

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 94
HOUSE BILL 2086

AN ACT

AMENDING TITLE 8, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-463; AMENDING SECTIONS 26-103, 41-619.51, 41-1758, 41-1758.01, 41-1758.02, 41-1758.03, 41-1758.04 AND 41-1758.07, ARIZONA REVISED STATUTES; RELATING TO THE FINGERPRINTING DIVISION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 8, chapter 4, article 1, Arizona Revised Statutes, is
3 amended by adding section 8-463, to read:

4 8-463. Department of child safety employees; fingerprint
5 requirement

6 A. EACH EMPLOYEE OF THE DEPARTMENT WHO HAS CONTACT WITH CHILDREN OR
7 WHO IS EMPLOYED IN AN INFORMATION TECHNOLOGY POSITION SHALL HAVE A VALID
8 FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.07 OR PROVIDE
9 TO THE DEPARTMENT DOCUMENTATION OF THE PERSON'S APPLICATION FOR A FINGERPRINT
10 CLEARANCE CARD. THE EMPLOYEE SHALL CERTIFY ON FORMS THAT ARE PROVIDED BY THE
11 DEPARTMENT AND THAT ARE NOTARIZED THAT THE EMPLOYEE IS NOT AWAITING TRIAL ON
12 OR HAS NEVER BEEN CONVICTED OF OR ADMITTED IN OPEN COURT OR PURSUANT TO A
13 PLEA AGREEMENT TO COMMITTING ANY OF THE CRIMINAL OFFENSES LISTED IN SECTION
14 41-1758.07, SUBSECTIONS B AND C IN THIS STATE OR SIMILAR OFFENSES IN ANOTHER
15 STATE OR JURISDICTION.

16 B. THE DEPARTMENT MAY NOT DISCLOSE INFORMATION OBTAINED PURSUANT TO
17 THIS SECTION EXCEPT TO MEMBERS OF THE DEPARTMENT'S STAFF SOLELY FOR
18 EMPLOYMENT PURPOSES.

19 Sec. 2. Section 26-103, Arizona Revised Statutes, is amended to read:

20 26-103. Department of emergency and military affairs
21 employees; fingerprints; exemptions; definition

22 A. ~~Except as provided in subsection B of this section,~~ Employees shall
23 submit the form prescribed in subsection ~~C~~ D of this section to the
24 department and, ~~shall have a valid fingerprint clearance card issued pursuant~~
25 ~~to title 41, chapter 12, article 3.1 or shall apply for a fingerprint~~
26 ~~clearance card within seven working days of employment~~ EXCEPT AS PROVIDED IN
27 SUBSECTION C OF THIS SECTION, SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE
28 DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS AND THE DEPARTMENT OF PUBLIC
29 SAFETY FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS
30 CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF
31 PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
32 INVESTIGATION.

33 B. THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS MAY NOT DISCLOSE
34 INFORMATION OBTAINED PURSUANT TO SUBSECTION A OF THIS SECTION EXCEPT TO
35 MEMBERS OF THE DEPARTMENT'S STAFF SOLELY FOR EMPLOYMENT PURPOSES.

36 ~~B.~~ C. A member of the national guard OR AN EMPLOYEE who ~~has received~~
37 HOLDS A CURRENT security clearance pursuant to national guard laws and
38 regulations, ~~except for a general officer who is an employee of the~~
39 ~~department,~~ is exempt from the fingerprinting requirements of subsection A of
40 this section.

41 ~~C.~~ D. An employee shall certify on a form that is provided by the
42 department of emergency and military affairs and notarized that the employee
43 is not awaiting trial on or has never been convicted of or admitted in open
44 court or pursuant to a plea agreement committing any of the offenses listed
45 in section 41-1758.03, subsections B and C in this state or a similar offense
46 in another state or jurisdiction.

1 ~~D.~~ E. The department of emergency and military affairs shall not
2 allow a person to be employed on any national guard reservation or facility
3 in any capacity if the person has ~~been denied a fingerprint clearance card~~
4 ~~pursuant to title 41, chapter 12, article 3.1 or has not received an interim~~
5 ~~approval from the board of fingerprinting pursuant to section 41-619.55,~~
6 ~~subsection I~~ NOT SUBMITTED A FULL SET OF FINGERPRINTS TO THE DEPARTMENT OF
7 EMERGENCY AND MILITARY AFFAIRS AND THE DEPARTMENT OF PUBLIC SAFETY WITHIN THE
8 FIRST THREE DAYS OF EMPLOYMENT FOR THE PURPOSE OF OBTAINING A STATE AND
9 FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW
10 92-544.

