

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 95
HOUSE BILL 2154

AN ACT

AMENDING SECTIONS 13-2506 AND 13-3903, ARIZONA REVISED STATUTES; REPEALING SECTION 13-3904, ARIZONA REVISED STATUTES; AMENDING SECTION 41-1750, ARIZONA REVISED STATUTES; RELATING TO FINGERPRINTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-2506, Arizona Revised Statutes, is amended to
3 read:

4 13-2506. Failure to appear in the second degree; classification

5 A. A person commits failure to appear in the second degree if, having
6 EITHER:

7 1. Been required by law to appear in connection with any misdemeanor
8 or petty offense, ~~such~~ THE person knowingly fails to appear as required,
9 regardless of the disposition of the charge requiring the appearance.

10 2. GIVEN A WRITTEN PROMISE TO APPEAR IN COURT OR BEEN PERSONALLY
11 SERVED WITH A WRITTEN NOTICE TO APPEAR ON A DESIGNATED DATE PURSUANT TO
12 SECTION 13-3903, THE PERSON THEREAFTER FAILS TO APPEAR, PERSONALLY OR BY
13 COUNSEL.

14 B. Failure to appear in the second degree PURSUANT TO SUBSECTION A,
15 PARAGRAPH 1 OF THIS SECTION is a class 1 misdemeanor. FAILURE TO APPEAR IN
16 THE SECOND DEGREE PURSUANT TO SUBSECTION A, PARAGRAPH 2 OF THIS SECTION IS A
17 CLASS 2 MISDEMEANOR.

18 Sec. 2. Section 13-3903, Arizona Revised Statutes, is amended to read:
19 13-3903. Notice to appear and complaint

20 A. In any case in which a person is arrested for a misdemeanor offense
21 or a petty offense, the arresting officer may release the arrested person
22 from custody in lieu of taking the person to a law enforcement facility by
23 use of the procedure prescribed in this section.

24 B. At any time after taking a person arrested for a misdemeanor
25 offense or a petty offense to a law enforcement facility, the arresting
26 officer, instead of taking the person to a magistrate, may release the person
27 from further custody by use of the procedure prescribed in this section.

28 C. If a person is arrested for a misdemeanor offense or a petty
29 offense and the offense is listed in section 41-1750, subsection C, the
30 person shall not be released pursuant to this section until the person
31 provides either a fingerprint or a two fingerprint biometric-based identifier
32 to the arresting agency. The arresting agency shall provide to the arrested
33 person a mandatory fingerprint compliance form that includes instructions on
34 reporting TO THE ARRESTING AGENCY for ten-print fingerprinting, including
35 available times and locations for reporting for ten-print fingerprinting.

36 D. In any case in which a person is arrested for a misdemeanor offense
37 or a petty offense, the arresting officer may prepare in quadruplicate a
38 written notice to appear and complaint, containing the name and address of
39 the person, the offense charged, and the time and place where and when the
40 person shall appear in court, provided:

41 1. The time specified in the notice to appear is at least five days
42 after arrest.

43 2. The place specified in the notice shall be the court specified in
44 section 13-3898.

45 3. The arrested person, in order to secure release as provided in this
46 section, shall give his written promise so to appear in court by signing at

1 least one copy of the written notice and complaint prepared by the arresting
2 officer. The officer shall deliver a copy of the notice and complaint to the
3 person promising to appear. Thereupon, the officer shall forthwith release
4 the person arrested from custody.

5 4. The officer, as soon as practical, shall deliver the original
6 notice and complaint to the magistrate specified therein. Thereupon, the
7 magistrate shall promptly file the notice and complaint and enter it into the
8 docket of the court.

9 E. The Arizona traffic ticket and complaint may be utilized not only
10 for the purposes provided by Arizona supreme court rule, but to satisfy the
11 requirements of this section.

12 F. ~~When~~ IF a person ~~has given~~ GIVES his written promise to appear in
13 court on a designated date pursuant to this section, and thereafter fails to
14 appear, personally or by counsel, on or before that date, the court clerk or
15 other court staff shall file a complaint, in writing, under oath, ~~setting~~
16 ~~forth the offense of knowingly violating a written promise to appear in court~~
17 ~~in accordance with section 13-3904, and the magistrate shall issue a warrant~~
18 ~~of arrest thereon~~ CHARGING THE DEFENDANT WITH A VIOLATION OF SECTION 13-2506,
19 SUBSECTION A, PARAGRAPH 2 AND ISSUE A WARRANT FOR THE DEFENDANT'S ARREST.

