

House Engrossed Senate Bill
central state repository; offenses

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1602

AN ACT

AMENDING SECTION 41-1750, ARIZONA REVISED STATUTES; RELATING TO PUBLIC
SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

6 A. The department is responsible for the effective operation of the
7 central state repository in order to collect, store and disseminate
8 complete and accurate Arizona criminal history records and related
9 criminal justice information. THE DEPARTMENT MAY PROCURE CRIMINAL HISTORY
10 RECORDS AND RELATED CRIMINAL JUSTICE INFORMATION FOR VIOLATIONS THAT ARE
11 NOT LISTED IN THIS SECTION. The department shall:

12 1. Procure from all criminal justice agencies in this state
13 accurate and complete personal identification data, fingerprints, charges,
14 process control numbers and dispositions and such other information as may
15 be pertinent to all persons who have been charged with, arrested for,
16 convicted of or summoned to court as a criminal defendant for ANY OF THE
17 FOLLOWING:

18 (a) A felony offense or an offense involving domestic violence as
19 defined in section 13-3601. ~~UT~~

20 (b) A violation of title 13, chapter 14 or title 28, chapter 4.

21 (c) AN OFFENSE LISTED IN:

22 (i) SECTION 32-2422, SUBSECTION A, PARAGRAPH 4.

23 (ii) SECTION 32-2441, SUBSECTION A, PARAGRAPH 4.

24 (iii) SECTION 32-2612, SUBSECTION A, PARAGRAPH 4.

25 (iv) SECTION 32-2622, SUBSECTION A, PARAGRAPH 4.

26 (v) SECTION 41-1758.03, SUBSECTIONS B AND C.

27 (vi) SECTION 41-1758.07, SUBSECTIONS B AND C.

28 2. Collect information concerning the number and nature of offenses
29 known to have been committed in this state and of the legal steps taken in
30 connection with these offenses, such other information that is useful in
31 the study of crime and in the administration of criminal justice and all
32 other information deemed necessary to operate the statewide uniform crime
33 reporting program and to cooperate with the federal government uniform
34 crime reporting program.

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

38 4. Cooperate with the central state repositories in other states
39 and with the appropriate agency of the federal government in the exchange
40 of information pertinent to violators of the law.

41 5. Ensure the rapid exchange of information concerning the
42 commission of crime and the detection of violators of the law among the
43 criminal justice agencies of other states and of the federal government.

1 6. Furnish assistance to peace officers throughout this state in
2 crime scene investigation for the detection of latent fingerprints and in
3 the comparison of latent fingerprints.

4 7. Conduct periodic operational audits of the central state
5 repository and of a representative sample of other agencies that
6 contribute records to or receive criminal justice information from the
7 central state repository or through the Arizona criminal justice
8 information system.

9 8. Establish and enforce the necessary physical and system
10 safeguards to ensure that the criminal justice information maintained and
11 disseminated by the central state repository or through the Arizona
12 criminal justice information system is appropriately protected from
13 unauthorized inquiry, modification, destruction or dissemination as
14 required by this section.

15 9. Aid and encourage coordination and cooperation among criminal
16 justice agencies through the statewide and interstate exchange of criminal
17 justice information.

18 10. Provide training and proficiency testing on the use of criminal
19 justice information to agencies receiving information from the central
20 state repository or through the Arizona criminal justice information
21 system.

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

24 12. Provide criminal history record information to the
25 fingerprinting division for the purpose of screening applicants for
26 fingerprint clearance cards.

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

30 C. **CRIMINAL JUSTICE AGENCIES MAY PROVIDE CRIMINAL HISTORY RECORDS**
31 **AND RELATED CRIMINAL JUSTICE INFORMATION FOR VIOLATIONS THAT ARE NOT**
32 **LISTED IN THIS SECTION.** The chief officers of criminal justice agencies
33 of this state or its political subdivisions shall provide to the central
34 state repository fingerprints and information concerning personal
35 identification data, descriptions, crimes for which persons are arrested,
36 process control numbers and dispositions and such other information as may
37 be pertinent to all persons who have been charged with, arrested for,
38 convicted of or summoned to court as criminal defendants for **ANY OF THE**
39 **FOLLOWING:**

40 1. Felony offenses or offenses involving domestic violence as
41 defined in section 13-3601. **or**

42 2. Violations of title 13, chapter 14 or title 28, chapter 4 that
43 have occurred in this state.

