

REFERENCE TITLE: child sex trafficking; omnibus

State of Arizona  
Senate  
Fifty-fourth Legislature  
Second Regular Session  
2020

## **SB 1660**

Introduced by  
Senators Boyer: Carter, Kerr, Steele; Representatives Bolick, Shope

### **AN ACT**

AMENDING SECTIONS 8-514, 12-283, 13-107, 13-705, 13-706, 13-1401, 13-3206, 13-3821 AND 13-3827, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 38, ARTICLE 30, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-4254; AMENDING SECTION 15-203, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-245; AMENDING SECTIONS 41-1758.03 AND 41-1758.07, ARIZONA REVISED STATUTES; RELATING TO CHILD SEX TRAFFICKING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-514, Arizona Revised Statutes, is amended to  
3 read:

4 8-514. Placement in foster homes

5 A. Subject to the provisions of section 8-514.01, the division or a  
6 licensed child welfare agency if so authorized in its license may place a  
7 child in a licensed foster home for care or for adoption. Notwithstanding  
8 any law to the contrary, the division or a licensed child welfare agency  
9 may place a child in excess of the number of children allowed and  
10 identified in a foster parent's license if the division or agency  
11 reasonably believes the foster home has the ability to safely handle  
12 additional children, there are no outstanding concerns, deficiencies,  
13 reports or investigations known by the division regarding the foster home,  
14 and the child meets any of the following criteria:

15 1. The child is part of a sibling group that currently resides in  
16 the foster home.

17 2. The child is part of a sibling group that is being considered  
18 for placement in a foster home but because of the maximum child limit  
19 would otherwise have to be separated.

20 3. The child previously resided in the foster home.

21 4. The child is a kinship placement for the foster home.

22 B. The department shall place a child in the least restrictive type  
23 of placement available, consistent with the best interests of the child.  
24 The order for placement preference is as follows:

25 1. With a parent.

26 2. With a grandparent.

27 3. In kinship care with another member of the child's extended  
28 family, including a person who has a significant relationship with the  
29 child. A foster parent or kinship caregiver with whom a child under three  
30 years of age has resided for nine months or more is presumed to be a  
31 person who has a significant relationship with the child.

32 4. In licensed family foster care.

33 5. In therapeutic foster care.

34 6. In a group home.

35 7. In a residential treatment facility.

36 C. Notwithstanding subsection B of this section, the order for  
37 placement preference of a Native American child is as follows:

38 1. With a member of the child's extended family.

39 2. In a licensed family foster home approved or specified by the  
40 child's tribe.

41 3. In an Indian foster home licensed or approved by an authorized  
42 non-Indian licensing authority.

43 4. In an institution approved by the Indian tribe or operated by an  
44 Indian organization that has a program suitable to meet the Indian child's  
45 needs pursuant to 25 United States Code chapter 21.

1 D. At the time of placement there shall be presented to the foster  
2 parents, by the agency or division placing the child, a written summary of  
3 known, unprivileged information regarding the child, including the  
4 following:

- 5 1. Demographic information.
- 6 2. Type of custody and previous placement.
- 7 3. Pertinent family information including but not limited to the  
8 names of family members who, by court order, may not visit the child.
- 9 4. Known or available medical history including but not limited to:  
10 (a) Allergies.  
11 (b) Immunizations.  
12 (c) Childhood diseases.  
13 (d) Physical disabilities.  
14 (e) Other idiosyncrasies.  
15 (f) The child's last doctor, if known.
- 16 5. A summary of the child's history of adjudication on acts of  
17 delinquency, as may be public record and available in the file of the  
18 clerk of the superior court.

19 E. The responsibility of the agency or the division for a child  
20 placed in a foster home shall be defined in writing and accepted by the  
21 person receiving the child. The agency or division shall make available  
22 to the foster parents a method of acquiring emergency information that may  
23 be necessary to deal with situations that may arise pursuant to their  
24 responsibilities as foster parents.

25 F. Every foster home shall maintain a record of the children  
26 received, which shall include facts in regard to the children and their  
27 care and shall be in the form and kept in the manner prescribed by the  
28 division.

29 G. In addition to any other relevant factors, the department shall  
30 consider the following in determining whether a placement is in the best  
31 interests of the child:

- 32 1. The caregiver is interested in providing permanence for the  
33 child if reunification efforts ultimately fail.
- 34 2. The expressed wishes of the birth parent and child, if  
35 applicable, unless the wishes are contrary to law.
- 36 3. The relationship of the caregiver with the child and the child's  
37 family.
- 38 4. The proximity of the placement home to the parents' home and the  
39 child's current school or school district.
- 40 5. The strengths and parenting style of the caregiver in relation  
41 to the child's behavior and needs.
- 42 6. The caregiver's willingness to communicate and interact with the  
43 birth family to support visitation and the reunification process.
- 44 7. The caregiver's ability and willingness to accept placement of  
45 the child and all or any of the child's siblings.

1           8. If any sibling will be placed separately, the caregiver's  
2 ability and willingness to provide or assist in maintaining frequent  
3 visitation or other ongoing contact between the child and the child's  
4 sibling.

5           9. The child's fit with the family with regard to age, gender and  
6 sibling relationships.

7           10. If the child has chronic behavioral health needs:

8           (a) Whether the child's behavior will place other children in the  
9 home at risk.

10           (b) The caregiver's ability to provide the necessary level of  
11 supervision to prevent harm to the child or others by the child.

12           11. Whether placement in the home would comply with the placement  
13 preferences prescribed by 25 United States Code section 1915, if  
14 applicable.

15           H. BEFORE A CHILD IS PLACED IN THE FOSTER CARE SYSTEM OR A GROUP  
16 HOME SETTING, THE DEPARTMENT SHALL PROVIDE CHILDREN WITH AGE-APPROPRIATE  
17 MATERIALS AND RESOURCES ON PREVENTING AND REPORTING CHILD SEXUAL ABUSE,  
18 INCLUDING CHILD SEX TRAFFICKING. THE MATERIALS MAY INCLUDE A  
19 TWENTY-FOUR-HOUR HOTLINE TELEPHONE NUMBER, CONTACT INFORMATION FOR TRUSTED  
20 AUTHORITIES AND EXAMPLES OF SAFE VERSUS UNSAFE BEHAVIORS.

21           Sec. 2. Section 12-283, Arizona Revised Statutes, is amended to  
22 read:

23           12-283. Powers and duties

24           A. The clerk, in addition to the other duties prescribed by law or  
25 rule of court, shall:

26           1. Attend each session of the court held in the county.

27           2. Keep a list of fees charged in actions.

28           3. Keep records required by law or rule of court.

29           4. ON OR BEFORE JANUARY 15 OF EACH YEAR, COMPILE AND SUBMIT A  
30 REPORT ON THE NUMBER OF CIVIL ACTIONS THAT ARE FILED IN THE SUPERIOR COURT  
31 PURSUANT TO SECTION 12-514 AND THE AGE OF THE PLAINTIFF IN EACH CASE. THE  
32 CLERK SHALL SUBMIT THE REPORT TO THE GOVERNOR AND THE LEGISLATURE AND  
33 PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE.

34           B. The clerk may provide a consumer reporting agency as defined in  
35 section 44-1691 with a copy of:

36           1. A court order obligating a person to pay child support or  
37 spousal maintenance.

38           2. An order for assignment under section 25-323 or 25-504.

39           C. A clerk who provides the information in subsection B of this  
40 section to a consumer reporting agency shall also provide the information  
41 to the child support enforcement administration in the department of  
42 economic security.

43           D. The clerk, in accordance with procedures established by the  
44 board of supervisors, may appoint deputies, clerks and assistants  
45 necessary to conduct the affairs of the office of the clerk. The

1 appointments shall be in writing. The clerk shall be the appointing  
2 authority and shall administer and supervise all employees of the clerk's  
3 office.

4 E. The clerk shall submit an annual budget request, which shall be  
5 coordinated with the presiding judge, to the county board of  
6 supervisors. The clerk shall be responsible for the funds appropriated by  
7 the board to the clerk.

8 F. The clerk shall maintain and provide access to court records in  
9 accordance with applicable law or rule of court. The clerk shall keep a  
10 docket in the form and style as prescribed by the supreme court.

11 G. The clerk is responsible for the operations of the clerk's  
12 office.

13 H. The clerk may provide programs to assist in the enforcement of  
14 child support, spousal maintenance and parenting time and in the  
15 establishment and modification of child support.

16 I. The clerk shall compile and publish electronically all superior  
17 court criminal case minute entries, except as otherwise prohibited by law.  
18 At a minimum, the information shall be arranged or searchable by the case  
19 name, the case number and the name of the judge or commissioner.

20 Sec. 3. Section 13-107, Arizona Revised Statutes, is amended to  
21 read:

22 13-107. Time limitations

23 A. A prosecution for any homicide, any conspiracy to commit  
24 homicide that results in the death of a person, any offense that is listed  
25 in chapter 14 or 35.1 of this title and that is a class 2 felony, any  
26 violent sexual assault pursuant to section 13-1423, any violation of  
27 section 13-2308.01, ~~OR~~ 13-2308.03 OR 13-3212, any misuse of public monies  
28 or a felony involving falsification of public records or any attempt to  
29 commit an offense listed in this subsection may be commenced at any time.

30 B. Except as otherwise provided in this section and section 28-672,  
31 prosecutions for other offenses must be commenced within the following  
32 periods after actual discovery by the state or the political subdivision  
33 having jurisdiction of the offense or discovery by the state or the  
34 political subdivision that should have occurred with the exercise of  
35 reasonable diligence, whichever first occurs:

- 36 1. For a class 2 through a class 6 felony, seven years.
- 37 2. For a misdemeanor, one year.
- 38 3. For a petty offense, six months.

39 C. For the purposes of subsection B of this section, a prosecution  
40 is commenced when an indictment, information or complaint is filed.

41 D. The period of limitation does not run during any time when the  
42 accused is absent from the state or has no reasonably ascertainable place  
43 of abode within the state.

1 E. The period of limitation does not run for a serious offense as  
2 defined in section 13-706 during any time when the identity of the person  
3 who commits the offense or offenses is unknown.

4 F. The time limitation within which a prosecution of a class 6  
5 felony shall commence shall be determined pursuant to subsection B,  
6 paragraph 1 of this section, irrespective of whether a court enters a  
7 judgment of conviction for or a prosecuting attorney designates the  
8 offense as a misdemeanor.

9 G. If a complaint, indictment or information filed before the  
10 period of limitation has expired is dismissed for any reason, a new  
11 prosecution may be commenced within six months after the dismissal becomes  
12 final even if the period of limitation has expired at the time of the  
13 dismissal or will expire within six months of the dismissal.