20 G. IF THE PERSON HAS NOT PREVIOUSLY BEEN ARRAIGNED, on the person's
21 appearance in court for arraignment on the charge of violating section
22 ~~13-3904~~ 13-2506, SUBSECTION A, PARAGRAPH 2, the court shall also arraign the
23 person on the charge stated in the notice to appear and complaint for which
24 the person had previously promised to appear.

25 ~~G.~~ H. This section does not affect a peace officer's authority to
26 conduct an otherwise lawful search incident to his arrest even though the
27 arrested person is released before being taken to the police station or
28 before a magistrate pursuant to this section.

29 Sec. 3. Repeal

30 Section 13-3904, Arizona Revised Statutes, is repealed.

31 Sec. 4. Section 41-1750, Arizona Revised Statutes, is amended to read:

32 41-1750. Central state repository; department of public safety;
33 duties; funds; accounts; definitions

34 A. The department is responsible for the effective operation of the
35 central state repository in order to collect, store and disseminate complete
36 and accurate Arizona criminal history records and related criminal justice
37 information. The department shall:

38 1. Procure from all criminal justice agencies in this state accurate
39 and complete personal identification data, fingerprints, charges, process
40 control numbers and dispositions and such other information as may be
41 pertinent to all persons who have been charged with, arrested for, convicted
42 of or summoned to court as a criminal defendant for a felony offense or an
43 offense involving domestic violence as defined in section 13-3601 or a
44 violation of title 13, chapter 14 or title 28, chapter 4.

45 2. Collect information concerning the number and nature of offenses
46 known to have been committed in this state and of the legal steps taken in

1 connection with these offenses, such other information that is useful in the
2 study of crime and in the administration of criminal justice and all other
3 information deemed necessary to operate the statewide uniform crime reporting
4 program and to cooperate with the federal government uniform crime reporting
5 program.

6 3. Collect information concerning criminal offenses that manifest
7 evidence of prejudice based on race, color, religion, national origin, sexual
8 orientation, gender or disability.

9 4. Cooperate with the central state repositories in other states and
10 with the appropriate agency of the federal government in the exchange of
11 information pertinent to violators of the law.

12 5. Ensure the rapid exchange of information concerning the commission
13 of crime and the detection of violators of the law among the criminal justice
14 agencies of other states and of the federal government.

15 6. Furnish assistance to peace officers throughout this state in crime
16 scene investigation for the detection of latent fingerprints and in the
17 comparison of latent fingerprints.

18 7. Conduct periodic operational audits of the central state repository
19 and of a representative sample of other agencies that contribute records to
20 or receive criminal justice information from the central state repository or
21 through the Arizona criminal justice information system.

22 8. Establish and enforce the necessary physical and system safeguards
23 to ensure that the criminal justice information maintained and disseminated
24 by the central state repository or through the Arizona criminal justice
25 information system is appropriately protected from unauthorized inquiry,
26 modification, destruction or dissemination as required by this section.

27 9. Aid and encourage coordination and cooperation among criminal
28 justice agencies through the statewide and interstate exchange of criminal
29 justice information.

30 10. Provide training and proficiency testing on the use of criminal
31 justice information to agencies receiving information from the central state
32 repository or through the Arizona criminal justice information system.

33 11. Operate and maintain the Arizona automated fingerprint
34 identification system established by section 41-2411.

35 12. Provide criminal history record information to the fingerprinting
36 division for the purpose of screening applicants for fingerprint clearance
37 cards.

38 B. The director may establish guidelines for the submission and
39 retention of criminal justice information as deemed useful for the study or
40 prevention of crime and for the administration of criminal justice.

41 C. The chief officers of criminal justice agencies of this state or
42 its political subdivisions shall provide to the central state repository
43 fingerprints and information concerning personal identification data,
44 descriptions, crimes for which persons are arrested, process control numbers
45 and dispositions and such other information as may be pertinent to all
46 persons who have been charged with, arrested for, convicted of or summoned to

1 court as criminal defendants for felony offenses or offenses involving
2 domestic violence as defined in section 13-3601 or violations of title 13,
3 chapter 14 or title 28, chapter 4 that have occurred in this state.

