

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

CHAPTER 174
HOUSE BILL 2441

AN ACT

AMENDING SECTIONS 15-106, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES;
RELATING TO FINGERPRINTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-106, Arizona Revised Statutes, is amended to
3 read:

4 15-106. Identity verified fingerprints

5 ~~Beginning on January 1, 2008,~~ An applicant who applies for a new
6 teaching certificate in order to teach in a school district, a participant in
7 field experience or student teaching in this state, an applicant who applies
8 for a renewal of an existing teaching certificate in order to continue
9 teaching in a school district, an applicant who is required for the first
10 time to be fingerprinted in order to teach in a charter school and an
11 applicant who is required to renew fingerprints in order to continue teaching
12 in a charter school pursuant to section 15-183, an applicant who is required
13 to be fingerprinted pursuant to section 15-512 and any person who is
14 contracted by this state, by a school district or by a charter school to
15 provide tutoring services shall submit for an identity verified fingerprint
16 card that will be used by the department of public safety to process the
17 fingerprint clearance card pursuant to title 41, chapter 12, article 3.1 as
18 follows:

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

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

23 (a) A blank applicant fingerprint card.

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

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

26 3. A school district or charter school may contract for fingerprinting
27 services through an entity or entities and shall provide a copy of the
28 instructions to the entity or entities as provided by the department of
29 public safety regarding the submission of identity verified fingerprints. If
30 a school district or charter school elects to provide fingerprinting
31 services, the school district or charter school shall authorize an individual
32 employed by the school district or charter school to administer the services.

33 4. The department of public safety shall provide instructions to law
34 enforcement agencies and public schools regarding the submission of identity
35 verified fingerprints. The department of public safety shall reject the
36 application for a fingerprint clearance card if the application is not
37 correct or is not submitted according to the instructions provided by the
38 department of public safety.

39 5. The applicant, at the time that identity verified fingerprints are
40 taken, shall provide the law enforcement agency, school district, charter
41 school or other entity with a completed application form for a fingerprint
42 clearance card, the fingerprint card with the requisite demographic
43 information and the required fee in the form of a money order or cashier's
44 check made out to the department of public safety. The law enforcement
45 agency, school district, charter school or other entity shall verify the
46 identity of the applicant through recognized means of photographic

1 identification and a comparison of the demographic information on the
2 photographic identification against the demographic information on the
3 application form and the fingerprint card. The authorized person taking the
4 fingerprints shall enter on the application form a description of the
5 photographic identification presented by the applicant. The law enforcement
6 agency, school district, charter school or other entity shall place the
7 completed fingerprint card, ~~THE~~ completed application form or any other form
8 required by the department of public safety and the fee provided by the
9 applicant in the postage prepaid envelope provided by the department of
10 public safety and mail it to the fingerprinting division in the department of
11 public safety. A law enforcement agency, school district, charter school or
12 other entity may charge the applicant a reasonable fee for services provided
13 pursuant to this section.

14 6. FINGERPRINTS SUBMITTED ELECTRONICALLY OR THROUGH AN INTERNET-BASED
15 SYSTEM PURSUANT TO SECTION 41-1758.01 SHALL INCLUDE A COMPLETED APPLICATION
16 FOR A FINGERPRINT CLEARANCE CARD, THE REQUISITE APPLICANT DEMOGRAPHIC
17 INFORMATION AND THE REQUIRED FEE, AND SHALL BE IDENTITY VERIFIED IN
18 ACCORDANCE WITH INSTRUCTIONS PROVIDED BY THE DEPARTMENT OF PUBLIC SAFETY.
19 THE DEPARTMENT SHALL REJECT THE APPLICATION FOR A FINGERPRINT CLEARANCE CARD
20 IF THE APPLICATION IS NOT CORRECT OR IS NOT SUBMITTED ACCORDING TO THE
21 DEPARTMENT'S INSTRUCTIONS. THE ENTITY OR ENTITIES CONTRACTED BY THE
22 DEPARTMENT SHALL COMPLY WITH:

23 (a) ALL INFORMATION PRIVACY AND SECURITY MEASURES AND SUBMISSION
24 STANDARDS ESTABLISHED BY THE DEPARTMENT.

