

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

CHAPTER 56
HOUSE BILL 2306

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.
- 44 24. Obscene or indecent telephone communications to minors for
45 commercial purposes as prescribed in section 13-3512.
- 46 25. Luring a minor for sexual exploitation.

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

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

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

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

4 I. A person who is under eighteen years of age or who is at least
5 ninety-nine years of age is exempt from the fingerprint clearance card
6 requirements of this section. At all times the person shall be under the
7 direct visual supervision of personnel who have valid fingerprint clearance
8 cards.

9 J. The division ~~may~~ SHALL conduct periodic state criminal history
10 records checks AND MAY CONDUCT FEDERAL CRIMINAL HISTORY RECORDS CHECKS WHEN
11 AUTHORIZED PURSUANT TO FEDERAL LAW for the purpose of updating the clearance
12 status of current fingerprint clearance card holders and may notify the board
13 of fingerprinting and the agency employing the person of the results of the
14 records check.

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

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

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

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

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

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

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

1 P. The issuance of a fingerprint clearance card does not entitle a
2 person to employment.

3 Q. Notwithstanding any law to the contrary, a person may apply for and
4 receive a level I fingerprint clearance card pursuant to section 41-1758.07
5 to satisfy a requirement that the person have a valid fingerprint clearance
6 card issued pursuant to this section.

7 Sec. 2. Section 41-1758.07, Arizona Revised Statutes, is amended to
8 read:

9 41-1758.07. Level I fingerprint clearance cards; definitions

10 A. On receiving the state and federal criminal history record of a
11 person who is required to be fingerprinted pursuant to this section, the
12 fingerprinting division in the department of public safety shall compare the
13 record with the list of criminal offenses that preclude the person from
14 receiving a level I fingerprint clearance card. If the person's criminal
15 history record does not contain any of the offenses listed in subsections B
16 and C of this section, the fingerprinting division shall issue the person a
17 level I fingerprint clearance card.

18 B. A person who is subject to registration as a sex offender in this
19 state or any other jurisdiction or who is awaiting trial on or who has been
20 convicted of committing or attempting, soliciting, facilitating or conspiring
21 to commit one or more of the following offenses in this state or the same or
22 similar offenses in another state or jurisdiction is precluded from receiving
23 a level I fingerprint clearance card:

- 24 1. Sexual abuse of a vulnerable adult.
- 25 2. Incest.
- 26 3. Homicide, including first or second degree murder, manslaughter and
27 negligent homicide.
- 28 4. Sexual assault.
- 29 5. Sexual exploitation of a minor.
- 30 6. Sexual exploitation of a vulnerable adult.
- 31 7. Commercial sexual exploitation of a minor.
- 32 8. Commercial sexual exploitation of a vulnerable adult.
- 33 9. Child prostitution as prescribed in section 13-3212.
- 34 10. Child abuse.
- 35 11. Felony child neglect.
- 36 12. Abuse of a vulnerable adult.
- 37 13. Sexual conduct with a minor.
- 38 14. Molestation of a child.
- 39 15. Molestation of a vulnerable adult.
- 40 16. Dangerous crimes against children as defined in section 13-705.
- 41 17. Exploitation of minors involving drug offenses.
- 42 18. Taking a child for the purpose of prostitution as prescribed in
43 section 13-3206.
- 44 19. Neglect or abuse of a vulnerable adult.
- 45 20. Sex trafficking.
- 46 21. Sexual abuse.

- 1 22. Production, publication, sale, possession and presentation of
2 obscene items as prescribed in section 13-3502.
- 3 23. Furnishing harmful items to minors as prescribed in section
4 13-3506.
- 5 24. Furnishing harmful items to minors by internet activity as
6 prescribed in section 13-3506.01.
- 7 25. Obscene or indecent telephone communications to minors for
8 commercial purposes as prescribed in section 13-3512.
- 9 26. Luring a minor for sexual exploitation.
- 10 27. Enticement of persons for purposes of prostitution.
- 11 28. Procurement by false pretenses of person for purposes of
12 prostitution.
- 13 29. Procuring or placing persons in a house of prostitution.
- 14 30. Receiving earnings of a prostitute.
- 15 31. Causing one's spouse to become a prostitute.
- 16 32. Detention of persons in a house of prostitution for debt.
- 17 33. Keeping or residing in a house of prostitution or employment in
18 prostitution.
- 19 34. Pandering.
- 20 35. Transporting persons for the purpose of prostitution, polygamy and
21 concubinage.
- 22 36. Portraying adult as a minor as prescribed in section 13-3555.
- 23 37. Admitting minors to public displays of sexual conduct as prescribed
24 in section 13-3558.
- 25 38. Any felony offense involving contributing to the delinquency of a
26 minor.
- 27 39. Unlawful sale or purchase of children.
- 28 40. Child bigamy.
- 29 41. Any felony offense involving domestic violence as defined in
30 section 13-3601 except for a felony offense only involving criminal damage in
31 an amount of more than two hundred fifty dollars but less than one thousand
32 dollars if the offense was committed before June 29, 2009.
- 33 42. Any felony offense in violation of title 13, chapter 12 if
34 committed within five years before the date of applying for a level I
35 fingerprint clearance card.
- 36 43. Felony drug or alcohol related offenses if committed within five
37 years before the date of applying for a level I fingerprint clearance card.
- 38 44. Felony indecent exposure.
- 39 45. Felony public sexual indecency.
- 40 46. Terrorism.
- 41 47. Any offense involving a violent crime as defined in section
42 13-901.03.
- 43 48. **TRAFFICKING OF PERSONS FOR FORCED LABOR OR SERVICES.**
- 44 C. A person who is awaiting trial on or who has been convicted of
45 committing or attempting, soliciting, facilitating or conspiring to commit
46 one or more of the following offenses in this state or the same or similar