4 D. The chief officers of law enforcement agencies of this state or its
5 political subdivisions shall provide to the department such information as
6 necessary to operate the statewide uniform crime reporting program and to
7 cooperate with the federal government uniform crime reporting program.

8 E. The chief officers of criminal justice agencies of this state or
9 its political subdivisions shall comply with the training and proficiency
10 testing guidelines as required by the department to comply with the federal
11 national crime information center mandates.

12 F. The chief officers of criminal justice agencies of this state or
13 its political subdivisions also shall provide to the department information
14 concerning crimes that manifest evidence of prejudice based on race, color,
15 religion, national origin, sexual orientation, gender or disability.

16 G. The director shall authorize the exchange of criminal justice
17 information between the central state repository, or through the Arizona
18 criminal justice information system, whether directly or through any
19 intermediary, only as follows:

20 1. With criminal justice agencies of the federal government, Indian
21 tribes, this state or its political subdivisions and other states, on request
22 by the chief officers of such agencies or their designated representatives,
23 specifically for the purposes of the administration of criminal justice and
24 for evaluating the fitness of current and prospective criminal justice
25 employees.

26 2. With any noncriminal justice agency pursuant to a statute,
27 ordinance or executive order that specifically authorizes the noncriminal
28 justice agency to receive criminal history record information for the purpose
29 of evaluating the fitness of current or prospective licensees, employees,
30 contract employees or volunteers, on submission of the subject's fingerprints
31 and the prescribed fee. Each statute, ordinance, or executive order that
32 authorizes noncriminal justice agencies to receive criminal history record
33 information for these purposes shall identify the specific categories of
34 licensees, employees, contract employees or volunteers, and shall require
35 that fingerprints of the specified individuals be submitted in conjunction
36 with such requests for criminal history record information.

37 3. With the board of fingerprinting for the purpose of conducting good
38 cause exceptions pursuant to section 41-619.55 and central registry
39 exceptions pursuant to section 41-619.57.

40 4. With any individual for any lawful purpose on submission of the
41 subject of record's fingerprints and the prescribed fee.

42 5. With the governor, if the governor elects to become actively
43 involved in the investigation of criminal activity or the administration of
44 criminal justice in accordance with the governor's constitutional duty to
45 ensure that the laws are faithfully executed or as needed to carry out the
46 other responsibilities of the governor's office.

1 6. With regional computer centers that maintain authorized
2 computer-to-computer interfaces with the department, that are criminal
3 justice agencies or under the management control of a criminal justice agency
4 and that are established by a statute, ordinance or executive order to
5 provide automated data processing services to criminal justice agencies
6 specifically for the purposes of the administration of criminal justice or
7 evaluating the fitness of regional computer center employees who have access
8 to the Arizona criminal justice information system and the national crime
9 information center system.

10 7. With an individual who asserts a belief that criminal history
11 record information relating to the individual is maintained by an agency or
12 in an information system in this state that is subject to this section. On
13 submission of fingerprints, the individual may review this information for
14 the purpose of determining its accuracy and completeness by making
15 application to the agency operating the system. Rules adopted under this
16 section shall include provisions for administrative review and necessary
17 correction of any inaccurate or incomplete information. The review and
18 challenge process authorized by this paragraph is limited to criminal history
19 record information.

20 8. With individuals and agencies pursuant to a specific agreement with
21 a criminal justice agency to provide services required for the administration
22 of criminal justice pursuant to that agreement if the agreement specifically
23 authorizes access to data, limits the use of data to purposes for which given
24 and ensures the security and confidentiality of the data consistent with this
25 section.

26 9. With individuals and agencies for the express purpose of research,
27 evaluative or statistical activities pursuant to an agreement with a criminal
28 justice agency if the agreement specifically authorizes access to data,
29 limits the use of data to research, evaluative or statistical purposes and
30 ensures the confidentiality and security of the data consistent with this
31 section.

32 10. With the auditor general for audit purposes.

33 11. With central state repositories of other states for noncriminal
34 justice purposes for dissemination in accordance with the laws of those
35 states.

36 12. On submission of the fingerprint card, with the department of
37 child safety and a tribal social services agency to provide criminal history
38 record information on prospective adoptive parents for the purpose of
39 conducting the preadoption certification investigation under title 8, chapter
40 1, article 1 if the department of economic security is conducting the
41 investigation, or with an agency or a person appointed by the court, if the
42 agency or person is conducting the investigation. Information received under
43 this paragraph shall only be used for the purposes of the preadoption
44 certification investigation.

