

REFERENCE TITLE: crimes against children; dependencies; omnibus

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

## **SB 1660**

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

### 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 CRIMES AGAINST CHILDREN.

(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.

1           7. The caregiver's ability and willingness to accept placement of  
2 the child and all or any of the child's siblings.

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

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

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

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

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

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

17           H. WITHIN THIRTY DAYS AFTER A DEPENDENT CHILD WHO IS AT LEAST EIGHT  
18 YEARS OF AGE IS PLACED IN OUT-OF-HOME CARE, THE DEPARTMENT SHALL ENSURE  
19 THAT THE CHILD RECEIVES AGE-APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE  
20 MATERIALS AND RESOURCES ABOUT SEXUAL ABUSE, CHILD SEX TRAFFICKING AND  
21 EXPLOITATION. THE MATERIALS AND RESOURCES MUST INCLUDE A DEFINITION OF  
22 SEXUAL ABUSE, INFORMATION ABOUT THE DANGERS OF ONLINE AND IN-PERSON  
23 PREDATORS AND METHODS FOR REPORTING ABUSE. THE MATERIALS AND RESOURCES  
24 MAY INCLUDE A TWENTY-FOUR-HOUR HOTLINE TELEPHONE NUMBER.

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

27           12-283. Powers and duties

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

- 30           1. Attend each session of the court held in the county.
- 31           2. Keep a list of fees charged in actions.
- 32           3. Keep records required by law or rule of court.

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

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

- 40           1. A court order obligating a person to pay child support or  
41 spousal maintenance.
- 42           2. An order for assignment under section 25-323 or 25-504.

1 C. A clerk who provides the information in subsection B of this  
2 section to a consumer reporting agency shall also provide the information  
3 to the child support enforcement administration in the department of  
4 economic security.

5 D. The clerk, in accordance with procedures established by the  
6 board of supervisors, may appoint deputies, clerks and assistants  
7 necessary to conduct the affairs of the office of the clerk. The  
8 appointments shall be in writing. The clerk shall be the appointing  
9 authority and shall administer and supervise all employees of the clerk's  
10 office.

11 E. The clerk shall submit an annual budget request, which shall be  
12 coordinated with the presiding judge, to the county board of  
13 supervisors. The clerk shall be responsible for the funds appropriated by  
14 the board to the clerk.

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

18 G. The clerk is responsible for the operations of the clerk's  
19 office.

20 H. The clerk may provide programs to assist in the enforcement of  
21 child support, spousal maintenance and parenting time and in the  
22 establishment and modification of child support.

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

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

29 13-107. Time limitations

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

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

- 43 1. For a class 2 through a class 6 felony, seven years.
- 44 2. For a misdemeanor, one year.
- 45 3. For a petty offense, six months.

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

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

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

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

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

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

21 13-705. Dangerous crimes against children; sentences;  
22 definitions

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

32 B. Except as otherwise provided in this section, a person who is at  
33 least eighteen years of age or who has been tried as an adult and who is  
34 convicted of a dangerous crime against children in the first degree  
35 involving attempted first degree murder of a minor who is under twelve  
36 years of age, second degree murder of a minor who is under twelve years of  
37 age, sexual assault of a minor who is under twelve years of age, sexual  
38 conduct with a minor who is under twelve years of age or manufacturing  
39 methamphetamine under circumstances that cause physical injury to a minor  
40 who is under twelve years of age may be sentenced to life imprisonment and  
41 is not eligible for suspension of sentence, probation, pardon or release  
42 from confinement on any basis except as specifically authorized by section  
43 31-233, subsection A or B until the person has served thirty-five years or  
44 the sentence is commuted. If a life sentence is not imposed pursuant to

1 this subsection, the person shall be sentenced to a term of imprisonment  
2 as follows:

3	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
4	13 years	20 years	27 years

5 C. Except as otherwise provided in this section, a person who is at  
6 least eighteen years of age or who has been tried as an adult and who is  
7 convicted of a dangerous crime against children in the first degree  
8 involving attempted first degree murder of a minor who is twelve, thirteen  
9 or fourteen years of age, second degree murder of a minor who is twelve,  
10 thirteen or fourteen years of age, sexual assault of a minor who is  
11 twelve, thirteen or fourteen years of age, taking a child for the purpose  
12 of ~~prostitution~~ CHILD SEX TRAFFICKING PURSUANT TO SECTION 13-3206, child  
13 sex trafficking PURSUANT TO SECTION 13-3212, sexual conduct with a minor  
14 who is twelve, thirteen or fourteen years of age, continuous sexual abuse  
15 of a child or manufacturing methamphetamine under circumstances that cause  
16 physical injury to a minor who is twelve, thirteen or fourteen years of  
17 age or involving or using minors in drug offenses shall be sentenced to a  
18 term of imprisonment as follows:

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

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

23	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
24	23 years	30 years	37 years

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

32	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
33	10 years	17 years	24 years

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

36	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
37	21 years	28 years	35 years

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

1 eligible for release pursuant to section 41-1604.07 or the sentence is  
 2 commuted:

3	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
4	5 years	10 years	15 years

5 A person who has been previously convicted of one predicate felony shall  
 6 be sentenced to a term of imprisonment as follows and the person is not  
 7 eligible for suspension of sentence, probation, pardon or release from  
 8 confinement on any basis except as specifically authorized by section  
 9 31-233, subsection A or B until the sentence imposed by the court has been  
 10 served, the person is eligible for release pursuant to section 41-1604.07  
 11 or the sentence is commuted:

12	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
13	8 years	15 years	22 years

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

23	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
24	2.5 years	5 years	7.5 years

25 A person who has been previously convicted of one predicate felony shall  
 26 be sentenced to a term of imprisonment as follows and the person is not  
 27 eligible for suspension of sentence, probation, pardon or release from  
 28 confinement on any basis except as specifically authorized by section  
 29 31-233, subsection A or B until the sentence imposed by the court has been  
 30 served, the person is eligible for release pursuant to section 41-1604.07  
 31 or the sentence is commuted:

32	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
33	8 years	15 years	22 years

34 G. The presumptive sentences prescribed in subsections B, C and D  
 35 of this section or subsections E and F of this section if the person has  
 36 previously been convicted of a predicate felony may be increased or  
 37 decreased pursuant to section 13-701, subsections C, D and E.

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

44 I. A person who is convicted of any dangerous crime against  
 45 children in the first degree pursuant to subsection C or D of this section



1 and who has been previously convicted of two or more predicate felonies  
2 shall be sentenced to life imprisonment and is not eligible for suspension  
3 of sentence, probation, pardon or release from confinement on any basis  
4 except as specifically authorized by section 31-233, subsection A or B  
5 until the person has served not fewer than thirty-five years or the  
6 sentence is commuted.

