

REFERENCE TITLE: ESAs; teacher qualifications; fingerprinting requirements

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

HB 2884

Introduced by
Representatives Simacek: Abeytia, Austin, Crews, Gutierrez, Márquez,
Tosie, Volk

AN ACT

AMENDING SECTIONS 15-106, 15-2402 AND 15-2403, ARIZONA REVISED STATUTES;
AMENDING TITLE 15, CHAPTER 19, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-2407; AMENDING SECTIONS 23-1361, 41-619.51, 41-1750,
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 15-2407 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. Section 15-2402, Arizona Revised Statutes, is amended to
16 read:

17 15-2402. Arizona empowerment scholarship accounts; funds

18 A. Arizona empowerment scholarship accounts are established to
19 provide options for the education of students in this state.

20 B. To enroll a qualified student for an Arizona empowerment
21 scholarship account, the parent of the qualified student must sign an
22 agreement to do all of the following:

23 1. Use a portion of the Arizona empowerment scholarship account
24 monies allocated annually to provide an education for the qualified
25 student in at least the subjects of reading, grammar, mathematics, social
26 studies and science, unless the Arizona empowerment scholarship account is
27 allocated monies according to a transfer schedule other than quarterly
28 transfers pursuant to section 15-2403, subsection G.

29 2. Not enroll the qualified student in a school district or charter
30 school and release the school district from all obligations to educate the
31 qualified student. This paragraph does not:

32 (a) Relieve the school district or charter school that the
33 qualified student previously attended from the obligation to conduct an
34 evaluation pursuant to section 15-766.

35 (b) Require the qualified student to withdraw from ~~a~~ ANY school
36 district or charter school before enrolling for an Arizona empowerment
37 scholarship account if the qualified student withdraws from the school
38 district or charter school before receiving any monies in the qualified
39 student's Arizona empowerment scholarship account.

40 (c) Prevent the qualified student from applying in advance for an
41 Arizona empowerment scholarship account to be funded beginning the
42 following school year, subject to section 15-2403, subsection H.

1 3. Not accept a scholarship from a school tuition organization
2 pursuant to title 43 concurrently with an Arizona empowerment scholarship
3 account for the qualified student in the same year a parent signs the
4 agreement pursuant to this section.

5 4. Use monies deposited in the qualified student's Arizona
6 empowerment scholarship account only for the following expenses of the
7 qualified student:

8 (a) Tuition or fees at a qualified school that requires all
9 teaching staff and SCHOOL personnel who have unsupervised contact with
10 students to ~~be fingerprinted~~ SATISFY THE FINGERPRINT CLEARANCE CARD AND
11 EMPLOYMENT ELIGIBILITY REQUIREMENTS PRESCRIBED BY SECTION 15-2407,
12 SUBSECTION A.

13 (b) Textbooks required by a qualified school.

14 (c) If the qualified student meets any of the criteria specified in
15 section 15-2401, paragraph 7, subdivision (a), item (i), (ii) or (iii) as
16 determined by a school district or by an independent third party pursuant
17 to section 15-2403, subsection J, the qualified student may use the
18 following additional services:

19 (i) Educational therapies from a licensed or accredited
20 practitioner or provider, including and up to any amount not covered by
21 insurance if the expense is partially paid by a health insurance policy
22 for the qualified student.

23 (ii) A licensed or accredited paraprofessional or educational aide.

24 (iii) Tuition for vocational and life skills education approved by
25 the department.

26 (iv) Associated goods and services that include educational and
27 psychological evaluations, assistive technology rentals and braille
28 translation goods and services approved by the department.

29 (d) Tutoring or teaching services provided by an individual who is
30 APPROVED BY THE DEPARTMENT AND WHO IS not subject to disciplinary action
31 by the state board of education for immoral or unprofessional conduct
32 pursuant to section 15-505 or 15-534.04 or a facility that is APPROVED BY
33 THE DEPARTMENT AND THAT IS accredited by a state, regional or national
34 accrediting organization. The department shall ensure THAT any individual
35 who provides tutoring or teaching services to one or more qualified
36 students pursuant to this subdivision is not subject to disciplinary
37 action by the state board of education. The department shall also remove
38 any individual who is subject to disciplinary action by the state board of
39 education from all platforms that the department provides to parents and
40 qualified students for the purchase of goods or educational services using
41 account monies. THE DEPARTMENT MAY NOT APPROVE AN EXPENSE UNDER THIS
42 SUBDIVISION IF THE TUTOR OR TEACHER WHO PROVIDES THE SERVICES EITHER:

43 (i) HAD THE INDIVIDUAL'S CERTIFICATE SUSPENDED OR REVOKED BY THE
44 STATE BOARD OF EDUCATION, INCLUDING RECIPROCAL SUSPENSION OR REVOCATION.