11 ~~E.~~ F. For the purposes of this section, "employee" means any person
12 who works for the department of emergency and military affairs or any
13 subdivision of the department of emergency and military affairs, ~~including~~
14 ~~project challenge~~.

15 Sec. 3. Section 41-619.51, Arizona Revised Statutes, is amended to
16 read:

17 41-619.51. Definitions

18 In this article, unless the context otherwise requires:

19 1. "Agency" means the supreme court, the department of economic
20 security, the department of child safety, the department of education, the
21 department of health services, the department of juvenile corrections, the
22 department of emergency and military affairs, the department of
23 transportation, the state real estate department, the state board of
24 appraisal, THE ARIZONA GAME AND FISH DEPARTMENT or the board of examiners of
25 nursing care institution administrators and assisted living facility
26 managers.

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

28 3. "Central registry exception" means notification to the department
29 of economic security or the department of health services, as appropriate,
30 pursuant to section 41-619.57 that the person is not disqualified because of
31 a central registry check conducted pursuant to section 8-804.

32 4. "Expedited review" means an examination, in accordance with board
33 rule, of the documents an applicant submits by the board or its hearing
34 officer without the applicant being present.

35 5. "Good cause exception" means the issuance of a fingerprint
36 clearance card to an employee pursuant to section 41-619.55.

37 6. "Person" means a person who is required to be fingerprinted
38 pursuant to this article or who is subject to a central registry check and
39 any of the following:

40 (a) Section 8-105.

41 (b) Section 8-322.

42 (c) SECTION 8-463.

43 ~~(e)~~ (d) Section 8-509.

44 ~~(d)~~ (e) Section 8-802.

45 ~~(e)~~ (f) Section 8-804.

46 ~~(f) Section 8-804.01.~~

- 1 (g) Section 15-183.
- 2 (h) SECTION 15-503.
- 3 (i) SECTION 15-512.
- 4 ~~(h)~~ (j) Section 15-534.
- 5 (k) SECTION 15-763.01.
- 6 ~~(i)~~ (l) Section 15-782.02.
- 7 ~~(j)~~ (m) Section 15-1330.
- 8 ~~(k)~~ (n) Section 15-1881.
- 9 ~~(l)~~ (o) Section 17-215.
- 10 ~~(m) Section 26-103.~~
- 11 ~~(n)~~ (p) Section 28-3413.
- 12 ~~(o)~~ (q) Section 32-2108.01.
- 13 ~~(p)~~ (r) Section 32-2123.
- 14 ~~(q)~~ (s) Section 32-2371.
- 15 ~~(r)~~ (t) Section 32-2372.
- 16 ~~(s)~~ (u) Section 32-3620.
- 17 ~~(t)~~ (v) Section 32-3668.
- 18 ~~(u)~~ (w) Section 32-3669.
- 19 ~~(v)~~ (x) Section 36-207.
- 20 ~~(w)~~ (y) Section 36-411.
- 21 ~~(x)~~ (z) Section 36-425.03.
- 22 ~~(y)~~ (aa) Section 36-446.04.
- 23 ~~(z)~~ (bb) Section 36-594.01.
- 24 ~~(aa)~~ (cc) Section 36-594.02.
- 25 ~~(bb)~~ (dd) Section 36-882.
- 26 ~~(cc)~~ (ee) Section 36-883.02.
- 27 ~~(dd)~~ (ff) Section 36-897.01.
- 28 ~~(ee)~~ (gg) Section 36-897.03.
- 29 ~~(ff)~~ (hh) Section 36-3008.
- 30 ~~(gg)~~ (ii) Section 41-619.53.
- 31 ~~(hh)~~ (jj) Section 41-1964.
- 32 ~~(ii)~~ (kk) Section 41-1967.01.
- 33 ~~(jj)~~ (ll) Section 41-1968.
- 34 ~~(kk)~~ (mm) Section 41-1969.
- 35 ~~(ll)~~ (nn) Section 41-2814.
- 36 ~~(mm)~~ (oo) Section 46-141, subsection A.
- 37 ~~(nn)~~ (pp) Section 46-321.
- 38 Sec. 4. Section 41-1758, Arizona Revised Statutes, is amended to read:
- 39 41-1758. Definitions
- 40 In this article, unless the context otherwise requires:
- 41 1. "Agency" means the supreme court, the department of economic
- 42 security, the department of child safety, the department of education, the
- 43 department of health services, the department of juvenile corrections, the
- 44 department of emergency and military affairs, the department of
- 45 transportation, the state real estate department, the state board of
- 46 appraisal, the board of fingerprinting, **THE ARIZONA GAME AND FISH DEPARTMENT**

1 or the board of examiners of nursing care institution administrators and
2 assisted living facility managers.