7 J. Notwithstanding chapter 10 of this title, a person who is at  
8 least eighteen years of age or who has been tried as an adult and who is  
9 convicted of a dangerous crime against children in the second degree  
10 pursuant to subsection B, C or D of this section is guilty of a class 3  
11 felony and if the person is sentenced to a term of imprisonment, the term  
12 of imprisonment is as follows and the person is not eligible for release  
13 from confinement on any basis except as specifically authorized by section  
14 31-233, subsection A or B until the person has served the sentence imposed  
15 by the court, the person is eligible for release pursuant to section  
16 41-1604.07 or the sentence is commuted:

17	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
18	5 years	10 years	15 years

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

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

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

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

38 O. A dangerous crime against children is in the first degree if it  
39 is a completed offense and is in the second degree if it is a preparatory  
40 offense, except attempted first degree murder is a dangerous crime against  
41 children in the first degree.

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

1 Q. For the purposes of this section:

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

4 (a) Second degree murder.

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

8 (c) Sexual assault.

9 (d) Molestation of a child.

10 (e) Sexual conduct with a minor.

11 (f) Commercial sexual exploitation of a minor.

12 (g) Sexual exploitation of a minor.

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

15 (i) Kidnapping.

16 (j) Sexual abuse.

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

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

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

21 (n) Continuous sexual abuse of a child.

22 (o) Attempted first degree murder.

23 (p) Sex trafficking.

24 (q) Manufacturing methamphetamine under circumstances that cause  
25 physical injury to a minor.

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

28 (s) Luring a minor for sexual exploitation.

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

30 (u) Unlawful age misrepresentation.

31 (v) Unlawful mutilation.

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

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

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

41 13-706. Serious, violent or aggravated offenders; sentencing;  
42 life imprisonment; definitions

43 A. A person who is at least eighteen years of age or who has been  
44 tried as an adult and who is convicted of a serious offense except a drug  
45 offense, first degree murder or any dangerous crime against children as

1 defined in section 13-705, whether a completed or preparatory offense, and  
2 who has previously been convicted of two or more serious offenses not  
3 committed on the same occasion shall be sentenced to life imprisonment and  
4 is not eligible for suspension of sentence, probation, pardon or release  
5 from confinement on any basis, except as specifically authorized by  
6 section 31-233, subsection A or B, until the person has served at least  
7 twenty-five years or the sentence is commuted.

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

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

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

24 2. The sentence for the first aggravated or violent felony  
25 conviction shall have been imposed before the conduct occurred that gave  
26 rise to the second conviction, and the sentence for the second aggravated  
27 or violent felony conviction shall have been imposed before the conduct  
28 occurred that gave rise to the third conviction.

29 D. Chapter 3 of this title applies to all offenses under this  
30 section.

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

37 F. For the purposes of this section:

38 1. "Serious offense" means any of the following offenses if  
39 committed in this state or any offense committed outside this state that  
40 if committed in this state would constitute one of the following offenses:

- 41 (a) First degree murder.
- 42 (b) Second degree murder.
- 43 (c) Manslaughter.

1 (d) 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 (e) Sexual assault.

5 (f) Any dangerous crime against children.

6 (g) Arson of an occupied structure.

7 (h) Armed robbery.

8 (i) Burglary in the first degree.

9 (j) Kidnapping.

10 (k) Sexual conduct with a minor under fifteen years of age.

11 (l) Child sex trafficking.

12 2. "Violent or aggravated felony" means any of the following  
13 offenses:

14 (a) First degree murder.

15 (b) Second degree murder.

16 (c) Aggravated assault resulting in serious physical injury or  
17 involving the discharge, use or threatening exhibition of a deadly weapon  
18 or dangerous instrument.

19 (d) Dangerous or deadly assault by prisoner.

20 (e) Committing assault with intent to incite to riot or participate  
21 in riot.

22 (f) Drive by shooting.

23 (g) Discharging a firearm at a residential structure if the  
24 structure is occupied.

25 (h) Kidnapping.

26 (i) Sexual conduct with a minor that is a class 2 felony.

27 (j) Sexual assault.

28 (k) Molestation of a child.

29 (l) Continuous sexual abuse of a child.

30 (m) Violent sexual assault.

31 (n) Burglary in the first degree committed in a residential  
32 structure if the structure is occupied.

33 (o) Arson of an occupied structure.

34 (p) Arson of an occupied jail or prison facility.

35 (q) Armed robbery.

36 (r) Participating in or assisting a criminal syndicate or leading  
37 or participating in a criminal street gang.

38 (s) Terrorism.

39 (t) Taking a child for the purpose of ~~prostitution~~ CHILD SEX  
40 TRAFFICKING.

41 (u) Child sex trafficking.

42 (v) Commercial sexual exploitation of a minor.

43 (w) Sexual exploitation of a minor.

44 (x) Unlawful introduction of disease or parasite as prescribed by  
45 section 13-2912, subsection A, paragraph 2 or 3.

1           Sec. 6. Section 13-1401, Arizona Revised Statutes, is amended to  
2 read:

3           13-1401. Definitions; factors

4           A. In this chapter, unless the context otherwise requires:

5           1. "Oral sexual contact" means oral contact with the penis, vulva  
6 or anus.

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

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

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

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

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

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

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

20           (g) THE MINOR'S EMPLOYER.

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

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

26           (j) AN EMPLOYEE OF A GROUP HOME OR RESIDENTIAL TREATMENT FACILITY  
27 WHERE THE MINOR RESIDES OR HAS PREVIOUSLY RESIDED. FOR THE PURPOSE OF  
28 THIS SUBDIVISION, "GROUP HOME" MEANS A CHILD WELFARE AGENCY THAT RECEIVES  
29 FOR CARE AND MAINTENANCE A CHILD WHO HAS BEEN ADJUDICATED DEPENDENT.

30           3. "Sexual contact":

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

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

38           4. "Sexual intercourse" means penetration into the penis, vulva or  
39 anus by any part of the body or by any object or masturbatory contact with  
40 the penis or vulva.

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

42           6. "Teacher" means a certificated teacher as defined in section  
43 15-501 or any other person who provides instruction to pupils in any  
44 school district, charter school or accommodation school, the Arizona state  
45 schools for the deaf and the blind or a private school in this state.

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

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

4           (b) The victim is incapable of consent by reason of mental  
5 disorder, mental defect, drugs, alcohol, sleep or any other similar  
6 impairment of cognition and such condition is known or should have  
7 reasonably been known to the defendant. For the purposes of this  
8 subdivision, "mental defect" means the victim is unable to comprehend the  
9 distinctively sexual nature of the conduct or is incapable of  
10 understanding or exercising the right to refuse to engage in the conduct  
11 with another.

