AS AN AUTHORIZED
29 INVESTIGATIVE PROVIDER, THE AUTHORIZED INVESTIGATIVE PROVIDER SHALL:

- 30 1. PAY AN APPLICATION FEE OF TWO THOUSAND FIVE HUNDRED DOLLARS.
- 31 2. PAY AN ANNUAL LICENSE MAINTENANCE FEE OF FIVE HUNDRED DOLLARS.
- 32 3. BE A CORPORATION OR LIMITED LIABILITY COMPANY THAT IS INCORPORATED
33 IN THIS STATE AND THAT HAS ITS PRINCIPLE OFFICE LOCATED IN THIS STATE.
- 34 4. REQUIRE THAT EACH MAJORITY SHAREHOLDER OR MANAGING MEMBER BE A
35 LICENSED ARIZONA PRIVATE INVESTIGATOR FOR NOT LESS THAN FIVE YEARS PRECEDING
36 THE DATE OF APPLICATION AND BE A RESIDENT OF THIS STATE.
- 37 5. REQUIRE THAT ALL EMPLOYEES OR PERSONS WHO ARE ASSIGNED, RESPONSIBLE
38 FOR, IN CHARGE OF OR ACCOUNTABLE FOR INVESTIGATIVE DUTIES ON ANY APPLICANT
39 FILE ARE LICENSED AS A PRIVATE INVESTIGATOR PURSUANT TO TITLE 32, CHAPTER 24.
- 40 6. REQUIRE THAT ANY PERSON WHO IS EMPLOYED BY THE AUTHORIZED
41 INVESTIGATIVE PROVIDER PASS THE SAME CRIMINAL HISTORY RECORDS BACKGROUND
42 INVESTIGATION PRESCRIBED IN SECTIONS 41-1758.03 AND 41-1758.07.

43 B. A LICENSED AUTHORIZED INVESTIGATIVE PROVIDER SHALL:

- 44 1. CONDUCT A NEW AND LIVE INVESTIGATION ON EACH APPLICATION BY
45 RESEARCHING CURRENT STATE AND FEDERAL COURT DATABASES FOR DISPOSITION

1 RECORDS, OR PHYSICALLY RESEARCHING STATE AND FEDERAL COURT FILES IF COURT
2 DATABASES ARE NOT AVAILABLE FOR DISPOSITION RECORDS IN THE JURISDICTION WHERE
3 THE APPLICANT RESIDED AND WHERE THE AUTHORIZED INVESTIGATIVE PROVIDER FINDS
4 THAT THE APPLICANT WAS INVOLVED IN ACTIVITY OR COMMERCE, FOR THE TWENTY YEARS
5 PRECEDING THE APPLICATION DATE. THE AUTHORIZED INVESTIGATIVE PROVIDER MAY
6 EXPAND AND ENHANCE ITS INVESTIGATION BY USING OTHER INFORMATION RECEIVED FROM
7 A NON-COURT DATABASE OR THROUGH INSTANT SEARCH AND INTERNET SEARCH
8 METHODOLOGIES. THE AUTHORIZED INVESTIGATIVE PROVIDER SHALL VERIFY THE
9 APPLICANT'S CITIZENSHIP AND WHETHER THE APPLICANT IS AUTHORIZED TO LIVE AND
10 WORK IN THIS STATE.

11 2. INCLUDE THE FOLLOWING INFORMATION ON EACH ISSUED ARIZONA BACKGROUND
12 CLEARANCE CARD:

13 (a) THE CARDHOLDER'S FULL NAME, AGE AND DEPARTMENT OR AGENCY OF
14 EMPLOYMENT.

15 (b) A CURRENT PHOTOGRAPH OF THE CARDHOLDER IN PASSPORT STYLE.

16 (c) THE CARD'S DATE OF ISSUE AND DATE OF EXPIRATION.

