

REFERENCE TITLE: anti-semitism; crime reporting; aggravating factor.

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Senate
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SB 1143

Introduced by

Senators Fann: Allen S, Alston, Borrelli, Bowie, Boyer, Bradley, Brophy
McGee, Carter, Contreras, Farnsworth D, Gowan, Gray, Kerr, Leach,
Livingston, Mesnard, Navarrete, Pace, Pratt, Rios, Ugenti-Rita;
Representatives Blackman, Bolick, Cobb, Fillmore, Hernandez A, Hernandez
D, Osborne, Pierce, Shope, Thorpe, Toma, Udall

AN ACT

AMENDING SECTION 41-1750, ARIZONA REVISED STATUTES; RELATING TO CRIME
REPORTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-1750, Arizona Revised Statutes, is amended to
3 read:

4 41-1750. Central state repository: department of public
5 safety; duties; funds; accounts; definitions

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

10 1. Procure from all criminal justice agencies in this state
11 accurate and complete personal identification data, fingerprints, charges,
12 process control numbers and dispositions and such other information as may
13 be pertinent to all persons who have been charged with, arrested for,
14 convicted of or summoned to court as a criminal defendant for a felony
15 offense or an offense involving domestic violence as defined in section
16 13-3601 or a violation of title 13, chapter 14 or title 28, chapter 4.

17 2. Collect information concerning the number and nature of offenses
18 known to have been committed in this state and of the legal steps taken in
19 connection with these offenses, such other information that is useful in
20 the study of crime and in the administration of criminal justice and all
21 other information deemed necessary to operate the statewide uniform crime
22 reporting program and to cooperate with the federal government uniform
23 crime reporting program.

24 3. Collect information concerning criminal offenses that manifest
25 evidence of prejudice based on ANTI-SEMITISM, race, color, religion,
26 national origin, sexual orientation, gender or disability.

27 4. Cooperate with the central state repositories in other states
28 and with the appropriate agency of the federal government in the exchange
29 of information pertinent to violators of the law.

30 5. Ensure the rapid exchange of information concerning the
31 commission of crime and the detection of violators of the law among the
32 criminal justice agencies of other states and of the federal government.

33 6. Furnish assistance to peace officers throughout this state in
34 crime scene investigation for the detection of latent fingerprints and in
35 the comparison of latent fingerprints.

36 7. Conduct periodic operational audits of the central state
37 repository and of a representative sample of other agencies that
38 contribute records to or receive criminal justice information from the
39 central state repository or through the Arizona criminal justice
40 information system.

41 8. Establish and enforce the necessary physical and system
42 safeguards to ensure that the criminal justice information maintained and
43 disseminated by the central state repository or through the Arizona
44 criminal justice information system is appropriately protected from

1 unauthorized inquiry, modification, destruction or dissemination as
2 required by this section.

3 9. Aid and encourage coordination and cooperation among criminal
4 justice agencies through the statewide and interstate exchange of criminal
5 justice information.

6 10. Provide training and proficiency testing on the use of criminal
7 justice information to agencies receiving information from the central
8 state repository or through the Arizona criminal justice information
9 system.

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

12 12. Provide criminal history record information to the
13 fingerprinting division for the purpose of screening applicants for
14 fingerprint clearance cards.

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

18 C. The chief officers of criminal justice agencies of this state or
19 its political subdivisions shall provide to the central state repository
20 fingerprints and information concerning personal identification data,
21 descriptions, crimes for which persons are arrested, process control
22 numbers and dispositions and such other information as may be pertinent to
23 all persons who have been charged with, arrested for, convicted of or
24 summoned to court as criminal defendants for felony offenses or offenses
25 involving domestic violence as defined in section 13-3601 or violations of
26 title 13, chapter 14 or title 28, chapter 4 that have occurred in this
27 state.

28 D. The chief officers of law enforcement agencies of this state or
29 its political subdivisions shall provide to the department such
30 information as necessary to operate the statewide uniform crime reporting
31 program and to cooperate with the federal government uniform crime
32 reporting program.