3 2. "Division" means the fingerprinting division in the department of
4 public safety.

5 3. "Electronic or internet-based fingerprinting services" means a
6 secure system for digitizing applicant fingerprints and transmitting the
7 applicant data and fingerprints of a person or entity submitting fingerprints
8 to the department of public safety for any authorized purpose under this
9 title. For the purposes of this paragraph, "secure system" means a system
10 that complies with the information technology security policy approved by the
11 department of public safety.

12 4. "Good cause exception" means the issuance of a fingerprint
13 clearance card to an ~~employee~~ APPLICANT pursuant to section 41-619.55.

14 5. "Person" means a person who is required to be fingerprinted
15 pursuant to any of the following:

- 16 (a) Section 8-105.
- 17 (b) Section 8-322.
- 18 (c) SECTION 8-463.
- 19 ~~(e)~~ (d) Section 8-509.
- 20 ~~(d)~~ (e) Section 8-802.
- 21 ~~(e)~~ (f) Section 15-183.
- 22 ~~(f)~~ (g) Section 15-503.
- 23 ~~(g)~~ (h) Section 15-512.
- 24 ~~(h)~~ (i) Section 15-534.
- 25 (j) SECTION 15-763.01.
- 26 ~~(i)~~ (k) Section 15-782.02.
- 27 ~~(j)~~ (l) Section 15-1330.
- 28 ~~(k)~~ (m) Section 15-1881.
- 29 ~~(l)~~ (n) Section 17-215.
- 30 ~~(m) Section 26-103.~~
- 31 ~~(n)~~ (o) Section 28-3413.
- 32 ~~(o)~~ (p) Section 32-2108.01.
- 33 ~~(p)~~ (q) Section 32-2123.
- 34 ~~(q)~~ (r) Section 32-2371.
- 35 ~~(r)~~ (s) Section 32-2372.
- 36 ~~(s)~~ (t) Section 32-3620.
- 37 ~~(t)~~ (u) Section 32-3668.
- 38 ~~(u)~~ (v) Section 32-3669.
- 39 ~~(v)~~ (w) Section 36-207.
- 40 ~~(w)~~ (x) Section 36-411.
- 41 ~~(x)~~ (y) Section 36-425.03.
- 42 ~~(y)~~ (z) Section 36-446.04.
- 43 ~~(z)~~ (aa) Section 36-594.01.
- 44 ~~(aa)~~ (bb) Section 36-594.02.
- 45 ~~(bb)~~ (cc) Section 36-882.
- 46 ~~(cc)~~ (dd) Section 36-883.02.

1 ~~(dd)~~ (ee) Section 36-897.01.
2 ~~(ee)~~ (ff) Section 36-897.03.
3 ~~(ff)~~ (gg) Section 36-3008.
4 ~~(gg)~~ (hh) Section 41-619.52.
5 ~~(hh)~~ (ii) Section 41-619.53.
6 ~~(ii)~~ (jj) Section 41-1964.
7 ~~(jj)~~ (kk) Section 41-1967.01.
8 ~~(kk)~~ (ll) Section 41-1968.
9 ~~(ll)~~ (mm) Section 41-1969.
10 ~~(mm)~~ (nn) Section 41-2814.
11 ~~(nn)~~ (oo) Section 46-141, subsection A.
12 ~~(oo)~~ (pp) Section 46-321.
13 6. "Vulnerable adult" has the same meaning prescribed in section
14 13-3623.
15 Sec. 5. Section 41-1758.01, Arizona Revised Statutes, is amended to
16 read:
17 41-1758.01. Fingerprinting division; powers and duties
18 A. The fingerprinting division is established in the department of
19 public safety and shall:
20 1. Conduct fingerprint background checks for persons and applicants
21 who are seeking licenses from state agencies, employment with licensees,
22 contract providers and state agencies or employment or educational
23 opportunities with agencies that require fingerprint background checks
24 pursuant to sections 8-105, 8-322, ~~8-463~~, 8-509, 8-802, 15-183, 15-503,
25 15-512, 15-534, 15-782.02, 15-763.01, 15-1330, 15-1881, 17-215, ~~26-103~~,
26 28-3413, 32-2108.01, 32-2123, 32-2371, 32-2372, 32-3620, 32-3668, 32-3669,
27 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-882,
28 36-883.02, 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964,
29 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141, subsection A and
30 section 46-321.
31 2. Issue fingerprint clearance cards. On issuance, a fingerprint
32 clearance card becomes the personal property of the cardholder and the
33 cardholder shall retain possession of the fingerprint clearance card.
34 3. On submission of an application for a fingerprint clearance card,
35 collect the fees established by the board of fingerprinting pursuant to
36 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the
37 monies collected in the board of fingerprinting fund.
38 4. Inform in writing each person who submits fingerprints for a
39 fingerprint background check of the ~~person's~~ right to petition the board of
40 fingerprinting for a good cause exception pursuant to ~~sections~~ SECTION
41 41-1758.03, ~~and~~ 41-1758.04 OR 41-1758.07.
42 5. IF AFTER CONDUCTING A STATE AND FEDERAL CRIMINAL HISTORY RECORDS
43 CHECK THE DIVISION DETERMINES THAT IT IS NOT AUTHORIZED TO ISSUE A
44 FINGERPRINT CLEARANCE CARD TO A PERSON, INFORM THE PERSON IN WRITING THAT THE
45 DIVISION IS NOT AUTHORIZED TO ISSUE A FINGERPRINT CLEARANCE CARD. THE NOTICE
46 SHALL INCLUDE THE CRIMINAL HISTORY INFORMATION ON WHICH THE DENIAL WAS