3. AN OFFENSE LISTED IN:

- (a) SECTION 32-2422, SUBSECTION A, PARAGRAPH 4.
- (b) SECTION 32-2441, SUBSECTION A, PARAGRAPH 4.
- (c) SECTION 32-2612, SUBSECTION A, PARAGRAPH 4.
- (d) SECTION 32-2622, SUBSECTION A, PARAGRAPH 4.
- (e) SECTION 41-1758.03, SUBSECTIONS B AND C.
- (f) SECTION 41-1758.07, SUBSECTIONS B AND C.

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

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

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

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

1. With criminal justice agencies of the federal government, Indian tribes, this state or its political subdivisions and other states, on request by the chief officers of such agencies or their designated representatives, specifically for the purposes of the administration of criminal justice and for evaluating the fitness of current and prospective criminal justice employees. The department may conduct periodic state and federal criminal history records checks for the purpose of updating the status of current criminal justice employees or volunteers and may notify the criminal justice agency of the results of the records check. The department is authorized to submit fingerprints to the federal bureau of investigation to be retained for the purpose of being searched by future submissions to the federal bureau of investigation including latent fingerprint searches.

2. With any noncriminal justice agency pursuant to a statute, ordinance or executive order that specifically authorizes the noncriminal justice agency to receive criminal history record information for the purpose of evaluating the fitness of current or prospective licensees, employees, contract employees or volunteers, on submission of the subject's fingerprints and the prescribed fee. Each statute, ordinance, or executive order that authorizes noncriminal justice agencies to receive

1 criminal history record information for these purposes shall identify the
2 specific categories of licensees, employees, contract employees or
3 volunteers, and shall require that fingerprints of the specified
4 individuals be submitted in conjunction with such requests for criminal
5 history record information. The department may conduct periodic state and
6 federal criminal history records checks for the purpose of updating the
7 status of current licensees, employees, contract employees or volunteers
8 and may notify the noncriminal justice agency of the results of the
9 records check. The department is authorized to submit fingerprints to the
10 federal bureau of investigation to be retained for the purpose of being
11 searched by future submissions to the federal bureau of investigation
12 including latent fingerprint searches.

13 3. With the board of fingerprinting for the purpose of conducting
14 good cause exceptions pursuant to section 41-619.55 and central registry
15 exceptions pursuant to section 41-619.57.

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

18 5. With the governor, if the governor elects to become actively
19 involved in the investigation of criminal activity or the administration
20 of criminal justice in accordance with the governor's constitutional duty
21 to ensure that the laws are faithfully executed or as needed to carry out
22 the other responsibilities of the governor's office.

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

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

42 8. With individuals and agencies pursuant to a specific agreement
43 with a criminal justice agency to provide services required for the
44 administration of criminal justice pursuant to that agreement if the
45 agreement specifically authorizes access to data, limits the use of data

1 to purposes for which given and ensures the security and confidentiality
2 of the data consistent with this section.

3 9. With individuals and agencies for the express purpose of
4 research, evaluative or statistical activities pursuant to an agreement
5 with a criminal justice agency if the agreement specifically authorizes
6 access to data, limits the use of data to research, evaluative or
7 statistical purposes and ensures the confidentiality and security of the
8 data consistent with this section.

9 10. With the auditor general for audit purposes.

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

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

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

28 (a) The fingerprint card.

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

31 14. On submission of a fingerprint card, provide criminal history
32 record information to the superior court for the purpose of evaluating the
33 fitness of investigators appointed under section 14-5303 or 14-5407,
34 guardians appointed under section 14-5206 or 14-5304 or conservators
35 appointed under section 14-5401.

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

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

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

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

1 19. With licensees of the United States nuclear regulatory
2 commission for the purpose of determining whether an individual should be
3 granted unescorted access to the protected area of a commercial nuclear
4 generating station on submission of the subject of record's fingerprints
5 and the prescribed fee.

6 20. With the state board of education for the purpose of evaluating
7 the fitness of a certificated educator, an applicant for a teaching or
8 administrative certificate or a noncertificated person as defined in
9 section 15-505 if the state board of education or its employees or agents
10 have reasonable suspicion that the educator or person engaged in conduct
11 that would be a criminal violation of the laws of this state or was
12 involved in immoral or unprofessional conduct or that the applicant
13 engaged in conduct that would warrant disciplinary action if the applicant
14 were certificated at the time of the alleged conduct. The information
15 shall be provided on the submission of either:

16 (a) The fingerprint card.