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

37 F. The chief officers of criminal justice agencies of this state or
38 its political subdivisions also shall provide to the department
39 information concerning crimes that manifest evidence of prejudice based on
40 **ANTI-SEMITISM**, race, color, religion, national origin, sexual orientation,
41 gender or disability.

42 G. The director shall authorize the exchange of criminal justice
43 information between the central state repository, or through the Arizona
44 criminal justice information system, whether directly or through any
45 intermediary, only as follows:

1 1. With criminal justice agencies of the federal government, Indian
2 tribes, this state or its political subdivisions and other states, on
3 request by the chief officers of such agencies or their designated
4 representatives, specifically for the purposes of the administration of
5 criminal justice and for evaluating the fitness of current and prospective
6 criminal justice employees.

7 2. With any noncriminal justice agency pursuant to a statute,
8 ordinance or executive order that specifically authorizes the noncriminal
9 justice agency to receive criminal history record information for the
10 purpose of evaluating the fitness of current or prospective licensees,
11 employees, contract employees or volunteers, on submission of the
12 subject's fingerprints and the prescribed fee. Each statute, ordinance,
13 or executive order that authorizes noncriminal justice agencies to receive
14 criminal history record information for these purposes shall identify the
15 specific categories of licensees, employees, contract employees or
16 volunteers, and shall require that fingerprints of the specified
17 individuals be submitted in conjunction with such requests for criminal
18 history record information.

19 3. With the board of fingerprinting for the purpose of conducting
20 good cause exceptions pursuant to section 41-619.55 and central registry
21 exceptions pursuant to section 41-619.57.

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

24 5. With the governor, if the governor elects to become actively
25 involved in the investigation of criminal activity or the administration
26 of criminal justice in accordance with the governor's constitutional duty
27 to ensure that the laws are faithfully executed or as needed to carry out
28 the other responsibilities of the governor's office.

29 6. With regional computer centers that maintain authorized
30 computer-to-computer interfaces with the department, that are criminal
31 justice agencies or under the management control of a criminal justice
32 agency and that are established by a statute, ordinance or executive order
33 to provide automated data processing services to criminal justice agencies
34 specifically for the purposes of the administration of criminal justice or
35 evaluating the fitness of regional computer center employees who have
36 access to the Arizona criminal justice information system and the national
37 crime information center system.

38 7. With an individual who asserts a belief that criminal history
39 record information relating to the individual is maintained by an agency
40 or in an information system in this state that is subject to this section.
41 On submission of fingerprints, the individual may review this information
42 for the purpose of determining its accuracy and completeness by making
43 application to the agency operating the system. Rules adopted under this
44 section shall include provisions for administrative review and necessary
45 correction of any inaccurate or incomplete information. The review and

1 challenge process authorized by this paragraph is limited to criminal
2 history record information.

3 8. With individuals and agencies pursuant to a specific agreement
4 with a criminal justice agency to provide services required for the
5 administration of criminal justice pursuant to that agreement if the
6 agreement specifically authorizes access to data, limits the use of data
7 to purposes for which given and ensures the security and confidentiality
8 of the data consistent with this section.

9 9. With individuals and agencies for the express purpose of
10 research, evaluative or statistical activities pursuant to an agreement
11 with a criminal justice agency if the agreement specifically authorizes
12 access to data, limits the use of data to research, evaluative or
13 statistical purposes and ensures the confidentiality and security of the
14 data consistent with this section.

15 10. With the auditor general for audit purposes.

16 11. With central state repositories of other states for noncriminal
17 justice purposes for dissemination in accordance with the laws of those
18 states.

19 12. On submission of the fingerprint card, with the department of
20 child safety and a tribal social services agency to provide criminal
21 history record information on prospective adoptive parents for the purpose
22 of conducting the preadoption certification investigation under title 8,
23 chapter 1, article 1 if the department of economic security is conducting
24 the investigation, or with an agency or a person appointed by the court,
25 if the agency or person is conducting the investigation. Information
26 received under this paragraph shall only be used for the purposes of the
27 preadoption certification investigation.