14 Sec. 4. Section 13-705, Arizona Revised Statutes, is amended to  
15 read:

16 13-705. Dangerous crimes against children; sentences;  
17 definitions

18 A. A person who is at least eighteen years of age and who is  
19 convicted of a dangerous crime against children in the first degree  
20 involving sexual assault of a minor who is twelve years of age or younger  
21 or sexual conduct with a minor who is twelve years of age or younger shall  
22 be sentenced to life imprisonment and is not eligible for suspension of  
23 sentence, probation, pardon or release from confinement on any basis  
24 except as specifically authorized by section 31-233, subsection A or B  
25 until the person has served thirty-five years or the sentence is commuted.  
26 This subsection does not apply to masturbatory contact.

27 B. Except as otherwise provided in this section, a person who is at  
28 least eighteen years of age or who has been tried as an adult and who is  
29 convicted of a dangerous crime against children in the first degree  
30 involving attempted first degree murder of a minor who is under twelve  
31 years of age, second degree murder of a minor who is under twelve years of  
32 age, sexual assault of a minor who is under twelve years of age, sexual  
33 conduct with a minor who is under twelve years of age or manufacturing  
34 methamphetamine under circumstances that cause physical injury to a minor  
35 who is under twelve years of age may be sentenced to life imprisonment and  
36 is not eligible for suspension of sentence, probation, pardon or release  
37 from confinement on any basis except as specifically authorized by section  
38 31-233, subsection A or B until the person has served thirty-five years or  
39 the sentence is commuted. If a life sentence is not imposed pursuant to  
40 this subsection, the person shall be sentenced to a term of imprisonment  
41 as follows:

42	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
43	13 years	20 years	27 years

44 C. Except as otherwise provided in this section, a person who is at  
45 least eighteen years of age or who has been tried as an adult and who is

1 convicted of a dangerous crime against children in the first degree  
 2 involving attempted first degree murder of a minor who is twelve, thirteen  
 3 or fourteen years of age, second degree murder of a minor who is twelve,  
 4 thirteen or fourteen years of age, sexual assault of a minor who is  
 5 twelve, thirteen or fourteen years of age, taking a child for the purpose  
 6 of ~~prostitution~~ CHILD SEX TRAFFICKING PURSUANT TO SECTION 13-3206, child  
 7 sex trafficking PURSUANT TO SECTION 13-3212, sexual conduct with a minor  
 8 who is twelve, thirteen or fourteen years of age, continuous sexual abuse  
 9 of a child or manufacturing methamphetamine under circumstances that cause  
 10 physical injury to a minor who is twelve, thirteen or fourteen years of  
 11 age or involving or using minors in drug offenses shall be sentenced to a  
 12 term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
13 13 years	20 years	27 years

15 A person who has been previously convicted of one predicate felony shall  
 16 be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
17 23 years	30 years	37 years

19 D. Except as otherwise provided in this section, a person who is at  
 20 least eighteen years of age or who has been tried as an adult and who is  
 21 convicted of a dangerous crime against children in the first degree  
 22 involving aggravated assault, unlawful mutilation, molestation of a child,  
 23 commercial sexual exploitation of a minor, sexual exploitation of a minor,  
 24 aggravated luring a minor for sexual exploitation, child abuse or  
 25 kidnapping shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
26 10 years	17 years	24 years

28 A person who has been previously convicted of one predicate felony shall  
 29 be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
30 21 years	28 years	35 years

32 E. Except as otherwise provided in this section, if a person is at  
 33 least eighteen years of age or has been tried as an adult and is convicted  
 34 of a dangerous crime against children involving luring a minor for sexual  
 35 exploitation, sexual extortion or unlawful age misrepresentation and is  
 36 sentenced to a term of imprisonment, the term of imprisonment is as  
 37 follows and the person is not eligible for release from confinement on any  
 38 basis except as specifically authorized by section 31-233, subsection A or  
 39 B until the sentence imposed by the court has been served, the person is  
 40 eligible for release pursuant to section 41-1604.07 or the sentence is  
 41 commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
42 5 years	10 years	15 years

44 A person who has been previously convicted of one predicate felony shall  
 45 be sentenced to a term of imprisonment as follows and the person is not

1 eligible for suspension of sentence, probation, pardon or release from  
2 confinement on any basis except as specifically authorized by section  
3 31-233, subsection A or B until the sentence imposed by the court has been  
4 served, the person is eligible for release pursuant to section 41-1604.07  
5 or the sentence is commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
8 years	15 years	22 years

6  
7  
8 F. Except as otherwise provided in this section, if a person is at  
9 least eighteen years of age or has been tried as an adult and is convicted  
10 of a dangerous crime against children involving sexual abuse or bestiality  
11 under section 13-1411, subsection A, paragraph 2 and is sentenced to a  
12 term of imprisonment, the term of imprisonment is as follows and the  
13 person is not eligible for release from confinement on any basis except as  
14 specifically authorized by section 31-233, subsection A or B until the  
15 sentence imposed by the court has been served, the person is eligible for  
16 release pursuant to section 41-1604.07 or the sentence is commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
2.5 years	5 years	7.5 years

17  
18  
19 A person who has been previously convicted of one predicate felony shall  
20 be sentenced to a term of imprisonment as follows and the person is not  
21 eligible for suspension of sentence, probation, pardon or release from  
22 confinement on any basis except as specifically authorized by section  
23 31-233, subsection A or B until the sentence imposed by the court has been  
24 served, the person is eligible for release pursuant to section 41-1604.07  
25 or the sentence is commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
8 years	15 years	22 years

26  
27  
28 G. The presumptive sentences prescribed in subsections B, C and D  
29 of this section or subsections E and F of this section if the person has  
30 previously been convicted of a predicate felony may be increased or  
31 decreased pursuant to section 13-701, subsections C, D and E.

32 H. Except as provided in subsection F of this section, a person who  
33 is sentenced for a dangerous crime against children in the first degree  
34 pursuant to this section is not eligible for suspension of sentence,  
35 probation, pardon or release from confinement on any basis except as  
36 specifically authorized by section 31-233, subsection A or B until the  
37 sentence imposed by the court has been served or commuted.

38 I. A person who is convicted of any dangerous crime against  
39 children in the first degree pursuant to subsection C or D of this section  
40 and who has been previously convicted of two or more predicate felonies  
41 shall be sentenced to life imprisonment and is not eligible for suspension  
42 of sentence, probation, pardon or release from confinement on any basis  
43 except as specifically authorized by section 31-233, subsection A or B  
44 until the person has served not fewer than thirty-five years or the  
45 sentence is commuted.



1 J. Notwithstanding chapter 10 of this title, a person who is at  
2 least eighteen years of age or who has been tried as an adult and who is  
3 convicted of a dangerous crime against children in the second degree  
4 pursuant to subsection B, C or D of this section is guilty of a class 3  
5 felony and if the person is sentenced to a term of imprisonment, the term  
6 of imprisonment is as follows and the person is not eligible for release  
7 from confinement on any basis except as specifically authorized by section  
8 31-233, subsection A or B until the person has served the sentence imposed  
9 by the court, the person is eligible for release pursuant to section  
10 41-1604.07 or the sentence is commuted:

11	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
12	5 years	10 years	15 years

13 K. A person who is convicted of any dangerous crime against  
14 children in the second degree and who has been previously convicted of one  
15 or more predicate felonies is not eligible for suspension of sentence,  
16 probation, pardon or release from confinement on any basis except as  
17 specifically authorized by section 31-233, subsection A or B until the  
18 sentence imposed by the court has been served, the person is eligible for  
19 release pursuant to section 41-1604.07 or the sentence is commuted.

20 L. Section 13-704, subsection J and section 13-707, subsection B  
21 apply to the determination of prior convictions.

22 M. The sentence imposed on a person by the court for a dangerous  
23 crime against children under subsection D of this section involving child  
24 molestation or sexual abuse pursuant to subsection F of this section may  
25 be served concurrently with other sentences if the offense involved only  
26 one victim. The sentence imposed on a person for any other dangerous  
27 crime against children in the first or second degree shall be consecutive  
28 to any other sentence imposed on the person at any time, including child  
29 molestation and sexual abuse of the same victim.

30 N. In this section, for purposes of punishment an unborn child  
31 shall be treated like a minor who is under twelve years of age.

32 O. A dangerous crime against children is in the first degree if it  
33 is a completed offense and is in the second degree if it is a preparatory  
34 offense, except attempted first degree murder is a dangerous crime against  
35 children in the first degree.

36 P. It is not a defense to a dangerous crime against children that  
37 the minor is a person posing as a minor or is otherwise fictitious if the  
38 defendant knew or had reason to know the purported minor was under fifteen  
39 years of age.

40 Q. For the purposes of this section:

41 1. "Dangerous crime against children" means any of the following  
42 that is committed against a minor who is under fifteen years of age:

43 (a) Second degree murder.

1 (b) Aggravated assault resulting in serious physical injury or  
2 involving the discharge, use or threatening exhibition of a deadly weapon  
3 or dangerous instrument.

4 (c) Sexual assault.

5 (d) Molestation of a child.

6 (e) Sexual conduct with a minor.

7 (f) Commercial sexual exploitation of a minor.

8 (g) Sexual exploitation of a minor.

9 (h) Child abuse as prescribed in section 13-3623, subsection A,  
10 paragraph 1.

11 (i) Kidnapping.

12 (j) Sexual abuse.

13 (k) Taking a child for the purpose of ~~prostitution~~ CHILD SEX  
14 TRAFFICKING as prescribed in section 13-3206.

15 (l) Child sex trafficking as prescribed in section 13-3212.

16 (m) Involving or using minors in drug offenses.

17 (n) Continuous sexual abuse of a child.

18 (o) Attempted first degree murder.

19 (p) Sex trafficking.

20 (q) Manufacturing methamphetamine under circumstances that cause  
21 physical injury to a minor.

22 (r) Bestiality as prescribed in section 13-1411, subsection A,  
23 paragraph 2.

24 (s) Luring a minor for sexual exploitation.

25 (t) Aggravated luring a minor for sexual exploitation.

26 (u) Unlawful age misrepresentation.

27 (v) Unlawful mutilation.

28 (w) Sexual extortion as prescribed in section 13-1428.

29 2. "Predicate felony" means any felony involving child abuse  
30 pursuant to section 13-3623, subsection A, paragraph 1, a sexual  
31 offense, conduct involving the intentional or knowing infliction of  
32 serious physical injury or the discharge, use or threatening  
33 exhibition of a deadly weapon or dangerous instrument, or a  
34 dangerous crime against children in the first or second degree.

35 Sec. 5. Section 13-706, Arizona Revised Statutes, is amended to  
36 read:

37 13-706. Serious, violent or aggravated offenders; sentencing;  
38 life imprisonment; definitions

39 A. A person who is at least eighteen years of age or who has been  
40 tried as an adult and who is convicted of a serious offense except a drug  
41 offense, first degree murder or any dangerous crime against children as  
42 defined in section 13-705, whether a completed or preparatory offense, and  
43 who has previously been convicted of two or more serious offenses not  
44 committed on the same occasion shall be sentenced to life imprisonment and  
45 is not eligible for suspension of sentence, probation, pardon or release

1 from confinement on any basis, except as specifically authorized by  
2 section 31-233, subsection A or B, until the person has served at least  
3 twenty-five years or the sentence is commuted.

