

REFERENCE TITLE: fingerprint clearance cards; mandatory updates

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2023

Introduced by
Representative Kavanagh

AN ACT

AMENDING SECTIONS 41-1758.03 AND 41-1758.07, 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 41-1758.03, Arizona Revised Statutes, is amended to
3 read:

4 41-1758.03. Fingerprint clearance cards; issuance; immunity

5 A. On receiving the state and federal criminal history record of a
6 person, the division shall compare the record with the list of criminal
7 offenses that preclude the person from receiving a fingerprint clearance
8 card. If the person's criminal history record does not contain any of the
9 offenses listed in subsections B and C of this section, the division shall
10 issue the person a fingerprint clearance card.

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

- 17 1. Sexual abuse of a vulnerable adult.
- 18 2. Incest.
- 19 3. First or second degree murder.
- 20 4. Sexual assault.
- 21 5. Sexual exploitation of a minor.
- 22 6. Sexual exploitation of a vulnerable adult.
- 23 7. Commercial sexual exploitation of a minor.
- 24 8. Commercial sexual exploitation of a vulnerable adult.
- 25 9. Child prostitution as prescribed in section 13-3212.
- 26 10. Child abuse.
- 27 11. Abuse of a vulnerable adult.
- 28 12. Sexual conduct with a minor.
- 29 13. Molestation of a child.
- 30 14. Molestation of a vulnerable adult.
- 31 15. A dangerous crime against children as defined in section 13-705.
- 32 16. Exploitation of minors involving drug offenses.
- 33 17. Taking a child for the purpose of prostitution as prescribed in
34 section 13-3206.
- 35 18. Neglect or abuse of a vulnerable adult.
- 36 19. Sex trafficking.
- 37 20. Sexual abuse.
- 38 21. Production, publication, sale, possession and presentation of
39 obscene items as prescribed in section 13-3502.
- 40 22. Furnishing harmful items to minors as prescribed in section
41 13-3506.
- 42 23. Furnishing harmful items to minors by internet activity as
43 prescribed in section 13-3506.01.

- 1 24. Obscene or indecent telephone communications to minors for
2 commercial purposes as prescribed in section 13-3512.
- 3 25. Luring a minor for sexual exploitation.
- 4 26. Enticement of persons for purposes of prostitution.
- 5 27. Procurement by false pretenses of person for purposes of
6 prostitution.
- 7 28. Procuring or placing persons in a house of prostitution.
- 8 29. Receiving earnings of a prostitute.
- 9 30. Causing one's spouse to become a prostitute.
- 10 31. Detention of persons in a house of prostitution for debt.
- 11 32. Keeping or residing in a house of prostitution or employment in
12 prostitution.
- 13 33. Pandering.
- 14 34. Transporting persons for the purpose of prostitution, polygamy and
15 concubinage.
- 16 35. Portraying adult as a minor as prescribed in section 13-3555.
- 17 36. Admitting minors to public displays of sexual conduct as prescribed
18 in section 13-3558.
- 19 37. Unlawful sale or purchase of children.
- 20 38. Child bigamy.
- 21 C. A person who is awaiting trial on or who has been convicted of
22 committing or attempting, soliciting, facilitating or conspiring to commit
23 one or more of the following offenses in this state or the same or similar
24 offenses in another state or jurisdiction is precluded from receiving a
25 fingerprint clearance card, except that the person may petition the board of
26 fingerprinting for a good cause exception pursuant to section 41-619.55:
 - 27 1. Manslaughter.
 - 28 2. Endangerment.
 - 29 3. Threatening or intimidating.
 - 30 4. Assault.
 - 31 5. Unlawfully administering intoxicating liquors, narcotic drugs or
32 dangerous drugs.
 - 33 6. Assault by vicious animals.
 - 34 7. Drive by shooting.
 - 35 8. Assaults on officers or fire fighters.
 - 36 9. Discharging a firearm at a structure.
 - 37 10. Indecent exposure.
 - 38 11. Public sexual indecency.
 - 39 12. Aggravated criminal damage.
 - 40 13. Theft.
 - 41 14. Theft by extortion.
 - 42 15. Shoplifting.
 - 43 16. Forgery.
 - 44 17. Criminal possession of a forgery device.