1 BASED. THIS CRIMINAL HISTORY INFORMATION IS SUBJECT TO DISSEMINATION
2 RESTRICTIONS PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544.

3 6. NOTIFY THE PERSON IN WRITING IF THE DIVISION SUSPENDS, REVOKES OR
4 PLACES A DRIVING RESTRICTION NOTATION ON A FINGERPRINT CLEARANCE CARD
5 PURSUANT TO SECTION 41-1758.04. THE NOTICE SHALL INCLUDE THE CRIMINAL
6 HISTORY INFORMATION ON WHICH THE SUSPENSION, REVOCATION OR PLACEMENT OF THE
7 DRIVING RESTRICTION NOTATION WAS BASED. THIS CRIMINAL HISTORY INFORMATION IS
8 SUBJECT TO DISSEMINATION RESTRICTIONS PURSUANT TO SECTION 41-1750 AND PUBLIC
9 LAW 92-544.

10 ~~5-~~ 7. Administer and enforce this article.

11 B. The fingerprinting division may contract for electronic or
12 internet-based fingerprinting services through an entity or entities for the
13 acquisition and transmission of applicant fingerprint and data submissions to
14 the department, including identity verified fingerprints pursuant to section
15 15-106. The entity or entities contracted by the department of public safety
16 may charge the applicant a fee for services provided pursuant to this
17 article. The entity or entities contracted by the department of public
18 safety shall comply with:

19 1. All information privacy and security measures and submission
20 standards established by the department of public safety.

21 2. The information technology security policy approved by the
22 department of public safety.

23 Sec. 6. Section 41-1758.02, Arizona Revised Statutes, is amended to
24 read:

25 41-1758.02. Fingerprint checks; registration

26 A. The person, provider or agency shall submit a full set of
27 fingerprints to the division for the purpose of obtaining a state and federal
28 criminal history records check pursuant to section 41-1750 and Public Law
29 92-544. If the person can present a valid fingerprint clearance card or
30 credible documentation that the person's application for a fingerprint
31 clearance card is pending, the person, provider or agency is not required to
32 submit another application for a fingerprint clearance card. The division
33 may exchange this fingerprint data with the federal bureau of investigation.

34 B. EXCEPT AS PROVIDED IN SECTION 15-106, PARAGRAPH 9, the person shall
35 submit a new set of fingerprints to the division for a fingerprint background
36 check every six years. The division shall conduct a new state and federal
37 criminal history records check on application for a new card. ~~All class one
38 or class two fingerprint clearance cards that were issued before October 1,
39 2003 pursuant to this article shall remain valid until their normal
40 expiration dates at which time the cardholder shall apply for a new
41 fingerprint clearance card.~~

42 C. In order to ~~obtain~~ APPLY FOR a fingerprint clearance card, a person
43 shall submit a completed application for a fingerprint clearance card
44 provided by the division.

1 D. The person, provider or agency shall submit the application
2 required by subsection C of this section along with the fingerprints AND
3 APPLICABLE FEE to the division for a criminal history records check.