4 B. Unless a longer term of imprisonment or death is the prescribed  
5 penalty and notwithstanding any provision that establishes a shorter term  
6 of imprisonment, a person who has been convicted of committing or  
7 attempting or conspiring to commit any violent or aggravated felony and  
8 who has previously been convicted on separate occasions of two or more  
9 violent or aggravated felonies not committed on the same occasion shall be  
10 sentenced to imprisonment for life and is not eligible for suspension of  
11 sentence, probation, pardon or release on any basis except that the person  
12 may be eligible for commutation after the person has served at least  
13 thirty-five years.

14 C. In order for the penalty under subsection B of this section to  
15 apply, both of the following must occur:

16 1. The aggravated or violent felonies that comprise the prior  
17 convictions shall have been entered within fifteen years of the conviction  
18 for the third offense, not including time spent in custody or on probation  
19 for an offense or while the person is an absconder.

20 2. The sentence for the first aggravated or violent felony  
21 conviction shall have been imposed before the conduct occurred that gave  
22 rise to the second conviction, and the sentence for the second aggravated  
23 or violent felony conviction shall have been imposed before the conduct  
24 occurred that gave rise to the third conviction.

25 D. Chapter 3 of this title applies to all offenses under this  
26 section.

27 E. For the purposes of this section, if a person has been convicted  
28 of an offense committed in another jurisdiction that if committed in this  
29 state would be a violation or attempted violation of any of the offenses  
30 listed in this section and that has the same elements of an offense listed  
31 in this section, the offense committed in another jurisdiction is  
32 considered an offense committed in this state.

33 F. For the purposes of this section:

34 1. "Serious offense" means any of the following offenses if  
35 committed in this state or any offense committed outside this state that  
36 if committed in this state would constitute one of the following offenses:

37 (a) First degree murder.

38 (b) Second degree murder.

39 (c) Manslaughter.

40 (d) Aggravated assault resulting in serious physical injury or  
41 involving the discharge, use or threatening exhibition of a deadly weapon  
42 or dangerous instrument.

43 (e) Sexual assault.

44 (f) Any dangerous crime against children.

45 (g) Arson of an occupied structure.

- 1 (h) Armed robbery.
- 2 (i) Burglary in the first degree.
- 3 (j) Kidnapping.
- 4 (k) Sexual conduct with a minor under fifteen years of age.
- 5 (l) Child sex trafficking.
- 6 2. "Violent or aggravated felony" means any of the following
- 7 offenses:
- 8 (a) First degree murder.
- 9 (b) Second degree murder.
- 10 (c) Aggravated assault resulting in serious physical injury or
- 11 involving the discharge, use or threatening exhibition of a deadly weapon
- 12 or dangerous instrument.
- 13 (d) Dangerous or deadly assault by prisoner.
- 14 (e) Committing assault with intent to incite to riot or participate
- 15 in riot.
- 16 (f) Drive by shooting.
- 17 (g) Discharging a firearm at a residential structure if the
- 18 structure is occupied.
- 19 (h) Kidnapping.
- 20 (i) Sexual conduct with a minor that is a class 2 felony.
- 21 (j) Sexual assault.
- 22 (k) Molestation of a child.
- 23 (l) Continuous sexual abuse of a child.
- 24 (m) Violent sexual assault.
- 25 (n) Burglary in the first degree committed in a residential
- 26 structure if the structure is occupied.
- 27 (o) Arson of an occupied structure.
- 28 (p) Arson of an occupied jail or prison facility.
- 29 (q) Armed robbery.
- 30 (r) Participating in or assisting a criminal syndicate or leading
- 31 or participating in a criminal street gang.
- 32 (s) Terrorism.
- 33 (t) Taking a child for the purpose of ~~prostitution~~ CHILD SEX
- 34 TRAFFICKING.
- 35 (u) Child sex trafficking.
- 36 (v) Commercial sexual exploitation of a minor.
- 37 (w) Sexual exploitation of a minor.
- 38 (x) Unlawful introduction of disease or parasite as prescribed by
- 39 section 13-2912, subsection A, paragraph 2 or 3.
- 40 Sec. 6. Section 13-1401, Arizona Revised Statutes, is amended to
- 41 read:
- 42 13-1401. Definitions; factors
- 43 A. In this chapter, unless the context otherwise requires:
- 44 1. "Oral sexual contact" means oral contact with the penis, vulva
- 45 or anus.

1           2. "Position of trust" means a person who is or was any of the  
2 following:

3           (a) The minor's parent, stepparent, adoptive parent, legal guardian  
4 or foster parent.

5           (b) The minor's teacher OR ANY SCHOOL EMPLOYEE WHO IS EIGHTEEN  
6 YEARS OF AGE OR OLDER.

7           (c) The minor's coach or instructor, whether the coach or  
8 instructor is an employee or volunteer.

9           (d) The minor's clergyman, ~~or~~ priest OR YOUTH PASTOR.

10          (e) Engaged in a sexual or romantic relationship with the minor's  
11 parent, adoptive parent, legal guardian, foster parent or stepparent.

12          (f) EXCEPT FOR A SIBLING, RELATED TO THE MINOR BY BLOOD OR MARRIAGE  
13 WITHIN THE THIRD DEGREE.

14          (g) THE MINOR'S EMPLOYER.

15          (h) EIGHTEEN YEARS OF AGE OR OLDER AND WHO IS OR WAS LIVING IN THE  
16 SAME HOME AS THE MINOR.

17          (i) TEN OR MORE YEARS OF AGE OLDER THAN THE MINOR AND WHO HAS A  
18 RELATIONSHIP WITH THE MINOR OR THE MINOR'S PARENT, STEPPARENT, ADOPTIVE  
19 PARENT, LEGAL GUARDIAN OR FOSTER PARENT.

20          3. "Sexual contact":

21          (a) Means any direct or indirect touching, fondling or manipulating  
22 of any part of the genitals, anus or female breast by any part of the body  
23 or by any object or causing a person to engage in such contact.

24          (b) Does not include direct or indirect touching or manipulating  
25 during caretaking responsibilities, ~~or~~ or interactions with a minor or  
26 vulnerable adult that an objective, reasonable person would recognize as  
27 normal and reasonable under the circumstances.

28          4. "Sexual intercourse" means penetration into the penis, vulva or  
29 anus by any part of the body or by any object or masturbatory contact with  
30 the penis or vulva.

31          5. "Spouse" means a person who is legally married and cohabiting.

32          6. "Teacher" means a certificated teacher as defined in section  
33 15-501 or any other person who provides instruction to pupils in any  
34 school district, charter school or accommodation school, the Arizona state  
35 schools for the deaf and the blind or a private school in this state.

36          7. "Without consent" includes any of the following:

37          (a) The victim is coerced by the immediate use or threatened use of  
38 force against a person or property.

39          (b) The victim is incapable of consent by reason of mental  
40 disorder, mental defect, drugs, alcohol, sleep or any other similar  
41 impairment of cognition and such condition is known or should have  
42 reasonably been known to the defendant. For the purposes of this  
43 subdivision, "mental defect" means the victim is unable to comprehend the  
44 distinctively sexual nature of the conduct or is incapable of

1 understanding or exercising the right to refuse to engage in the conduct  
2 with another.

3 (c) The victim is intentionally deceived as to the nature of the  
4 act.

5 (d) The victim is intentionally deceived to erroneously believe  
6 that the person is the victim's spouse.

7 B. The following factors may be considered in determining whether a  
8 relationship is currently or was previously a sexual or romantic  
9 relationship pursuant to subsection A, paragraph 2, subdivision (e) of  
10 this section:

11 1. The type of relationship.

12 2. The length of the relationship.

13 3. The frequency of the interaction between the two persons.

14 4. If the relationship has terminated, the length of time since the  
15 termination.

16 Sec. 7. Section 13-3206, Arizona Revised Statutes, is amended to  
17 read:

18 13-3206. Taking child for purpose of child sex trafficking;  
19 classification

20 A person who takes away any minor from the minor's father, mother,  
21 guardian or other person having the legal custody of the minor, for the  
22 purpose of ~~prostitution~~ CHILD SEX TRAFFICKING, is guilty of a class 4  
23 felony. If the minor is under fifteen years of age, taking a child for  
24 the purpose of ~~prostitution~~ CHILD SEX TRAFFICKING is a class 2 felony and  
25 is punishable pursuant to section 13-705.

26 Sec. 8. Section 13-3821, Arizona Revised Statutes, is amended to  
27 read:

28 13-3821. Persons required to register; procedure;  
29 identification card; assessment; definitions

30 A. A person who has been convicted of or adjudicated guilty except  
31 insane for a violation or attempted violation of any of the following  
32 offenses or who has been convicted of or adjudicated guilty except insane  
33 or not guilty by reason of insanity for an offense committed in another  
34 jurisdiction that if committed in this state would be a violation or  
35 attempted violation of any of the following offenses or an offense that  
36 was in effect before September 1, 1978 and that, if committed on or after  
37 September 1, 1978, has the same elements of an offense listed in this  
38 section or who is required to register by the convicting or adjudicating  
39 jurisdiction, within ten days after the conviction or adjudication or  
40 within ten days after entering and remaining in any county of this state,  
41 shall register with the sheriff of that county:

42 1. Unlawful imprisonment pursuant to section 13-1303 if the victim  
43 is under eighteen years of age and the unlawful imprisonment was not  
44 committed by the child's parent.