- 1 18. Obtaining a signature by deception.
- 2 19. Criminal impersonation.
- 3 20. Theft of a credit card or obtaining a credit card by fraudulent
- 4 means.
- 5 21. Receipt of anything of value obtained by fraudulent use of a credit
- 6 card.
- 7 22. Forgery of a credit card.
- 8 23. Fraudulent use of a credit card.
- 9 24. Possession of any machinery, plate or other contrivance or
- 10 incomplete credit card.
- 11 25. False statement as to financial condition or identity to obtain a
- 12 credit card.
- 13 26. Fraud by persons authorized to provide goods or services.
- 14 27. Credit card transaction record theft.
- 15 28. Misconduct involving weapons.
- 16 29. Misconduct involving explosives.
- 17 30. Depositing explosives.
- 18 31. Misconduct involving simulated explosive devices.
- 19 32. Concealed weapon violation.
- 20 33. Possession and sale of peyote.
- 21 34. Possession and sale of a vapor-releasing substance containing a
- 22 toxic substance.
- 23 35. Sale of precursor chemicals.
- 24 36. Possession, use or sale of marijuana, dangerous drugs or narcotic
- 25 drugs.
- 26 37. Manufacture or distribution of an imitation controlled substance.
- 27 38. Manufacture or distribution of an imitation prescription-only drug.
- 28 39. Manufacture or distribution of an imitation over-the-counter drug.
- 29 40. Possession or possession with intent to use an imitation controlled
- 30 substance.
- 31 41. Possession or possession with intent to use an imitation
- 32 prescription-only drug.
- 33 42. Possession or possession with intent to use an imitation
- 34 over-the-counter drug.
- 35 43. Manufacture of certain substances and drugs by certain means.
- 36 44. Adding poison or other harmful substance to food, drink or
- 37 medicine.
- 38 45. A criminal offense involving criminal trespass and burglary under
- 39 title 13, chapter 15.
- 40 46. A criminal offense under title 13, chapter 23.
- 41 47. Child neglect.
- 42 48. Misdemeanor offenses involving contributing to the delinquency of a
- 43 minor.
- 44 49. Offenses involving domestic violence.

- 1 50. Arson.
- 2 51. Kidnapping.
- 3 52. Felony offenses involving sale, distribution or transportation of,
- 4 offer to sell, transport or distribute or conspiracy to sell, transport or
- 5 distribute marijuana, dangerous drugs or narcotic drugs.
- 6 53. Robbery.
- 7 54. Aggravated assault.
- 8 55. Felony offenses involving contributing to the delinquency of a
- 9 minor.
- 10 56. Negligent homicide.
- 11 57. Criminal damage.
- 12 58. Misappropriation of charter school monies as prescribed in section
- 13 13-1818.
- 14 59. Taking identity of another person or entity.
- 15 60. Aggravated taking identity of another person or entity.
- 16 61. Trafficking in the identity of another person or entity.
- 17 62. Cruelty to animals.
- 18 63. Prostitution.
- 19 64. Sale or distribution of material harmful to minors through vending
- 20 machines as prescribed in section 13-3513.
- 21 65. Welfare fraud.
- 22 D. A person who is awaiting trial on or who has been convicted of
- 23 committing or attempting to commit a violation of section 28-1381, 28-1382 or
- 24 28-1383 in this state or the same or similar offense in another state or
- 25 jurisdiction within five years from the date of applying for a fingerprint
- 26 clearance card is precluded from driving any vehicle to transport employees
- 27 or clients of the employing agency as part of the person's employment. The
- 28 division shall place a notation on the fingerprint clearance card that
- 29 indicates this driving restriction. This subsection does not preclude a
- 30 person from driving a vehicle alone as part of the person's employment.
- 31 E. Notwithstanding subsection C of this section, on receiving written
- 32 notice from the board of fingerprinting that a good cause exception was
- 33 granted pursuant to section 41-619.55, the division shall issue a fingerprint
- 34 clearance card to the person.
- 35 F. If the division denies a person's application for a fingerprint
- 36 clearance card pursuant to subsection C of this section and a good cause
- 37 exception is requested pursuant to section 41-619.55, the division shall
- 38 release, on request by the board of fingerprinting, the person's criminal
- 39 history record to the board of fingerprinting.
- 40 G. A person shall be granted a fingerprint clearance card if either of
- 41 the following applies:
- 42 1. An agency granted a good cause exception before August 16, 1999 and
- 43 no new precluding offense is identified. The fingerprint clearance card
- 44 shall specify only the program that granted the good cause exception. On the
- 45 request of the applicant, the agency that granted the prior good cause

1 exception shall notify the division in writing of the date on which the prior
2 good cause exception was granted and the date of the conviction and the name
3 of the offense for which the good cause exception was granted.