4 Sec. 7. Section 41-1758.03, Arizona Revised Statutes, is amended to
5 read:

6 41-1758.03. Fingerprint clearance cards; issuance; immunity

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

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

- 19 1. Sexual abuse of a vulnerable adult.
- 20 2. Incest.
- 21 3. First or second degree murder.
- 22 4. Sexual assault.
- 23 5. Sexual exploitation of a minor.
- 24 6. Sexual exploitation of a vulnerable adult.
- 25 7. Commercial sexual exploitation of a minor.
- 26 8. Commercial sexual exploitation of a vulnerable adult.
- 27 9. Child prostitution as prescribed in section 13-3212.
- 28 10. Child abuse.
- 29 11. Abuse of a vulnerable adult.
- 30 12. Sexual conduct with a minor.
- 31 13. Molestation of a child.
- 32 14. Molestation of a vulnerable adult.
- 33 15. A dangerous crime against children as defined in section 13-705.
- 34 16. Exploitation of minors involving drug offenses.
- 35 17. Taking a child for the purpose of prostitution as prescribed in
36 section 13-3206.
- 37 18. Neglect or abuse of a vulnerable adult.
- 38 19. Sex trafficking.
- 39 20. Sexual abuse.
- 40 21. Production, publication, sale, possession and presentation of
41 obscene items as prescribed in section 13-3502.
- 42 22. Furnishing harmful items to minors as prescribed in section
43 13-3506.
- 44 23. Furnishing harmful items to minors by internet activity as
45 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 39. Trafficking of persons for forced labor or services.
- 22 C. A person who is awaiting trial on or who has been convicted of
23 committing or attempting, soliciting, facilitating or conspiring to commit
24 one or more of the following offenses in this state or the same or similar
25 offenses in another state or jurisdiction is precluded from receiving a
26 fingerprint clearance card, except that the person may petition the board of
27 fingerprinting for a good cause exception pursuant to section 41-619.55:
28 1. Manslaughter.
29 2. Endangerment.
30 3. Threatening or intimidating.
31 4. Assault.
32 5. Unlawfully administering intoxicating liquors, narcotic drugs or
33 dangerous drugs.
34 6. Assault by vicious animals.
35 7. Drive by shooting.
36 8. Assaults on officers or fire fighters.
37 9. Discharging a firearm at a structure.
38 10. Indecent exposure.
39 11. Public sexual indecency.
40 12. Aggravated criminal damage.
41 13. Theft.
42 14. Theft by extortion.
43 15. Shoplifting.
44 16. Forgery.
45 17. Criminal possession of a forgery device.
46 18. Obtaining a signature by deception.

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

- 1 ~~52.~~ 53. Felony offenses involving sale, distribution or transportation
2 of, offer to sell, transport or distribute or conspiracy to sell, transport
3 or distribute marijuana, dangerous drugs or narcotic drugs.
4 ~~53.~~ 54. Robbery.
5 ~~54.~~ 55. Aggravated assault.
6 ~~55.~~ 56. Felony offenses involving contributing to the delinquency of a
7 minor.
8 ~~56.~~ 57. Negligent homicide.
9 ~~57.~~ 58. Criminal damage.
10 ~~58.~~ 59. Misappropriation of charter school monies as prescribed in
11 section 13-1818.
12 ~~59.~~ 60. Taking identity of another person or entity.
13 ~~60.~~ 61. Aggravated taking identity of another person or entity.
14 ~~61.~~ 62. Trafficking in the identity of another person or entity.
15 ~~62.~~ 63. Cruelty to animals.
16 ~~63.~~ 64. Prostitution.
17 ~~64.~~ 65. Sale or distribution of material harmful to minors through
18 vending machines as prescribed in section 13-3513.
19 ~~65.~~ 66. Welfare fraud.

20 D. A person who is awaiting trial on or who has been convicted of
21 committing or attempting to commit a MISDEMEANOR OR FELONY violation of
22 section 28-1381, 28-1382 or 28-1383 in this state or the same or similar
23 offense in another state or jurisdiction within five years from the date of
24 applying for a fingerprint clearance card is precluded from driving any
25 vehicle to transport employees or clients of the employing agency as part of
26 the person's employment. The division shall place a notation on the
27 fingerprint clearance card that indicates this driving restriction. This
28 subsection does not preclude a person from driving a vehicle alone as part of
29 the person's employment.

30 E. Notwithstanding subsection C of this section, on receiving written
31 notice from the board of fingerprinting that a good cause exception was
32 granted pursuant to section 41-619.55, the division shall issue a fingerprint
33 clearance card to the person.

34 F. If the division denies a person's application for a fingerprint
35 clearance card pursuant to subsection C of this section and a good cause
36 exception is requested pursuant to section 41-619.55, the division shall
37 release, on request by the board of fingerprinting, the person's criminal
38 history record to the board of fingerprinting.