17 (d) A UNIQUE AND PERSONAL VERIFICATION NUMBER FOR THE PURPOSE OF
18 IMMEDIATE VERIFICATION AND AUTHENTICATION OF THE CARD AND THE CARDHOLDER.

19 (e) THE AUTHORIZED INVESTIGATIVE PROVIDER'S NAME, ADDRESS, TELEPHONE
20 NUMBER AND WEBSITE ADDRESS.

21 (f) AT LEAST ONE SECURITY FEATURE ON THE CARD.

22 3. PROVIDE THAT EACH ARIZONA BACKGROUND CLEARANCE CARD IS VERIFIABLE
23 BY INTERNET ACCESS THROUGH THE AUTHORIZED INVESTIGATIVE PROVIDER'S WEBSITE,
24 FREE OF CHARGE TO THE PUBLIC. THE ONLINE VERIFICATION SITE SHALL INCLUDE:

25 (a) THE APPLICANT'S PHOTO AND AGE AND THE CARD'S DATE OF ISSUE AND
26 EXPIRATION.

27 (b) A FEATURE ALLOWING THE PERSON ACCESSING THE INFORMATION TO VIEW
28 AND PRINT A CERTIFICATION OF THE APPLICANT'S ARIZONA BACKGROUND CLEARANCE
29 CARD STATUS.

30 4. NOTIFY A CARDHOLDER AND THE AGENCY IN WRITING SIXTY DAYS BEFORE THE
31 EXPIRATION OF THE CARD OF THE CARD'S EXPIRATION DATE.

32 5. NOT SELL OR GIVE ANY INFORMATION OBTAINED BY A PROVIDER FROM AN
33 APPLICANT AND THE DEPARTMENT OF PUBLIC SAFETY TO ANY OTHER ENTITY OR PERSON
34 EXCEPT AS PROVIDED BY THIS ARTICLE.

35 6. SUBMIT AS PART OF ITS APPLICATION TO THE DEPARTMENT OF
36 ADMINISTRATION HOW THE PROVIDER WILL DEVELOP, DOCUMENT AND IMPLEMENT A
37 COMPANY-WIDE INFORMATION SECURITY PROGRAM TO PROVIDE INFORMATION SECURITY FOR
38 THE PERSONAL INFORMATION OF ALL ARIZONA BACKGROUND CLEARANCE CARD APPLICANTS,
39 INFORMATION RECEIVED FROM THE DEPARTMENT OF PUBLIC SAFETY AND ITS INFORMATION
40 SYSTEMS. A PROVIDER MUST HOST, STORE AND BACKUP ARIZONA BACKGROUND CLEARANCE
41 CARD APPLICANT INFORMATION ONLY IN A FACILITY IT OWNS OR LEASES WHICH MUST BE
42 WITHIN THE UNITED STATES. NO SUCH INFORMATION MAY BE OUTSOURCED IN OR TO A
43 THIRD-PARTY FACILITY TO HOST, STORE OR BACKUP.

1 7. IF THE PROVIDER DETERMINES THAT A PERSON HAS BEEN INDICTED, CHARGED
2 WITH, CONVICTED OF OR PLED GUILTY NO CONTEST TO ANY CRIME LISTED IN SECTION
3 41-1758.03 OR 41-1758.07, THE AUTHORIZED INVESTIGATIVE PROVIDER, OR THE BOARD
4 OF FINGERPRINTING, DENY, SUSPEND OR REVOKE THE PERSON'S ARIZONA BACKGROUND
5 CLEARANCE CARD, NOTIFY THE AGENCY AND CARDHOLDER AND PROVIDE NOTICE OF THE
6 DENIAL, SUSPENSION OR REVOCATION ON THE AUTHORIZED INVESTIGATIVE PROVIDER'S
7 WEBSITE. THE ARIZONA BACKGROUND CLEARANCE CARD SHALL BE REINSTATED ONLY BY
8 ORDER OF THE BOARD OF FINGERPRINTING.