4 2. The board granted a good cause exception and no new precluding
5 offense is identified.

6 H. The licensee or contract provider shall assume the costs of
7 fingerprint checks and may charge these costs to persons WHO ARE required to
8 be fingerprinted.

9 I. A person who is under eighteen years of age or who is at least
10 ninety-nine years of age is exempt from the fingerprint clearance card
11 requirements of this section. At all times the person shall be under the
12 direct visual supervision of personnel who have valid fingerprint clearance
13 cards.

14 J. The division ~~may~~ SHALL conduct periodic state criminal history
15 records checks for the purpose of updating the clearance status of current
16 fingerprint clearance card holders and may notify the board of fingerprinting
17 and the agency employing the person of the results of the records check.

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

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

29 M. Except as provided in subsection N of this section, if after
30 conducting a state and federal criminal history records check the division
31 determines that it is not authorized to issue a fingerprint clearance card to
32 a person, the division shall notify the agency that licenses or employs the
33 person that the division is not authorized to issue a fingerprint clearance
34 card. This notice shall include the criminal history information on which
35 the denial was based. This criminal history information is subject to
36 dissemination restrictions pursuant to section 41-1750 and Public Law 92-544.

37 N. If, after conducting a state and federal criminal history records
38 check on a person who requests a fingerprint clearance card pursuant to
39 section 15-1881, the division determines that it is not authorized to issue a
40 fingerprint clearance card to the person, the division shall not notify the
41 agency. The division shall notify the person who requested the card that the
42 division is not authorized to issue a fingerprint clearance card.

- 1 0. The division is not liable for damages resulting from:
- 2 1. The issuance of a fingerprint clearance card to a person who is
- 3 later found to have been ineligible to receive a fingerprint clearance card
- 4 at the time the card was issued.
- 5 2. The denial of a fingerprint clearance card to a person who is later
- 6 found to have been eligible to receive a fingerprint clearance card at the
- 7 time issuance of the card was denied.
- 8 P. The issuance of a fingerprint clearance card does not entitle a
- 9 person to employment.
- 10 Q. Notwithstanding any law to the contrary, a person may apply for and
- 11 receive a level I fingerprint clearance card pursuant to section 41-1758.07
- 12 to satisfy a requirement that the person have a valid fingerprint clearance
- 13 card issued pursuant to this section.
- 14 Sec. 2. Section 41-1758.07, Arizona Revised Statutes, is amended to
- 15 read:
- 16 41-1758.07. Level I fingerprint clearance cards; definitions
- 17 A. On receiving the state and federal criminal history record of a
- 18 person who is required to be fingerprinted pursuant to this section, the
- 19 fingerprinting division in the department of public safety shall compare the
- 20 record with the list of criminal offenses that preclude the person from
- 21 receiving a level I fingerprint clearance card. If the person's criminal
- 22 history record does not contain any of the offenses listed in subsections B
- 23 and C of this section, the fingerprinting division shall issue the person a
- 24 level I fingerprint clearance card.
- 25 B. A person who is subject to registration as a sex offender in this
- 26 state or any other jurisdiction or who is awaiting trial on or who has been
- 27 convicted of committing or attempting, soliciting, facilitating or conspiring
- 28 to commit one or more of the following offenses in this state or the same or
- 29 similar offenses in another state or jurisdiction is precluded from receiving
- 30 a level I fingerprint clearance card:
- 31 1. Sexual abuse of a vulnerable adult.
- 32 2. Incest.
- 33 3. Homicide, including first or second degree murder, manslaughter and
- 34 negligent homicide.
- 35 4. Sexual assault.
- 36 5. Sexual exploitation of a minor.
- 37 6. Sexual exploitation of a vulnerable adult.
- 38 7. Commercial sexual exploitation of a minor.
- 39 8. Commercial sexual exploitation of a vulnerable adult.
- 40 9. Child prostitution as prescribed in section 13-3212.
- 41 10. Child abuse.
- 42 11. Felony child neglect.
- 43 12. Abuse of a vulnerable adult.
- 44 13. Sexual conduct with a minor.