12           (c) The victim is intentionally deceived as to the nature of the  
13 act.

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

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

- 20           1. The type of relationship.
- 21           2. The length of the relationship.
- 22           3. The frequency of the interaction between the two persons.
- 23           4. If the relationship has terminated, the length of time since the  
24 termination.

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

27           13-3206. Taking child for purpose of child sex trafficking;  
28                                           classification

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

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

37           13-3821. Persons \_\_\_\_\_ required \_\_\_\_\_ to \_\_\_\_\_ register; \_\_\_\_\_ procedure;  
38                                           identification card; assessment; definitions

39           A. A person who has been convicted of or adjudicated guilty except  
40 insane for a violation or attempted violation of any of the following  
41 offenses or who has been convicted of or adjudicated guilty except insane  
42 or not guilty by reason of insanity for an offense committed in another  
43 jurisdiction that if committed in this state would be a violation or  
44 attempted violation of any of the following offenses or an offense that  
45 was in effect before September 1, 1978 and that, if committed on or after

1 September 1, 1978, has the same elements of an offense listed in this  
2 section or who is required to register by the convicting or adjudicating  
3 jurisdiction, within ten days after the conviction or adjudication or  
4 within ten days after entering and remaining in any county of this state,  
5 shall register with the sheriff of that county:

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

9 2. Kidnapping pursuant to section 13-1304 if the victim is under  
10 eighteen years of age and the kidnapping was not committed by the child's  
11 parent.

12 3. Sexual abuse pursuant to section 13-1404 if the victim is under  
13 eighteen years of age.

14 4. Sexual conduct with a minor pursuant to section 13-1405.

15 5. Sexual assault pursuant to section 13-1406.

16 6. Sexual assault of a spouse if the offense was committed before  
17 August 12, 2005.

18 7. Molestation of a child pursuant to section 13-1410.

19 8. Continuous sexual abuse of a child pursuant to section 13-1417.

20 9. Taking a child for the purpose of ~~prostitution~~ CHILD SEX  
21 TRAFFICKING pursuant to section 13-3206.

22 10. Child prostitution pursuant to section 13-3212, subsection A or  
23 subsection B, paragraph 1 or 2 committed before August 9, 2017.

24 11. Child sex trafficking pursuant to section 13-3212, subsection A  
25 or subsection B, paragraph 1 or 2 committed on or after August 9, 2017.

26 12. Commercial sexual exploitation of a minor pursuant to section  
27 13-3552.

28 13. Sexual exploitation of a minor pursuant to section 13-3553.

29 14. Luring a minor for sexual exploitation pursuant to section  
30 13-3554.

31 15. A second or subsequent violation of indecent exposure to a  
32 person who is under fifteen years of age pursuant to section 13-1402.

33 16. A second or subsequent violation of public sexual indecency to  
34 a minor who is under fifteen years of age pursuant to section 13-1403,  
35 subsection B.

36 17. A third or subsequent violation of indecent exposure pursuant  
37 to section 13-1402.

38 18. A third or subsequent violation of public sexual indecency  
39 pursuant to section 13-1403.

40 19. A violation of section 13-3822 or 13-3824.

41 20. Unlawful age misrepresentation.

42 21. Aggravated luring a minor for sexual exploitation pursuant to  
43 section 13-3560.

44 22. Sexual extortion pursuant to section 13-1428 if the victim is  
45 under fifteen years of age.

1           B. Before the person is released from confinement the state  
2 department of corrections in conjunction with the department of public  
3 safety and each county sheriff shall complete the registration of any  
4 person who was convicted of or adjudicated guilty except insane for a  
5 violation of any offense listed under subsection A of this section.  
6 Within three days after the person's release from confinement, the state  
7 department of corrections shall forward the registered person's records to  
8 the department of public safety and to the sheriff of the county in which  
9 the registered person intends to reside. Registration pursuant to this  
10 subsection shall be consistent with subsection E of this section.

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

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

21           E. A person who has been convicted, adjudicated guilty except  
22 insane or adjudicated delinquent and who is required to register in the  
23 convicting or adjudicating state for an act that would constitute an  
24 offense specified in subsection A or C of this section and who is not a  
25 resident of this state shall be required to register pursuant to this  
26 section if the person is either:

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

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

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

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

42           H. The court may order the suspension or termination of any duty to  
43 register under this section after a hearing held pursuant to section  
44 13-923.



1 I. At the time of registering, the person shall sign or affix an  
2 electronic fingerprint to a statement giving such information as required  
3 by the director of the department of public safety, including all names by  
4 which the person is known, any required online identifier and the name of  
5 any website or internet communication service where the identifier is  
6 being used. The sheriff shall fingerprint and photograph the person and  
7 within three days thereafter shall send copies of the statement,  
8 fingerprints and photographs to the department of public safety and the  
9 chief of police, if any, of the place where the person resides. The  
10 information that is required by this subsection shall include the physical  
11 location of the person's residence and the person's address. If the  
12 person has a place of residence that is different from the person's  
13 address, the person shall provide the person's address, the physical  
14 location of the person's residence and the name of the owner of the  
15 residence if the residence is privately owned and not offered for rent or  
16 lease. If the person receives mail at a post office box, the person shall  
17 provide the location and number of the post office box. If the person has  
18 more than one residence or does not have an address or a permanent place  
19 of residence, the person shall provide a description and physical location  
20 of any temporary residence and shall register as a transient not less than  
21 every ninety days with the sheriff in whose jurisdiction the transient is  
22 physically present.

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

39 K. Except as provided in subsection E or L of this section, the  
40 clerk of the superior court in the county in which a person has been  
41 convicted of or adjudicated guilty except insane for a violation of any  
42 offense listed under subsection A of this section or has been ordered to  
43 register pursuant to subsection C or D of this section shall notify the  
44 sheriff in that county of the conviction or adjudication within ten days  
45 after entry of the judgment.

1 L. Within ten days after entry of judgment, a court not of record  
2 shall notify the arresting law enforcement agency of an offender's  
3 conviction of or adjudication of guilty except insane for a violation of  
4 section 13-1402. Within ten days after receiving this information, the  
5 law enforcement agency shall determine if the offender is required to  
6 register pursuant to this section. If the law enforcement agency  
7 determines that the offender is required to register, the law enforcement  
8 agency shall provide the information required by section 13-3825 to the  
9 department of public safety and shall make community notification as  
10 required by law.