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

- 1 32. Felony possession, felony use or felony sale of marijuana,
2 dangerous drugs or narcotic drugs if committed more than five years before
3 the date of applying for a level I fingerprint clearance card.
- 4 33. Misdemeanor manufacture or misdemeanor distribution of an imitation
5 controlled substance.
- 6 34. Felony manufacture or felony distribution of an imitation
7 controlled substance if committed more than five years before the date of
8 applying for a level I fingerprint clearance card.
- 9 35. Misdemeanor manufacture or misdemeanor distribution of an imitation
10 prescription-only drug.
- 11 36. Felony manufacture or felony distribution of an imitation
12 prescription-only drug if committed more than five years before the date of
13 applying for a level I fingerprint clearance card.
- 14 37. Misdemeanor manufacture or misdemeanor distribution of an imitation
15 over-the-counter drug.
- 16 38. Felony manufacture or felony distribution of an imitation
17 over-the-counter drug if committed more than five years before the date of
18 applying for a level I fingerprint clearance card.
- 19 39. Misdemeanor possession or misdemeanor possession with intent to use
20 an imitation controlled substance.
- 21 40. Felony possession or felony possession with intent to use an
22 imitation controlled substance if committed more than five years before the
23 date of applying for a level I fingerprint clearance card.
- 24 41. Misdemeanor possession or misdemeanor possession with intent to use
25 an imitation prescription-only drug.
- 26 42. Felony possession or felony possession with intent to use an
27 imitation prescription-only drug if committed more than five years before the
28 date of applying for a level I fingerprint clearance card.
- 29 43. Misdemeanor possession or misdemeanor possession with intent to use
30 an imitation over-the-counter drug.
- 31 44. Felony possession or felony possession with intent to use an
32 imitation over-the-counter drug if committed more than five years before the
33 date of applying for a level I fingerprint clearance card.
- 34 45. Misdemeanor manufacture of certain substances and drugs by certain
35 means.
- 36 46. Felony manufacture of certain substances and drugs by certain means
37 if committed more than five years before the date of applying for a level I
38 fingerprint clearance card.
- 39 47. Adding poison or other harmful substance to food, drink or
40 medicine.
- 41 48. A criminal offense involving criminal trespass and burglary under
42 title 13, chapter 15.
- 43 49. A criminal offense under title 13, chapter 23, except terrorism.
- 44 50. Misdemeanor offenses involving child neglect.
- 45 51. Misdemeanor offenses involving contributing to the delinquency of a
46 minor.

- 1 52. Misdemeanor offenses involving domestic violence as defined in
2 section 13-3601.
- 3 53. Felony offenses involving domestic violence if the offense only
4 involved criminal damage in an amount of more than two hundred fifty dollars
5 but less than one thousand dollars and the offense was committed before June
6 29, 2009.
- 7 54. Arson.
- 8 55. Felony offenses involving sale, distribution or transportation of,
9 offer to sell, transport or distribute or conspiracy to sell, transport or
10 distribute marijuana, dangerous drugs or narcotic drugs if committed more
11 than five years before the date of applying for a level I fingerprint
12 clearance card.
- 13 56. Criminal damage.
- 14 57. Misappropriation of charter school monies as prescribed in section
15 13-1818.
- 16 58. Taking identity of another person or entity.
- 17 59. Aggravated taking identity of another person or entity.
- 18 60. Trafficking in the identity of another person or entity.
- 19 61. Cruelty to animals.
- 20 62. Prostitution, as prescribed in section 13-3214.
- 21 63. Sale or distribution of material harmful to minors through vending
22 machines as prescribed in section 13-3513.
- 23 64. Welfare fraud.
- 24 65. Any felony offense in violation of title 13, chapter 12 if
25 committed more than five years before the date of applying for a level I
26 fingerprint clearance card.
- 27 66. Kidnapping.
- 28 67. Robbery, aggravated robbery or armed robbery.
- 29 D. A person who is awaiting trial on or who has been convicted of
30 committing or attempting to commit a misdemeanor violation of section
31 28-1381, 28-1382 or 28-1383 in this state or the same or a similar offense in
32 another state or jurisdiction within five years from the date of applying for
33 a level I fingerprint clearance card is precluded from driving any vehicle to
34 transport employees or clients of the employing agency as part of the
35 person's employment. The division shall place a notation on the level I
36 fingerprint clearance card that indicates this driving restriction. This
37 subsection does not preclude a person from driving a vehicle alone as part of
38 the person's employment.
- 39 E. Notwithstanding subsection C of this section, on receiving written
40 notice from the board of fingerprinting that a good cause exception was
41 granted pursuant to section 41-619.55, the fingerprinting division shall
42 issue a level I fingerprint clearance card to the applicant.
- 43 F. If the fingerprinting division denies a person's application for a
44 level I fingerprint clearance card pursuant to subsection C of this section
45 and a good cause exception is requested pursuant to section 41-619.55, the
46 fingerprinting division shall release, on request by the board of

