

REFERENCE TITLE: **qualified schools; fingerprinting requirements; penalties**

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1266**

Introduced by

Senators Marsh: Alston, Bennett, Burch, Diaz, Epstein, Fernandez,  
Gabaldón, Gonzales, Hatathlie, Hernandez, Mendez, Miranda, Sundareshan,  
Terán; Representative Terech

AN ACT

AMENDING SECTION 15-106, ARIZONA REVISED STATUTES; AMENDING TITLE 15,  
CHAPTER 19, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS  
15-2406 AND 15-2407; AMENDING SECTIONS 23-1361, 41-619.51, 41-1758,  
41-1758.01 AND 41-1758.08, ARIZONA REVISED STATUTES; RELATING TO ARIZONA  
EMPOWERMENT SCHOLARSHIP ACCOUNTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-106, Arizona Revised Statutes, is amended to  
3 read:

4 15-106. Identity verified fingerprints

5 An applicant who applies for a new teaching certificate in order to  
6 teach in a school district, a participant in field experience or student  
7 teaching in this state, an applicant who applies for a renewal of an  
8 existing teaching certificate in order to continue teaching in a school  
9 district, an applicant who is required for the first time to be  
10 fingerprinted in order to teach in a charter school and an applicant who  
11 is required to renew fingerprints in order to continue teaching in a  
12 charter school pursuant to section 15-183, an applicant who is required to  
13 be fingerprinted pursuant to section 15-512 OR 15-2406 and any person who  
14 is contracted by this state, by a school district or by a charter school  
15 to provide tutoring services shall submit for an identity verified  
16 fingerprint card that will be used by the department of public safety to  
17 process the fingerprint clearance card pursuant to title 41, chapter 12,  
18 article 3.1 as follows:

19 1. The applicant shall submit a request for an application packet  
20 from the department of public safety.

21 2. The application packet shall be contained in an envelope  
22 specified by the department of public safety and shall include the  
23 following:

24 (a) A blank applicant fingerprint card.

25 (b) An application for a fingerprint clearance card.

26 (c) Instructions for ~~the return of~~ RETURNING the application  
27 packet.

28 3. A school district or charter school may contract for  
29 fingerprinting services through an entity or entities and shall provide a  
30 copy of the instructions to the entity or entities as provided by the  
31 department of public safety regarding the submission of identity verified  
32 fingerprints. If a school district or charter school elects to provide  
33 fingerprinting services, the school district or charter school shall  
34 authorize an individual employed by the school district or charter school  
35 to administer the services.

36 4. The department of public safety shall provide instructions to  
37 law enforcement agencies and public schools regarding the submission of  
38 identity verified fingerprints. The department of public safety shall  
39 reject the application for a fingerprint clearance card if the application  
40 is not correct or is not submitted according to the instructions provided  
41 by the department of public safety.

42 5. The applicant, at the time ~~that~~ identity verified fingerprints  
43 are taken, shall provide the law enforcement agency, school district,  
44 charter school or other entity with a completed application form for a  
45 fingerprint clearance card, the fingerprint card with the requisite

1 demographic information and the required fee in the form of a money order  
2 or cashier's check made out to the department of public safety. The law  
3 enforcement agency, school district, charter school or other entity shall  
4 verify the identity of the applicant through recognized means of  
5 photographic identification and a comparison of the demographic  
6 information on the photographic identification against the demographic  
7 information on the application form and the fingerprint card. The  
8 authorized person taking the fingerprints shall enter on the application  
9 form a description of the photographic identification presented by the  
10 applicant. The law enforcement agency, school district, charter school or  
11 other entity shall place the completed fingerprint card, the completed  
12 application form or any other form required by the department of public  
13 safety and the fee provided by the applicant in the postage prepaid  
14 envelope provided by the department of public safety and mail it to the  
15 fingerprinting division in the department of public safety. A law  
16 enforcement agency, school district, charter school or other entity may  
17 charge the applicant a reasonable fee for services provided pursuant to  
18 this section.