11 M. A person who is required to register pursuant to this section  
12 because of a conviction or adjudication of guilty except insane for the  
13 unlawful imprisonment of a minor or the kidnapping of a minor is required  
14 to register, absent additional or subsequent convictions or adjudications,  
15 for a period of ten years from the date that the person is released from  
16 prison, jail, probation, community supervision or parole and the person  
17 has fulfilled all restitution obligations. Notwithstanding this  
18 subsection, a person who has a prior conviction or adjudication of guilty  
19 except insane for an offense for which registration is required pursuant  
20 to this section is required to register for life.

21 N. A person who is required to register pursuant to this section  
22 and who is a student at a public or private institution of postsecondary  
23 education or who is employed, with or without compensation, at a public or  
24 private institution of postsecondary education or who carries on a  
25 vocation at a public or private institution of postsecondary education  
26 shall notify the county sheriff having jurisdiction of the institution of  
27 postsecondary education. The person who is required to register pursuant  
28 to this section shall also notify the sheriff of each change in enrollment  
29 or employment status at the institution.

30 O. At the time of registering, the sheriff shall secure a  
31 sufficient sample of blood or other bodily substances for deoxyribonucleic  
32 acid testing and extraction from a person who has been convicted of or  
33 adjudicated guilty except insane 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 offenses listed in subsection A of this  
36 section or an offense that was in effect before September 1, 1978 and  
37 that, if committed on or after September 1, 1978, has the same elements of  
38 an offense listed in subsection A of this section or who is required to  
39 register by the convicting or adjudicating jurisdiction. The sheriff  
40 shall transmit the sample to the department of public safety.

41 P. Any person who is required to register under subsection A of  
42 this section shall register the person's required online identifier and  
43 the name of any website or internet communication service where the  
44 identifier is being used or is intended to be used with the sheriff from  
45 and after December 31, 2007, regardless of whether the person was required

1 to register an identifier at the time of the person's initial registration  
2 under this section.

3 Q. On conviction of or adjudication of guilty except insane for any  
4 offense for which a person is required to register pursuant to this  
5 section, in addition to any other penalty prescribed by law, the court  
6 shall order the person to pay an additional assessment of ~~two hundred~~  
7 ~~fifty dollars~~ \$250. This assessment is not subject to any surcharge. The  
8 court shall transmit the monies received pursuant to this section to the  
9 county treasurer. The county treasurer shall transmit the monies received  
10 to the state treasurer. The state treasurer shall deposit the monies  
11 received in the state general fund. Notwithstanding any other law, the  
12 court shall not waive the assessment imposed pursuant to this section.

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

16 S. For the purposes of this section:

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

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

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

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

26 13-3827. Internet sex offender website; investigation of  
27 records; immunity; exception; definition

28 A. The department of public safety shall establish and maintain an  
29 internet sex offender website for the purpose of providing sex offender  
30 information to the public. The internet sex offender website shall  
31 include the following offenders:

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

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

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

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

42 (c) Commercial sexual exploitation of a minor pursuant to section  
43 13-3552.

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

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

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

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

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

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

13 (j) Luring a minor for sexual exploitation pursuant to section  
14 13-3554 if the victim is under twelve years of age.

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

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

19 B. The internet sex offender website shall include the following  
20 information for each convicted or adjudicated guilty except insane sex  
21 offender in this state who is required to register pursuant to section  
22 13-3821:

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

24 2. A current photograph.

25 3. The offense committed and notification level pursuant to section  
26 13-3825, subsection C, if a risk assessment has been completed pursuant to  
27 section 13-3825.

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

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

37 E. The department of public safety may disseminate a registered sex  
38 offender's required online identifier and the name of any corresponding  
39 website or internet communication service to a business or organization  
40 that offers electronic communication services for comparison with  
41 information that is held by the requesting business or organization. The  
42 requesting business or organization shall notify the department of public  
43 safety when a comparison of the information indicates that a registered  
44 sex offender's required online identifier is being used on the business's

1 or organization's system. The requesting business or organization shall  
2 not further disseminate that the person is a registered sex offender.

3 F. The motor vehicle division of the department of transportation  
4 shall send copies of each sex offender's nonoperating identification  
5 license or driver license photograph to the department of public safety  
6 for inclusion on the sex offender website.

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

22 H. The department of public safety may petition the superior court  
23 for enforcement of subsection G of this section if a public or private  
24 sector resource refuses to comply. The court shall grant enforcement if  
25 the department has reasonable grounds to believe the records sought to be  
26 inspected are relevant to confirming the identity and address of a sex  
27 offender.

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

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

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

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

40 13-4254. Pro se defendant; prohibited questioning of minor  
41 victim

42 NOTWITHSTANDING SECTION 13-4253 AND ON MOTION OF THE PROSECUTION,  
43 THE COURT MAY ORDER THAT A PRO SE DEFENDANT IN A PROSECUTION FOR A  
44 VIOLATION OF SECTION 13-1404 OR 13-3212 IS PROHIBITED FROM DIRECTLY  
45 QUESTIONING THE MINOR VICTIM IF THE COURT DETERMINES THAT DIRECT

1 QUESTIONING BY THE PRO SE DEFENDANT WOULD PREVENT THE MINOR VICTIM FROM  
2 BEING ABLE TO REASONABLY COMMUNICATE.

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

5 15-203. Powers and duties

6 A. The state board of education shall:

7 1. Exercise general supervision over and regulate the conduct of  
8 the public school system and adopt any rules and policies it deems  
9 necessary to accomplish this purpose.

10 2. Keep a record of its proceedings.

11 3. Make rules for its own government.

12 4. Determine the policy and work undertaken by it.

13 5. Subject to title 41, chapter 4, article 4, employ staff.

14 6. Prescribe and supervise the duties of its employees pursuant to  
15 title 41, chapter 4, article 4, if not otherwise prescribed by statute.

16 7. Delegate to the superintendent of public instruction the  
17 execution of board policies and rules.

18 8. Recommend to the legislature changes or additions to the  
19 statutes pertaining to schools.

20 9. Prepare, publish and distribute reports concerning the  
21 educational welfare of this state.

22 10. Prepare a budget for expenditures necessary for proper  
23 maintenance of the board and accomplishment of its purposes and present  
24 the budget to the legislature.

25 11. Aid in the enforcement of laws relating to schools.

26 12. Prescribe a minimum course of study in the common schools,  
27 minimum competency requirements for the promotion of pupils from the third  
28 grade and minimum course of study and competency requirements for the  
29 promotion of pupils from the eighth grade. The state board of education  
30 shall prepare a fiscal impact statement of any proposed changes to the  
31 minimum course of study or competency requirements and, on completion,  
32 shall send a copy to the director of the joint legislative budget  
33 committee and the executive director of the school facilities board. The  
34 state board of education shall not adopt any changes in the minimum course  
35 of study or competency requirements in effect on July 1, 1998 that will  
36 have a fiscal impact on school capital costs.