- 1           2. Kidnapping pursuant to section 13-1304 if the victim is under  
2 eighteen years of age and the kidnapping was not committed by the child's  
3 parent.
- 4           3. Sexual abuse pursuant to section 13-1404 if the victim is under  
5 eighteen years of age.
- 6           4. Sexual conduct with a minor pursuant to section 13-1405.
- 7           5. Sexual assault pursuant to section 13-1406.
- 8           6. Sexual assault of a spouse if the offense was committed before  
9 August 12, 2005.
- 10          7. Molestation of a child pursuant to section 13-1410.
- 11          8. Continuous sexual abuse of a child pursuant to section 13-1417.
- 12          9. Taking a child for the purpose of ~~prostitution~~ CHILD SEX  
13 TRAFFICKING pursuant to section 13-3206.
- 14          10. Child prostitution pursuant to section 13-3212, subsection A or  
15 subsection B, paragraph 1 or 2 committed before August 9, 2017.
- 16          11. Child sex trafficking pursuant to section 13-3212, subsection A  
17 or subsection B, paragraph 1 or 2 committed on or after August 9, 2017.
- 18          12. Commercial sexual exploitation of a minor pursuant to section  
19 13-3552.
- 20          13. Sexual exploitation of a minor pursuant to section 13-3553.
- 21          14. Luring a minor for sexual exploitation pursuant to section  
22 13-3554.
- 23          15. A second or subsequent violation of indecent exposure to a  
24 person who is under fifteen years of age pursuant to section 13-1402.
- 25          16. A second or subsequent violation of public sexual indecency to  
26 a minor who is under fifteen years of age pursuant to section 13-1403,  
27 subsection B.
- 28          17. A third or subsequent violation of indecent exposure pursuant  
29 to section 13-1402.
- 30          18. A third or subsequent violation of public sexual indecency  
31 pursuant to section 13-1403.
- 32          19. A violation of section 13-3822 or 13-3824.
- 33          20. Unlawful age misrepresentation.
- 34          21. Aggravated luring a minor for sexual exploitation pursuant to  
35 section 13-3560.
- 36          22. Sexual extortion pursuant to section 13-1428 if the victim is  
37 under fifteen years of age.
- 38          B. Before the person is released from confinement the state  
39 department of corrections in conjunction with the department of public  
40 safety and each county sheriff shall complete the registration of any  
41 person who was convicted of or adjudicated guilty except insane for a  
42 violation of any offense listed under subsection A of this section.  
43 Within three days after the person's release from confinement, the state  
44 department of corrections shall forward the registered person's records to  
45 the department of public safety and to the sheriff of the county in which

1 the registered person intends to reside. Registration pursuant to this  
2 subsection shall be consistent with subsection E of this section.

3 C. Notwithstanding subsection A of this section, the judge who  
4 sentences a defendant for any violation of chapter 14 or 35.1 of this  
5 title or for an offense for which there was a finding of sexual motivation  
6 pursuant to section 13-118 may require the person who committed the  
7 offense to register pursuant to this section.

8 D. The court may require a person who has been adjudicated  
9 delinquent for an act that would constitute an offense specified in  
10 subsection A or C of this section to register pursuant to this section.  
11 Any duty to register under this subsection ~~shall terminate~~ TERMINATES when  
12 the person reaches twenty-five years of age.

13 E. A person who has been convicted, adjudicated guilty except  
14 insane or adjudicated delinquent and who is required to register in the  
15 convicting or adjudicating state for an act that would constitute an  
16 offense specified in subsection A or C of this section and who is not a  
17 resident of this state shall be required to register pursuant to this  
18 section if the person is either:

19 1. Employed full-time or part-time in this state, with or without  
20 compensation, for more than fourteen consecutive days or for an aggregate  
21 period of more than thirty days in a calendar year.

22 2. Enrolled as a full-time or part-time student in any school in  
23 this state for more than fourteen consecutive days or for an aggregate  
24 period of more than thirty days in a calendar year. For the purposes of  
25 this paragraph, "school" means an educational institution of any  
26 description, public or private, wherever located in this state.

27 F. Any duty to register under subsection D or E of this section for  
28 a juvenile adjudication terminates when the person reaches twenty-five  
29 years of age.

30 G. The court may order the termination of any duty to register  
31 under this section on successful completion of probation if the person was  
32 under eighteen years of age when the offense for which the person was  
33 convicted or adjudicated guilty except insane was committed.

34 H. The court may order the suspension or termination of any duty to  
35 register under this section after a hearing held pursuant to section  
36 13-923.

37 I. At the time of registering, the person shall sign or affix an  
38 electronic fingerprint to a statement giving such information as required  
39 by the director of the department of public safety, including all names by  
40 which the person is known, any required online identifier and the name of  
41 any website or internet communication service where the identifier is  
42 being used. The sheriff shall fingerprint and photograph the person and  
43 within three days thereafter shall send copies of the statement,  
44 fingerprints and photographs to the department of public safety and the  
45 chief of police, if any, of the place where the person resides. The



1 information that is required by this subsection shall include the physical  
2 location of the person's residence and the person's address. If the  
3 person has a place of residence that is different from the person's  
4 address, the person shall provide the person's address, the physical  
5 location of the person's residence and the name of the owner of the  
6 residence if the residence is privately owned and not offered for rent or  
7 lease. If the person receives mail at a post office box, the person shall  
8 provide the location and number of the post office box. If the person has  
9 more than one residence or does not have an address or a permanent place  
10 of residence, the person shall provide a description and physical location  
11 of any temporary residence and shall register as a transient not less than  
12 every ninety days with the sheriff in whose jurisdiction the transient is  
13 physically present.

14 J. On the person's initial registration and every year after the  
15 person's initial registration, the person shall confirm any required  
16 online identifier and the name of any website or internet communication  
17 service where the identifier is being used and the person shall obtain a  
18 new nonoperating identification license or a driver license from the motor  
19 vehicle division in the department of transportation and shall carry a  
20 valid nonoperating identification license or a driver license.  
21 Notwithstanding sections 28-3165 and 28-3171, the license is valid for one  
22 year from the date of issuance, and the person shall submit to the  
23 department of transportation proof of the person's address and place of  
24 residence. The motor vehicle division shall annually update the person's  
25 address and photograph and shall make a copy of the photograph available  
26 to the department of public safety or to any law enforcement agency. The  
27 motor vehicle division shall provide to the department of public safety  
28 daily address updates for persons required to register pursuant to this  
29 section.

30 K. Except as provided in subsection E or L of this section, the  
31 clerk of the superior court in the county in which a person has been  
32 convicted of or adjudicated guilty except insane for a violation of any  
33 offense listed under subsection A of this section or has been ordered to  
34 register pursuant to subsection C or D of this section shall notify the  
35 sheriff in that county of the conviction or adjudication within ten days  
36 after entry of the judgment.

37 L. Within ten days after entry of judgment, a court not of record  
38 shall notify the arresting law enforcement agency of an offender's  
39 conviction of or adjudication of guilty except insane for a violation of  
40 section 13-1402. Within ten days after receiving this information, the  
41 law enforcement agency shall determine if the offender is required to  
42 register pursuant to this section. If the law enforcement agency  
43 determines that the offender is required to register, the law enforcement  
44 agency shall provide the information required by section 13-3825 to the

1 department of public safety and shall make community notification as  
2 required by law.

3 M. A person who is required to register pursuant to this section  
4 because of a conviction or adjudication of guilty except insane for the  
5 unlawful imprisonment of a minor or the kidnapping of a minor is required  
6 to register, absent additional or subsequent convictions or adjudications,  
7 for a period of ten years from the date that the person is released from  
8 prison, jail, probation, community supervision or parole and the person  
9 has fulfilled all restitution obligations. Notwithstanding this  
10 subsection, a person who has a prior conviction or adjudication of guilty  
11 except insane for an offense for which registration is required pursuant  
12 to this section is required to register for life.

13 N. A person who is required to register pursuant to this section  
14 and who is a student at a public or private institution of postsecondary  
15 education or who is employed, with or without compensation, at a public or  
16 private institution of postsecondary education or who carries on a  
17 vocation at a public or private institution of postsecondary education  
18 shall notify the county sheriff having jurisdiction of the institution of  
19 postsecondary education. The person who is required to register pursuant  
20 to this section shall also notify the sheriff of each change in enrollment  
21 or employment status at the institution.

22 O. At the time of registering, the sheriff shall secure a  
23 sufficient sample of blood or other bodily substances for deoxyribonucleic  
24 acid testing and extraction from a person who has been convicted of or  
25 adjudicated guilty except insane for an offense committed in another  
26 jurisdiction that if committed in this state would be a violation or  
27 attempted violation of any of the offenses listed in subsection A of this  
28 section or an offense that was in effect before September 1, 1978 and  
29 that, if committed on or after September 1, 1978, has the same elements of  
30 an offense listed in subsection A of this section or who is required to  
31 register by the convicting or adjudicating jurisdiction. The sheriff  
32 shall transmit the sample to the department of public safety.

33 P. Any person who is required to register under subsection A of  
34 this section shall register the person's required online identifier and  
35 the name of any website or internet communication service where the  
36 identifier is being used or is intended to be used with the sheriff from  
37 and after December 31, 2007, regardless of whether the person was required  
38 to register an identifier at the time of the person's initial registration  
39 under this section.

40 Q. On conviction of or adjudication of guilty except insane for any  
41 offense for which a person is required to register pursuant to this  
42 section, in addition to any other penalty prescribed by law, the court  
43 shall order the person to pay an additional assessment of ~~two hundred~~  
44 ~~fifty dollars~~ \$250. This assessment is not subject to any surcharge. The  
45 court shall transmit the monies received pursuant to this section to the

1 county treasurer. The county treasurer shall transmit the monies received  
2 to the state treasurer. The state treasurer shall deposit the monies  
3 received in the state general fund. Notwithstanding any other law, the  
4 court shall not waive the assessment imposed pursuant to this section.

5 R. A person who is required to register pursuant to this section  
6 shall verify the person's address if requested by the department of public  
7 safety pursuant to section 13-3827, subsection G.

8 S. For the purposes of this section:

9 1. "Address" means the location at which the person receives mail.

10 2. "Required online identifier" means any electronic ~~e-mail~~ EMAIL  
11 address information or instant message, chat, social networking or other  
12 similar internet communication name, but does not include a social  
13 security number, date of birth or pin number.

14 3. "Residence" means the person's dwelling place, whether permanent  
15 or temporary.

16 Sec. 9. Section 13-3827, Arizona Revised Statutes, is amended to  
17 read:

18 13-3827. Internet sex offender website; investigation of  
19 records; immunity; exception; definition

20 A. The department of public safety shall establish and maintain an  
21 internet sex offender website for the purpose of providing sex offender  
22 information to the public. The internet sex offender website shall  
23 include the following offenders:

24 1. Any offender whose risk assessment has been determined to be a  
25 level two or level three.

26 2. Unless included under paragraph 1 of this subsection, any  
27 offender who was convicted of or adjudicated guilty except insane for any  
28 of the following completed offenses or the same or a substantially similar  
29 offense in another state or jurisdiction:

30 (a) Sexual assault pursuant to section 13-1406.

31 (b) Sexual exploitation of a minor pursuant to section 13-3553 if  
32 the offender is at least twenty-one years of age and is sentenced pursuant  
33 to section 13-705.

34 (c) Commercial sexual exploitation of a minor pursuant to section  
35 13-3552.

36 (d) Sexual abuse pursuant to section 13-1404 if the victim is under  
37 twelve years of age.

38 (e) Molestation of a child pursuant to section 13-1410 if the  
39 victim is under twelve years of age.

40 (f) Sexual conduct with a minor pursuant to section 13-1405 if the  
41 victim is under twelve years of age.

42 (g) Child prostitution pursuant to section 13-3212, subsection A or  
43 subsection B, paragraph 1 or 2 committed before August 9, 2017.