45 13. With the department of child safety, a tribal social services
46 agency and the superior court for the purpose of evaluating the fitness of

1 custodians or prospective custodians of juveniles, including parents,
2 relatives and prospective guardians. Information received under this
3 paragraph shall only be used for the purposes of that evaluation. The
4 information shall be provided on submission of either:

5 (a) The fingerprint card.

6 (b) The name, date of birth and social security number of the person.

7 14. On submission of a fingerprint card, provide criminal history
8 record information to the superior court for the purpose of evaluating the
9 fitness of investigators appointed under section 14-5303 or 14-5407,
10 guardians appointed under section 14-5206 or 14-5304 or conservators
11 appointed under section 14-5401.

12 15. With the supreme court to provide criminal history record
13 information on prospective fiduciaries pursuant to section 14-5651.

14 16. With the department of juvenile corrections to provide criminal
15 history record information pursuant to section 41-2814.

16 17. On submission of the fingerprint card, provide criminal history
17 record information to the Arizona peace officer standards and training board
18 or a board certified law enforcement academy to evaluate the fitness of
19 prospective cadets.

20 18. With the internet sex offender web site database established
21 pursuant to section 13-3827.

22 19. With licensees of the United States nuclear regulatory commission
23 for the purpose of determining whether an individual should be granted
24 unescorted access to the protected area of a commercial nuclear generating
25 station on submission of the subject of record's fingerprints and the
26 prescribed fee.

27 20. With the state board of education for the purpose of evaluating
28 the fitness of a certificated teacher or administrator or an applicant for a
29 teaching or an administrative certificate provided that the state board of
30 education or its employees or agents have reasonable suspicion that the
31 certificated person engaged in conduct that would be a criminal violation of
32 the laws of this state or was involved in immoral or unprofessional conduct
33 or that the applicant engaged in conduct that would warrant disciplinary
34 action if the applicant were certificated at the time of the alleged conduct.
35 The information shall be provided on the submission of either:

36 (a) The fingerprint card.

37 (b) The name, date of birth and social security number of the person.

38 21. With each school district and charter school in this state. The
39 state board of education and the state board for charter schools shall
40 provide the department of public safety with a current list of e-mail
41 addresses for each school district and charter school in this state and shall
42 periodically provide the department of public safety with updated e-mail
43 addresses. If the department of public safety is notified that a person who
44 is required to have a fingerprint clearance card to be employed by or to
45 engage in volunteer activities at a school district or charter school has
46 been arrested for or convicted of an offense listed in section 41-1758.03,

1 subsection B or has been arrested for or convicted of an offense that amounts
2 to unprofessional conduct under section 15-550, the department of public
3 safety shall notify each school district and charter school in this state
4 that the person's fingerprint clearance card has been suspended or revoked.

5 22. With a tribal social services agency and the department of child
6 safety as provided by law, which currently is the Adam Walsh child protection
7 and safety act of 2006 (42 United States Code section 16961), for the
8 purposes of investigating or responding to reports of child abuse, neglect or
9 exploitation. Information received pursuant to this paragraph from the
10 national crime information center, the interstate identification index and
11 the Arizona criminal justice information system network shall only be used
12 for the purposes of investigating or responding as prescribed in this
13 paragraph. The information shall be provided on submission to the department
14 of public safety of either:

15 (a) The fingerprints of the person being investigated.

16 (b) The name, date of birth and social security number of the person.

17 23. With a nonprofit organization that interacts with children or
18 vulnerable adults for the lawful purpose of evaluating the fitness of all
19 current and prospective employees, contractors and volunteers of the
20 organization. The criminal history record information shall be provided on
21 submission of the applicant fingerprint card and the prescribed fee.

22 24. With the superior court for the purpose of determining an
23 individual's eligibility for substance abuse and treatment courts in a family
24 or juvenile case.

25 H. The director shall adopt rules necessary to execute this section.

26 I. The director, in the manner prescribed by law, shall remove and
27 destroy records that the director determines are no longer of value in the
28 detection or prevention of crime.

29 J. The director shall establish a fee in an amount necessary to cover
30 the cost of federal noncriminal justice fingerprint processing for criminal
31 history record information checks that are authorized by law for noncriminal
32 justice employment, licensing or other lawful purposes. An additional fee
33 may be charged by the department for state noncriminal justice fingerprint
34 processing. Fees submitted to the department for state noncriminal justice
35 fingerprint processing are not refundable.