- 1 14. Molestation of a child.
- 2 15. Molestation of a vulnerable adult.
- 3 16. Dangerous crimes against children as defined in section 13-705.
- 4 17. Exploitation of minors involving drug offenses.
- 5 18. Taking a child for the purpose of prostitution as prescribed in
6 section 13-3206.
- 7 19. Neglect or abuse of a vulnerable adult.
- 8 20. Sex trafficking.
- 9 21. Sexual abuse.
- 10 22. Production, publication, sale, possession and presentation of
11 obscene items as prescribed in section 13-3502.
- 12 23. Furnishing harmful items to minors as prescribed in section
13 13-3506.
- 14 24. Furnishing harmful items to minors by internet activity as
15 prescribed in section 13-3506.01.
- 16 25. Obscene or indecent telephone communications to minors for
17 commercial purposes as prescribed in section 13-3512.
- 18 26. Luring a minor for sexual exploitation.
- 19 27. Enticement of persons for purposes of prostitution.
- 20 28. Procurement by false pretenses of person for purposes of
21 prostitution.
- 22 29. Procuring or placing persons in a house of prostitution.
- 23 30. Receiving earnings of a prostitute.
- 24 31. Causing one's spouse to become a prostitute.
- 25 32. Detention of persons in a house of prostitution for debt.
- 26 33. Keeping or residing in a house of prostitution or employment in
27 prostitution.
- 28 34. Pandering.
- 29 35. Transporting persons for the purpose of prostitution, polygamy and
30 concubinage.
- 31 36. Portraying adult as a minor as prescribed in section 13-3555.
- 32 37. Admitting minors to public displays of sexual conduct as prescribed
33 in section 13-3558.
- 34 38. Any felony offense involving contributing to the delinquency of a
35 minor.
- 36 39. Unlawful sale or purchase of children.
- 37 40. Child bigamy.
- 38 41. Any felony offense involving domestic violence as defined in
39 section 13-3601 except for a felony offense only involving criminal damage in
40 an amount of more than two hundred fifty dollars but less than one thousand
41 dollars if the offense was committed before June 29, 2009.
- 42 42. Any felony offense in violation of title 13, chapter 12 if
43 committed within five years before the date of applying for a level I
44 fingerprint clearance card.

- 1 43. Felony drug or alcohol related offenses if committed within five
- 2 years before the date of applying for a level I fingerprint clearance card.
- 3 44. Felony indecent exposure.
- 4 45. Felony public sexual indecency.
- 5 46. Terrorism.
- 6 47. Any offense involving a violent crime as defined in section
- 7 13-901.03.
- 8 C. A person who is awaiting trial on or who has been convicted of
- 9 committing or attempting, soliciting, facilitating or conspiring to commit
- 10 one or more of the following offenses in this state or the same or similar
- 11 offenses in another state or jurisdiction is precluded from receiving a level
- 12 I fingerprint clearance card, except that the person may petition the board
- 13 of fingerprinting for a good cause exception pursuant to section 41-619.55:
- 14 1. Any misdemeanor offense in violation of title 13, chapter 12.
- 15 2. Misdemeanor indecent exposure.
- 16 3. Misdemeanor public sexual indecency.
- 17 4. Aggravated criminal damage.
- 18 5. Theft.
- 19 6. Theft by extortion.
- 20 7. Shoplifting.
- 21 8. Forgery.
- 22 9. Criminal possession of a forgery device.
- 23 10. Obtaining a signature by deception.
- 24 11. Criminal impersonation.
- 25 12. Theft of a credit card or obtaining a credit card by fraudulent
- 26 means.
- 27 13. Receipt of anything of value obtained by fraudulent use of a credit
- 28 card.
- 29 14. Forgery of a credit card.
- 30 15. Fraudulent use of a credit card.
- 31 16. Possession of any machinery, plate or other contrivance or
- 32 incomplete credit card.
- 33 17. False statement as to financial condition or identity to obtain a
- 34 credit card.
- 35 18. Fraud by persons authorized to provide goods or services.
- 36 19. Credit card transaction record theft.
- 37 20. Misconduct involving weapons.
- 38 21. Misconduct involving explosives.
- 39 22. Depositing explosives.
- 40 23. Misconduct involving simulated explosive devices.
- 41 24. Concealed weapon violation.
- 42 25. Misdemeanor possession and misdemeanor sale of peyote.
- 43 26. Felony possession and felony sale of peyote if committed more than
- 44 five years before the date of applying for a level I fingerprint clearance
- 45 card.