1 (h) Child sex trafficking pursuant to section 13-3212, subsection  
2 A, paragraph 1, 2, 3, 4, 5, 6, 7 or 8 or subsection B, paragraph 1 or 2  
3 committed on or after August 9, 2017.

4 (i) Taking a child for the purpose of ~~prostitution~~ CHILD SEX  
5 TRAFFICKING pursuant to section 13-3206 if the victim is under twelve  
6 years of age.

7 (j) Luring a minor for sexual exploitation pursuant to section  
8 13-3554 if the victim is under twelve years of age.

9 (k) Aggravated luring a minor for sexual exploitation pursuant to  
10 section 13-3560 if the victim is under twelve years of age.

11 (l) Continuous sexual abuse of a child pursuant to section 13-1417  
12 if the victim is under twelve years of age.

13 B. The internet sex offender website shall include the following  
14 information for each convicted or adjudicated guilty except insane sex  
15 offender in this state who is required to register pursuant to section  
16 13-3821:

17 1. The offender's name, address and age.

18 2. A current photograph.

19 3. The offense committed and notification level pursuant to section  
20 13-3825, subsection C, if a risk assessment has been completed pursuant to  
21 section 13-3825.

22 C. The department of public safety shall annually update on the  
23 website the name, address and photograph of each sex offender.

24 D. The department of public safety shall maintain a separate  
25 database and search function on the website that contains any required  
26 online identifier of sex offenders whose risk assessments have been  
27 determined to be a level two or level three and the name of any website or  
28 internet communication service where the required online identifier is  
29 being used. This information shall not be publicly connected to the name,  
30 address and photograph of a registered sex offender on the website.

31 E. The department of public safety may disseminate a registered sex  
32 offender's required online identifier and the name of any corresponding  
33 website or internet communication service to a business or organization  
34 that offers electronic communication services for comparison with  
35 information that is held by the requesting business or organization. The  
36 requesting business or organization shall notify the department of public  
37 safety when a comparison of the information indicates that a registered  
38 sex offender's required online identifier is being used on the business's  
39 or organization's system. The requesting business or organization shall  
40 not further disseminate that the person is a registered sex offender.

41 F. The motor vehicle division of the department of transportation  
42 shall send copies of each sex offender's nonoperating identification  
43 license or driver license photograph to the department of public safety  
44 for inclusion on the sex offender website.

1 G. The department of public safety shall annually verify the  
2 addresses of all sex offender registration records contained within the  
3 Arizona criminal justice information system. Before including the address  
4 of a sex offender on the website, the department of public safety shall  
5 confirm that the address is correct. To confirm a sex offender's address,  
6 the department shall conduct a search of the Arizona criminal justice  
7 information system. If this search does not provide the necessary  
8 confirmation, the department shall use alternative public and private  
9 sector resources that are currently used for criminal investigation  
10 purposes to confirm the address. The department of public safety is  
11 prohibited from using or releasing the information from the alternative  
12 public and private sector resources except pursuant to this section. A  
13 custodian or public or private sector resource that releases information  
14 pursuant to this subsection is not civilly or criminally liable in any  
15 action alleging a violation of confidentiality.

16 H. The department of public safety may petition the superior court  
17 for enforcement of subsection G of this section if a public or private  
18 sector resource refuses to comply. The court shall grant enforcement if  
19 the department has reasonable grounds to believe the records sought to be  
20 inspected are relevant to confirming the identity and address of a sex  
21 offender.

22 I. Except for a person who is required to register pursuant to  
23 section 13-3821, a person who provides or fails to provide information  
24 required by this section is not civilly or criminally liable unless the  
25 act or omission is wanton or wilful.

26 J. This section does not apply to an offender during any time that  
27 the offender is incarcerated in the state department of corrections.

28 K. For the purpose of this section, "required online identifier"  
29 means any ~~e-mail~~ EMAIL address information or instant message, chat,  
30 social networking or other similar internet communication name, but does  
31 not include a social security number, date of birth or pin number.

32 Sec. 10. Title 13, chapter 38, article 30, Arizona Revised  
33 Statutes, is amended by adding section 13-4254, to read:

34 13-4254. Pro se defendant; prohibited questioning of minor  
35 victim

36 NOTWITHSTANDING SECTION 13-4253 AND ON MOTION OF THE PROSECUTION,  
37 THE COURT MAY ORDER THAT A PRO SE DEFENDANT IN A PROSECUTION FOR A  
38 VIOLATION OF SECTION 13-1404 OR 13-3212 IS PROHIBITED FROM DIRECTLY  
39 QUESTIONING THE MINOR VICTIM IF THE COURT DETERMINES THAT DIRECT  
40 QUESTIONING BY THE PRO SE DEFENDANT WOULD PREVENT THE MINOR VICTIM FROM  
41 BEING ABLE TO REASONABLY COMMUNICATE.

42 Sec. 11. Section 15-203, Arizona Revised Statutes, is amended to  
43 read:

44 15-203. Powers and duties

45 A. The state board of education shall:

- 1           1. Exercise general supervision over and regulate the conduct of  
2 the public school system and adopt any rules and policies it deems  
3 necessary to accomplish this purpose.
- 4           2. Keep a record of its proceedings.
- 5           3. Make rules for its own government.
- 6           4. Determine the policy and work undertaken by it.
- 7           5. Subject to title 41, chapter 4, article 4, employ staff.
- 8           6. Prescribe and supervise the duties of its employees pursuant to  
9 title 41, chapter 4, article 4, if not otherwise prescribed by statute.
- 10          7. Delegate to the superintendent of public instruction the  
11 execution of board policies and rules.
- 12          8. Recommend to the legislature changes or additions to the  
13 statutes pertaining to schools.
- 14          9. Prepare, publish and distribute reports concerning the  
15 educational welfare of this state.
- 16          10. Prepare a budget for expenditures necessary for proper  
17 maintenance of the board and accomplishment of its purposes and present  
18 the budget to the legislature.
- 19          11. Aid in the enforcement of laws relating to schools.
- 20          12. Prescribe a minimum course of study in the common schools,  
21 minimum competency requirements for the promotion of pupils from the third  
22 grade and minimum course of study and competency requirements for the  
23 promotion of pupils from the eighth grade. The state board of education  
24 shall prepare a fiscal impact statement of any proposed changes to the  
25 minimum course of study or competency requirements and, on completion,  
26 shall send a copy to the director of the joint legislative budget  
27 committee and the executive director of the school facilities board. The  
28 state board of education shall not adopt any changes in the minimum course  
29 of study or competency requirements in effect on July 1, 1998 that will  
30 have a fiscal impact on school capital costs.
- 31          13. Prescribe minimum course of study and competency requirements  
32 for the graduation of pupils from high school. The state board of  
33 education shall prepare a fiscal impact statement of any proposed changes  
34 to the minimum course of study or competency requirements and, on  
35 completion, shall send a copy to the director of the joint legislative  
36 budget committee and the executive director of the school facilities  
37 board. The state board of education shall not adopt any changes in the  
38 minimum course of study or competency requirements in effect on July 1,  
39 1998 that will have a fiscal impact on school capital costs.
- 40          14. Pursuant to section 15-501.01, supervise and control the  
41 certification of persons engaged in instructional work directly as any  
42 classroom, laboratory or other teacher or indirectly as a supervisory  
43 teacher, speech therapist, principal or superintendent in a school  
44 district, including school district preschool programs, or any other

1 educational institution below the community college, college or university  
2 level, and prescribe rules for certification.

3 15. Adopt a list of approved tests for determining special  
4 education assistance to gifted pupils as defined in and as provided in  
5 chapter 7, article 4.1 of this title. The adopted tests shall provide  
6 separate scores for quantitative reasoning, verbal reasoning and nonverbal  
7 reasoning and shall be capable of providing reliable and valid scores at  
8 the highest ranges of the score distribution.

9 16. Adopt rules governing the methods for the administration of all  
10 proficiency examinations.

11 17. Adopt proficiency examinations for its use and determine the  
12 passing score for the proficiency examinations.

13 18. Include within its budget the cost of contracting for the  
14 purchase, distribution and scoring of the examinations as provided in  
15 paragraphs 16 and 17 of this subsection.

16 19. Supervise and control the qualifications of professional  
17 nonteaching school personnel and prescribe standards relating to  
18 qualifications. The standards shall not require the business manager of a  
19 school district to obtain certification from the state board of education.

20 20. Impose such disciplinary action, including the issuance of a  
21 letter of censure, suspension, suspension with conditions or revocation of  
22 a certificate, on a finding of immoral or unprofessional conduct.

23 21. Establish an assessment, data gathering and reporting system  
24 for pupil performance as prescribed in chapter 7, article 3 of this title,  
25 including qualifying examinations for the college credit by examination  
26 incentive program pursuant to section 15-249.06.

27 22. Adopt a rule to promote braille literacy pursuant to section  
28 15-214.

29 23. Adopt rules prescribing procedures for the investigation by the  
30 department of education of every written complaint alleging that a  
31 certificated person has engaged in immoral conduct.

32 24. For purposes of federal law, serve as the state board for  
33 vocational and technological education and meet at least four times each  
34 year solely to execute the powers and duties of the state board for  
35 vocational and technological education.

36 25. Develop and maintain a handbook for use in the schools of this  
37 state that provides guidance for the teaching of moral, civic and ethical  
38 education. The handbook shall promote existing curriculum frameworks and  
39 shall encourage school districts to recognize moral, civic and ethical  
40 values within instructional and programmatic educational development  
41 programs for the general purpose of instilling character and ethical  
42 principles in pupils in kindergarten programs and grades one through  
43 twelve.

1           26. Require pupils to recite the following passage from the  
2 declaration of independence for pupils in grades four through six at the  
3 commencement of the first class of the day in the schools, except that a  
4 pupil shall not be required to participate if the pupil or the pupil's  
5 parent or guardian objects:

6           We hold these truths to be self-evident, that all men  
7 are created equal, that they are endowed by their creator with  
8 certain unalienable rights, that among these are life, liberty  
9 and the pursuit of happiness. That to secure these rights,  
10 governments are instituted among men, deriving their just  
11 powers from the consent of the governed. . . .

12           27. Adopt rules that provide for certification reciprocity pursuant  
13 to section 15-501.01.

14           28. Adopt rules that provide for the presentation of an honorary  
15 high school diploma to a person who has never obtained a high school  
16 diploma and who meets both of the following requirements:

17           (a) Currently resides in this state.

18           (b) Provides documented evidence from the department of veterans'  
19 services that the person enlisted in the armed forces of the United States  
20 and served in World War I, World War II, the Korean conflict or the  
21 Vietnam conflict.

22           29. Cooperate with the Arizona-Mexico commission in the governor's  
23 office and with researchers at universities in this state to collect data  
24 and conduct projects in the United States and Mexico on issues that are  
25 within the scope of the duties of the department of education and that  
26 relate to quality of life, trade and economic development in this state in  
27 a manner that will help the Arizona-Mexico commission to assess and  
28 enhance the economic competitiveness of this state and of the  
29 Arizona-Mexico region.