1 (ii) IS SUBJECT TO DISCIPLINARY ACTION BY THE STATE BOARD OF
2 EDUCATION FOR IMMORAL OR UNPROFESSIONAL CONDUCT.

3 (e) Curricula and supplementary materials.

4 (f) Tuition or fees for a nonpublic online learning program.

5 (g) Fees for a nationally standardized norm-referenced achievement
6 test, an advanced placement examination or any exams related to college or
7 university admission.

8 (h) Tuition or fees at an eligible postsecondary institution.

9 (i) Textbooks required by an eligible postsecondary institution.

10 (j) Fees to manage the Arizona empowerment scholarship account.

11 (k) Services provided by a public school, including individual
12 classes and extracurricular programs.

13 (l) Insurance or surety bond payments.

14 (m) Uniforms purchased from or through a qualified school.

15 (n) If the qualified student meets the criteria specified in
16 section 15-2401, paragraph 7, subdivision (a), item (i), (ii) or (iii) and
17 if the qualified student is in the second year prior to the final year of
18 a contract executed pursuant to this article, costs associated with an
19 annual education plan conducted by an independent evaluation team. The
20 department shall prescribe minimum qualifications for independent
21 evaluation teams pursuant to this subdivision and factors that teams must
22 use to determine whether the qualified student shall be eligible to
23 continue to receive monies pursuant to this article through the school
24 year in which the qualified student reaches twenty-two years of age. An
25 independent evaluation team that provides an annual education plan
26 pursuant to this subdivision shall submit a written report that summarizes
27 the results of the evaluation to the parent of the qualified student and
28 to the department on or before July 31. The written report submitted by
29 the independent evaluation team is valid for one year. If the department
30 determines that the qualified student meets the eligibility criteria
31 prescribed in the annual education plan, the qualified student is eligible
32 to continue to receive monies pursuant to this article until the qualified
33 student reaches twenty-two years of age, subject to annual review. A
34 parent may appeal the department's decision pursuant to title 41, chapter
35 6, article 10. As an addendum to a qualified student's final-year
36 contract, the department shall provide the following written information
37 to the parent of the qualified student:

38 (i) That the qualified student will not be eligible to continue to
39 receive monies pursuant to this article unless the results of an annual
40 education plan conducted pursuant to this subdivision demonstrate that the
41 qualified student meets the eligibility criteria prescribed in the annual
42 education plan.

43 (ii) That the parent is entitled to obtain an annual education plan
44 pursuant to this subdivision to determine whether the qualified student
45 meets the eligibility criteria prescribed in the annual education plan.

1 (iii) A list of independent evaluation teams that meet the minimum
2 qualifications prescribed by the department pursuant to this subdivision.

3 (o) Public transportation services in this state, including a
4 commuter pass for the qualified student, or transportation network
5 services as defined in section 28-9551 between the qualified student's
6 residence and a qualified school in which the qualified student is
7 enrolled.

8 (p) Computer hardware and technological devices primarily used for
9 an educational purpose. For the purposes of this subdivision, "computer
10 hardware and technological devices":

11 (i) Includes calculators, personal computers, laptops, tablet
12 devices, microscopes, telescopes and printers.

13 (ii) Does not include entertainment and other primarily
14 noneducational devices, including televisions, telephones, video game
15 consoles and accessories, and home theatre and audio equipment.

16 5. Not file an affidavit of intent to homeschool pursuant to
17 section 15-802, subsection B, paragraph 2 or 3.

18 6. Not use monies deposited in the qualified student's account for
19 any of the following:

20 (a) Computer hardware or other technological devices, except as
21 otherwise allowed under paragraph 4, subdivision (c) or (p) of this
22 subsection.

23 (b) Transportation of the pupil, except for transportation services
24 described in paragraph 4, subdivision (o) of this subsection.