39 G. A person shall be granted a fingerprint clearance card if either of
40 the following applies:

- 41 1. An agency granted a good cause exception before August 16, 1999 and
42 no new precluding offense is identified. The fingerprint clearance card
43 shall specify only the program that granted the good cause exception. On the
44 request of the applicant, the agency that granted the prior good cause
45 exception shall notify the division in writing of the date on which the prior

1 good cause exception was granted and the date of the conviction and the name
2 of the offense for which the good cause exception was granted.

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

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

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

13 J. The division shall conduct periodic state criminal history records
14 checks and may conduct federal criminal history records checks when
15 authorized pursuant to federal law for the purpose of updating the clearance
16 status of current fingerprint clearance card holders and may notify the board
17 of fingerprinting and the agency employing the person of the results of the
18 records check.

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

22 L. ~~The division shall not issue a fingerprint clearance card to a~~
23 ~~person~~ IF A PERSON'S CRIMINAL HISTORY RECORD CONTAINS AN OFFENSE LISTED IN
24 SUBSECTION B OR C OF THIS SECTION AND THE FINAL DISPOSITION IS NOT RECORDED
25 ON THE RECORD, THE DIVISION SHALL CONDUCT RESEARCH TO OBTAIN THE DISPOSITION
26 WITHIN THIRTY BUSINESS DAYS AFTER RECEIPT OF THE RECORD. If the division
27 cannot determine, within thirty business days after receipt of the person's
28 state and federal criminal history record information, whether the person is
29 awaiting trial on or has been convicted of committing OR ATTEMPTING,
30 SOLICITING, FACILITATING OR CONSPIRING TO COMMIT any of the offenses listed
31 in subsection B or C of this section IN THIS STATE OR A SAME OR SIMILAR
32 OFFENSE IN ANOTHER STATE OR JURISDICTION, THE DIVISION SHALL NOT ISSUE A
33 FINGERPRINT CLEARANCE CARD TO THE PERSON. If the division is unable to make
34 the determination required by this section and does not issue a fingerprint
35 clearance card to a person, the person may request a good cause exception
36 pursuant to section 41-619.55.

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

45 N. If, after conducting a state and federal criminal history records
46 check on a person who requests a fingerprint clearance card pursuant to

1 section 15-1881, the division determines that it is not authorized to issue a
2 fingerprint clearance card to the person, the division shall not notify the
3 agency. The division shall notify the person who requested the card that the
4 division is not authorized to issue a fingerprint clearance card. THE NOTICE
5 SHALL INCLUDE THE CRIMINAL HISTORY INFORMATION ON WHICH THE DENIAL WAS
6 BASED. THIS CRIMINAL HISTORY INFORMATION IS SUBJECT TO DISSEMINATION
7 RESTRICTIONS PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544.

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

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

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

15 P. The issuance of a fingerprint clearance card does not entitle a
16 person to employment.

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

21 Sec. 8. Section 41-1758.04, Arizona Revised Statutes, is amended to
22 read:

23 41-1758.04. Denial, suspension, driving restricted or
24 revocation of fingerprint clearance card

25 A. The division shall deny the issuance of a fingerprint clearance
26 card to any person who is awaiting trial on or who has been convicted of an
27 offense listed in section 41-1758.03, subsection B or C or section
28 41-1758.07, subsection B or C. THE DIVISION SHALL DENY THE ISSUANCE OF A
29 FINGERPRINT CLEARANCE CARD IF REQUIRED PURSUANT TO SECTION 41-1758.03,
30 SUBSECTION L OR SECTION 41-1758.07, SUBSECTION L.

31 B. The division shall revoke the fingerprint clearance card of a
32 person who has received a fingerprint clearance card and who is subsequently
33 convicted of an offense listed in section 41-1758.03, subsection B or section
34 41-1758.07, subsection B.

35 C. The division shall suspend the fingerprint clearance card of a
36 person who becomes subject to registration as a sex offender or a person who
37 is arrested for an offense listed in section 41-1758.03, subsection B or C or
38 section 41-1758.07, subsection B or C.

39 D. A person who has been arrested for an offense listed in section
40 41-1758.03, subsection C or section 41-1758.07, subsection C and whose
41 fingerprint clearance card has been suspended pursuant to this section may
42 request a good cause exception hearing pursuant to section 41-619.55.

43 E. THE DIVISION SHALL PLACE A DRIVING RESTRICTION NOTATION ON THE
44 FINGERPRINT CLEARANCE CARD OF A PERSON WHO IS SUBSEQUENTLY ARRESTED FOR AN
45 OFFENSE LISTED IN SECTION 41-1758.03, SUBSECTION D OR SECTION 41-1758.07,
46 SUBSECTION D.