28 13. With the department of child safety, a tribal social services
29 agency and the superior court for the purpose of evaluating the fitness of
30 custodians or prospective custodians of juveniles, including parents,
31 relatives and prospective guardians. Information received under this
32 paragraph shall only be used for the purposes of that evaluation. The
33 information shall be provided on submission of either:

34 (a) The fingerprint card.

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

37 14. On submission of a fingerprint card, provide criminal history
38 record information to the superior court for the purpose of evaluating the
39 fitness of investigators appointed under section 14-5303 or 14-5407,
40 guardians appointed under section 14-5206 or 14-5304 or conservators
41 appointed under section 14-5401.

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

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

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

5 18. With the internet sex offender website database established
6 pursuant to section 13-3827.

7 19. With licensees of the United States nuclear regulatory
8 commission for the purpose of determining whether an individual should be
9 granted unescorted access to the protected area of a commercial nuclear
10 generating station on submission of the subject of record's fingerprints
11 and the prescribed fee.

12 20. With the department of education for the purpose of evaluating
13 the fitness of a certificated teacher or administrator or an applicant for
14 a teaching or an administrative certificate provided that the department
15 of education or its employees or agents have reasonable suspicion that the
16 certificated person engaged in conduct that would be a criminal violation
17 of the laws of this state or was involved in immoral or unprofessional
18 conduct or that the applicant engaged in conduct that would warrant
19 disciplinary action if the applicant were certificated at the time of the
20 alleged conduct. The information shall be provided on the submission of
21 either:

22 (a) The fingerprint card.

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

25 21. With each school district and charter school in this state.
26 The state board of education and the state board for charter schools shall
27 provide the department of public safety with a current list of e-mail
28 addresses for each school district and charter school in this state and
29 shall periodically provide the department of public safety with updated
30 e-mail addresses. If the department of public safety is notified that a
31 person who is required to have a fingerprint clearance card to be employed
32 by or to engage in volunteer activities at a school district or charter
33 school has been arrested for or convicted of an offense listed in section
34 41-1758.03, subsection B or has been arrested for or convicted of an
35 offense that amounts to unprofessional conduct under section 15-550, the
36 department of public safety shall notify each school district and charter
37 school in this state that the person's fingerprint clearance card has been
38 suspended or revoked.

39 22. With a tribal social services agency and the department of
40 child safety as provided by law, which currently is the Adam Walsh child
41 protection and safety act of 2006 (42 United States Code section 16961),
42 for the purposes of investigating or responding to reports of child abuse,
43 neglect or exploitation. Information received pursuant to this paragraph
44 from the national crime information center, the interstate identification
45 index and the Arizona criminal justice information system network shall

1 only be used for the purposes of investigating or responding as prescribed
2 in this paragraph. The information shall be provided on submission to the
3 department of public safety of either:

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

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

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

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

15 25. With the governor to provide criminal history record
16 information on prospective gubernatorial nominees, appointees and
17 employees as provided by law.

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

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

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

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

34 L. Except as provided in subsection 0 of this section, each agency
35 authorized by this section may charge a fee, in addition to any other fees
36 prescribed by law, in an amount necessary to cover the cost of state and
37 federal noncriminal justice fingerprint processing for criminal history
38 record information checks that are authorized by law for noncriminal
39 justice employment, licensing or other lawful purposes.

40 M. A fingerprint account within the records processing fund is
41 established for the purpose of separately accounting for the collection
42 and payment of fees for noncriminal justice fingerprint processing by the
43 department. Monies collected for this purpose shall be credited to the
44 account, and payments by the department to the United States for federal
45 noncriminal justice fingerprint processing shall be charged against the

1 account. Monies in the account not required for payment to the United
2 States shall be used by the department in support of the department's
3 noncriminal justice fingerprint processing duties. At the end of each
4 fiscal year, any balance in the account not required for payment to the
5 United States or to support the department's noncriminal justice
6 fingerprint processing duties reverts to the state general fund.