19 6. Fingerprints submitted electronically or through an  
20 internet-based system pursuant to section 41-1758.01 shall include a  
21 completed application for a fingerprint clearance card, the requisite  
22 applicant demographic information and the required fee, and shall be  
23 identity verified in accordance with instructions provided by the  
24 department of public safety. The department shall reject the application  
25 for a fingerprint clearance card if the application is not correct or is  
26 not submitted according to the department's instructions. The entity or  
27 entities contracted by the department shall comply with:

28 (a) All information privacy and security measures and submission  
29 standards established by the department.

30 (b) The information technology security policy approved by the  
31 department.

32 7. The department of public safety shall process the application  
33 packet in the same manner prescribed for fingerprint clearance cards  
34 issued pursuant to title 41, chapter 12, article 3.1.

35 8. The department of public safety shall provide for digital  
36 storage and retrieval of identity verified fingerprints taken pursuant to  
37 this section. The fingerprints taken pursuant to this section shall be  
38 digitally designated in the fingerprint archive as identity verified  
39 fingerprint records.

40 9. A person who has a set of identity verified fingerprints on file  
41 with the department of public safety pursuant to this section ~~shall~~ IS not  
42 ~~be~~ required to submit a new set of fingerprints to the department of  
43 public safety to renew the person's fingerprint clearance card. On  
44 receipt of the required application form and fee for a renewal fingerprint  
45 clearance card from a person required to submit identity verified

1 fingerprints, the department of public safety shall attempt to use the  
2 electronic copy of the applicant's identity verified fingerprints that are  
3 retained pursuant to this section to conduct the state and national  
4 criminal records checks. The department of public safety may require the  
5 applicant to submit a new set of identity verified fingerprints if the  
6 department of public safety determines that the original fingerprints  
7 submitted have been lost or damaged or are found to be otherwise of  
8 insufficient quality to conduct a valid technical fingerprint search  
9 either by the department of public safety or the federal bureau of  
10 investigation.

11 10. A person who participates in a teacher preparation program that  
12 is approved by the state board of education and who does not participate  
13 in field experience or student teaching in this state ~~shall~~ IS not ~~be~~  
14 required to obtain a fingerprint clearance card pursuant to this section.

15 Sec. 2. Title 15, chapter 19, article 1, Arizona Revised Statutes,  
16 is amended by adding sections 15-2406 and 15-2407, to read:

17 15-2406. Qualified schools; personnel; fingerprinting  
18 requirements; definition

19 A. NOTWITHSTANDING SECTION 15-2404, A QUALIFIED SCHOOL THAT ENROLLS  
20 ONE OR MORE QUALIFIED STUDENTS SHALL DEVELOP PROCEDURES FOR FINGERPRINTING  
21 SCHOOL PERSONNEL. THE PROCEDURES SHALL REQUIRE THAT SCHOOL PERSONNEL:

22 1. BE FINGERPRINTED AS A CONDITION OF EMPLOYMENT FOR THE PURPOSE OF  
23 OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION  
24 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY  
25 EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

26 2. SUBMIT FINGERPRINTS TO THE QUALIFIED SCHOOL WITHIN TWENTY DAYS  
27 AFTER THE DATE THE INDIVIDUAL BEGINS WORK.

28 B. A QUALIFIED SCHOOL THAT ENROLLS A QUALIFIED STUDENT MAY ADOPT  
29 PROCEDURES PURSUANT TO SUBSECTION A OF THIS SECTION THAT REQUIRE SCHOOL  
30 PERSONNEL TO OBTAIN A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO  
31 TITLE 41, CHAPTER 12, ARTICLE 3.1 AS A CONDITION OF EMPLOYMENT. IF A  
32 QUALIFIED SCHOOL DOES NOT REQUIRE A FINGERPRINT CLEARANCE CARD AS A  
33 CONDITION OF EMPLOYMENT, SCHOOL PERSONNEL MAY APPLY FOR A FINGERPRINT  
34 CLEARANCE CARD AND SHALL BE TREATED AS A PERSON WHO IS REQUIRED TO OBTAIN  
35 A FINGERPRINT CLEARANCE CARD FOR THE PURPOSES OF THE APPLICATION.