9 8. IF AN AGENCY INFORMS THE PROVIDER THAT A CARDHOLDER IS UNDER
10 INVESTIGATION FOR A CRIME THAT IS PRECLUDED PURSUANT TO SECTION 41-1758.03 OR
11 41-1758.07 AND THE PROVIDER VERIFIES THE INFORMATION THROUGH A LAW
12 ENFORCEMENT AGENCY OR COURT, TEMPORARILY SUSPEND THE CARD AND PROVIDE NOTICE
13 OF THE SUSPENSION TO THE AGENCY AND CARDHOLDER IN WRITING, INCLUDING THAT THE
14 PERSON HAS A RIGHT OF APPEAL TO THE BOARD OF FINGERPRINTING.

15 9. AT THE REQUEST OF THE DEPARTMENT OF ADMINISTRATION, DELIVER A
16 SECURED ELECTRONIC FILE OF ALL OF THE ARIZONA BACKGROUND CLEARANCE CARD
17 INVESTIGATIONS PERFORMED BY THE PROVIDER, INCLUDING NAME, DATE OF BIRTH,
18 ADDRESS, ISSUANCE DATE AND EXPIRATION DATE. THE DEPARTMENT OF ADMINISTRATION
19 SHALL KEEP THE DATA IN A SAFE AND SECURED LOCATION. FAILURE TO PROVIDE THE
20 DATA SUBJECTS THE PROVIDER TO LICENSE REVOCATION AND A FIVE HUNDRED THOUSAND
21 DOLLAR PENALTY ASSESSABLE AGAINST THE COMPANY AND ITS OFFICERS OR PRINCIPLE
22 MEMBERS.

23 C. AN APPLICANT FOR A VALID ARIZONA BACKGROUND CLEARANCE CARD MAY
24 OBTAIN AN APPLICATION FROM AN AUTHORIZED INVESTIGATIVE PROVIDER. THE
25 APPLICANT SHALL COMPLETE THE APPLICATION AND PROVIDE A CURRENT PHOTO, IN
26 PASSPORT STYLE AND FORM, WHICH MAY BE PRINTED ON THE APPLICATION IN THE SPACE
27 PROVIDED OR ATTACHED TO THE APPLICATION. THE APPLICATION SHALL CONTAIN THE
28 APPLICANT'S FULL NAME AND MAIDEN NAME, IF ANY, ADDRESS, BIRTH DATE, SOCIAL
29 SECURITY NUMBER, DRIVER LICENSE NUMBER, IF ANY, HEIGHT, WEIGHT, EYE COLOR AND
30 HAIR COLOR AND A COPY OF ONE FORM OF VALID STATE GOVERNMENT ISSUED PHOTO
31 IDENTIFICATION. THE APPLICANT SHALL PRESENT AT LEAST ONE FORM OF VALID STATE
32 GOVERNMENT ISSUED PHOTO IDENTIFICATION AND A VALID SOCIAL SECURITY CARD TO A
33 NOTARY PUBLIC FOR REVIEW AND SIGN THE APPLICATION IN FRONT OF THE NOTARY
34 PUBLIC. THE NOTARY PUBLIC SHALL SIGN AN ACKNOWLEDGMENT OF AUTHENTICATION OF
35 THE APPLICANT'S SIGNATURE. THE APPLICANT SHALL SEND OR DELIVER THE COMPLETED
36 NOTARIZED APPLICATION TO AN AUTHORIZED INVESTIGATIVE PROVIDER FOR FINAL
37 IDENTITY VERIFICATION, VERIFICATION OF CITIZENSHIP OR AUTHORIZATION TO LIVE
38 AND WORK IN THIS STATE AND INVESTIGATION OF THE APPLICANT'S STATE AND FEDERAL
39 CRIMINAL BACKGROUND. THE AUTHORIZED INVESTIGATIVE PROVIDER SHALL VERIFY THE
40 APPLICANT'S IDENTITY AND CITIZENSHIP OR AUTHORIZATION TO LIVE AND WORK IN
41 THIS STATE AS PART OF THE CRIMINAL BACKGROUND INVESTIGATION. THE APPLICANT
42 SHALL COOPERATE WITH THE AUTHORIZED INVESTIGATIVE PROVIDER REGARDING
43 INFORMATION NEEDED TO VERIFY THE APPLICANT'S IDENTITY AND CITIZENSHIP OR
44 AUTHORIZATION TO LIVE AND WORK IN THIS STATE. IF THE APPLICANT PROVIDES
45 MATERIALLY FALSE INFORMATION ON THE APPLICATION, THE AUTHORIZED INVESTIGATIVE