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

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

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

23 1. The collection and disposition of fees pursuant to this section.

24 2. The refusal of service to those agencies that are delinquent in
25 paying these fees.

26 Q. The director shall ensure that the following limitations are
27 observed regarding dissemination of criminal justice information obtained
28 from the central state repository or through the Arizona criminal justice
29 information system:

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

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

41 3. Criminal history record information disseminated to noncriminal
42 justice agencies or to individuals shall be used only for the purposes for
43 which it was given. Secondary dissemination is prohibited unless
44 otherwise authorized by law.

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

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

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

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

20 S. This section does not apply to criminal history record
21 information contained in:

22 1. Posters, arrest warrants, announcements or lists for identifying
23 or apprehending fugitives or wanted persons.

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

28 3. Transcripts or records of judicial proceedings if released by a
29 court or legislative or administrative proceedings.

30 4. Announcements of executive clemency or pardon.

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

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

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

1 1. The booking agency shall take legible ten-print fingerprints of
2 all persons who are arrested for offenses listed in subsection C of this
3 section. The booking agency shall obtain a process control number and
4 provide to the person fingerprinted a document that indicates proof of the
5 fingerprinting and that informs the person that the document must be
6 presented to the court.

7 2. Except as provided in paragraph 3 of this subsection, if a
8 person is summoned to court as a result of an indictment or complaint for
9 an offense listed in subsection C of this section, the court shall order
10 the person to appear before the county sheriff and provide legible
11 ten-print fingerprints. The county sheriff shall obtain a process control
12 number and provide a document to the person fingerprinted that indicates
13 proof of the fingerprinting and that informs the person that the document
14 must be presented to the court. For the purposes of this paragraph,
15 "summoned" includes a written promise to appear by the defendant on a
16 uniform traffic ticket and complaint.

17 3. If a person is arrested for a misdemeanor offense listed in
18 subsection C of this section by a city or town law enforcement agency, the
19 person shall appear before the law enforcement agency that arrested the
20 defendant and provide legible ten-print fingerprints. The law enforcement
21 agency shall obtain a process control number and provide a document to the
22 person fingerprinted that indicates proof of the fingerprinting and that
23 informs the person that the document must be presented to the court.

24 4. The mandatory fingerprint compliance form shall contain the
25 following information:

26 (a) Whether ten-print fingerprints have been obtained from the
27 person.

28 (b) Whether a process control number was obtained.

29 (c) The offense or offenses for which the process control number
30 was obtained.

31 (d) Any report number of the arresting authority.

32 (e) Instructions on reporting for ten-print fingerprinting,
33 including available times and locations for reporting for ten-print
34 fingerprinting.

35 (f) Instructions that direct the person to provide the form to the
36 court at the person's next court appearance.

37 5. Within ten days after a person is fingerprinted, the arresting
38 authority or agency that took the fingerprints shall forward the
39 fingerprints to the department in the manner or form required by the
40 department.

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

1 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 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
11 into custody for ten-print fingerprinting. If otherwise eligible for
12 release, the defendant shall be released from custody after being
13 ten-print fingerprinted.

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

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

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

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

44 V. The director shall adopt rules specifying that any agency that
45 collects, stores or disseminates criminal justice information that is

1 subject to this section shall establish effective security measures to
2 protect the information from unauthorized access, disclosure, modification
3 or dissemination. The rules shall include reasonable safeguards to
4 protect the affected information systems from fire, flood, wind, theft,
5 sabotage or other natural or man-made hazards or disasters.

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

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

14 Y. For the purposes of this section:

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

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

29 3. "ANTI-SEMITISM" INCLUDES THE DEFINITION OF ANTI-SEMITISM THAT
30 WAS ADOPTED BY THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE ON MAY 26,
31 2016 AND THAT HAS BEEN ADOPTED BY THE UNITED STATES DEPARTMENT OF STATE,
32 INCLUDING THE CONTEMPORARY EXAMPLES OF ANTI-SEMITISM IDENTIFIED IN THE
33 ADOPTED DEFINITION. ANTI-SEMITISM DOES NOT INCLUDE CRITICISM OF ISRAEL
34 SIMILAR TO THAT LEVELED AGAINST ANY OTHER COUNTRY.