36 C. A QUALIFIED SCHOOL THAT ENROLLS A QUALIFIED STUDENT MAY RELEASE  
37 THE RESULTS OF A BACKGROUND CHECK THAT IS CONDUCTED PURSUANT TO SUBSECTION  
38 A OF THIS SECTION AND MAY COMMUNICATE TO A SCHOOL DISTRICT, CHARTER SCHOOL  
39 OR OTHER QUALIFIED SCHOOL FOR EMPLOYMENT PURPOSES WHETHER ANY SCHOOL  
40 PERSONNEL HAS BEEN ISSUED OR DENIED A FINGERPRINT CLEARANCE CARD.

41 D. FOR THE PURPOSES OF THIS SECTION, "SCHOOL PERSONNEL":

42 1. INCLUDES ANY INDIVIDUAL WHO IS INITIALLY HIRED BY THE QUALIFIED  
43 SCHOOL AFTER JANUARY 1, 1990 AND IS ANY OF THE FOLLOWING:

1 (a) A PAID EMPLOYEE OF THE QUALIFIED SCHOOL.  
2 (b) AN INDIVIDUAL WHO PROVIDES SERVICES DIRECTLY TO STUDENTS OF THE  
3 QUALIFIED SCHOOL AND WHO IS ALL OF THE FOLLOWING:  
4 (i) NOT A PAID EMPLOYEE OF THE QUALIFIED SCHOOL.  
5 (ii) NOT A PARENT OR GUARDIAN OF A STUDENT WHO ATTENDS THE  
6 QUALIFIED SCHOOL.  
7 (iii) NOT UNDER THE DIRECTION OF OR, EXCEPT FOR BRIEF PERIODS OF  
8 TIME DURING A SCHOOL DAY OR SCHOOL ACTIVITY, WITHIN SIGHT OF A PAID  
9 EMPLOYEE OF THE QUALIFIED SCHOOL WHILE PROVIDING SERVICES TO STUDENTS.  
10 (iv) REQUIRED OR ALLOWED TO PROVIDE SERVICES DIRECTLY TO STUDENTS.  
11 2. DOES NOT INCLUDE AN INDIVIDUAL WHO IS EITHER:  
12 (a) REQUIRED AS A CONDITION OF LICENSURE TO BE FINGERPRINTED IF THE  
13 LICENSE IS REQUIRED FOR EMPLOYMENT.  
14 (b) REESTABLISHING EMPLOYMENT WITH A QUALIFIED SCHOOL WITHIN ONE  
15 YEAR AFTER TERMINATING EMPLOYMENT WITH THE SAME QUALIFIED SCHOOL.  
16 15-2407. Qualified schools; state board of education;  
17 complaints; investigations; penalties; rules;  
18 appeal  
19 A. A QUALIFIED STUDENT OR THE PARENT OF A QUALIFIED STUDENT MAY  
20 FILE A WRITTEN COMPLAINT WITH THE STATE BOARD OF EDUCATION ALLEGING THAT  
21 THE QUALIFIED SCHOOL HAS VIOLATED THIS ARTICLE. A COMPLAINT FILED  
22 PURSUANT TO THIS SUBSECTION MUST INCLUDE A DESCRIPTION OF THE SPECIFIC  
23 FACTS OF THE ALLEGED VIOLATION AND IDENTIFY ANY EVIDENCE SUPPORTING THE  
24 ALLEGATION.  
25 B. THE STATE BOARD OF EDUCATION SHALL INVESTIGATE A COMPLAINT FILED  
26 PURSUANT TO SUBSECTION A OF THIS SECTION AND DETERMINE WHETHER A VIOLATION  
27 OCCURRED. IF THE STATE BOARD DETERMINES THAT A VIOLATION OCCURRED, THE  
28 STATE BOARD SHALL NOTIFY THE QUALIFIED SCHOOL IN WRITING OF THAT  
29 DETERMINATION AND INSTRUCT THE QUALIFIED SCHOOL HOW TO CURE THE VIOLATION.  
30 IF THE STATE BOARD DETERMINES THAT THE QUALIFIED SCHOOL HAS FAILED TO  
31 CORRECT THE VIOLATION WITHIN SIXTY DAYS AFTER THE STATE BOARD ISSUES A  
32 NOTICE PURSUANT TO THIS SUBSECTION, THE QUALIFIED SCHOOL:  
33 1. SHALL REIMBURSE THE DEPARTMENT ALL ARIZONA EMPOWERMENT  
34 SCHOLARSHIP ACCOUNT MONIES RECEIVED PURSUANT TO THIS ARTICLE DURING THE  
35 PREVIOUS SCHOOL YEAR.  
36 2. MAY NOT CHARGE ANY QUALIFIED STUDENT WHO IS ENROLLED IN THE  
37 QUALIFIED SCHOOL UNDER THIS ARTICLE TUITION AND FEES TO RECOVER MONIES  
38 REIMBURSED UNDER PARAGRAPH 1 OF THIS SUBSECTION.  
39 C. THE STATE BOARD OF EDUCATION SHALL ADOPT RULES AND PROCEDURES  
40 FOR THE STATE BOARD TO INVESTIGATE WRITTEN COMPLAINTS FILED PURSUANT TO  
41 THIS SECTION.  
42 D. ACTIONS TAKEN UNDER THIS SECTION ARE SUBJECT TO APPEAL PURSUANT  
43 TO TITLE 41, CHAPTER 6, ARTICLE 10.