30           30. Adopt rules to define and provide guidance to schools as to the  
31 activities that would constitute immoral or unprofessional conduct of  
32 certificated persons.

33           31. Adopt guidelines to encourage pupils in grades nine, ten,  
34 eleven and twelve to volunteer for twenty hours of community service  
35 before graduation from high school. A school district that complies with  
36 the guidelines adopted pursuant to this paragraph is not liable for  
37 damages resulting from a pupil's participation in community service unless  
38 the school district is found to have demonstrated wanton or reckless  
39 disregard for the safety of the pupil and other participants in community  
40 service. For the purposes of this paragraph, "community service" may  
41 include service learning. The guidelines shall include the following:

42           (a) A list of the general categories in which community service may  
43 be performed.

44           (b) A description of the methods by which community service will be  
45 monitored.



1 (c) A consideration of risk assessment for community service  
2 projects.

3 (d) Orientation and notification procedures of community service  
4 opportunities for pupils entering grade nine, including the development of  
5 a notification form. The notification form shall be signed by the pupil  
6 and the pupil's parent or guardian, except that a pupil shall not be  
7 required to participate in community service if the parent or guardian  
8 notifies the principal of the pupil's school in writing that the parent or  
9 guardian does not wish the pupil to participate in community service.

10 (e) Procedures for a pupil in grade nine to prepare a written  
11 proposal that outlines the type of community service that the pupil would  
12 like to perform and the goals that the pupil hopes to achieve as a result  
13 of community service. The pupil's written proposal shall be reviewed by a  
14 faculty advisor, a guidance counselor or any other school employee who is  
15 designated as the community service program coordinator for that school.  
16 The pupil may alter the written proposal at any time before performing  
17 community service.

18 (f) Procedures for a faculty advisor, a guidance counselor or any  
19 other school employee who is designated as the community service program  
20 coordinator to evaluate and certify the completion of community service  
21 performed by pupils.

22 32. To facilitate the transfer of military personnel and their  
23 dependents to and from the public schools of this state, pursue, in  
24 cooperation with the Arizona board of regents, reciprocity agreements with  
25 other states concerning the transfer credits for military personnel and  
26 their dependents. A reciprocity agreement entered into pursuant to this  
27 paragraph shall:

28 (a) Address procedures for each of the following:

29 (i) The transfer of student records.

30 (ii) Awarding credit for completed coursework.

31 (iii) Permitting a student to satisfy the graduation requirements  
32 prescribed in section 15-701.01 through the successful performance on  
33 comparable exit-level assessment instruments administered in another  
34 state.

35 (b) Include appropriate criteria developed by the state board of  
36 education and the Arizona board of regents.

37 33. Adopt guidelines that school district governing boards shall  
38 use in identifying pupils who are eligible for gifted programs and in  
39 providing gifted education programs and services. The state board of  
40 education shall adopt any other guidelines and rules that it deems  
41 necessary in order to carry out the purposes of chapter 7, article 4.1 of  
42 this title.

43 34. For each of the alternative textbook formats of human-voiced  
44 audio, large-print and braille, designate alternative media producers to  
45 adapt existing standard print textbooks or to provide specialized

1 textbooks, or both, for pupils with disabilities in this state. Each  
2 alternative media producer shall be capable of producing alternative  
3 textbooks in all relevant subjects in at least one of the alternative  
4 textbook formats. The board shall post the designated list of alternative  
5 media producers on its website.

6 35. Adopt a list of approved professional development training  
7 providers for use by school districts as provided in section 15-107,  
8 subsection J. The professional development training providers shall meet  
9 the training curriculum requirements determined by the state board of  
10 education in at least the areas of school finance, governance, employment,  
11 staffing, inventory and human resources, internal controls and  
12 procurement.

13 36. Adopt rules to prohibit a person who violates the notification  
14 requirements prescribed in section 15-183, subsection C, paragraph 8 or  
15 section 15-550, subsection C from certification pursuant to this title  
16 until the person is no longer charged or is acquitted of any offenses  
17 listed in section 41-1758.03, subsection B. The state board shall also  
18 adopt rules to prohibit a person who violates the notification  
19 requirements, certification surrender requirements or fingerprint  
20 clearance card surrender requirements prescribed in section 15-183,  
21 subsection C, paragraph 9 or section 15-550, subsection D from  
22 certification pursuant to this title for at least ten years after the date  
23 of the violation.

24 37. Adopt rules for the alternative certification of teachers of  
25 nontraditional foreign languages that allow for the passing of a  
26 nationally accredited test to substitute for the education coursework  
27 required for certification.

28 38. Adopt rules to define competency-based educational pathways for  
29 college and career readiness that may be used by schools. The rules shall  
30 include the following components:

31 (a) The establishment of learning outcomes that will be expected  
32 for students in a particular subject.

33 (b) A process and criteria by which assessments may be identified  
34 or established to determine whether students have reached the desired  
35 competencies in a particular subject.

36 (c) A mechanism to allow pupils in grades seven through twelve who  
37 have demonstrated competency in a subject to immediately obtain credit for  
38 the mastery of that subject. The rules shall include a list of applicable  
39 subjects, including the level of competency required for each subject.

40 39. In consultation with the department of health services, the  
41 department of education, medical professionals, school health  
42 professionals, school administrators and an organization that represents  
43 school nurses in this state, adopt rules that prescribe the following for  
44 school districts and charter schools:

1 (a) Annual training in the administration of auto-injectable  
2 epinephrine for designated medical and nonmedical school personnel. The  
3 annual training prescribed in this subdivision is optional during any  
4 fiscal year in which a school does not stock epinephrine auto-injectors at  
5 the school during that fiscal year.

6 (b) Annual training for all school site personnel on the  
7 recognition of anaphylactic shock symptoms and the procedures to follow  
8 when anaphylactic shock occurs, following the national guidelines of the  
9 American academy of pediatrics. The annual training prescribed in this  
10 subdivision is optional during any fiscal year in which a school does not  
11 stock epinephrine auto-injectors at the school during that fiscal year.

12 (c) Procedures for the administration of epinephrine auto-injectors  
13 in emergency situations.

14 (d) Procedures for annually requesting a standing order for  
15 epinephrine auto-injectors pursuant to section 15-157 from the chief  
16 medical officer of the department of health services, the chief medical  
17 officer of a county health department, a doctor of medicine licensed  
18 pursuant to title 32, chapter 13 or a doctor of osteopathic medicine  
19 licensed pursuant to title 32, chapter 17.

20 (e) Procedures for reporting the use of epinephrine auto-injectors  
21 to the department of health services.

22 40. In consultation with the department of education, medical  
23 professionals, school health professionals, school administrators and an  
24 organization that represents school nurses in this state, adopt rules that  
25 prescribe the following for school districts and charter schools that  
26 elect to administer inhalers:

27 (a) Annual training in the recognition of respiratory distress  
28 symptoms and the procedures to follow when respiratory distress occurs, in  
29 accordance with good clinical practice, and the administration of  
30 inhalers, as directed on the prescription protocol, by designated medical  
31 and nonmedical school personnel.

32 (b) Requirements for school districts and charter schools that  
33 elect to administer inhalers to designate at least two employees at each  
34 school to be trained in the recognition of respiratory distress symptoms  
35 and the procedures to follow when respiratory distress occurs, in  
36 accordance with good clinical practice, and at least two employees at each  
37 school to be trained in the administration of inhalers, as directed on the  
38 prescription protocol.

39 (c) Procedures for the administration of inhalers in emergency  
40 situations, as directed on the prescription protocol.

41 (d) Procedures for annually requesting a standing order for  
42 inhalers and spacers or holding chambers pursuant to section 15-158 from  
43 the chief medical officer of a county health department, a physician  
44 licensed pursuant to title 32, chapter 13 or 17 or a nurse practitioner  
45 licensed pursuant to title 32, chapter 15.

1 (e) Procedures for notifying a parent once an inhaler has been  
2 administered.

3 41. Adopt rules for certification that allow substitute teachers  
4 who can demonstrate primary teaching responsibility in a classroom as  
5 defined by the state board of education to use the time spent in that  
6 classroom toward the required capstone experience for standard teaching  
7 certification.

8 42. ESTABLISH BEST PRACTICES FOR SOCIAL MEDIA AND CELLULAR  
9 TELEPHONE USE BETWEEN STUDENTS AND SCHOOL PERSONNEL, INCLUDING TEACHERS,  
10 COACHES AND COUNSELORS, AND ENCOURAGE SCHOOL DISTRICT GOVERNING BOARDS AND  
11 CHARTER SCHOOL GOVERNING BODIES TO ADOPT POLICIES THAT IMPLEMENT THESE  
12 BEST PRACTICES. THE STATE BOARD OF EDUCATION SHALL MAKE THESE BEST  
13 PRACTICES AVAILABLE TO BOTH PUBLIC AND PRIVATE SCHOOLS.

14 B. The state board of education may:

15 1. Contract.

16 2. Sue and be sued.

17 3. Distribute and score the tests prescribed in chapter 7, article  
18 3 of this title.

19 4. Provide for an advisory committee to conduct hearings and  
20 screenings to determine whether grounds exist to impose disciplinary  
21 action against a certificated person, whether grounds exist to reinstate a  
22 revoked or surrendered certificate and whether grounds exist to approve or  
23 deny an initial application for certification or a request for renewal of  
24 a certificate. The board may delegate its responsibility to conduct  
25 hearings and screenings to its advisory committee. Hearings shall be  
26 conducted pursuant to title 41, chapter 6, article 6.

27 5. Proceed with the disposal of any complaint requesting  
28 disciplinary action or with any disciplinary action against a person  
29 holding a certificate as prescribed in subsection A, paragraph 14 of this  
30 section after the suspension or expiration of the certificate or surrender  
31 of the certificate by the holder.

32 6. Assess costs and reasonable attorney fees against a person who  
33 files a frivolous complaint or who files a complaint in bad faith. Costs  
34 assessed pursuant to this paragraph shall not exceed the expenses incurred  
35 by the department of education in the investigation of the complaint.

36 Sec. 12. Title 15, chapter 2, article 2, Arizona Revised Statutes,  
37 is amended by adding section 15-245, to read:

38 15-245. Mandatory reporting training; materials

39 A. THE DEPARTMENT OF EDUCATION SHALL DEVELOP A STATEWIDE TRAINING  
40 CURRICULUM ON THE MANDATORY REPORTING LAWS OF THIS STATE, INCLUDING  
41 SECTION 13-3620, FOR PUBLIC SCHOOL PERSONNEL. EACH PUBLIC SCHOOL SHALL  
42 REQUIRE ITS PERSONNEL TO COMPLETE THE TRAINING DEVELOPED PURSUANT TO THIS  
43 SECTION.