1 fingerprinting, the person's criminal history record to the board of
2 fingerprinting.

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

5 1. An agency granted a good cause exception before August 16, 1999 and
6 no new precluding offense is identified. The fingerprint clearance card
7 shall specify only the program that granted the good cause exception. On the
8 request of the applicant, the agency that granted the prior good cause
9 exception shall notify the fingerprinting division in writing of the date on
10 which the prior good cause exception was granted, the date of the conviction
11 and the name of the offense for which the good cause exception was granted.

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

14 H. The licensee or contract provider shall assume the costs of
15 fingerprint checks conducted pursuant to this section and may charge these
16 costs to persons WHO ARE required to be fingerprinted.

17 I. A person who is under eighteen years of age or who is at least
18 ninety-nine years of age is exempt from the level I fingerprint clearance
19 card requirements of this section. At all times the person shall be under
20 the direct visual supervision of personnel who have valid level I fingerprint
21 clearance cards.

22 J. The fingerprinting division ~~may~~ SHALL conduct periodic state
23 criminal history records checks AND MAY CONDUCT FEDERAL CRIMINAL HISTORY
24 RECORDS CHECKS WHEN AUTHORIZED PURSUANT TO FEDERAL LAW for the purpose of
25 updating the clearance status of current level I fingerprint clearance
26 cardholders pursuant to this section and may notify the board of
27 fingerprinting and the agency of the results of the records check.

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

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

40 M. If after conducting a state and federal criminal history records
41 check the fingerprinting division determines that it is not authorized to
42 issue a level I fingerprint clearance card to an applicant, the division
43 shall notify the agency that the fingerprinting division is not authorized to
44 issue a level I fingerprint clearance card. This notice shall include the
45 criminal history information on which the denial was based. This criminal

1 history information is subject to dissemination restrictions pursuant to
2 section 41-1750 and Public Law 92-544.

3 N. The fingerprinting division is not liable for damages resulting
4 from:

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

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

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

15 P. Notwithstanding any law to the contrary, except as prescribed
16 pursuant to subsection Q of this section, an individual who receives a
17 level I fingerprint clearance card pursuant to this section also satisfies a
18 requirement that the individual have a valid fingerprint clearance card
19 issued pursuant to section 41-1758.03.

20 Q. Unless a cardholder commits an offense listed in subsection B or C
21 of this section after June 29, 2009, a fingerprint clearance card issued
22 pursuant to section 41-1758.03 before June 29, 2009 and its renewals are
23 valid for all requirements for a level I fingerprint clearance card except
24 those relating to the requirements of section 8-105 or 8-509. A fingerprint
25 clearance card issued before June 29, 2009 to meet the requirements of
26 section 8-105 or 8-509 and its renewals are valid after June 29, 2009 to meet
27 all requirements for a level I fingerprint clearance card, including the
28 requirements of section 8-105 or 8-509 if the cardholder has been certified
29 by the court to adopt or has been issued a foster home license before June
30 29, 2009.

31 R. The issuance of a level I fingerprint clearance card does not
32 entitle a person to employment.

33 S. For the purposes of this section:

34 1. "Person" means a person who is fingerprinted pursuant to:

35 (a) Section 8-105, 8-509, 8-802, 36-207, 36-594.01, 36-594.02, 36-882,
36 36-883.02, 36-897.01, 36-897.03, 41-619.52, 41-619.53, 41-1964, 41-1967.01,
37 41-1968, 41-1969 or 46-141.

38 (b) Subsection O of this section.

39 2. "Renewal" means the issuance of a fingerprint clearance card to an
40 existing fingerprint clearance cardholder who applies before the person's
41 existing fingerprint clearance card expires.

APPROVED BY THE GOVERNOR APRIL 16, 2014.

H.B. 2306

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2014.