25 (b) THE INFORMATION TECHNOLOGY SECURITY POLICY APPROVED BY THE
26 DEPARTMENT.

27 ~~6-~~ 7. The department of public safety shall process the application
28 packet in the same manner prescribed for fingerprint clearance cards issued
29 pursuant to title 41, chapter 12, article 3.1.

30 ~~7-~~ 8. The department of public safety shall provide for digital
31 storage and retrieval of identity verified fingerprints taken pursuant to
32 this section. The fingerprints taken pursuant to this section shall be
33 digitally designated in the fingerprint archive as identity verified
34 fingerprint records.

35 ~~8-~~ 9. A person who has a set of identity verified fingerprints on
36 file with the department of public safety pursuant to this section shall not
37 be required to submit a new set of fingerprints to the department of public
38 safety to renew the person's fingerprint clearance card. On receipt of the
39 required application form and fee for a renewal fingerprint clearance card
40 from a person required to submit identity verified fingerprints, the
41 department of public safety shall attempt to use the electronic copy of the
42 applicant's identity verified fingerprints that are retained pursuant to this
43 section to conduct the state and national criminal records checks. The
44 department of public safety may require the applicant to submit a new set of
45 identity verified fingerprints if the department of public safety determines
46 that the original fingerprints submitted have been lost or damaged or are

1 found to be otherwise of insufficient quality to conduct a valid technical
2 fingerprint search either by the department of public safety or the federal
3 bureau of investigation.

4 ~~9-~~ 10. A person who participates in a teacher preparation program
5 that is approved by the state board of education and who does not participate
6 in field experience or student teaching in this state shall not be required
7 to obtain a fingerprint clearance card pursuant to this section.

8 Sec. 2. Section 41-1758, Arizona Revised Statutes, is amended to read:

9 ~~41-1758.~~ Definitions

10 In this article, unless the context otherwise requires:

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

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

19 3. "ELECTRONIC OR INTERNET-BASED FINGERPRINTING SERVICES" MEANS A
20 SECURE SYSTEM FOR DIGITIZING APPLICANT FINGERPRINTS AND TRANSMITTING THE
21 APPLICANT DATA AND FINGERPRINTS OF A PERSON OR ENTITY SUBMITTING FINGERPRINTS
22 TO THE DEPARTMENT OF PUBLIC SAFETY FOR ANY AUTHORIZED PURPOSE UNDER THIS
23 TITLE. FOR THE PURPOSES OF THIS PARAGRAPH, "SECURE SYSTEM" MEANS A SYSTEM
24 THAT COMPLIES WITH THE INFORMATION TECHNOLOGY SECURITY POLICY APPROVED BY THE
25 DEPARTMENT OF PUBLIC SAFETY.

26 ~~3-~~ 4. "Good cause exception" means the issuance of a fingerprint
27 clearance card to an employee pursuant to section 41-619.55.

28 ~~4-~~ 5. "Person" means a person who is required to be fingerprinted
29 pursuant to any of the following:

- 30 (a) Section 8-105.
- 31 (b) Section 8-322.
- 32 (c) Section 8-509.
- 33 (d) Section 8-802.
- 34 (e) Section 15-183.
- 35 (f) Section 15-503.
- 36 (g) Section 15-512.
- 37 (h) Section 15-534.
- 38 (i) Section 15-782.02.
- 39 (j) Section 15-1330.
- 40 (k) Section 15-1881.
- 41 (l) SECTION 17-215.
- 42 ~~(l)~~ (m) Section 26-103.
- 43 ~~(m)~~ (n) Section 32-2108.01.
- 44 ~~(n)~~ (o) Section 32-2123.
- 45 ~~(o)~~ (p) Section 32-2371.
- 46 ~~(p)~~ (q) Section 36-207.