1 B. THE DEPARTMENT OF EDUCATION SHALL PROVIDE RESOURCES AND  
2 MATERIALS THAT SCHOOLS MAY USE FOR THE PURPOSES OF PROVIDING INFORMATION  
3 ON THE MANDATORY REPORTING LAWS OF THIS STATE, INCLUDING SECTION 13-3620,  
4 TO PARENTS AND STUDENTS.

5 C. THE DEPARTMENT SHALL MAKE THE TRAINING CURRICULUM AND MATERIALS  
6 DEVELOPED PURSUANT TO THIS SECTION AVAILABLE TO PUBLIC AND PRIVATE  
7 SCHOOLS. THIS SECTION DOES NOT REQUIRE PRIVATE SCHOOLS TO OFFER THE  
8 TRAINING DEVELOPED PURSUANT TO THIS SECTION.

9 Sec. 13. Section 41-1758.03, Arizona Revised Statutes, is amended  
10 to read:

11 41-1758.03. Fingerprint clearance cards; issuance; immunity

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

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

- 25 1. Sexual abuse of a vulnerable adult.
- 26 2. Incest.
- 27 3. First or second degree murder.
- 28 4. Sexual assault.
- 29 5. Sexual exploitation of a minor.
- 30 6. Sexual exploitation of a vulnerable adult.
- 31 7. Commercial sexual exploitation of a minor.
- 32 8. Commercial sexual exploitation of a vulnerable adult.
- 33 9. Child sex trafficking as prescribed in section 13-3212.
- 34 10. Child abuse.
- 35 11. Abuse of a vulnerable adult.
- 36 12. Sexual conduct with a minor.
- 37 13. Molestation of a child.
- 38 14. Molestation of a vulnerable adult.
- 39 15. A dangerous crime against children as defined in section  
40 13-705.
- 41 16. Exploitation of minors involving drug offenses.
- 42 17. Taking a child for the purpose of ~~prostitution~~ CHILD SEX  
43 TRAFFICKING as prescribed in section 13-3206.
- 44 18. Neglect or abuse of a vulnerable adult.
- 45 19. Sex trafficking.

- 1           20. Sexual abuse.
- 2           21. Production, publication, sale, possession and presentation of
- 3 obscene items as prescribed in section 13-3502.
- 4           22. Furnishing harmful items to minors as prescribed in section
- 5 13-3506.
- 6           23. Furnishing harmful items to minors by internet activity as
- 7 prescribed in section 13-3506.01.
- 8           24. Obscene or indecent telephone communications to minors for
- 9 commercial purposes as prescribed in section 13-3512.
- 10          25. Luring a minor for sexual exploitation.
- 11          26. Enticement of persons for purposes of prostitution.
- 12          27. Procurement by false pretenses of person for purposes of
- 13 prostitution.
- 14          28. Procuring or placing persons in a house of prostitution.
- 15          29. Receiving earnings of a prostitute.
- 16          30. Causing one's spouse to become a prostitute.
- 17          31. Detention of persons in a house of prostitution for debt.
- 18          32. Keeping or residing in a house of prostitution or employment in
- 19 prostitution.
- 20          33. Pandering.
- 21          34. Transporting persons for the purpose of prostitution, polygamy
- 22 and concubinage.
- 23          35. Portraying adult as a minor as prescribed in section 13-3555.
- 24          36. Admitting minors to public displays of sexual conduct as
- 25 prescribed in section 13-3558.
- 26          37. Unlawful sale or purchase of children.
- 27          38. Child bigamy.
- 28          39. Trafficking of persons for forced labor or services.
- 29          C. A person who is awaiting trial on or who has been convicted of
- 30 committing or attempting, soliciting, facilitating or conspiring to commit
- 31 one or more of the following offenses in this state or the same or similar
- 32 offenses in another state or jurisdiction is precluded from receiving a
- 33 fingerprint clearance card, except that the person may petition the board
- 34 of fingerprinting for a good cause exception pursuant to section
- 35 41-619.55:
- 36           1. Manslaughter.
- 37           2. Endangerment.
- 38           3. Threatening or intimidating.
- 39           4. Assault.
- 40           5. Unlawfully administering intoxicating liquors, narcotic drugs or
- 41 dangerous drugs.
- 42           6. Assault by vicious animals.
- 43           7. Drive by shooting.
- 44           8. Assaults on officers or fire fighters.
- 45           9. Discharging a firearm at a structure.

- 1           10. Indecent exposure.
- 2           11. Public sexual indecency.
- 3           12. Aggravated criminal damage.
- 4           13. Theft.
- 5           14. Theft by extortion.
- 6           15. Shoplifting.
- 7           16. Forgery.
- 8           17. Criminal possession of a forgery device.
- 9           18. Obtaining a signature by deception.
- 10          19. Criminal impersonation.
- 11          20. Theft of a credit card or obtaining a credit card by fraudulent  
12 means.
- 13          21. Receipt of anything of value obtained by fraudulent use of a  
14 credit card.
- 15          22. Forgery of a credit card.
- 16          23. Fraudulent use of a credit card.
- 17          24. Possession of any machinery, plate or other contrivance or  
18 incomplete credit card.
- 19          25. False statement as to financial condition or identity to obtain  
20 a credit card.
- 21          26. Fraud by persons authorized to provide goods or services.
- 22          27. Credit card transaction record theft.
- 23          28. Misconduct involving weapons.
- 24          29. Misconduct involving explosives.
- 25          30. Depositing explosives.
- 26          31. Misconduct involving simulated explosive devices.
- 27          32. Concealed weapon violation.
- 28          33. Possession and sale of peyote.
- 29          34. Possession and sale of a vapor-releasing substance containing a  
30 toxic substance.
- 31          35. Sale of precursor chemicals.
- 32          36. Possession, use or sale of marijuana, dangerous drugs or  
33 narcotic drugs.
- 34          37. Manufacture or distribution of an imitation controlled  
35 substance.
- 36          38. Manufacture or distribution of an imitation prescription-only  
37 drug.
- 38          39. Manufacture or distribution of an imitation over-the-counter  
39 drug.
- 40          40. Possession or possession with intent to use an imitation  
41 controlled substance.
- 42          41. Possession or possession with intent to use an imitation  
43 prescription-only drug.
- 44          42. Possession or possession with intent to use an imitation  
45 over-the-counter drug.

- 1           43. Manufacture of certain substances and drugs by certain means.
- 2           44. Adding poison or other harmful substance to food, drink or
- 3 medicine.
- 4           45. A criminal offense involving criminal trespass under title 13,
- 5 chapter 15.
- 6           46. A criminal offense involving burglary under title 13,
- 7 chapter 15.
- 8           47. A criminal offense under title 13, chapter 23.
- 9           48. Child neglect.
- 10          49. Misdemeanor offenses involving contributing to the delinquency
- 11 of a minor.
- 12          50. Offenses involving domestic violence.
- 13          51. Arson.
- 14          52. Kidnapping.
- 15          53. Felony offenses involving sale, distribution or transportation
- 16 of, offer to sell, transport or distribute or conspiracy to sell,
- 17 transport or distribute marijuana, dangerous drugs or narcotic drugs.
- 18          54. Robbery.
- 19          55. Aggravated assault.
- 20          56. Felony offenses involving contributing to the delinquency of a
- 21 minor.
- 22          57. Negligent homicide.
- 23          58. Criminal damage.
- 24          59. Misappropriation of charter school monies as prescribed in
- 25 section 13-1818.
- 26          60. Taking identity of another person or entity.
- 27          61. Aggravated taking identity of another person or entity.
- 28          62. Trafficking in the identity of another person or entity.
- 29          63. Cruelty to animals.
- 30          64. Prostitution.
- 31          65. Sale or distribution of material harmful to minors through
- 32 vending machines as prescribed in section 13-3513.
- 33          66. Welfare fraud.
- 34          D. A person who is awaiting trial on or who has been convicted of
- 35 committing or attempting to commit a misdemeanor or felony violation of
- 36 section 28-1381, 28-1382 or 28-1383 in this state or the same or similar
- 37 offense in another state or jurisdiction within five years from the date
- 38 of applying for a fingerprint clearance card is precluded from driving any
- 39 vehicle to transport employees or clients of the employing agency as part
- 40 of the person's employment. The division shall place a notation on the
- 41 fingerprint clearance card that indicates this driving restriction. This
- 42 subsection does not preclude a person from driving a vehicle alone as part
- 43 of the person's employment. This subsection does not apply to a person
- 44 who is licensed pursuant to title 32, chapter 20, except if the person is
- 45 employed by an agency as defined in section 41-1758.



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

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

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

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

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

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

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

30 J. The division shall conduct periodic state criminal history  
31 records checks and may conduct federal criminal history records checks  
32 when authorized pursuant to federal law for the purpose of updating the  
33 clearance status of current fingerprint clearance card holders and may  
34 notify the board of fingerprinting and the agency employing the person of  
35 the results of the records check.

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

39 L. If a person's criminal history record contains an offense listed  
40 in subsection B or C of this section and the final disposition is not  
41 recorded on the record, the division shall conduct research to obtain the  
42 disposition within thirty business days after receipt of the record. If  
43 the division cannot determine, within thirty business days after receipt  
44 of the person's state and federal criminal history record information,  
45 whether the person is awaiting trial on or has been convicted of

1 committing or attempting, soliciting, facilitating or conspiring to commit  
2 any of the offenses listed in subsection B or C of this section in this  
3 state or the same or a similar offense in another state or jurisdiction,  
4 the division shall not issue a fingerprint clearance card to the person.  
5 If the division is unable to make the determination required by this  
6 section and does not issue a fingerprint clearance card to a person, the  
7 person may request a good cause exception pursuant to section 41-619.55.

8 M. Except as provided in subsection N of this section, if after  
9 conducting a state and federal criminal history records check the division  
10 determines that it is not authorized to issue a fingerprint clearance card  
11 to a person, the division shall notify the agency that licenses or employs  
12 the person that the division is not authorized to issue a fingerprint  
13 clearance card. This notice shall include the criminal history  
14 information on which the denial was based. This criminal history  
15 information is subject to dissemination restrictions pursuant to section  
16 41-1750 and Public Law 92-544.

17 N. If, after conducting a state and federal criminal history  
18 records check on a person who requests a fingerprint clearance card  
19 pursuant to section 15-1881, the division determines that it is not  
20 authorized to issue a fingerprint clearance card to the person, the  
21 division shall not notify the agency. The division shall notify the  
22 person who requested the card that the division is not authorized to issue  
23 a fingerprint clearance card. The notice shall include the criminal  
24 history information on which the denial was based. This criminal history  
25 information is subject to dissemination restrictions pursuant to section  
26 41-1750 and Public Law 92-544.

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

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

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

34 P. The issuance of a fingerprint clearance card does not entitle a  
35 person to employment.

36 Q. Notwithstanding any law to the contrary, a person may apply for  
37 and receive a level I fingerprint clearance card pursuant to section  
38 41-1758.07 to satisfy a requirement that the person have a valid  
39 fingerprint clearance card issued pursuant to this section.