37 13. Prescribe minimum course of study and competency requirements  
38 for the graduation of pupils from high school. The state board of  
39 education shall prepare a fiscal impact statement of any proposed changes  
40 to the minimum course of study or competency requirements and, on  
41 completion, shall send a copy to the director of the joint legislative  
42 budget committee and the executive director of the school facilities  
43 board. The state board of education shall not adopt any changes in the  
44 minimum course of study or competency requirements in effect on July 1,  
45 1998 that will have a fiscal impact on school capital costs.

1           14. Pursuant to section 15-501.01, supervise and control the  
2 certification of persons engaged in instructional work directly as any  
3 classroom, laboratory or other teacher or indirectly as a supervisory  
4 teacher, speech therapist, principal or superintendent in a school  
5 district, including school district preschool programs, or any other  
6 educational institution below the community college, college or university  
7 level, and prescribe rules for certification.

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

14           16. Adopt rules governing the methods for the administration of all  
15 proficiency examinations.

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

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

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

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

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

32           22. Adopt a rule to promote braille literacy pursuant to section  
33 15-214.

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

37           24. For purposes of federal law, serve as the state board for  
38 vocational and technological education and meet at least four times each  
39 year solely to execute the powers and duties of the state board for  
40 vocational and technological education.

41           25. Develop and maintain a handbook for use in the schools of this  
42 state that provides guidance for the teaching of moral, civic and ethical  
43 education. The handbook shall promote existing curriculum frameworks and  
44 shall encourage school districts to recognize moral, civic and ethical  
45 values within instructional and programmatic educational development

1 programs for the general purpose of instilling character and ethical  
2 principles in pupils in kindergarten programs and grades one through  
3 twelve.

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

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

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

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

20 (a) Currently resides in this state.

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

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

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

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



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

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

5 (c) A consideration of risk assessment for community service  
6 projects.

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

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

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

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

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

33 (i) The transfer of student records.

34 (ii) Awarding credit for completed coursework.

35 (iii) Permitting a student to satisfy the graduation requirements  
36 prescribed in section 15-701.01 through the successful performance on  
37 comparable exit-level assessment instruments administered in another  
38 state.

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

41 33. Adopt guidelines that school district governing boards shall  
42 use in identifying pupils who are eligible for gifted programs and in  
43 providing gifted education programs and services. The state board of  
44 education shall adopt any other guidelines and rules that it deems

1 necessary in order to carry out the purposes of chapter 7, article 4.1 of  
2 this title.

3 34. For each of the alternative textbook formats of human-voiced  
4 audio, large-print and braille, designate alternative media producers to  
5 adapt existing standard print textbooks or to provide specialized  
6 textbooks, or both, for pupils with disabilities in this state. Each  
7 alternative media producer shall be capable of producing alternative  
8 textbooks in all relevant subjects in at least one of the alternative  
9 textbook formats. The board shall post the designated list of alternative  
10 media producers on its website.

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

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

29 37. Adopt rules for the alternative certification of teachers of  
30 nontraditional foreign languages that allow for the passing of a  
31 nationally accredited test to substitute for the education coursework  
32 required for certification.

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

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

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

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

1           39. In consultation with the department of health services, the  
2 department of education, medical professionals, school health  
3 professionals, school administrators and an organization that represents  
4 school nurses in this state, adopt rules that prescribe the following for  
5 school districts and charter schools:

6           (a) Annual training in the administration of auto-injectable  
7 epinephrine for designated medical and nonmedical school personnel. The  
8 annual training prescribed in this subdivision is optional during any  
9 fiscal year in which a school does not stock epinephrine auto-injectors at  
10 the school during that fiscal year.

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

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

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

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

27           40. In consultation with the department of education, medical  
28 professionals, school health professionals, school administrators and an  
29 organization that represents school nurses in this state, adopt rules that  
30 prescribe the following for school districts and charter schools that  
31 elect to administer inhalers:

32           (a) Annual training in the recognition of respiratory distress  
33 symptoms and the procedures to follow when respiratory distress occurs, in  
34 accordance with good clinical practice, and the administration of  
35 inhalers, as directed on the prescription protocol, by designated medical  
36 and nonmedical school personnel.

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

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

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

6 (e) Procedures for notifying a parent once an inhaler has been  
7 administered.

8 41. Adopt rules for certification that allow substitute teachers  
9 who can demonstrate primary teaching responsibility in a classroom as  
10 defined by the state board of education to use the time spent in that  
11 classroom toward the required capstone experience for standard teaching  
12 certification.

13 42. For the purposes of Sandra Day O'Connor civics celebration day  
14 instruction under section 15-710.01, develop a list of recommended  
15 resources relating to civics education that align with the academic  
16 standards prescribed by the state board of education in social studies  
17 pursuant to sections 15-701 and 15-701.01. The state board shall  
18 establish a process that allows public schools to recommend resources for  
19 addition to the list.

20 43. ESTABLISH BEST PRACTICES FOR SOCIAL MEDIA AND CELLULAR  
21 TELEPHONE USE BETWEEN STUDENTS AND SCHOOL PERSONNEL, INCLUDING TEACHERS,  
22 COACHES AND COUNSELORS, AND ENCOURAGE SCHOOL DISTRICT GOVERNING BOARDS AND  
23 CHARTER SCHOOL GOVERNING BODIES TO ADOPT POLICIES THAT IMPLEMENT THESE  
24 BEST PRACTICES. THE STATE BOARD OF EDUCATION SHALL MAKE THESE BEST  
25 PRACTICES AVAILABLE TO BOTH PUBLIC AND PRIVATE SCHOOLS.

26 B. The state board of education may:

27 1. Contract.

28 2. Sue and be sued.

29 3. Distribute and score the tests prescribed in chapter 7, article  
30 3 of this title.

31 4. Provide for an advisory committee to conduct hearings and  
32 screenings to determine whether grounds exist to impose disciplinary  
33 action against a certificated person, whether grounds exist to reinstate a  
34 revoked or surrendered certificate and whether grounds exist to approve or  
35 deny an initial application for certification or a request for renewal of  
36 a certificate. The board may delegate its responsibility to conduct  
37 hearings and screenings to its advisory committee. Hearings shall be  
38 conducted pursuant to title 41, chapter 6, article 6.

39 5. Proceed with the disposal of any complaint requesting  
40 disciplinary action or with any disciplinary action against a person  
41 holding a certificate as prescribed in subsection A, paragraph 14 of this  
42 section after the suspension or expiration of the certificate or surrender  
43 of the certificate by the holder.

