

House Engrossed

fingerprinting; personnel; committed youth; contact.

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2730

AN ACT

AMENDING SECTION 41-2814, ARIZONA REVISED STATUTES; RELATING TO THE
DEPARTMENT OF JUVENILE CORRECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-2814, Arizona Revised Statutes, is amended to
3 read:

4 41-2814. Fingerprinting; direct contact with committed youth;
5 exception; violation; classification; definitions

6 A. ~~All employees~~ EACH EMPLOYEE of the department and ~~all~~ ANY
7 LICENSEE OR CONTRACT SERVICE PROVIDER, EMPLOYEE OF ANY LICENSEE OR
8 contract service ~~providers that provide services primarily on department~~
9 ~~premises~~ PROVIDER AND EACH VOLUNTEER WHO HAS UNSUPERVISED DIRECT CONTACT
10 WITH COMMITTED YOUTH INSIDE A SECURE CARE FACILITY UNDER THE JURISDICTION
11 OF THE DEPARTMENT shall be fingerprinted AND IS SUBJECT TO A CRIMINAL
12 HISTORY RECORDS CHECK PURSUANT TO SECTION 41-1750, SUBSECTION G,
13 PARAGRAPH 1. These individuals shall submit fingerprints and the form
14 prescribed in subsection ~~F~~ G of this section within ~~seven~~ TEN days ~~after~~
15 ~~the date of employment~~ BEFORE THE DATE OF UNSUPERVISED DIRECT CONTACT WITH
16 COMMITTED YOUTH. ~~Employment with the department~~ UNSUPERVISED DIRECT
17 CONTACT WITH COMMITTED YOUTH INSIDE A SECURE CARE FACILITY UNDER THE
18 JURISDICTION OF THE DEPARTMENT is conditioned on the results of the
19 fingerprint check. ~~Fingerprint checks shall be conducted pursuant to~~
20 ~~section 41-1750, subsection G, paragraph 1.~~

21 B. EACH EMPLOYEE OF A LICENSEE OR CONTRACT SERVICE PROVIDER, EACH
22 CONTRACTOR AND LICENSEE, AND EACH VOLUNTEER WHO HAS SUPERVISED DIRECT
23 CONTACT WITH COMMITTED YOUTH INSIDE A SECURE CARE FACILITY UNDER THE
24 JURISDICTION OF THE DEPARTMENT IS SUBJECT TO A CRIMINAL HISTORY RECORDS
25 CHECK PURSUANT TO SECTION 41-1750, SUBSECTION G, PARAGRAPH 16. A VISITOR
26 WHO HAS SUPERVISED DIRECT CONTACT WITH COMMITTED YOUTH INSIDE A SECURE
27 CARE FACILITY UNDER THE JURISDICTION OF THE DEPARTMENT IS SUBJECT TO A
28 CRIMINAL HISTORY RECORDS CHECK PURSUANT TO SECTION 41-1750, SUBSECTION G,
29 PARAGRAPH 16. A PERSON'S ENTRY INTO A SECURE CARE FACILITY UNDER THE
30 JURISDICTION OF THE DEPARTMENT IS CONDITIONED ON THE RESULTS OF THE
31 CRIMINAL HISTORY RECORDS CHECK PURSUANT TO THIS SUBSECTION.

32 ~~B.~~ C. Except as provided in subsection A of this section, a paid
33 or unpaid employee of a licensee or contract SERVICE provider who has
34 direct contact with committed youth OUTSIDE OF A SECURE CARE FACILITY
35 shall SUBMIT THE FORM PRESCRIBED IN SUBSECTION G OF THIS SECTION AND have
36 a valid fingerprint clearance card issued pursuant to chapter 12,
37 article 3.1 of this title or shall apply for a fingerprint clearance card
38 within seven days ~~of~~ AFTER beginning employment. DIRECT CONTACT WITH
39 COMMITTED YOUTH PURSUANT TO THIS SUBSECTION IS CONDITIONED ON THE RESULTS
40 OF THE FINGERPRINT AND CRIMINAL HISTORY RECORDS CHECK PURSUANT TO SECTION
41 41-1750, SUBSECTION G, PARAGRAPHS 1 AND 16.