1 prospective employer about the reason for termination of a former employee  
2 or about the job performance, professional conduct or evaluation of a  
3 current or former employee.

4 D. The presumption of good faith under subsection C of this section  
5 is rebuttable by showing that the employer disclosed the information with  
6 actual malice or with intent to mislead. This subsection and subsection C  
7 of this section do not alter any privileges that exist under common law.  
8 For the purposes of this subsection, "actual malice" means knowledge that  
9 the information was false or was provided with reckless disregard of its  
10 truth or falsity.

11 E. Communications concerning employees or prospective employees  
12 that are made by an employer or prospective employer, or by a labor  
13 organization, to a government body or agency and that are required by law  
14 or that are furnished pursuant to written rules or policies of the  
15 government body or agency are privileged.

16 F. An employer, including this state and its agencies, a labor  
17 organization or an individual is not civilly liable for privileged  
18 communications made pursuant to subsection E of this section.

19 G. In response to a request by another bank, savings and loan  
20 association, credit union, escrow agent, commercial mortgage banker,  
21 mortgage banker or mortgage broker it is not unlawful for a bank, a  
22 savings and loan association, a credit union, an escrow agent, a  
23 commercial mortgage banker, a mortgage banker or a mortgage broker to  
24 provide a written employment reference that advises of the applicant's  
25 involvement in any theft, embezzlement, misappropriation or other  
26 defalcation that has been reported to federal authorities pursuant to  
27 federal banking guidelines or reported to the department of insurance and  
28 financial institutions. In order for the immunity provided in subsection  
29 H of this section to apply, a copy of the written employment reference  
30 must be sent by the institution providing the reference to the last known  
31 address of the applicant in question.

32 H. A bank, savings and loan association, credit union, escrow  
33 agent, commercial mortgage banker, mortgage banker or mortgage broker is  
34 not civilly liable for providing an employment reference unless the  
35 information provided is false and the bank, savings and loan association,  
36 credit union, escrow agent, commercial mortgage banker, mortgage banker or  
37 mortgage broker providing the false information does so with knowledge and  
38 malice.