1 F. THE DIVISION SHALL NOTIFY THE AGENCY AND PERSON IN WRITING IF THE
2 DIVISION SUSPENDS, REVOKES OR PLACES A DRIVING RESTRICTION NOTATION ON A
3 PERSON'S FINGERPRINT CLEARANCE CARD PURSUANT TO THIS SECTION. THE NOTICE
4 SHALL INCLUDE THE CRIMINAL HISTORY INFORMATION ON WHICH THE SUSPENSION,
5 REVOCATION OR PLACEMENT OF THE DRIVING RESTRICTION WAS BASED. THIS CRIMINAL
6 HISTORY INFORMATION IS SUBJECT TO DISSEMINATION RESTRICTIONS PURSUANT TO
7 SECTION 41-1750 AND PUBLIC LAW 92-544.

8 Sec. 9. Section 41-1758.07, Arizona Revised Statutes, is amended to
9 read:

10 41-1758.07. Level I fingerprint clearance cards; definitions

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

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

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

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

- 1 one or more of the following offenses in this state or the same or similar
2 offenses in another state or jurisdiction is precluded from receiving a level
3 I fingerprint clearance card, except that the person may petition the board
4 of fingerprinting for a good cause exception pursuant to section 41-619.55:
- 5 1. Any misdemeanor offense in violation of title 13, chapter 12.
 - 6 2. Misdemeanor indecent exposure.
 - 7 3. Misdemeanor public sexual indecency.
 - 8 4. Aggravated criminal damage.
 - 9 5. Theft.
 - 10 6. Theft by extortion.
 - 11 7. Shoplifting.
 - 12 8. Forgery.
 - 13 9. Criminal possession of a forgery device.
 - 14 10. Obtaining a signature by deception.
 - 15 11. Criminal impersonation.
 - 16 12. Theft of a credit card or obtaining a credit card by fraudulent
17 means.
 - 18 13. Receipt of anything of value obtained by fraudulent use of a credit
19 card.
 - 20 14. Forgery of a credit card.
 - 21 15. Fraudulent use of a credit card.
 - 22 16. Possession of any machinery, plate or other contrivance or
23 incomplete credit card.
 - 24 17. False statement as to financial condition or identity to obtain a
25 credit card.
 - 26 18. Fraud by persons authorized to provide goods or services.
 - 27 19. Credit card transaction record theft.
 - 28 20. Misconduct involving weapons.
 - 29 21. Misconduct involving explosives.
 - 30 22. Depositing explosives.
 - 31 23. Misconduct involving simulated explosive devices.
 - 32 24. Concealed weapon violation.
 - 33 25. Misdemeanor possession and misdemeanor sale of peyote.
 - 34 26. Felony possession and felony sale of peyote if committed more than
35 five years before the date of applying for a level I fingerprint clearance
36 card.
 - 37 27. Misdemeanor possession and misdemeanor sale of a vapor-releasing
38 substance containing a toxic substance.
 - 39 28. Felony possession and felony sale of a vapor-releasing substance
40 containing a toxic substance if committed more than five years before the
41 date of applying for a level I fingerprint clearance card.
 - 42 29. Misdemeanor sale of precursor chemicals.
 - 43 30. Felony sale of precursor chemicals if committed more than five
44 years before the date of applying for a level I fingerprint clearance card.
 - 45 31. Misdemeanor possession, misdemeanor use or misdemeanor sale of
46 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 INVOLVING BURGLARY UNDER TITLE 13, CHAPTER 15.
44 ~~49.~~ 50. A criminal offense under title 13, chapter 23, except
45 terrorism.
- 46 ~~50.~~ 51. Misdemeanor offenses involving child neglect.