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

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

7           15-245. Mandatory reporting training; materials

8           A. THE DEPARTMENT OF EDUCATION SHALL DEVELOP A STATEWIDE TRAINING  
9 CURRICULUM ON THE MANDATORY REPORTING LAWS OF THIS STATE, INCLUDING  
10 SECTION 13-3620, FOR PUBLIC SCHOOL PERSONNEL. EACH PUBLIC SCHOOL SHALL  
11 REQUIRE ITS PERSONNEL TO COMPLETE THE TRAINING DEVELOPED PURSUANT TO THIS  
12 SECTION.

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

17           C. THE DEPARTMENT SHALL MAKE THE TRAINING CURRICULUM AND MATERIALS  
18 DEVELOPED PURSUANT TO THIS SECTION AVAILABLE TO PUBLIC AND PRIVATE  
19 SCHOOLS. THIS SECTION DOES NOT REQUIRE PRIVATE SCHOOLS TO OFFER THE  
20 TRAINING DEVELOPED PURSUANT TO THIS SECTION.

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

23           41-1758.03. Fingerprint clearance cards; issuance; immunity

24           A. On receiving the state and federal criminal history record of a  
25 person, the division shall compare the record with the list of criminal  
26 offenses that preclude the person from receiving a fingerprint clearance  
27 card. If the person's criminal history record does not contain any of the  
28 offenses listed in subsections B and C of this section, the division shall  
29 issue the person a fingerprint clearance card.

30           B. A person who is subject to registration as a sex offender in  
31 this state or any other jurisdiction or who is awaiting trial on or who  
32 has been convicted of committing or attempting, soliciting, facilitating  
33 or conspiring to commit one or more of the following offenses in this  
34 state or the same or similar offenses in another state or jurisdiction is  
35 precluded from receiving a fingerprint clearance card pursuant to this  
36 section:

- 37           1. Sexual abuse of a vulnerable adult.
- 38           2. Incest.
- 39           3. First or second degree murder.
- 40           4. Sexual assault.
- 41           5. Sexual exploitation of a minor.
- 42           6. Sexual exploitation of a vulnerable adult.
- 43           7. Commercial sexual exploitation of a minor.
- 44           8. Commercial sexual exploitation of a vulnerable adult.
- 45           9. Child sex trafficking as prescribed in section 13-3212.

- 1           10. Child abuse.
- 2           11. Abuse of a vulnerable adult.
- 3           12. Sexual conduct with a minor.
- 4           13. Molestation of a child.
- 5           14. Molestation of a vulnerable adult.
- 6           15. A dangerous crime against children as defined in section
- 7 13-705.
- 8           16. Exploitation of minors involving drug offenses.
- 9           17. Taking a child for the purpose of ~~prostitution~~ CHILD SEX
- 10 TRAFFICKING as prescribed in section 13-3206.
- 11           18. Neglect or abuse of a vulnerable adult.
- 12           19. Sex trafficking.
- 13           20. Sexual abuse.
- 14           21. Production, publication, sale, possession and presentation of
- 15 obscene items as prescribed in section 13-3502.
- 16           22. Furnishing harmful items to minors as prescribed in section
- 17 13-3506.
- 18           23. Furnishing harmful items to minors by internet activity as
- 19 prescribed in section 13-3506.01.
- 20           24. Obscene or indecent telephone communications to minors for
- 21 commercial purposes as prescribed in section 13-3512.
- 22           25. Luring a minor for sexual exploitation.
- 23           26. Enticement of persons for purposes of prostitution.
- 24           27. Procurement by false pretenses of person for purposes of
- 25 prostitution.
- 26           28. Procuring or placing persons in a house of prostitution.
- 27           29. Receiving earnings of a prostitute.
- 28           30. Causing one's spouse to become a prostitute.
- 29           31. Detention of persons in a house of prostitution for debt.
- 30           32. Keeping or residing in a house of prostitution or employment in
- 31 prostitution.
- 32           33. Pandering.
- 33           34. Transporting persons for the purpose of prostitution, polygamy
- 34 and concubinage.
- 35           35. Portraying adult as a minor as prescribed in section 13-3555.
- 36           36. Admitting minors to public displays of sexual conduct as
- 37 prescribed in section 13-3558.
- 38           37. Unlawful sale or purchase of children.
- 39           38. Child bigamy.
- 40           39. Trafficking of persons for forced labor or services.
- 41           C. A person who is awaiting trial on or who has been convicted of
- 42 committing or attempting, soliciting, facilitating or conspiring to commit
- 43 one or more of the following offenses in this state or the same or similar
- 44 offenses in another state or jurisdiction is precluded from receiving a
- 45 fingerprint clearance card, except that the person may petition the board

- 1 of fingerprinting for a good cause exception pursuant to section  
2 41-619.55:
- 3 1. Manslaughter.
  - 4 2. Endangerment.
  - 5 3. Threatening or intimidating.
  - 6 4. Assault.
  - 7 5. Unlawfully administering intoxicating liquors, narcotic drugs or  
8 dangerous drugs.
  - 9 6. Assault by vicious animals.
  - 10 7. Drive by shooting.
  - 11 8. Assaults on officers or fire fighters.
  - 12 9. Discharging a firearm at a structure.
  - 13 10. Indecent exposure.
  - 14 11. Public sexual indecency.
  - 15 12. Aggravated criminal damage.
  - 16 13. Theft.
  - 17 14. Theft by extortion.
  - 18 15. Shoplifting.
  - 19 16. Forgery.
  - 20 17. Criminal possession of a forgery device.
  - 21 18. Obtaining a signature by deception.
  - 22 19. Criminal impersonation.
  - 23 20. Theft of a credit card or obtaining a credit card by fraudulent  
24 means.
  - 25 21. Receipt of anything of value obtained by fraudulent use of a  
26 credit card.
  - 27 22. Forgery of a credit card.
  - 28 23. Fraudulent use of a credit card.
  - 29 24. Possession of any machinery, plate or other contrivance or  
30 incomplete credit card.
  - 31 25. False statement as to financial condition or identity to obtain  
32 a credit card.
  - 33 26. Fraud by persons authorized to provide goods or services.
  - 34 27. Credit card transaction record theft.
  - 35 28. Misconduct involving weapons.
  - 36 29. Misconduct involving explosives.
  - 37 30. Depositing explosives.
  - 38 31. Misconduct involving simulated explosive devices.
  - 39 32. Concealed weapon violation.
  - 40 33. Possession and sale of peyote.
  - 41 34. Possession and sale of a vapor-releasing substance containing a  
42 toxic substance.
  - 43 35. Sale of precursor chemicals.
  - 44 36. Possession, use or sale of marijuana, dangerous drugs or  
45 narcotic drugs.