1 PROVIDER SHALL NOT ISSUE AN ARIZONA BACKGROUND CLEARANCE CARD AND SHALL
2 NOTIFY THE APPLICANT AND THE AGENCY OF THE DENIAL. THE APPLICANT MAY APPEAL
3 THE DENIAL TO THE BOARD OF FINGERPRINTING FOR REVIEW. IF THE BOARD OF
4 FINGERPRINTING FINDS THAT THE IDENTITY OF THE INDIVIDUAL IS VERIFIED OR THAT
5 THE INFORMATION PROVIDED ON THE APPLICATION BY THE APPLICANT IS NOT
6 MATERIALLY FALSE, THE AUTHORIZED INVESTIGATIVE PROVIDER SHALL CONTINUE WITH
7 THE INVESTIGATION ON NOTICE FROM THE BOARD OF FINGERPRINTING. AN ARIZONA
8 BACKGROUND CLEARANCE CARD IS VALID FOR TWO YEARS FROM THE DATE OF ISSUANCE.
9 A CARD MAY BE RENEWED ONLINE OR IN PERSON WITHOUT BEING NOTARIZED AS
10 PRESCRIBED BY THIS SUBSECTION.

11 D. IF AN AUTHORIZED INVESTIGATIVE PROVIDER REQUESTS A COPY OF A
12 DISPOSITION RECORD FROM AN ARIZONA COURT FOR THE PURPOSES OF AN
13 INVESTIGATION, THE COURT SHALL RELEASE THE DISPOSITION RECORD TO THE
14 AUTHORIZED INVESTIGATIVE PROVIDER AT A PRICE THAT IS NOT MORE THAN THE
15 COURT'S COST FOR RETRIEVING AND COPYING THE INFORMATION AND SHALL DO SO IN AN
16 EXPEDITIOUS AND TIMELY MANNER. A DISPOSITION RECORD SHALL INCLUDE THE PLEA
17 AGREEMENT, JUDGMENT OR COURT ORDER REGARDING THE CASE DISPOSITION AND
18 HISTORY, IF ANY.

19 E. THE APPLICANT SHALL PAY THE FEE FOR THE INVESTIGATION THAT IS
20 LISTED ON THE PROVIDER'S WEBSITE AND THE FEE PURSUANT TO SECTION 41-619.53
21 DIRECTLY TO THE PROVIDER IN THE MANNER PRESCRIBED BY THE PROVIDER. ALL
22 AUTHORIZED INVESTIGATIVE PROVIDERS SHALL COLLECT THE FEES PRESCRIBED IN
23 SECTION 41-619.53 AND TRANSMIT THE FEES TO THE BOARD OF FINGERPRINTING WITHIN
24 THIRTY DAYS OF THE END OF EACH MONTH. IF A PROVIDER FAILS TO TIMELY TRANSMIT
25 THE FEES AND THE AMOUNTS ARE NOT PAID WITHIN TEN DAYS AFTER THE BOARD MAILS
26 NOTICE TO THE PROVIDER OF THE FAILURE TO PAY, THE DEPARTMENT OF
27 ADMINISTRATION MAY SUSPEND OR REVOKE THE PROVIDER'S LICENSE. WITH TEN DAY'S
28 WRITTEN NOTICE, A REPRESENTATIVE OF THE BOARD OF FINGERPRINTING OR THE
29 DEPARTMENT OF ADMINISTRATION MAY REVIEW OR AUDIT A PROVIDER'S FINANCIAL BOOKS
30 WITH REFERENCE TO ANY INVESTIGATION PERFORMED BY THE PROVIDER FOR AN ARIZONA
31 BACKGROUND CLEARANCE CARD AT THE PROVIDER'S LOCATION.