36 K. The director shall establish a fee in an amount necessary to cover
37 the cost of processing copies of department reports, eight by ten inch black
38 and white photographs or eight by ten inch color photographs of traffic
39 accident scenes.

40 L. Except as provided in subsection O of this section, each agency
41 authorized by this section may charge a fee, in addition to any other fees
42 prescribed by law, in an amount necessary to cover the cost of state and
43 federal noncriminal justice fingerprint processing for criminal history
44 record information checks that are authorized by law for noncriminal justice
45 employment, licensing or other lawful purposes.

1 M. A fingerprint account within the records processing fund is
2 established for the purpose of separately accounting for the collection and
3 payment of fees for noncriminal justice fingerprint processing by the
4 department. Monies collected for this purpose shall be credited to the
5 account, and payments by the department to the United States for federal
6 noncriminal justice fingerprint processing shall be charged against the
7 account. Monies in the account not required for payment to the United States
8 shall be used by the department in support of the department's noncriminal
9 justice fingerprint processing duties. At the end of each fiscal year, any
10 balance in the account not required for payment to the United States or to
11 support the department's noncriminal justice fingerprint processing duties
12 reverts to the state general fund.

13 N. A records processing fund is established for the purpose of
14 separately accounting for the collection and payment of fees for department
15 reports and photographs of traffic accident scenes processed by the
16 department. Monies collected for this purpose shall be credited to the fund
17 and shall be used by the department in support of functions related to
18 providing copies of department reports and photographs. At the end of each
19 fiscal year, any balance in the fund not required for support of the
20 functions related to providing copies of department reports and photographs
21 reverts to the state general fund.

22 O. The department of child safety may pay from appropriated monies the
23 cost of federal fingerprint processing or federal criminal history record
24 information checks that are authorized by law for employees and volunteers of
25 the department, guardians pursuant to section 8-453, subsection A, paragraph
26 6, the licensing of foster parents or the certification of adoptive parents.

27 P. The director shall adopt rules that provide for:

- 28 1. The collection and disposition of fees pursuant to this section.
- 29 2. The refusal of service to those agencies that are delinquent in
30 paying these fees.

31 Q. The director shall ensure that the following limitations are
32 observed regarding dissemination of criminal justice information obtained
33 from the central state repository or through the Arizona criminal justice
34 information system:

35 1. Any criminal justice agency that obtains criminal justice
36 information from the central state repository or through the Arizona criminal
37 justice information system assumes responsibility for the security of the
38 information and shall not secondarily disseminate this information to any
39 individual or agency not authorized to receive this information directly from
40 the central state repository or originating agency.

41 2. Dissemination to an authorized agency or individual may be
42 accomplished by a criminal justice agency only if the dissemination is for
43 criminal justice purposes in connection with the prescribed duties of the
44 agency and not in violation of this section.

45 3. Criminal history record information disseminated to noncriminal
46 justice agencies or to individuals shall be used only for the purposes for

1 which it was given. Secondary dissemination is prohibited unless otherwise
2 authorized by law.

3 4. The existence or nonexistence of criminal history record
4 information shall not be confirmed to any individual or agency not authorized
5 to receive the information itself.

6 5. Criminal history record information to be released for noncriminal
7 justice purposes to agencies of other states shall only be released to the
8 central state repositories of those states for dissemination in accordance
9 with the laws of those states.

10 6. Criminal history record information shall be released to
11 noncriminal justice agencies of the federal government pursuant to the terms
12 of the federal security clearance information act (P.L. 99-169).

13 R. This section and the rules adopted under this section apply to all
14 agencies and individuals collecting, storing or disseminating criminal
15 justice information processed by manual or automated operations if the
16 collection, storage or dissemination is funded in whole or in part with
17 monies made available by the law enforcement assistance administration after
18 July 1, 1973, pursuant to title I of the crime control act of 1973, and to
19 all agencies that interact with or receive criminal justice information from
20 or through the central state repository and through the Arizona criminal
21 justice information system.

22 S. This section does not apply to criminal history record information
23 contained in:

24 1. Posters, arrest warrants, announcements or lists for identifying or
25 apprehending fugitives or wanted persons.

