

COMMITTEE ON PUBLIC SAFETY AND HUMAN SERVICES

SENATE AMENDMENTS TO S.B. 1177

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 46-141, Arizona Revised Statutes, is amended to
3 read:

4 46-141. Criminal record information checks; fingerprinting
5 employees and applicants; definition

6 A. Each license granted by the department of economic security and
7 each contract entered into between the department of economic security and
8 any contract provider for the provision of services to juveniles or
9 vulnerable adults shall provide that, as a condition of employment, personnel
10 who are employed by the licensee or contractor, whether paid or not, and who
11 are required or allowed to provide services directly to juveniles or
12 vulnerable adults shall have a valid fingerprint clearance card issued
13 pursuant to section 41-1758.07 or shall apply for a fingerprint clearance
14 card within seven working days of employment.

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

19 C. A service contract or license with any contract provider or
20 licensee that involves the employment of persons who have contact with
21 juveniles or vulnerable adults shall provide that the contract or license may
22 be canceled or terminated immediately if a person certifies pursuant to
23 subsections F and G of this section that the person is awaiting trial on or
24 has been convicted of any of the offenses listed in subsections F and G of
25 this section in this state or similar offenses in another state or
26 jurisdiction or if the person does not possess or is denied issuance of a
27 valid fingerprint clearance card.

28 D. A contract provider or licensee may avoid cancellation or
29 termination of the contract or license under subsection C of this section if

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

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

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

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

30 H. Federally recognized Indian tribes or military bases may submit and
31 the department of economic security shall accept certifications that state
32 that personnel who are employed or who will be employed during the contract

1 term have not been convicted of, have not admitted committing or are not
2 awaiting trial on any offense under subsection F of this section.

3 I. A person who applies to the department of economic security for a
4 license or certificate or for paid or unpaid employment, including contract
5 services, and who will provide direct services to juveniles or vulnerable
6 adults shall submit a full set of fingerprints to the department for the
7 purpose of obtaining a state and federal criminal records check pursuant to
8 section 41-1750 and Public Law 92-544. The department of public safety may
9 exchange this fingerprint data with the federal bureau of investigation.
10 This subsection does not apply to those persons who are subject to section
11 8-105, 8-509, 8-802 or 41-1968 or subsection A of this section.

12 J. The special services unit of the department of economic security
13 may use the department of public safety automated system to update all
14 criminal history record information in order to ensure, to the maximum extent
15 reasonably possible, complete disposition information. The department of
16 economic security may deny employment or issuance or renewal of the contract
17 or license applied for in these cases if it determines that the criminal
18 history record information indicates that such employee, applicant or
19 contractor is not qualified or suitable.

20 K. Volunteers who provide services:

21 1. To juveniles or vulnerable adults under the direct visual
22 supervision of the contractor's or licensee's employees are exempt from the
23 fingerprinting requirements of this section.

24 2. TO VULNERABLE ADULTS AND WHO ARE NOT UNDER THE DIRECT VISUAL
25 SUPERVISION OF THE CONTRACTOR'S OR LICENSEE'S EMPLOYEES MAY BE REQUIRED BY
26 THE LICENSEE OR CONTRACTOR TO SUBMIT A FULL SET OF FINGERPRINTS TO THE
27 DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL
28 CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544
29 INSTEAD OF THE FINGERPRINT CLEARANCE CARD REQUIREMENT PURSUANT TO SUBSECTION
30 A OF THIS SECTION. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS
31 FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION. THE LICENSEE OR

1 CONTRACTOR SHALL ASSUME THE COSTS OF THE STATE AND FEDERAL CRIMINAL RECORDS
2 CHECK AND MAY CHARGE THESE COSTS TO THE VOLUNTEER.

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

7 1. Is arrested for or charged with an offense listed in section
8 41-1758.07, subsection B or C.

9 2. Falsified information on the form required by subsection F of this
10 section.

11 M. For the purposes of this section, "vulnerable adult" has the same
12 meaning prescribed in section 46-451."

13 Amend title to conform

2/8/12
12:26 PM
S:to