32 F. THE DEPARTMENT OF ADMINISTRATION SHALL LICENSE AN AUTHORIZED
33 INVESTIGATIVE PROVIDER APPLICANT WHO MEETS ALL OF THE REQUIREMENTS OF THIS
34 SECTION. ON TEN DAYS WRITTEN NOTICE, THE DEPARTMENT OF ADMINISTRATION MAY
35 AUDIT ANY AUTHORIZED PROVIDER'S PROCESSES, INCLUDING THE INVESTIGATION OF
36 STATE AND FEDERAL RECORDS, THE ISSUANCE OF ARIZONA BACKGROUND CLEARANCE CARDS
37 AND FOR COMPLIANCE WITH ALL OF THE REQUIREMENTS IN THIS SECTION. THE
38 DEPARTMENT OF ADMINISTRATION MAY SUSPEND OR REVOKE THE LICENSE OF AN
39 AUTHORIZED INVESTIGATIVE PROVIDER WHO FAILS TO ABIDE BY THE REQUIREMENTS OF
40 THIS SECTION.

41 G. AN AUTHORIZED INVESTIGATIVE PROVIDER MAY ONLY ISSUE AN ARIZONA
42 BACKGROUND CLEARANCE CARD TO A PERSON WHO MEETS ALL OF THE REQUIREMENTS FOR A
43 FINGERPRINT CLEARANCE CARD CONTAINED IN THIS ARTICLE. AN AUTHORIZED
44 INVESTIGATIVE PROVIDER SHALL COMPLY WITH THE SAME STATUTORY REQUIREMENTS AND

1 DUTIES THAT ARE CONTAINED IN THIS ARTICLE AND THAT APPLY TO ANY OTHER ENTITY
2 THAT ISSUES OR REQUIRES A FINGERPRINT CLEARANCE CARD.

3 H. THE PROVIDER THAT ISSUES AN ARIZONA BACKGROUND CLEARANCE CARD
4 REMAINS THE OWNER OF THE CARD. THE CARDHOLDER SHALL RETAIN POSSESSION OF THE
5 CARD UNLESS THE CARD IS SUSPENDED OR REVOKED, AT WHICH TIME THE CARDHOLDER
6 SHALL RETURN THE CARD TO THE PROVIDER THAT ISSUED THE CARD.

7 I. A PERSON WHO KNOWINGLY FALSIFIES A MATERIAL FACT OR WHO MAKES OR
8 USES A FALSE ARIZONA BACKGROUND CLEARANCE CARD KNOWING THE FALSE ARIZONA
9 BACKGROUND CLEARANCE CARD CONTAINS A FALSE, FICTITIOUS OR FRAUDULENT
10 STATEMENT IS GUILTY OF A CLASS 3 MISDEMEANOR.

11 Sec. 6. Requirements for enactment; two-thirds vote

12 Pursuant to article IX, section 22, Constitution of Arizona, this act
13 is effective only on the affirmative vote of at least two-thirds of the
14 members of each house of the legislature and is effective immediately on the
15 signature of the governor or, if the governor vetoes this act, on the
16 subsequent affirmative vote of at least three-fourths of the members of each
17 house of the legislature.

18 Sec. 7. Conforming legislation

19 The legislative council staff shall prepare proposed legislation
20 conforming the Arizona Revised Statutes to the provisions of this act for
21 consideration in the fiftieth legislature, second regular session.