26 2. Original records of entry such as police blotters maintained by
27 criminal justice agencies, compiled chronologically and required by law or
28 long-standing custom to be made public if these records are organized on a
29 chronological basis.

30 3. Transcripts or records of judicial proceedings if released by a
31 court or legislative or administrative proceedings.

32 4. Announcements of executive clemency or pardon.

33 5. Computer databases, other than the Arizona criminal justice
34 information system, that are specifically designed for community notification
35 of an offender's presence in the community pursuant to section 13-3825 or for
36 public informational purposes authorized by section 13-3827.

37 T. Nothing in this section prevents a criminal justice agency from
38 disclosing to the public criminal history record information that is
39 reasonably contemporaneous to the event for which an individual is currently
40 within the criminal justice system, including information noted on traffic
41 accident reports concerning citations, blood alcohol tests or arrests made in
42 connection with the traffic accident being investigated.

43 U. In order to ensure that complete and accurate criminal history
44 record information is maintained and disseminated by the central state
45 repository:

1 1. The ~~arresting authority~~ BOOKING AGENCY shall take legible ten-print
2 fingerprints of all persons who are arrested for offenses listed in
3 subsection C of this section. ~~including persons who are arrested and released~~
4 ~~pursuant to section 13-3903, subsection C. The arresting authority may~~
5 ~~transfer an arrestee to a booking agency for ten print fingerprinting. If~~
6 ~~the booking agency cannot determine whether legible ten print fingerprints~~
7 ~~were taken from the arrestee, the booking agency shall take the arrestee's~~
8 ~~ten print fingerprints.~~ The ~~arresting authority or~~ booking agency shall
9 obtain a process control number and provide to the person fingerprinted a
10 document that indicates proof of the fingerprinting and that informs the
11 person that the document must be presented to the court.

12 2. EXCEPT AS PROVIDED IN PARAGRAPH 3 OF THIS SUBSECTION, IF A PERSON
13 IS SUMMONED TO COURT AS A RESULT OF AN INDICTMENT OR COMPLAINT FOR AN OFFENSE
14 LISTED IN SUBSECTION C OF THIS SECTION, THE COURT SHALL ORDER THE PERSON TO
15 APPEAR BEFORE THE COUNTY SHERIFF AND PROVIDE LEGIBLE TEN-PRINT FINGERPRINTS.
16 THE COUNTY SHERIFF SHALL OBTAIN A PROCESS CONTROL NUMBER AND PROVIDE A
17 DOCUMENT TO THE PERSON FINGERPRINTED THAT INDICATES PROOF OF THE
18 FINGERPRINTING AND THAT INFORMS THE PERSON THAT THE DOCUMENT MUST BE
19 PRESENTED TO THE COURT. FOR THE PURPOSE OF THIS SUBSECTION "SUMMONED"
20 INCLUDES A WRITTEN PROMISE TO APPEAR BY THE DEFENDANT ON A UNIFORM TRAFFIC
21 TICKET AND COMPLAINT.

22 3. IF A PERSON IS ARRESTED FOR A MISDEMEANOR OFFENSE LISTED IN
23 SUBSECTION C OF THIS SECTION BY A CITY OR TOWN LAW ENFORCEMENT AGENCY, THE
24 PERSON SHALL APPEAR BEFORE THE LAW ENFORCEMENT AGENCY THAT ARRESTED THE
25 DEFENDANT AND PROVIDE LEGIBLE TEN-PRINT FINGERPRINTS. THE LAW ENFORCEMENT
26 AGENCY SHALL OBTAIN A PROCESS CONTROL NUMBER AND PROVIDE A DOCUMENT TO THE
27 PERSON FINGERPRINTED THAT INDICATES PROOF OF THE FINGERPRINTING AND THAT
28 INFORMS THE PERSON THAT THE DOCUMENT MUST BE PRESENTED TO THE COURT.

29 ~~2-~~ 4. The mandatory fingerprint compliance form shall contain the
30 following information:

- 31 (a) Whether ten-print fingerprints have been obtained from the person.
- 32 (b) Whether a process control number was obtained.
- 33 (c) The offense or offenses for which the process control number was
- 34 obtained.
- 35 (d) Any report number of the arresting authority.
- 36 (e) Instructions on reporting for ten-print fingerprinting, including
- 37 available times and locations for reporting for ten-print fingerprinting.
- 38 (f) Instructions that direct the person to provide the form to the
- 39 court at the person's next court appearance.