- 1 27. Misdemeanor possession and misdemeanor sale of a vapor-releasing
2 substance containing a toxic substance.
- 3 28. Felony possession and felony sale of a vapor-releasing substance
4 containing a toxic substance if committed more than five years before the
5 date of applying for a level I fingerprint clearance card.
- 6 29. Misdemeanor sale of precursor chemicals.
- 7 30. Felony sale of precursor chemicals if committed more than five
8 years before the date of applying for a level I fingerprint clearance card.
- 9 31. Misdemeanor possession, misdemeanor use or misdemeanor sale of
10 marijuana, dangerous drugs or narcotic drugs.
- 11 32. Felony possession, felony use or felony sale of marijuana,
12 dangerous drugs or narcotic drugs if committed more than five years before
13 the date of applying for a level I fingerprint clearance card.
- 14 33. Misdemeanor manufacture or misdemeanor distribution of an imitation
15 controlled substance.
- 16 34. Felony manufacture or felony distribution of an imitation
17 controlled substance if committed more than five years before the date of
18 applying for a level I fingerprint clearance card.
- 19 35. Misdemeanor manufacture or misdemeanor distribution of an imitation
20 prescription-only drug.
- 21 36. Felony manufacture or felony distribution of an imitation
22 prescription-only drug if committed more than five years before the date of
23 applying for a level I fingerprint clearance card.
- 24 37. Misdemeanor manufacture or misdemeanor distribution of an imitation
25 over-the-counter drug.
- 26 38. Felony manufacture or felony distribution of an imitation
27 over-the-counter drug if committed more than five years before the date of
28 applying for a level I fingerprint clearance card.
- 29 39. Misdemeanor possession or misdemeanor possession with intent to use
30 an imitation controlled substance.
- 31 40. Felony possession or felony possession with intent to use an
32 imitation controlled substance if committed more than five years before the
33 date of applying for a level I fingerprint clearance card.
- 34 41. Misdemeanor possession or misdemeanor possession with intent to use
35 an imitation prescription-only drug.
- 36 42. Felony possession or felony possession with intent to use an
37 imitation prescription-only drug if committed more than five years before the
38 date of applying for a level I fingerprint clearance card.
- 39 43. Misdemeanor possession or misdemeanor possession with intent to use
40 an imitation over-the-counter drug.
- 41 44. Felony possession or felony possession with intent to use an
42 imitation over-the-counter drug if committed more than five years before the
43 date of applying for a level I fingerprint clearance card.
- 44 45. Misdemeanor manufacture of certain substances and drugs by certain
45 means.

- 1 46. Felony manufacture of certain substances and drugs by certain means
2 if committed more than five years before the date of applying for a level I
3 fingerprint clearance card.
- 4 47. Adding poison or other harmful substance to food, drink or
5 medicine.
- 6 48. A criminal offense involving criminal trespass and burglary under
7 title 13, chapter 15.
- 8 49. A criminal offense under title 13, chapter 23, except terrorism.
- 9 50. Misdemeanor offenses involving child neglect.
- 10 51. Misdemeanor offenses involving contributing to the delinquency of a
11 minor.
- 12 52. Misdemeanor offenses involving domestic violence as defined in
13 section 13-3601.
- 14 53. Felony offenses involving domestic violence if the offense only
15 involved criminal damage in an amount of more than two hundred fifty dollars
16 but less than one thousand dollars and the offense was committed before June
17 29, 2009.
- 18 54. Arson.
- 19 55. Felony offenses involving sale, distribution or transportation of,
20 offer to sell, transport or distribute or conspiracy to sell, transport or
21 distribute marijuana, dangerous drugs or narcotic drugs if committed more
22 than five years before the date of applying for a level I fingerprint
23 clearance card.
- 24 56. Criminal damage.
- 25 57. Misappropriation of charter school monies as prescribed in section
26 13-1818.
- 27 58. Taking identity of another person or entity.
- 28 59. Aggravated taking identity of another person or entity.
- 29 60. Trafficking in the identity of another person or entity.
- 30 61. Cruelty to animals.
- 31 62. Prostitution, as prescribed in section 13-3214.
- 32 63. Sale or distribution of material harmful to minors through vending
33 machines as prescribed in section 13-3513.
- 34 64. Welfare fraud.
- 35 65. Any felony offense in violation of title 13, chapter 12 if
36 committed more than five years before the date of applying for a level I
37 fingerprint clearance card.
- 38 66. Kidnapping.
- 39 67. Robbery, aggravated robbery or armed robbery.
- 40 D. A person who is awaiting trial on or who has been convicted of
41 committing or attempting to commit a misdemeanor violation of section
42 28-1381, 28-1382 or 28-1383 in this state or the same or a similar offense in
43 another state or jurisdiction within five years from the date of applying for
44 a level I fingerprint clearance card is precluded from driving any vehicle to
45 transport employees or clients of the employing agency as part of the

1 person's employment. The division shall place a notation on the level I
2 fingerprint clearance card that indicates this driving restriction. This
3 subsection does not preclude a person from driving a vehicle alone as part of
4 the person's employment.