25 C. In exchange for the parent's agreement pursuant to subsection B
26 of this section, the department shall transfer from the monies that would
27 otherwise be allocated to a recipient's prior school district, or if the
28 child is currently eligible to attend a preschool program for children
29 with disabilities, a kindergarten program or any of grades one through
30 twelve, the monies that the department determines would otherwise be
31 allocated to a recipient's expected school district of attendance, to the
32 treasurer for deposit into an Arizona empowerment scholarship account an
33 amount that is equivalent to ninety percent of the sum of the base support
34 level and additional assistance prescribed in sections 15-185 and 15-943
35 for that particular student if that student were attending a charter
36 school.

37 D. The department of education empowerment scholarship account fund
38 is established consisting of monies appropriated by the legislature. The
39 department shall administer the fund. Monies in the fund are subject to
40 legislative appropriation. Monies in the fund shall be used for the
41 department's costs in administering Arizona empowerment scholarship
42 accounts under this chapter. Monies in the fund are exempt from the
43 provisions of section 35-190 relating to lapsing of appropriations. If
44 the number of Arizona empowerment scholarship accounts significantly
45 increases after fiscal year 2020-2021, the department may request an

1 increase in the amount appropriated to the fund in any subsequent fiscal
2 year in the budget estimate submitted pursuant to section 35-113. The
3 department shall list monies in the fund as a separate line item in its
4 budget estimate.

5 E. The state treasurer empowerment scholarship account fund is
6 established consisting of monies appropriated by the legislature. The
7 state treasurer shall administer the fund. Monies in the fund shall be
8 used for the state treasurer's costs in administering the Arizona
9 empowerment scholarship accounts under this chapter. If the number of
10 Arizona empowerment scholarship accounts significantly increases after
11 fiscal year 2020-2021, the state treasurer may request an increase in the
12 amount appropriated to the fund in any subsequent fiscal year in the
13 budget estimate submitted pursuant to section 35-113. Monies in the fund
14 are subject to legislative appropriation. Monies in the fund are exempt
15 from the provisions of section 35-190 relating to lapsing of
16 appropriations. The state treasurer shall list monies in the fund as a
17 separate line item in its budget estimate.

18 F. A parent must renew the qualified student's Arizona empowerment
19 scholarship account on an annual basis. The department of education shall
20 verify that the parent's child is a qualified student as defined in
21 section 15-2401 or 15-2401.01 in the year for which the parent seeks to
22 renew the Arizona empowerment scholarship account. This subsection does
23 not require the department to annually verify the child's disability for
24 the purpose of section 15-2401, paragraph 7, subdivision (a), item (i),
25 (ii) or (iii), if applicable.

26 G. Notwithstanding any changes to the student's multidisciplinary
27 evaluation team plan, a student who has previously qualified for an
28 Arizona empowerment scholarship account remains eligible to apply for
29 renewal until the student finishes high school.

30 H. If a parent does not renew the qualified student's Arizona
31 empowerment scholarship account for a period of three academic years, the
32 department shall notify the parent that the qualified student's account
33 will be closed in sixty calendar days. The notification must be sent
34 through certified mail, email and telephone, if applicable. The parent
35 has sixty calendar days to renew the qualified student's Arizona
36 empowerment scholarship account. If the parent chooses not to renew or
37 does not respond in sixty calendar days, the department shall close the
38 account and any remaining monies shall be returned to the state.

39 I. A signed agreement under this section constitutes school
40 attendance required by section 15-802.

41 J. **NOTWITHSTANDING SECTION 15-2404**, a qualified school or a
42 provider of services purchased pursuant to subsection B, paragraph 4 of
43 this section may not share, refund or rebate any Arizona empowerment
44 scholarship account monies with the parent or qualified student in any
45 manner.

1 K. Notwithstanding subsection H of this section, on the qualified
2 student's graduation from a postsecondary institution or after any period
3 of four consecutive years after high school graduation in which the
4 student is not enrolled in an eligible postsecondary institution, but not
5 before this time as long as the account holder continues using a portion
6 of account monies for allowable expenses each year and is in good
7 standing, the qualified student's Arizona empowerment scholarship account
8 shall be closed and any remaining monies shall be returned to the state.

9 L. Monies received pursuant to this article do not constitute
10 taxable income to the parent of the qualified student.