40 ~~3-~~ 5. Within ten days after a person is fingerprinted, the arresting
41 authority or agency that took the fingerprints shall forward the fingerprints
42 to the department in the manner or form required by the department.

43 ~~4-~~ 6. On the issuance of a summons for a defendant who is charged
44 with an offense listed in subsection C of this section, the summons shall
45 direct the defendant to provide ten-print fingerprints to the appropriate law
46 enforcement agency.

1 ~~5-~~ 7. At the initial appearance or on the arraignment of a summoned
2 defendant who is charged with an offense listed in subsection C of this
3 section, if the person does not present a completed mandatory fingerprint
4 compliance form to the court or if the court has not received the process
5 control number, the court shall order that within twenty calendar days the
6 defendant be ten-print fingerprinted at a designated time and place by the
7 appropriate law enforcement agency.

8 ~~6-~~ 8. If the defendant fails to present a completed mandatory
9 fingerprint compliance form or if the court has not received the process
10 control number, the court, on its own motion, may remand the defendant into
11 custody for ten-print fingerprinting. If otherwise eligible for release, the
12 defendant shall be released from custody after being ten-print fingerprinted.

13 ~~7-~~ 9. In every criminal case in which the defendant is incarcerated
14 or fingerprinted as a result of the charge, an originating law enforcement
15 agency or prosecutor, within forty days of the disposition, shall advise the
16 central state repository of all dispositions concerning the termination of
17 criminal proceedings against an individual arrested for an offense specified
18 in subsection C of this section. This information shall be submitted on a
19 form or in a manner required by the department.

20 ~~8-~~ 10. Dispositions resulting from formal proceedings in a court
21 having jurisdiction in a criminal action against an individual who is
22 arrested for an offense specified in subsection C of this section or section
23 8-341, subsection V, paragraph 3 shall be reported to the central state
24 repository within forty days of the date of the disposition. This
25 information shall be submitted on a form or in a manner specified by rules
26 approved by the supreme court.

27 ~~9-~~ 11. The state department of corrections or the department of
28 juvenile corrections, within forty days, shall advise the central state
29 repository that it has assumed supervision of a person convicted of an
30 offense specified in subsection C of this section or section 8-341,
31 subsection V, paragraph 3. The state department of corrections or the
32 department of juvenile corrections shall also report dispositions that occur
33 thereafter to the central state repository within forty days of the date of
34 the dispositions. This information shall be submitted on a form or in a
35 manner required by the department of public safety.

36 ~~10-~~ 12. Each criminal justice agency shall query the central state
37 repository before dissemination of any criminal history record information to
38 ensure the completeness of the information. Inquiries shall be made before
39 any dissemination except in those cases in which time is of the essence and
40 the repository is technically incapable of responding within the necessary
41 time period. If time is of the essence, the inquiry shall still be made and
42 the response shall be provided as soon as possible.

43 V. The director shall adopt rules specifying that any agency that
44 collects, stores or disseminates criminal justice information that is subject
45 to this section shall establish effective security measures to protect the
46 information from unauthorized access, disclosure, modification or

1 dissemination. The rules shall include reasonable safeguards to protect the
2 affected information systems from fire, flood, wind, theft, sabotage or other
3 natural or man-made hazards or disasters.

4 W. The department shall make available to agencies that contribute to,
5 or receive criminal justice information from, the central state repository or
6 through the Arizona criminal justice information system a continuing training
7 program in the proper methods for collecting, storing and disseminating
8 information in compliance with this section.

9 X. Nothing in this section creates a cause of action or a right to
10 bring an action including an action based on discrimination due to sexual
11 orientation.

12 Y. For the purposes of this section:

13 1. "Administration of criminal justice" means performance of the
14 detection, apprehension, detention, pretrial release, posttrial release,
15 prosecution, adjudication, correctional supervision or rehabilitation of
16 criminal offenders. Administration of criminal justice includes enforcement
17 of criminal traffic offenses and civil traffic violations, including parking
18 violations, when performed by a criminal justice agency. Administration of
19 criminal justice also includes criminal identification activities and the
20 collection, storage and dissemination of criminal history record information.

21 2. "Administrative records" means records that contain adequate and
22 proper documentation of the organization, functions, policies, decisions,
23 procedures and essential transactions of the agency and that are designed to
24 furnish information to protect the rights of this state and of persons
25 directly affected by the agency's activities.