39 I. A court shall award court costs, attorney fees and other related  
40 expenses to any party that prevails in any civil proceeding in which a  
41 violation of this section is alleged.

42 Sec. 4. Section 41-619.51, Arizona Revised Statutes, is amended to  
43 read:

44 41-619.51. Definitions

45 In this article, unless the context otherwise requires:

1           1. "Agency" means the supreme court, the department of economic  
2 security, the department of child safety, the department of education, the  
3 department of health services, the department of juvenile corrections, the  
4 department of emergency and military affairs, the department of public  
5 safety, the department of transportation, the state real estate  
6 department, the department of insurance and financial institutions, the  
7 Arizona game and fish department, the Arizona department of agriculture,  
8 the board of examiners of nursing care institution administrators and  
9 assisted living facility managers, the state board of dental examiners,  
10 the Arizona state board of pharmacy, the board of physical therapy, the  
11 state board of psychologist examiners, the board of athletic training, the  
12 board of occupational therapy examiners, the state board of podiatry  
13 examiners, the acupuncture board of examiners, the state board of  
14 technical registration, ~~or~~ the board of massage therapy or the Arizona  
15 department of housing.

16           2. "Board" means the board of fingerprinting.

17           3. "Central registry exception" means notification to the  
18 department of economic security, the department of child safety or the  
19 department of health services, as appropriate, pursuant to section  
20 41-619.57 that the person is not disqualified because of a central  
21 registry check conducted pursuant to section 8-804.

22           4. "Expedited review" means an examination, in accordance with  
23 board rule, of the documents an applicant submits by the board or its  
24 hearing officer without the applicant being present.

25           5. "Good cause exception" means the issuance of a fingerprint  
26 clearance card to an employee pursuant to section 41-619.55.

27           6. "Person" means a person who is required to be fingerprinted  
28 pursuant to this article or who is subject to a central registry check and  
29 any of the following:

- 30           (a) Section 3-314.
- 31           (b) Section 8-105.
- 32           (c) Section 8-322.
- 33           (d) Section 8-463.
- 34           (e) Section 8-509.
- 35           (f) Section 8-802.
- 36           (g) Section 8-804.
- 37           (h) Section 15-183.
- 38           (i) Section 15-503.
- 39           (j) Section 15-512.
- 40           (k) Section 15-534.
- 41           (l) Section 15-763.01.
- 42           (m) Section 15-782.02.
- 43           (n) Section 15-1330.
- 44           (o) Section 15-1881.
- 45           (p) SECTION 15-2406.