35 ~~3.~~ 4. "Arizona criminal justice information system" or "system"
36 means the statewide information system managed by the director for the
37 collection, processing, preservation, dissemination and exchange of
38 criminal justice information and includes the electronic equipment,
39 facilities, procedures and agreements necessary to exchange this
40 information.

41 ~~4.~~ 5. "Booking agency" means the county sheriff or, if a person is
42 booked into a municipal jail, the municipal law enforcement agency.

43 ~~5.~~ 6. "Central state repository" means the central location within
44 the department for the collection, storage and dissemination of Arizona
45 criminal history records and related criminal justice information.

1 ~~6.~~ 7. "Criminal history record information" and "criminal history
2 record" means information that is collected by criminal justice agencies
3 on individuals and that consists of identifiable descriptions and
4 notations of arrests, detentions, indictments and other formal criminal
5 charges, and any disposition arising from those actions, sentencing,
6 formal correctional supervisory action and release. Criminal history
7 record information and criminal history record do not include
8 identification information to the extent that the information does not
9 indicate involvement of the individual in the criminal justice system or
10 information relating to juveniles unless they have been adjudicated as
11 adults.

12 ~~7.~~ 8. "Criminal justice agency" means either:

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

16 (b) A government agency or subunit of a government agency that is
17 specifically authorized to perform as its principal function the
18 administration of criminal justice pursuant to a statute, ordinance or
19 executive order and that allocates more than fifty percent of its annual
20 budget to the administration of criminal justice. This subdivision
21 includes agencies of any foreign sovereignty duly recognized by the
22 federal government.

23 ~~8.~~ 9. "Criminal justice information" means information that is
24 collected by criminal justice agencies and that is needed for the
25 performance of their legally authorized and required functions, such as
26 criminal history record information, citation information, stolen property
27 information, traffic accident reports, wanted persons information and
28 system network log searches. Criminal justice information does not
29 include the administrative records of a criminal justice agency.

30 ~~9.~~ 10. "Disposition" means information disclosing that a decision
31 has been made not to bring criminal charges or that criminal proceedings
32 have been concluded or information relating to sentencing, correctional
33 supervision, release from correctional supervision, the outcome of an
34 appellate review of criminal proceedings or executive clemency.

35 ~~10.~~ 11. "Dissemination" means the written, oral or electronic
36 communication or transfer of criminal justice information to individuals
37 and agencies other than the criminal justice agency that maintains the
38 information. Dissemination includes the act of confirming the existence
39 or nonexistence of criminal justice information.

40 ~~11.~~ 12. "Management control":

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

42 (i) Priorities regarding development and operation of criminal
43 justice information systems and programs.

44 (ii) Standards for the selection, supervision and termination of
45 personnel involved in the development of criminal justice information

1 systems and programs and in the collection, maintenance, analysis and
2 dissemination of criminal justice information.

3 (iii) Policies governing the operation of computers, circuits and
4 telecommunications terminals used to process criminal justice information
5 to the extent that the equipment is used to process, store or transmit
6 criminal justice information.

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

10 ~~12.~~ 13. "Process control number" means the Arizona automated
11 fingerprint identification system number that attaches to each arrest
12 event at the time of fingerprinting and that is assigned to the arrest
13 fingerprint card, disposition form and other pertinent documents.

14 ~~13.~~ 14. "Secondary dissemination" means the dissemination of
15 criminal justice information from an individual or agency that originally
16 obtained the information from the central state repository or through the
17 Arizona criminal justice information system to another individual or
18 agency.

19 ~~14.~~ 15. "Sexual orientation" means consensual homosexuality or
20 heterosexuality.

21 ~~15.~~ 16. "Subject of record" means the person who is the primary
22 subject of a criminal justice record.