26 3. "Arizona criminal justice information system" or "system" means the
27 statewide information system managed by the director for the collection,
28 processing, preservation, dissemination and exchange of criminal justice
29 information and includes the electronic equipment, facilities, procedures and
30 agreements necessary to exchange this information.

31 4. "BOOKING AGENCY" MEANS THE COUNTY SHERIFF OR, IF A PERSON IS BOOKED
32 INTO A MUNICIPAL JAIL, THE MUNICIPAL LAW ENFORCEMENT AGENCY.

33 ~~4.~~ 5. "Central state repository" means the central location within
34 the department for the collection, storage and dissemination of Arizona
35 criminal history records and related criminal justice information.

36 ~~5.~~ 6. "Criminal history record information" and "criminal history
37 record" means information that is collected by criminal justice agencies on
38 individuals and that consists of identifiable descriptions and notations of
39 arrests, detentions, indictments and other formal criminal charges, and any
40 disposition arising from those actions, sentencing, formal correctional
41 supervisory action and release. Criminal history record information and
42 criminal history record do not include identification information to the
43 extent that the information does not indicate involvement of the individual
44 in the criminal justice system or information relating to juveniles unless
45 they have been adjudicated as adults.

46 ~~6.~~ 7. "Criminal justice agency" means either:

1 (a) A court at any governmental level with criminal or equivalent
2 jurisdiction, including courts of any foreign sovereignty duly recognized by
3 the federal government.

4 (b) A government agency or subunit of a government agency that is
5 specifically authorized to perform as its principal function the
6 administration of criminal justice pursuant to a statute, ordinance or
7 executive order and that allocates more than fifty percent of its annual
8 budget to the administration of criminal justice. This subdivision includes
9 agencies of any foreign sovereignty duly recognized by the federal
10 government.

11 ~~7-~~ 8. "Criminal justice information" means information that is
12 collected by criminal justice agencies and that is needed for the performance
13 of their legally authorized and required functions, such as criminal history
14 record information, citation information, stolen property information,
15 traffic accident reports, wanted persons information and system network log
16 searches. Criminal justice information does not include the administrative
17 records of a criminal justice agency.

18 ~~8-~~ 9. "Disposition" means information disclosing that a decision has
19 been made not to bring criminal charges or that criminal proceedings have
20 been concluded or information relating to sentencing, correctional
21 supervision, release from correctional supervision, the outcome of an
22 appellate review of criminal proceedings or executive clemency.

23 ~~9-~~ 10. "Dissemination" means the written, oral or electronic
24 communication or transfer of criminal justice information to individuals and
25 agencies other than the criminal justice agency that maintains the
26 information. Dissemination includes the act of confirming the existence or
27 nonexistence of criminal justice information.

28 ~~10-~~ 11. "Management control":

29 (a) Means the authority to set and enforce:

30 (i) Priorities regarding development and operation of criminal justice
31 information systems and programs.

32 (ii) Standards for the selection, supervision and termination of
33 personnel involved in the development of criminal justice information systems
34 and programs and in the collection, maintenance, analysis and dissemination
35 of criminal justice information.

36 (iii) Policies governing the operation of computers, circuits and
37 telecommunications terminals used to process criminal justice information to
38 the extent that the equipment is used to process, store or transmit criminal
39 justice information.

40 (b) Includes the supervision of equipment, systems design, programming
41 and operating procedures necessary for the development and implementation of
42 automated criminal justice information systems.

43 ~~11-~~ 12. "Process control number" means the Arizona automated
44 fingerprint identification system number that attaches to each arrest event
45 at the time of fingerprinting and that is assigned to the arrest fingerprint
46 card, disposition form and other pertinent documents.

1 ~~12.~~ 13. "Secondary dissemination" means the dissemination of criminal
2 justice information from an individual or agency that originally obtained the
3 information from the central state repository or through the Arizona criminal
4 justice information system to another individual or agency.
5 ~~13.~~ 14. "Sexual orientation" means consensual homosexuality or
6 heterosexuality.
7 ~~14.~~ 15. "Subject of record" means the person who is the primary
8 subject of a criminal justice record.
9 Sec. 5. Effective date
10 This act is effective from and after December 31, 2016.

APPROVED BY THE GOVERNOR APRIL 5, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 6, 2016.