1       ~~(p)~~ (q) Section 17-215.  
2       ~~(q)~~ (r) Section 28-3228.  
3       ~~(r)~~ (s) Section 28-3413.  
4       ~~(s)~~ (t) Section 32-122.02.  
5       ~~(t)~~ (u) Section 32-122.05.  
6       ~~(u)~~ (v) Section 32-122.06.  
7       ~~(v)~~ (w) Section 32-823.  
8       ~~(w)~~ (x) Section 32-1232.  
9       ~~(x)~~ (y) Section 32-1276.01.  
10      ~~(y)~~ (z) Section 32-1284.  
11      ~~(z)~~ (aa) Section 32-1297.01.  
12      ~~(aa)~~ (bb) Section 32-1904.  
13      ~~(bb)~~ (cc) Section 32-1941.  
14      ~~(cc)~~ (dd) Section 32-1982.  
15      ~~(dd)~~ (ee) Section 32-2022.  
16      ~~(ee)~~ (ff) Section 32-2063.  
17      ~~(ff)~~ (gg) Section 32-2108.01.  
18      ~~(gg)~~ (hh) Section 32-2123.  
19      ~~(hh)~~ (ii) Section 32-2371.  
20      ~~(ii)~~ (jj) Section 32-3430.  
21      ~~(jj)~~ (kk) Section 32-3620.  
22      ~~(kk)~~ (ll) Section 32-3668.  
23      ~~(ll)~~ (mm) Section 32-3669.  
24      ~~(mm)~~ (nn) Section 32-3922.  
25      ~~(nn)~~ (oo) Section 32-3924.  
26      ~~(oo)~~ (pp) Section 32-4222.  
27      ~~(pp)~~ (qq) Section 32-4128.  
28      ~~(qq)~~ (rr) Section 36-113.  
29      ~~(rr)~~ (ss) Section 36-207.  
30      ~~(ss)~~ (tt) Section 36-411.  
31      ~~(tt)~~ (uu) Section 36-425.03.  
32      ~~(uu)~~ (vv) Section 36-446.04.  
33      ~~(vv)~~ (ww) Section 36-594.01.  
34      ~~(ww)~~ (xx) Section 36-594.02.  
35      ~~(xx)~~ (yy) Section 36-766.01.  
36      ~~(yy)~~ (zz) Section 36-882.  
37      ~~(zz)~~ (aaa) Section 36-883.02.  
38      ~~(aaa)~~ (bbb) Section 36-897.01.  
39      ~~(bbb)~~ (ccc) Section 36-897.03.  
40      ~~(ccc)~~ (ddd) Section 36-3008.  
41      ~~(ddd)~~ (eee) Section 41-619.53.  
42      ~~(eee)~~ (fff) Section 41-1964.  
43      ~~(fff)~~ (ggg) Section 41-1967.01.  
44      ~~(ggg)~~ (hhh) Section 41-1968.  
45      ~~(hhh)~~ (iii) Section 41-1969.

- 1           ~~(iii)~~ (jjj) Section 41-2814.
- 2           ~~(jjj)~~ (kkk) Section 41-4025.
- 3           ~~(kkk)~~ (lll) Section 46-141, subsection A or B.
- 4           ~~(iii)~~ (mmm) Section 46-321.

5           Sec. 5. Section 41-1758, Arizona Revised Statutes, is amended to  
6 read:

7           41-1758. Definitions

8           In this article, unless the context otherwise requires:

9           1. "Agency" means the supreme court, the department of economic  
10 security, the department of child safety, the department of education, the  
11 department of health services, the department of juvenile corrections, the  
12 department of emergency and military affairs, the department of public  
13 safety, the department of transportation, the state real estate  
14 department, the department of insurance and financial institutions, the  
15 board of fingerprinting, the Arizona game and fish department, the Arizona  
16 department of agriculture, the board of examiners of nursing care  
17 institution administrators and assisted living facility managers, the  
18 state board of dental examiners, the Arizona state board of pharmacy, the  
19 board of physical therapy, the state board of psychologist examiners, the  
20 board of athletic training, the board of occupational therapy examiners,  
21 the state board of podiatry examiners, the acupuncture board of examiners,  
22 the state board of technical registration, ~~or~~ the board of massage therapy  
23 or the Arizona department of housing.

24           2. "Division" means the fingerprinting division in the department  
25 of public safety.

26           3. "Electronic or internet-based fingerprinting services" means a  
27 secure system for digitizing applicant fingerprints and transmitting the  
28 applicant data and fingerprints of a person or entity submitting  
29 fingerprints to the department of public safety for any authorized purpose  
30 under this title. For the purposes of this paragraph, "secure system"  
31 means a system that complies with the information technology security  
32 policy approved by the department of public safety.

33           4. "Good cause exception" means the issuance of a fingerprint  
34 clearance card to an applicant pursuant to section 41-619.55.

35           5. "Person" means a person who is required to be fingerprinted  
36 pursuant to any of the following:

- 37           (a) Section 3-314.
- 38           (b) Section 8-105.
- 39           (c) Section 8-322.
- 40           (d) Section 8-463.
- 41           (e) Section 8-509.
- 42           (f) Section 8-802.
- 43           (g) Section 15-183.
- 44           (h) Section 15-503.
- 45           (i) Section 15-512.