1 ~~51.~~ 52. Misdemeanor offenses involving contributing to the delinquency
2 of a minor.
3 ~~52.~~ 53. Misdemeanor offenses involving domestic violence as defined in
4 section 13-3601.
5 ~~53.~~ 54. Felony offenses involving domestic violence if the offense
6 only involved criminal damage in an amount of more than two hundred fifty
7 dollars but less than one thousand dollars and the offense was committed
8 before June 29, 2009.
9 ~~54.~~ 55. Arson.
10 ~~55.~~ 56. Felony offenses involving sale, distribution or transportation
11 of, offer to sell, transport or distribute or conspiracy to sell, transport
12 or distribute marijuana, dangerous drugs or narcotic drugs if committed more
13 than five years before the date of applying for a level I fingerprint
14 clearance card.
15 ~~56.~~ 57. Criminal damage.
16 ~~57.~~ 58. Misappropriation of charter school monies as prescribed in
17 section 13-1818.
18 ~~58.~~ 59. Taking identity of another person or entity.
19 ~~59.~~ 60. Aggravated taking identity of another person or entity.
20 ~~60.~~ 61. Trafficking in the identity of another person or entity.
21 ~~61.~~ 62. Cruelty to animals.
22 ~~62.~~ 63. Prostitution, as prescribed in section 13-3214.
23 ~~63.~~ 64. Sale or distribution of material harmful to minors through
24 vending machines as prescribed in section 13-3513.
25 ~~64.~~ 65. Welfare fraud.
26 ~~65.~~ 66. Any felony offense in violation of title 13, chapter 12 if
27 committed more than five years before the date of applying for a level I
28 fingerprint clearance card.
29 ~~66.~~ 67. Kidnapping.
30 ~~67.~~ 68. Robbery, aggravated robbery or armed robbery.
31 D. A person who is awaiting trial on or who has been convicted of
32 committing or attempting to commit a misdemeanor violation of section
33 28-1381, 28-1382 or 28-1383 in this state or the same or a similar offense in
34 another state or jurisdiction within five years from the date of applying for
35 a level I fingerprint clearance card is precluded from driving any vehicle to
36 transport employees or clients of the employing agency as part of the
37 person's employment. The division shall place a notation on the level I
38 fingerprint clearance card that indicates this driving restriction. This
39 subsection does not preclude a person from driving a vehicle alone as part of
40 the person's employment.
41 E. Notwithstanding subsection C of this section, on receiving written
42 notice from the board of fingerprinting that a good cause exception was
43 granted pursuant to section 41-619.55, the fingerprinting division shall
44 issue a level I fingerprint clearance card to the applicant.
45 F. If the fingerprinting division denies a person's application for a
46 level I fingerprint clearance card pursuant to subsection C of this section

1 and a good cause exception is requested pursuant to section 41-619.55, the
2 fingerprinting division shall release, on request by the board of
3 fingerprinting, the person's criminal history record to the board of
4 fingerprinting.

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

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

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

16 H. The licensee or contract provider shall assume the costs of
17 fingerprint checks conducted pursuant to this section and may charge these
18 costs to persons who are required to be fingerprinted.

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

24 J. The fingerprinting division shall conduct periodic state criminal
25 history records checks and may conduct federal criminal history records
26 checks when authorized pursuant to federal law for the purpose of updating
27 the clearance status of current level I fingerprint clearance cardholders
28 pursuant to this section and may notify the board of fingerprinting and the
29 agency of the results of the records check.

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

33 ~~L. The fingerprinting division shall not issue a level I fingerprint~~
34 ~~clearance card to an applicant~~ IF A PERSON'S CRIMINAL HISTORY RECORD CONTAINS
35 AN OFFENSE LISTED IN SUBSECTION B OR C OF THIS SECTION AND THE FINAL
36 DISPOSITION IS NOT RECORDED ON THE RECORD, THE DIVISION SHALL CONDUCT
37 RESEARCH TO OBTAIN THE DISPOSITION WITHIN THIRTY BUSINESS DAYS AFTER RECEIPT
38 OF THE RECORD. If the division cannot determine, within thirty business days
39 after receipt of the person's state and federal criminal history record
40 information, whether the person is awaiting trial on or has been convicted of
41 committing OR ATTEMPTING, SOLICITING, FACILITATING OR CONSPIRING TO COMMIT
42 any of the offenses listed in subsection B or C of this section IN THIS STATE
43 OR THE SAME OR SIMILAR OFFENSE IN ANOTHER STATE OR JURISDICTION, THE DIVISION
44 SHALL NOT ISSUE A LEVEL I FINGERPRINT CLEARANCE CARD TO THE PERSON. If the
45 division is unable to make the determination required by this section and

1 does not issue a level I fingerprint clearance card to a person, the person
2 may request a good cause exception pursuant to section 41-619.55.

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

11 N. The fingerprinting division is not liable for damages resulting
12 from:

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

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

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

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

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

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

41 S. For the purposes of this section:

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

43 (a) Section 8-105, 8-463, 8-509, 8-802, 17-215, 36-207, 36-594.01,
44 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, 41-619.52, 41-619.53,
45 41-1964, 41-1967.01, 41-1968, 41-1969 or 46-141.

46 (b) Subsection O of this section.

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

APPROVED BY THE GOVERNOR MARCH 30, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2015.