- 1           37. Manufacture or distribution of an imitation controlled  
2 substance.
- 3           38. Manufacture or distribution of an imitation prescription-only  
4 drug.
- 5           39. Manufacture or distribution of an imitation over-the-counter  
6 drug.
- 7           40. Possession or possession with intent to use an imitation  
8 controlled substance.
- 9           41. Possession or possession with intent to use an imitation  
10 prescription-only drug.
- 11           42. Possession or possession with intent to use an imitation  
12 over-the-counter drug.
- 13           43. Manufacture of certain substances and drugs by certain means.
- 14           44. Adding poison or other harmful substance to food, drink or  
15 medicine.
- 16           45. A criminal offense involving criminal trespass under title 13,  
17 chapter 15.
- 18           46. A criminal offense involving burglary under title 13,  
19 chapter 15.
- 20           47. A criminal offense under title 13, chapter 23.
- 21           48. Child neglect.
- 22           49. Misdemeanor offenses involving contributing to the delinquency  
23 of a minor.
- 24           50. Offenses involving domestic violence.
- 25           51. Arson.
- 26           52. Kidnapping.
- 27           53. Felony offenses involving sale, distribution or transportation  
28 of, offer to sell, transport or distribute or conspiracy to sell,  
29 transport or distribute marijuana, dangerous drugs or narcotic drugs.
- 30           54. Robbery.
- 31           55. Aggravated assault.
- 32           56. Felony offenses involving contributing to the delinquency of a  
33 minor.
- 34           57. Negligent homicide.
- 35           58. Criminal damage.
- 36           59. Misappropriation of charter school monies as prescribed in  
37 section 13-1818.
- 38           60. Taking identity of another person or entity.
- 39           61. Aggravated taking identity of another person or entity.
- 40           62. Trafficking in the identity of another person or entity.
- 41           63. Cruelty to animals.
- 42           64. Prostitution.
- 43           65. Sale or distribution of material harmful to minors through  
44 vending machines as prescribed in section 13-3513.
- 45           66. Welfare fraud.



1           D. A person who is awaiting trial on or who has been convicted of  
2 committing or attempting to commit a misdemeanor or felony violation of  
3 section 28-1381, 28-1382 or 28-1383 in this state or the same or similar  
4 offense in another state or jurisdiction within five years from the date  
5 of applying for a fingerprint clearance card is precluded from driving any  
6 vehicle to transport employees or clients of the employing agency as part  
7 of the person's employment. The division shall place a notation on the  
8 fingerprint clearance card that indicates this driving restriction. This  
9 subsection does not preclude a person from driving a vehicle alone as part  
10 of the person's employment. This subsection does not apply to a person  
11 who is licensed pursuant to title 32, chapter 20, except if the person is  
12 employed by an agency as defined in section 41-1758.

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

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

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

24           1. An agency granted a good cause exception before August 16, 1999  
25 and no new precluding offense is identified. The fingerprint clearance  
26 card shall specify only the program that granted the good cause exception.  
27 On the request of the applicant, the agency that granted the prior good  
28 cause exception shall notify the division in writing of the date on which  
29 the prior good cause exception was granted and the date of the conviction  
30 and the name of the offense for which the good cause exception was  
31 granted.

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

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

37           I. A person who is under eighteen years of age or who is at least  
38 ninety-nine years of age is exempt from the fingerprint clearance card  
39 requirements of this section. At all times the person shall be under the  
40 direct visual supervision of personnel who have valid fingerprint  
41 clearance cards.

42           J. The division shall conduct periodic state criminal history  
43 records checks and may conduct federal criminal history records checks  
44 when authorized pursuant to federal law for the purpose of updating the  
45 clearance status of current fingerprint clearance card holders and may

1 notify the board of fingerprinting and the agency employing the person of  
2 the results of the records check.

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

6 L. If a person's criminal history record contains an offense listed  
7 in subsection B or C of this section and the final disposition is not  
8 recorded on the record, the division shall conduct research to obtain the  
9 disposition within thirty business days after receipt of the record. If  
10 the division cannot determine, within thirty business days after receipt  
11 of the person's state and federal criminal history record information,  
12 whether the person is awaiting trial on or has been convicted of  
13 committing or attempting, soliciting, facilitating or conspiring to commit  
14 any of the offenses listed in subsection B or C of this section in this  
15 state or the same or a similar offense in another state or jurisdiction,  
16 the division shall not issue a fingerprint clearance card to the person.  
17 If the division is unable to make the determination required by this  
18 section and does not issue a fingerprint clearance card to a person, the  
19 person may request a good cause exception pursuant to section 41-619.55.

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

29 N. If, after conducting a state and federal criminal history  
30 records check on a person who requests a fingerprint clearance card  
31 pursuant to section 15-1881, the division determines that it is not  
32 authorized to issue a fingerprint clearance card to the person, the  
33 division shall not notify the agency. The division shall notify the  
34 person who requested the card that the division is not authorized to issue  
35 a fingerprint clearance card. The notice shall include the criminal  
36 history information on which the denial was based. This criminal history  
37 information is subject to dissemination restrictions pursuant to section  
38 41-1750 and Public Law 92-544.

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

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

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

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

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

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

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

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

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

- 1           21. Sexual abuse.
- 2           22. Production, publication, sale, possession and presentation of
- 3 obscene items as prescribed in section 13-3502.
- 4           23. Furnishing harmful items to minors as prescribed in section
- 5 13-3506.
- 6           24. Furnishing harmful items to minors by internet activity as
- 7 prescribed in section 13-3506.01.
- 8           25. Obscene or indecent telephone communications to minors for
- 9 commercial purposes as prescribed in section 13-3512.
- 10          26. Luring a minor for sexual exploitation.
- 11          27. Enticement of persons for purposes of prostitution.
- 12          28. Procurement by false pretenses of person for purposes of
- 13 prostitution.
- 14          29. Procuring or placing persons in a house of prostitution.
- 15          30. Receiving earnings of a prostitute.
- 16          31. Causing one's spouse to become a prostitute.
- 17          32. Detention of persons in a house of prostitution for debt.
- 18          33. Keeping or residing in a house of prostitution or employment in
- 19 prostitution.
- 20          34. Pandering.
- 21          35. Transporting persons for the purpose of prostitution, polygamy
- 22 and concubinage.
- 23          36. Portraying adult as a minor as prescribed in section 13-3555.
- 24          37. Admitting minors to public displays of sexual conduct as
- 25 prescribed in section 13-3558.
- 26          38. Any felony offense involving contributing to the delinquency of
- 27 a minor.
- 28          39. Unlawful sale or purchase of children.
- 29          40. Child bigamy.
- 30          41. Any felony offense involving domestic violence as defined in
- 31 section 13-3601 except for a felony offense only involving criminal damage
- 32 in an amount of more than ~~two hundred fifty dollars~~ \$250 but less than ~~one~~
- 33 ~~thousand dollars~~ \$1,000 if the offense was committed before June 29, 2009.
- 34          42. Any felony offense in violation of title 13, chapter 12 if
- 35 committed within five years before the date of applying for a level I
- 36 fingerprint clearance card.
- 37          43. Felony drug or alcohol related offenses if committed within
- 38 five years before the date of applying for a level I fingerprint clearance
- 39 card.
- 40          44. Felony indecent exposure.
- 41          45. Felony public sexual indecency.
- 42          46. Terrorism.
- 43          47. Any offense involving a violent crime as defined in section
- 44 13-901.03.
- 45          48. Trafficking of persons for forced labor or services.