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

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

33 22. With a tribal social services agency and the department of
34 child safety as provided by law, which currently is the Adam Walsh child
35 protection and safety act of 2006 (42 United States Code section 16961),
36 for the purposes of investigating or responding to reports of child abuse,
37 neglect or exploitation. Information received pursuant to this paragraph
38 from the national crime information center, the interstate identification
39 index and the Arizona criminal justice information system network shall
40 only be used for the purposes of investigating or responding as prescribed
41 in this paragraph. The information shall be provided on submission to the
42 department of public safety of either:

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

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

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

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

9 25. With the governor to provide criminal history record
10 information on prospective gubernatorial nominees, appointees and
11 employees as provided by law.

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

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

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

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

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

34 M. A fingerprint account within the records processing fund is
35 established for the purpose of separately accounting for the collection
36 and payment of fees for noncriminal justice fingerprint processing by the
37 department. Monies collected for this purpose shall be credited to the
38 account, and payments by the department to the United States for federal
39 noncriminal justice fingerprint processing shall be charged against the
40 account. Monies in the account not required for payment to the United
41 States shall be used by the department in support of the department's
42 noncriminal justice fingerprint processing duties. At the end of each
43 fiscal year, any balance in the account not required for payment to the
44 United States or to support the department's noncriminal justice
45 fingerprint processing duties reverts to the state general fund.

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

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

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

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

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

20 Q. The director shall ensure that the following limitations are
21 observed regarding dissemination of criminal justice information obtained
22 from the central state repository or through the Arizona criminal justice
23 information system:

24 1. Any criminal justice agency that obtains criminal justice
25 information from the central state repository or through the Arizona
26 criminal justice information system assumes responsibility for the
27 security of the information and shall not secondarily disseminate this
28 information to any individual or agency not authorized to receive this
29 information directly from the central state repository or originating
30 agency.

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

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

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

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

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

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

13 S. This section does not apply to criminal history record
14 information contained in:

15 1. Posters, arrest warrants, announcements or lists for identifying
16 or apprehending fugitives or wanted persons.

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

21 3. Transcripts or records of judicial proceedings if released by a
22 court or legislative or administrative proceedings.

23 4. Announcements of executive clemency or pardon.

24 5. Computer databases, other than the Arizona criminal justice
25 information system, that are specifically designed for community
26 notification of an offender's presence in the community pursuant to
27 section 13-3825 or for public informational purposes authorized by section
28 13-3827.

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

35 U. In order to ensure that complete and accurate criminal history
36 record information is maintained and disseminated by the central state
37 repository:

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

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

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

18 4. The mandatory fingerprint compliance form shall contain the
19 following information:

20 (a) Whether ten-print fingerprints have been obtained from the
21 person.

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

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

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

26 (e) Instructions on reporting for ten-print fingerprinting,
27 including available times and locations for reporting for ten-print
28 fingerprinting.

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

31 5. Within ten days after a person is fingerprinted, the arresting
32 authority or agency that took the fingerprints shall forward the
33 fingerprints to the department in the manner or form required by the
34 department.

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

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

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

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

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

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

30 12. Each criminal justice agency shall query the central state
31 repository before dissemination of any criminal history record information
32 to ensure the completeness of the information. Inquiries shall be made
33 before any dissemination except in those cases in which time is of the
34 essence and the repository is technically incapable of responding within
35 the necessary time period. If time is of the essence, the inquiry shall
36 still be made and the response shall be provided as soon as possible.

37 V. The director shall adopt rules specifying that any agency that
38 collects, stores or disseminates criminal justice information that is
39 subject to this section shall establish effective security measures to
40 protect the information from unauthorized access, disclosure, modification
41 or dissemination. The rules shall include reasonable safeguards to
42 protect the affected information systems from fire, flood, wind, theft,
43 sabotage or other natural or man-made hazards or disasters.

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

6 X. Nothing in this section creates a cause of action or a right to
7 bring an action including an action based on discrimination due to sexual
8 orientation.

9 Y. For the purposes of this section:

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

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

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

30 4. "Booking agency" means the county sheriff or, if a person is
31 booked into a municipal jail, the municipal law enforcement agency.

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

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

1 7. "Criminal justice agency" means either:

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

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

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

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

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

29 11. "Management control":

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

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

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

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

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

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

5 13. "Secondary dissemination" means the dissemination of criminal
6 justice information from an individual or agency that originally obtained
7 the information from the central state repository or through the Arizona
8 criminal justice information system to another individual or agency.

9 14. "Sexual orientation" means consensual homosexuality or
10 heterosexuality.

11 15. "Subject of record" means the person who is the primary subject
12 of a criminal justice record.

13 Sec. 2. Effective date

14 Section 41-1750, Arizona Revised Statutes, as amended by this act,
15 is effective from and after December 31, 2022.