1 ~~(q)~~ (r) Section 36-411.
2 ~~(r)~~ (s) Section 36-425.03.
3 ~~(s)~~ (t) Section 36-446.04.
4 ~~(t)~~ (u) Section 36-594.01.
5 ~~(u)~~ (v) Section 36-594.02.
6 ~~(v)~~ (w) Section 36-882.
7 ~~(w)~~ (x) Section 36-883.02.
8 ~~(x)~~ (y) Section 36-897.01.
9 ~~(y)~~ (z) Section 36-897.03.
10 ~~(z)~~ (aa) Section 36-3008.
11 ~~(aa)~~ (bb) Section 41-619.52.
12 ~~(bb)~~ (cc) Section 41-619.53.
13 ~~(cc)~~ (dd) Section 41-1964.
14 ~~(dd)~~ (ee) Section 41-1967.01.
15 ~~(ee)~~ (ff) Section 41-1968.
16 ~~(ff)~~ (gg) Section 41-1969.
17 ~~(gg)~~ (hh) Section 41-2814.
18 ~~(hh)~~ (ii) Section 46-141, subsection A.
19 ~~(ii)~~ (jj) Section 46-321.
20 ~~5-~~ 6. "Vulnerable adult" has the same meaning prescribed in section
21 13-3623.
22 Sec. 3. Section 41-1758.01, Arizona Revised Statutes, is amended to
23 read:
24 41-1758.01. Fingerprinting division; duties
25 A. The fingerprinting division is established in the department of
26 public safety and shall:
27 1. Conduct fingerprint background checks for persons and applicants
28 who are seeking licenses from state agencies, employment with licensees,
29 contract providers and state agencies or employment or educational
30 opportunities with agencies that require fingerprint background checks
31 pursuant to sections 8-105, 8-322, 8-509, 8-802, 15-183, 15-503, 15-512,
32 15-534, 15-782.02, 15-1330, 15-1881, 17-215, 26-103, 32-2108.01, 32-2123,
33 32-2371, 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-882,
34 36-883.02, 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964,
35 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141, subsection A and
36 section 46-321.
37 2. Issue fingerprint clearance cards. On issuance, a fingerprint
38 clearance card becomes the personal property of the cardholder and the
39 cardholder shall retain possession of the fingerprint clearance card.
40 3. On submission of an application for a fingerprint clearance card,
41 collect the fees established by the board of fingerprinting pursuant to
42 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the
43 monies collected in the board of fingerprinting fund.
44 4. Inform in writing each person who submits fingerprints for a
45 fingerprint background check of the person's right to petition the board of

1 fingerprinting for a good cause exception pursuant to sections 41-1758.03 and
2 41-1758.07.

3 5. Administer and enforce this article.

4 B. THE FINGERPRINTING DIVISION MAY CONTRACT FOR ELECTRONIC OR
5 INTERNET-BASED FINGERPRINTING SERVICES THROUGH AN ENTITY OR ENTITIES FOR THE
6 ACQUISITION AND TRANSMISSION OF APPLICANT FINGERPRINT AND DATA SUBMISSIONS TO
7 THE DEPARTMENT, INCLUDING IDENTITY VERIFIED FINGERPRINTS PURSUANT TO SECTION
8 15-106. THE ENTITY OR ENTITIES CONTRACTED BY THE DEPARTMENT OF PUBLIC SAFETY
9 MAY CHARGE THE APPLICANT A FEE FOR SERVICES PROVIDED PURSUANT TO THIS
10 ARTICLE. THE ENTITY OR ENTITIES CONTRACTED BY THE DEPARTMENT OF PUBLIC
11 SAFETY SHALL COMPLY WITH:

12 1. ALL INFORMATION PRIVACY AND SECURITY MEASURES AND SUBMISSION
13 STANDARDS ESTABLISHED BY THE DEPARTMENT OF PUBLIC SAFETY.

14 2. THE INFORMATION TECHNOLOGY SECURITY POLICY APPROVED BY THE
15 DEPARTMENT OF PUBLIC SAFETY.

16 Sec. 4. Emergency

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

APPROVED BY THE GOVERNOR MAY 2, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2013.