1 C. A person who is awaiting trial on or who has been convicted of  
2 committing or attempting, soliciting, facilitating or conspiring to commit  
3 one or more of the following offenses in this state or the same or similar  
4 offenses in another state or jurisdiction is precluded from receiving a  
5 level I fingerprint clearance card, except that the person may petition  
6 the board of fingerprinting for a good cause exception pursuant to section  
7 41-619.55:

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

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

- 1           48. A criminal offense involving criminal trespass under title 13,  
2 chapter 15.
- 3           49. A criminal offense involving burglary under title 13,  
4 chapter 15.
- 5           50. A criminal offense under title 13, chapter 23, except  
6 terrorism.
- 7           51. Misdemeanor offenses involving child neglect.
- 8           52. Misdemeanor offenses involving contributing to the delinquency  
9 of a minor.
- 10          53. Misdemeanor offenses involving domestic violence as defined in  
11 section 13-3601.
- 12          54. Felony offenses involving domestic violence if the offense only  
13 involved criminal damage in an amount of more than ~~two hundred fifty~~  
14 ~~dollars~~ \$250 but less than ~~one thousand dollars~~ \$1,000 and the offense was  
15 committed before June 29, 2009.
- 16          55. Arson.
- 17          56. Felony offenses involving sale, distribution or transportation  
18 of, offer to sell, transport or distribute or conspiracy to sell,  
19 transport or distribute marijuana, dangerous drugs or narcotic drugs if  
20 committed more than five years before the date of applying for a level I  
21 fingerprint clearance card.
- 22          57. Criminal damage.
- 23          58. Misappropriation of charter school monies as prescribed in  
24 section 13-1818.
- 25          59. Taking identity of another person or entity.
- 26          60. Aggravated taking identity of another person or entity.
- 27          61. Trafficking in the identity of another person or entity.
- 28          62. Cruelty to animals.
- 29          63. Prostitution, as prescribed in section 13-3214.
- 30          64. Sale or distribution of material harmful to minors through  
31 vending machines as prescribed in section 13-3513.
- 32          65. Welfare fraud.
- 33          66. Any felony offense in violation of title 13, chapter 12 if  
34 committed more than five years before the date of applying for a level I  
35 fingerprint clearance card.
- 36          67. Kidnapping.
- 37          68. Robbery, aggravated robbery or armed robbery.
- 38          D. A person who is awaiting trial on or who has been convicted of  
39 committing or attempting to commit a misdemeanor violation of section  
40 28-1381, 28-1382 or 28-1383 in this state or the same or a similar offense  
41 in another state or jurisdiction within five years from the date of  
42 applying for a level I fingerprint clearance card is precluded from  
43 driving any vehicle to transport employees or clients of the employing  
44 agency as part of the person's employment. The division shall place a  
45 notation on the level I fingerprint clearance card that indicates this

1 driving restriction. This subsection does not preclude a person from  
2 driving a vehicle alone as part of the person's employment.

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

8 F. If the fingerprinting division denies a person's application for  
9 a level I fingerprint clearance card pursuant to subsection C of this  
10 section and a good cause exception is requested pursuant to section  
11 41-619.55, the fingerprinting division shall release, on request by the  
12 board of fingerprinting, the person's criminal history record to the board  
13 of fingerprinting.

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

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

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

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

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

34 J. The fingerprinting division shall conduct periodic state  
35 criminal history records checks and may conduct federal criminal history  
36 records checks when authorized pursuant to federal law for the purpose of  
37 updating the clearance status of current level I fingerprint clearance  
38 cardholders pursuant to this section and may notify the board of  
39 fingerprinting and the agency of the results of the records check.

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

43 L. If a person's criminal history record contains an offense listed  
44 in subsection B or C of this section and the final disposition is not  
45 recorded on the record, the division shall conduct research to obtain the



1 disposition within thirty business days after receipt of the record. If  
2 the division cannot determine, within thirty business days after receipt  
3 of the person's state and federal criminal history record information,  
4 whether the person is awaiting trial on or has been convicted of  
5 committing or attempting, soliciting, facilitating or conspiring to commit  
6 any of the offenses listed in subsection B or C of this section in this  
7 state or the same or a similar offense in another state or jurisdiction,  
8 the division shall not issue a level I fingerprint clearance card to the  
9 person. If the division is unable to make the determination required by  
10 this section and does not issue a level I fingerprint clearance card to a  
11 person, the person may request a good cause exception pursuant to section  
12 41-619.55.

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

21 N. The fingerprinting division is not liable for damages resulting  
22 from:

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

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

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

33 P. Notwithstanding any law to the contrary, except as prescribed  
34 pursuant to subsection Q of this section, an individual who receives a  
35 level I fingerprint clearance card pursuant to this section also satisfies  
36 a requirement that the individual have a valid fingerprint clearance card  
37 issued pursuant to section 41-1758.03.

38 Q. Unless a cardholder commits an offense listed in subsection B or  
39 C of this section after June 29, 2009, a fingerprint clearance card issued  
40 pursuant to section 41-1758.03 before June 29, 2009 and its renewals are  
41 valid for all requirements for a level I fingerprint clearance card except  
42 those relating to the requirements of section 8-105 or 8-509. A  
43 fingerprint clearance card issued before June 29, 2009 to meet the  
44 requirements of section 8-105 or 8-509 and its renewals are valid after  
45 June 29, 2009 to meet all requirements for a level I fingerprint clearance

1 card, including the requirements of section 8-105 or 8-509, if the  
2 cardholder has been certified by the court to adopt or has been issued a  
3 foster home license before June 29, 2009.

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

6 S. For the purposes of this section:

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

8 (a) Section 3-314, 8-105, 8-463, 8-509, 8-802, 17-215, 36-207,  
9 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, 41-619.52,  
10 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 or 46-141.

11 (b) Subsection 0 of this section.

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