- 1 (j) Section 15-534.
- 2 (k) Section 15-763.01.
- 3 (l) Section 15-782.02.
- 4 (m) Section 15-1330.
- 5 (n) Section 15-1881.
- 6 (o) SECTION 15-2406.
- 7 ~~(p)~~ (p) Section 17-215.
- 8 ~~(q)~~ (q) Section 28-3228.
- 9 ~~(r)~~ (r) Section 28-3413.
- 10 ~~(s)~~ (s) Section 32-122.02.
- 11 ~~(t)~~ (t) Section 32-122.05.
- 12 ~~(u)~~ (u) Section 32-122.06.
- 13 ~~(v)~~ (v) Section 32-823.
- 14 ~~(w)~~ (w) Section 32-1232.
- 15 ~~(x)~~ (x) Section 32-1276.01.
- 16 ~~(y)~~ (y) Section 32-1284.
- 17 ~~(z)~~ (z) Section 32-1297.01.
- 18 ~~(aa)~~ (aa) Section 32-1904.
- 19 ~~(bb)~~ (bb) Section 32-1941.
- 20 ~~(cc)~~ (cc) Section 32-1982.
- 21 ~~(dd)~~ (dd) Section 32-2022.
- 22 ~~(ee)~~ (ee) Section 32-2063.
- 23 ~~(ff)~~ (ff) Section 32-2108.01.
- 24 ~~(gg)~~ (gg) Section 32-2123.
- 25 ~~(hh)~~ (hh) Section 32-2371.
- 26 ~~(ii)~~ (ii) Section 32-3430.
- 27 ~~(jj)~~ (jj) Section 32-3620.
- 28 ~~(kk)~~ (kk) Section 32-3668.
- 29 ~~(ll)~~ (ll) Section 32-3669.
- 30 ~~(mm)~~ (mm) Section 32-3922.
- 31 ~~(nn)~~ (nn) Section 32-3924.
- 32 ~~(oo)~~ (oo) Section 32-4128.
- 33 ~~(pp)~~ (pp) Section 32-4222.
- 34 ~~(qq)~~ (qq) Section 36-113.
- 35 ~~(rr)~~ (rr) Section 36-207.
- 36 ~~(ss)~~ (ss) Section 36-411.
- 37 ~~(tt)~~ (tt) Section 36-425.03.
- 38 ~~(uu)~~ (uu) Section 36-446.04.
- 39 ~~(vv)~~ (vv) Section 36-594.01.
- 40 ~~(ww)~~ (ww) Section 36-594.02.
- 41 ~~(xx)~~ (xx) Section 36-766.01.
- 42 ~~(yy)~~ (yy) Section 36-882.
- 43 ~~(zz)~~ (zz) Section 36-883.02.

- 1           ~~(zzz)~~ (aaa) Section 36-897.01.
- 2           ~~(aaa)~~ (bbb) Section 36-897.03.
- 3           ~~(bbb)~~ (ccc) Section 36-3008.
- 4           ~~(ccc)~~ (ddd) Section 41-619.52.
- 5           ~~(ddd)~~ (eee) Section 41-619.53.
- 6           ~~(eee)~~ (fff) Section 41-1964.
- 7           ~~(fff)~~ (ggg) Section 41-1967.01.
- 8           ~~(ggg)~~ (hhh) Section 41-1968.
- 9           ~~(hhh)~~ (iii) Section 41-1969.
- 10          ~~(iii)~~ (jjj) Section 41-2814.
- 11          ~~(jjj)~~ (kkk) Section 41-4025.
- 12          ~~(kkk)~~ (lll) Section 46-141, subsection A or B.
- 13          ~~(lll)~~ (mmm) Section 46-321.

14           6. "Vulnerable adult" has the same meaning prescribed in section  
15 13-3623.