42 ~~C.~~ D. A service contract or license with any contract SERVICE
43 provider or licensee ~~that involves the employment of persons who have~~ IS
44 SUBJECT TO IMMEDIATE CANCELLATION OR TERMINATION IF A PAID OR UNPAID
45 EMPLOYEE OF THE CONTRACT SERVICE PROVIDER OR LICENSEE WHO HAS direct

1 contact with committed youth ~~shall provide that the contract or license~~
2 ~~may be canceled or terminated immediately if a person~~ MEETS EITHER OF THE
3 FOLLOWING:

4 1. Certifies pursuant to subsection ~~F~~ G of this section that the
5 ~~person~~ INDIVIDUAL is awaiting trial on or has been convicted of OR HAS
6 ATTEMPTED OR COMMITTED any of the offenses listed in subsection ~~F~~ G of
7 this section in this jurisdiction or acts committed in another
8 jurisdiction that would be offenses in this jurisdiction. ~~or if the person~~

9 2. IS REQUIRED TO POSSESS A VALID FINGERPRINT CLEARANCE CARD
10 PURSUANT TO SUBSECTION C OF THIS SECTION AND does not possess or is denied
11 issuance of a valid fingerprint clearance card.

12 ~~D.~~ E. A contract SERVICE provider or licensee may avoid
13 cancellation or termination of the contract or license under subsection
14 ~~E~~ D of this section if ~~a person~~ AN INDIVIDUAL who does not possess or has
15 been denied issuance of a valid fingerprint clearance card AS REQUIRED BY
16 SUBSECTION C OF THIS SECTION or who certifies pursuant to subsection ~~F~~ G
17 of this section that the ~~person~~ INDIVIDUAL has been convicted of or is
18 awaiting trial on OR HAS ATTEMPTED OR COMMITTED any of the offenses listed
19 in subsection ~~F~~ G, paragraphs 1, 2, 3, 6, 7, 9, 15, 16, 17, 18 and 21 of
20 this section is immediately prohibited from employment or service with the
21 contract SERVICE provider or licensee in any capacity requiring or
22 allowing direct contact with committed youth.

23 ~~E.~~ F. A contract SERVICE provider or licensee may avoid
24 cancellation or termination of the contract or license under subsection
25 ~~E~~ D of this section if ~~a person~~ AN INDIVIDUAL who does not possess or has
26 been denied issuance of a valid fingerprint clearance card AS REQUIRED BY
27 SUBSECTION C OF THIS SECTION or who certifies pursuant to subsection ~~F~~ G
28 of this section that the ~~person~~ INDIVIDUAL has been convicted of or is
29 awaiting trial on OR HAS ATTEMPTED OR COMMITTED any of the offenses listed
30 in subsection ~~F~~ G, paragraphs 4, 5, 8, 10, 11, 12, 13, 14, 19, 20, 22 and
31 23 of this section is immediately prohibited from employment or service
32 with the contract SERVICE provider or licensee in any capacity requiring
33 or allowing direct contact with committed youth ~~unless the employee is~~
34 ~~granted a good cause exception pursuant to section 41-619.55, UNLESS THE~~
35 PERSON IS GRANTED A GOOD CAUSE EXCEPTION PURSUANT TO SECTION 41-619.55.

36 ~~F.~~ G. ~~Personnel who are employed by the department and contract~~
37 ~~personnel~~ EACH INDIVIDUAL WHO IS LISTED IN SUBSECTIONS A AND B OF THIS
38 SECTION AND who ~~have~~ HAS direct contact with committed youth AND EACH
39 INDIVIDUAL WHO IS LISTED IN SUBSECTION C OF THIS SECTION shall certify on
40 forms provided by the department ~~and notarized~~ whether ~~they are~~ THE
41 INDIVIDUAL IS awaiting trial on or ~~have~~ HAS ever been convicted of OR HAS
42 ATTEMPTED or committed any of the following criminal offenses in this
43 state or similar offenses in another state or jurisdiction:

1 1. Sexual abuse OR SEXUAL HARASSMENT of a minor.
2 2. Incest.
3 3. First or second degree murder.
4 4. Kidnapping.
5 5. Arson.
6 6. Sexual assault.
7 7. Sexual exploitation of a minor.
8 8. ~~Felony offenses involving~~ Contributing to the delinquency of a
9 minor.
10 9. Commercial sexual exploitation of a minor.
11 10. ~~Felony offenses~~ ANY OFFENSE involving sale, distribution or
12 transportation of, offer to sell, transport or distribute or conspiracy to
13 sell, transport or distribute marijuana, dangerous drugs or narcotic
14 drugs.
15 11. ~~Felony offenses~~ ANY OFFENSE involving the possession or use of
16 marijuana, dangerous drugs or narcotic drugs.
17 12. Burglary.
18 13. Aggravated or armed robbery.
19 14. Robbery.
20 15. A dangerous crime against children as defined in section 13-705.
21 16. Child abuse.
22 17. Sexual conduct with a minor.
23 18. Molestation of a child.
24 19. Manslaughter.
25 20. Assault or aggravated assault.
26 21. Exploitation of minors involving drug offenses.
27 22. A violation of section 28-1381, 28-1382 or 28-1383.
28 23. ~~Offenses~~ ANY OFFENSE involving domestic violence.
29 ~~G.~~ H. The department shall make documented, good faith efforts to
30 contact previous employers of personnel to obtain information or
31 recommendations that may be relevant to an individual's fitness for
32 employment.
33 ~~H.~~ I. Hospital employees, licensed medical personnel, staff and
34 volunteers who provide services to juveniles in a health care facility
35 located outside the secure care facility and who are under the direct
36 visual supervision as is medically reasonable of the department's
37 employees or the department's contracted security employees are exempt
38 from the requirements of this section.
39 ~~I.~~ J. EXCEPT AS PROVIDED IN THIS SUBSECTION, THE DEPARTMENT MAY
40 NOT ALLOW AN INDIVIDUAL WHO IS LISTED IN SUBSECTIONS A, B AND C OF THIS
41 SECTION AND WHO IS AWAITING TRIAL ON OR WHO HAS COMMITTED, ATTEMPTED OR
42 BEEN CONVICTED OF A FELONY OFFENSE PURSUANT TO SUBSECTION G OF THIS
43 SECTION TO HAVE SUPERVISED OR UNSUPERVISED DIRECT CONTACT WITH COMMITTED
44 YOUTH. Notwithstanding subsections A, B, C, AND D ~~and E~~ of this section,
45 the director may allow ~~a paid or unpaid employee of a licensee or contract~~

1 ~~provider~~ AN INDIVIDUAL WHO IS LISTED IN SUBSECTIONS A, B AND C OF THIS
2 SECTION AND who has been convicted of an offense listed in subsection
3 ~~F~~ G, paragraph 5, 10, 11, ~~or~~ 12, 13, 14, 19, 20, 22 OR 23 of this section
4 to have SUPERVISED direct contact with committed youth if the director
5 finds that the ~~person~~ INDIVIDUAL is successfully rehabilitated. In
6 determining whether ~~a person~~ AN INDIVIDUAL is successfully rehabilitated,
7 the director:

8 1. May require the ~~person~~ INDIVIDUAL to disclose evidence regarding
9 substantiated allegations of neglect or child or vulnerable adult abuse
10 pursuant to section 13-3623.

11 2. Shall consider all of the following:

12 (a) The extent of the ~~person's~~ INDIVIDUAL'S criminal record.

13 (b) The length of time that has elapsed since the offense was
14 committed.

15 (c) The nature of the offense.

16 (d) Any applicable mitigating circumstances.

17 (e) The extent of the ~~person's~~ INDIVIDUAL'S rehabilitation,
18 including:

19 (i) The completion of probation, parole or community supervision.

20 (ii) Whether the ~~person~~ INDIVIDUAL paid restitution or any other
21 compensation for the offense.

22 (iii) Any evidence of positive action to change criminal behavior,
23 including completion of a drug treatment program or counseling.

24 (iv) Any personal references attesting to the ~~person's~~ INDIVIDUAL'S
25 rehabilitation.

26 ~~J~~ K. The department of juvenile corrections shall notify the
27 department of public safety if the department of juvenile corrections
28 receives credible evidence that ~~a person~~ AN INDIVIDUAL who possesses a
29 valid fingerprint clearance card either:

30 1. Is arrested for or charged with an offense listed in section
31 41-1758.03, subsection B.

32 2. Falsified information on the form required by subsection ~~F~~ G of
33 this section.

34 ~~K~~ L. ~~A person~~ AN INDIVIDUAL who makes a false statement,
35 representation or certification in an application for employment with the
36 department is guilty of a class 3 misdemeanor.

37 ~~L~~ M. For the purposes of this section: ~~;~~

38 1. "DIRECT CONTACT" MEANS SUPERVISED OR UNSUPERVISED CONTACT WITH
39 COMMITTED YOUTH.

40 2. "Employee" means paid and unpaid personnel who have direct
41 contact with committed youth.

42 3. "SUPERVISED" MEANS IN THE PRESENCE OF A DEPARTMENT EMPLOYEE.

43 4. "UNSUPERVISED" MEANS OUTSIDE THE PRESENCE OF A DEPARTMENT
44 EMPLOYEE.