5 E. Notwithstanding subsection C of this section, on receiving written
6 notice from the board of fingerprinting that a good cause exception was
7 granted pursuant to section 41-619.55, the fingerprinting division shall
8 issue a level I fingerprint clearance card to the applicant.

9 F. If the fingerprinting division denies a person's application for a
10 level I fingerprint clearance card pursuant to subsection C of this section
11 and a good cause exception is requested pursuant to section 41-619.55, the
12 fingerprinting division shall release, on request by the board of
13 fingerprinting, the person's criminal history record to the board of
14 fingerprinting.

15 G. A person shall be granted a level I fingerprint clearance card
16 pursuant to this section if either of the following applies:

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

24 2. The board granted a good cause exception and no new precluding
25 offense is identified.

26 H. The licensee or contract provider shall assume the costs of
27 fingerprint checks conducted pursuant to this section and may charge these
28 costs to persons required to be fingerprinted.

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

34 J. The fingerprinting division ~~may~~ SHALL conduct periodic state
35 criminal history records checks for the purpose of updating the clearance
36 status of current level I fingerprint clearance cardholders pursuant to this
37 section and may notify the board of fingerprinting and the agency of the
38 results of the records check.

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

42 L. The fingerprinting division shall not issue a level I fingerprint
43 clearance card to an applicant if the division cannot determine, within
44 thirty business days after receipt of the person's state and federal criminal
45 history record information, whether the person is awaiting trial on or has

1 been convicted of committing any of the offenses listed in subsection B or C
2 of this section. If the division is unable to make the determination
3 required by this section and does not issue a level I fingerprint clearance
4 card to a person, the person may request a good cause exception pursuant to
5 section 41-619.55.

6 M. If after conducting a state and federal criminal history records
7 check the fingerprinting division determines that it is not authorized to
8 issue a level I fingerprint clearance card to an applicant, the division
9 shall notify the agency that the fingerprinting division is not authorized to
10 issue a level I fingerprint clearance card. This notice shall include the
11 criminal history information on which the denial was based. This criminal
12 history information is subject to dissemination restrictions pursuant to
13 section 41-1750 and Public Law 92-544.

14 N. The fingerprinting division is not liable for damages resulting
15 from:

16 1. The issuance of a level I fingerprint clearance card to an
17 applicant who is later found to have been ineligible to receive a level I
18 fingerprint clearance card at the time the card was issued.

19 2. The denial of a level I fingerprint clearance card to an applicant
20 who is later found to have been eligible to receive a level I fingerprint
21 clearance card at the time issuance of the card was denied.

22 O. Notwithstanding any law to the contrary, an individual may apply
23 for and receive a level I fingerprint clearance card pursuant to this section
24 to satisfy a requirement that the person have a valid fingerprint clearance
25 card issued pursuant to section 41-1758.03.

26 P. Notwithstanding any law to the contrary, except as prescribed
27 pursuant to subsection Q of this section, an individual who receives a
28 level I fingerprint clearance card pursuant to this section also satisfies a
29 requirement that the individual have a valid fingerprint clearance card
30 issued pursuant to section 41-1758.03.

31 Q. Unless a cardholder commits an offense listed in subsection B or C
32 of this section after June 29, 2009, a fingerprint clearance card issued
33 pursuant to section 41-1758.03 before June 29, 2009 and its renewals are
34 valid for all requirements for a level I fingerprint clearance card except
35 those relating to the requirements of section 8-105 or 8-509. A fingerprint
36 clearance card issued before June 29, 2009 to meet the requirements of
37 section 8-105 or 8-509 and its renewals are valid after June 29, 2009 to meet
38 all requirements for a level I fingerprint clearance card, including the
39 requirements of section 8-105 or 8-509, if the cardholder has been certified
40 by the court to adopt or has been issued a foster home license before June
41 29, 2009.

42 R. The issuance of a level I fingerprint clearance card does not
43 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, 36-207, 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 0 of this section.

7 2. "Renewal" means the issuance of a fingerprint clearance card to an
8 existing fingerprint clearance cardholder who applies before the person's
9 existing fingerprint clearance card expires.