16           Sec. 6. Section 41-1758.01, Arizona Revised Statutes, is amended to  
17 read:

18           41-1758.01. Fingerprinting division; powers and duties

19           A. The fingerprinting division is established in the department of  
20 public safety and shall:

21           1. Conduct fingerprint background checks for persons and applicants  
22 who are seeking licenses from state agencies, employment with licensees,  
23 contract providers and state agencies or employment or educational  
24 opportunities with agencies that require fingerprint background checks  
25 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,  
26 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 15-2406,  
27 17-215, 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823,  
28 32-1232, 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982,  
29 32-2022, 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668,  
30 32-3669, 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411,  
31 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02,  
32 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01,  
33 41-1968, 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141, subsection A or B  
34 and section 46-321.

35           2. Issue fingerprint clearance cards. On issuance, a fingerprint  
36 clearance card becomes the personal property of the cardholder and the  
37 cardholder shall retain possession of the fingerprint clearance card.

38           3. On submission of an application for a fingerprint clearance  
39 card, collect the fees established by the board of fingerprinting pursuant  
40 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,  
41 the monies collected in the board of fingerprinting fund.

42           4. Inform in writing each person who submits fingerprints for a  
43 fingerprint background check of the right to petition the board of  
44 fingerprinting for a good cause exception pursuant to section 41-1758.03,  
45 41-1758.04 or 41-1758.07.

1           5. If after conducting a state and federal criminal history records  
2 check the division determines that it is not authorized to issue a  
3 fingerprint clearance card to a person, inform the person in writing that  
4 the division is not authorized to issue a fingerprint clearance card. The  
5 notice shall include the criminal history information on which the denial  
6 was based. This criminal history information is subject to dissemination  
7 restrictions pursuant to section 41-1750 and Public Law 92-544.

8           6. Notify the person in writing if the division suspends, revokes  
9 or places a driving restriction notation on a fingerprint clearance card  
10 pursuant to section 41-1758.04. The notice shall include the criminal  
11 history information on which the suspension, revocation or placement of  
12 the driving restriction notation was based. This criminal history  
13 information is subject to dissemination restrictions pursuant to section  
14 41-1750 and Public Law 92-544.

15           7. Administer and enforce this article.

16           B. The fingerprinting division may contract for electronic or  
17 internet-based fingerprinting services through an entity or entities for  
18 the acquisition and transmission of applicant fingerprint and data  
19 submissions to the department, including identity verified fingerprints  
20 pursuant to section 15-106. The entity or entities contracted by the  
21 department of public safety may charge the applicant a fee for services  
22 provided pursuant to this article. The entity or entities contracted by  
23 the department of public safety shall comply with:

24           1. All information privacy and security measures and submission  
25 standards established by the department of public safety.

26           2. The information technology security policy approved by the  
27 department of public safety.

28           Sec. 7. Section 41-1758.08, Arizona Revised Statutes, is amended to  
29 read:

30           41-1758.08. Fingerprint clearance card; use of expired card

31           A. Notwithstanding any other law, an expired fingerprint clearance  
32 card may be used to satisfy the fingerprint requirements of section  
33 15-183, 15-503, 15-512, 15-534, 15-782.02, 15-1330, ~~OR~~ 15-1881 OR 15-2406  
34 if the person signs an affidavit stating both of the following:

35           1. The person submitted a completed application to the division for  
36 a new fingerprint clearance card within ninety days before the expiration  
37 date on the person's current fingerprint clearance card.

38           2. The person is not awaiting trial on and has not been convicted  
39 of a criminal offense that would make the person ineligible for a  
40 fingerprint clearance card.

41           B. This section does not apply to a fingerprint clearance card that  
42 has been denied, suspended or revoked or to a person who has requested a  
43 good cause exception hearing.

1           Sec. 8. Fingerprinting requirement: current school personnel  
2           Notwithstanding section 15-2406, subsection A, paragraph 2, as added  
3 by this act, current school personnel, as defined in section 15-2406,  
4 Arizona Revised Statutes, as added by this act, must comply with the  
5 fingerprinting requirements prescribed in section 15-2406, Arizona Revised  
6 Statutes, as added by this act, within six months after the effective date  
7 of this act.