40 Sec. 14. Section 41-1758.07, Arizona Revised Statutes, is amended  
41 to read:

42 41-1758.07. Level I fingerprint clearance cards; definitions

43 A. On receiving the state and federal criminal history record of a  
44 person who is required to be fingerprinted pursuant to this section, the  
45 fingerprinting division in the department of public safety shall compare

1 the record with the list of criminal offenses that preclude the person  
2 from receiving a level I fingerprint clearance card. If the person's  
3 criminal history record does not contain any of the offenses listed in  
4 subsections B and C of this section, the fingerprinting division shall  
5 issue the person a level I fingerprint clearance card.

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

- 12 1. Sexual abuse of a vulnerable adult.
- 13 2. Incest.
- 14 3. Homicide, including first or second degree murder, manslaughter  
15 and negligent homicide.
- 16 4. Sexual assault.
- 17 5. Sexual exploitation of a minor.
- 18 6. Sexual exploitation of a vulnerable adult.
- 19 7. Commercial sexual exploitation of a minor.
- 20 8. Commercial sexual exploitation of a vulnerable adult.
- 21 9. Child sex trafficking as prescribed in section 13-3212.
- 22 10. Child abuse.
- 23 11. Felony child neglect.
- 24 12. Abuse of a vulnerable adult.
- 25 13. Sexual conduct with a minor.
- 26 14. Molestation of a child.
- 27 15. Molestation of a vulnerable adult.
- 28 16. Dangerous crimes against children as defined in section 13-705.
- 29 17. Exploitation of minors involving drug offenses.
- 30 18. Taking a child for the purpose of ~~prostitution~~ CHILD SEX  
31 TRAFFICKING as prescribed in section 13-3206.
- 32 19. Neglect or abuse of a vulnerable adult.
- 33 20. Sex trafficking.
- 34 21. Sexual abuse.
- 35 22. Production, publication, sale, possession and presentation of  
36 obscene items as prescribed in section 13-3502.
- 37 23. Furnishing harmful items to minors as prescribed in section  
38 13-3506.
- 39 24. Furnishing harmful items to minors by internet activity as  
40 prescribed in section 13-3506.01.
- 41 25. Obscene or indecent telephone communications to minors for  
42 commercial purposes as prescribed in section 13-3512.
- 43 26. Luring a minor for sexual exploitation.
- 44 27. Enticement of persons for purposes of prostitution.

- 1           28. Procurement by false pretenses of person for purposes of
- 2 prostitution.
- 3           29. Procuring or placing persons in a house of prostitution.
- 4           30. Receiving earnings of a prostitute.
- 5           31. Causing one's spouse to become a prostitute.
- 6           32. Detention of persons in a house of prostitution for debt.
- 7           33. Keeping or residing in a house of prostitution or employment in
- 8 prostitution.
- 9           34. Pandering.
- 10          35. Transporting persons for the purpose of prostitution, polygamy
- 11 and concubinage.
- 12          36. Portraying adult as a minor as prescribed in section 13-3555.
- 13          37. Admitting minors to public displays of sexual conduct as
- 14 prescribed in section 13-3558.
- 15          38. Any felony offense involving contributing to the delinquency of
- 16 a minor.
- 17          39. Unlawful sale or purchase of children.
- 18          40. Child bigamy.
- 19          41. Any felony offense involving domestic violence as defined in
- 20 section 13-3601 except for a felony offense only involving criminal damage
- 21 in an amount of more than ~~two hundred fifty dollars~~ \$250 but less than ~~one~~
- 22 ~~thousand dollars~~ \$1,000 if the offense was committed before June 29, 2009.
- 23          42. Any felony offense in violation of title 13, chapter 12 if
- 24 committed within five years before the date of applying for a level I
- 25 fingerprint clearance card.
- 26          43. Felony drug or alcohol related offenses if committed within
- 27 five years before the date of applying for a level I fingerprint clearance
- 28 card.
- 29          44. Felony indecent exposure.
- 30          45. Felony public sexual indecency.
- 31          46. Terrorism.
- 32          47. Any offense involving a violent crime as defined in section
- 33 13-901.03.
- 34          48. Trafficking of persons for forced labor or services.
- 35          C. A person who is awaiting trial on or who has been convicted of
- 36 committing or attempting, soliciting, facilitating or conspiring to commit
- 37 one or more of the following offenses in this state or the same or similar
- 38 offenses in another state or jurisdiction is precluded from receiving a
- 39 level I fingerprint clearance card, except that the person may petition
- 40 the board of fingerprinting for a good cause exception pursuant to section
- 41 41-619.55:
- 42           1. Any misdemeanor offense in violation of title 13, chapter 12.
- 43           2. Misdemeanor indecent exposure.
- 44           3. Misdemeanor public sexual indecency.
- 45           4. Aggravated criminal damage.

- 1           5. Theft.
- 2           6. Theft by extortion.
- 3           7. Shoplifting.
- 4           8. Forgery.
- 5           9. Criminal possession of a forgery device.
- 6           10. Obtaining a signature by deception.
- 7           11. Criminal impersonation.
- 8           12. Theft of a credit card or obtaining a credit card by fraudulent
- 9 means.
- 10          13. Receipt of anything of value obtained by fraudulent use of a
- 11 credit card.
- 12          14. Forgery of a credit card.
- 13          15. Fraudulent use of a credit card.
- 14          16. Possession of any machinery, plate or other contrivance or
- 15 incomplete credit card.
- 16          17. False statement as to financial condition or identity to obtain
- 17 a credit card.
- 18          18. Fraud by persons authorized to provide goods or services.
- 19          19. Credit card transaction record theft.
- 20          20. Misconduct involving weapons.
- 21          21. Misconduct involving explosives.
- 22          22. Depositing explosives.
- 23          23. Misconduct involving simulated explosive devices.
- 24          24. Concealed weapon violation.
- 25          25. Misdemeanor possession and misdemeanor sale of peyote.
- 26          26. Felony possession and felony sale of peyote if committed more
- 27 than five years before the date of applying for a level I fingerprint
- 28 clearance card.
- 29          27. Misdemeanor possession and misdemeanor sale of a
- 30 vapor-releasing substance containing a toxic substance.
- 31          28. Felony possession and felony sale of a vapor-releasing
- 32 substance containing a toxic substance if committed more than five years
- 33 before the date of applying for a level I fingerprint clearance card.
- 34          29. Misdemeanor sale of precursor chemicals.
- 35          30. Felony sale of precursor chemicals if committed more than five
- 36 years before the date of applying for a level I fingerprint clearance
- 37 card.
- 38          31. Misdemeanor possession, misdemeanor use or misdemeanor sale of
- 39 marijuana, dangerous drugs or narcotic drugs.
- 40          32. Felony possession, felony use or felony sale of marijuana,
- 41 dangerous drugs or narcotic drugs if committed more than five years before
- 42 the date of applying for a level I fingerprint clearance card.
- 43          33. Misdemeanor manufacture or misdemeanor distribution of an
- 44 imitation controlled substance.

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

- 1           53. Misdemeanor offenses involving domestic violence as defined in  
2 section 13-3601.
- 3           54. Felony offenses involving domestic violence if the offense only  
4 involved criminal damage in an amount of more than ~~two hundred fifty~~  
5 ~~dollars~~ \$250 but less than ~~one thousand dollars~~ \$1,000 and the offense was  
6 committed before June 29, 2009.
- 7           55. Arson.
- 8           56. Felony offenses involving sale, distribution or transportation  
9 of, offer to sell, transport or distribute or conspiracy to sell,  
10 transport or distribute marijuana, dangerous drugs or narcotic drugs if  
11 committed more than five years before the date of applying for a level I  
12 fingerprint clearance card.
- 13           57. Criminal damage.
- 14           58. Misappropriation of charter school monies as prescribed in  
15 section 13-1818.
- 16           59. Taking identity of another person or entity.
- 17           60. Aggravated taking identity of another person or entity.
- 18           61. Trafficking in the identity of another person or entity.
- 19           62. Cruelty to animals.
- 20           63. Prostitution, as prescribed in section 13-3214.
- 21           64. Sale or distribution of material harmful to minors through  
22 vending machines as prescribed in section 13-3513.
- 23           65. Welfare fraud.
- 24           66. Any felony offense in violation of title 13, chapter 12 if  
25 committed more than five years before the date of applying for a level I  
26 fingerprint clearance card.
- 27           67. Kidnapping.
- 28           68. Robbery, aggravated robbery or armed robbery.
- 29           D. A person who is awaiting trial on or who has been convicted of  
30 committing or attempting to commit a misdemeanor violation of section  
31 28-1381, 28-1382 or 28-1383 in this state or the same or a similar offense  
32 in another state or jurisdiction within five years from the date of  
33 applying for a level I fingerprint clearance card is precluded from  
34 driving any vehicle to transport employees or clients of the employing  
35 agency as part of the person's employment. The division shall place a  
36 notation on the level I fingerprint clearance card that indicates this  
37 driving restriction. This subsection does not preclude a person from  
38 driving a vehicle alone as part of the person's employment.
- 39           E. Notwithstanding subsection C of this section, on receiving  
40 written notice from the board of fingerprinting that a good cause  
41 exception was granted pursuant to section 41-619.55, the fingerprinting  
42 division shall issue a level I fingerprint clearance card to the  
43 applicant.

1 F. If the fingerprinting division denies a person's application for  
2 a level I fingerprint clearance card pursuant to subsection C of this  
3 section and a good cause exception is requested pursuant to section  
4 41-619.55, the fingerprinting division shall release, on request by the  
5 board of fingerprinting, the person's criminal history record to the board  
6 of fingerprinting.

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

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

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

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

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

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

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

36 L. If a person's criminal history record contains an offense listed  
37 in subsection B or C of this section and the final disposition is not  
38 recorded on the record, the division shall conduct research to obtain the  
39 disposition within thirty business days after receipt of the record. If  
40 the division cannot determine, within thirty business days after receipt  
41 of the person's state and federal criminal history record information,  
42 whether the person is awaiting trial on or has been convicted of  
43 committing or attempting, soliciting, facilitating or conspiring to commit  
44 any of the offenses listed in subsection B or C of this section in this  
45 state or the same or a similar offense in another state or jurisdiction,



1 the division shall not issue a level I fingerprint clearance card to the  
2 person. If the division is unable to make the determination required by  
3 this section and does not issue a level I fingerprint clearance card to a  
4 person, the person may request a good cause exception pursuant to section  
5 41-619.55.

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

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

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

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

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

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

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

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

1           S. For the purposes of this section:

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

3           (a) Section 3-314, 8-105, 8-463, 8-509, 8-802, 17-215, 36-207,  
4 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, 41-619.52,  
5 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 or 46-141.

6           (b) Subsection 0 of this section.

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