11 Sec. 3. Section 15-2403, Arizona Revised Statutes, is amended to
12 read:

13 15-2403. Arizona empowerment scholarship accounts;
14 administration; appeals; risk-based audits; rules;
15 policy handbook

16 A. The treasurer may contract with private financial management
17 firms to manage Arizona empowerment scholarship accounts.

18 B. The department shall conduct or contract for annual audits of
19 Arizona empowerment scholarship accounts to ensure compliance with section
20 15-2402, subsection B, paragraph 4. The department shall also conduct or
21 contract for random, quarterly and annual audits of Arizona empowerment
22 scholarship accounts as needed to ensure compliance with section 15-2402,
23 subsection B, paragraph 4. The department, in consultation with the
24 office of the auditor general, shall develop risk-based auditing
25 procedures for audits conducted pursuant to this subsection.

26 C. The department shall annually review a sample of Arizona
27 empowerment scholarship accounts, selected at random, to determine whether
28 the parent or qualified student is in compliance with the terms of the
29 contract, applicable laws, rules and orders relating to the Arizona
30 empowerment scholarship accounts program. The Arizona empowerment
31 scholarship account of a parent or qualified student who is in good
32 standing may be randomly selected pursuant to this subsection only one
33 time during any five-year period. The department may remove any parent or
34 qualified student from eligibility for an Arizona empowerment scholarship
35 account if the parent or qualified student fails to comply with the terms
36 of the contract or applicable laws, rules or orders or knowingly misuses
37 monies or knowingly fails to comply with the terms of the contract with
38 intent to defraud and shall notify the treasurer. The department shall
39 notify the treasurer to suspend the account of a parent or qualified
40 student and shall notify the parent or qualified student in writing that
41 the account has been suspended and that no further transactions will be
42 allowed or disbursements made. The notification shall specify the reason
43 for the suspension and state that the parent or qualified student has
44 fifteen days, not including weekends, to respond and take corrective
45 action. If the parent or qualified student refuses or fails to contact

1 the department, furnish any information or make any report that may be
2 required for reinstatement within the fifteen-day period, the department
3 may remove the parent or qualified student pursuant to this subsection.

4 D. A parent may appeal to the state board of education any
5 administrative decision the department makes pursuant to this article,
6 including determinations of allowable expenses, removal from the program
7 or enrollment eligibility. The department shall notify the parent in
8 writing that the parent may appeal any administrative decision under this
9 article and the process by which the parent may appeal at the same time
10 the department notifies the parent of an administrative decision under
11 this article. The state board of education shall establish an appeals
12 process, and the department shall post this information on the
13 department's website in the same location as the policy handbook developed
14 pursuant to subsection K of this section.

15 E. A parent may represent himself or herself or designate a
16 representative, not necessarily an attorney, before any appeals hearing
17 held pursuant to this section. Any designated representative who is not
18 an attorney admitted to practice may not charge for any services rendered
19 in connection with the hearing. The fact that a representative
20 participated in the hearing or assisted the account holder is not grounds
21 for reversing any administrative decision or order if the evidence
22 supporting the decision or order is substantial, reliable and probative.

23 F. The state board of education may refer cases of substantial
24 misuse of monies to the attorney general for the purpose of collection or
25 for the purpose of a criminal investigation if the state board of
26 education obtains evidence of fraudulent use of an account.

27 G. The department shall make quarterly transfers of the amount
28 calculated pursuant to section 15-2402, subsection C to the treasurer for
29 deposit in the Arizona empowerment scholarship account of each qualified
30 student, except the department may make transfers according to another
31 transfer schedule if the department determines a transfer schedule other
32 than quarterly transfers is necessary to operate the Arizona empowerment
33 scholarship account.

34 H. The department shall accept applications between July 1 and June
35 30 of each year. The department shall issue an award letter to eligible
36 applicants within thirty days after receipt of a completed application and
37 all required documentation. If an eligible applicant completes an
38 application in advance for an Arizona empowerment scholarship account to
39 be funded beginning on a later date, the department may enroll the
40 eligible applicant on the later date, except that the department may not
41 enroll the applicant more than two fiscal quarters after the fiscal
42 quarter in which the application is completed or on a date that is after
43 March 31 and before July 1. If an eligible applicant completes an
44 application after March 31 and before July 1, the department shall enroll
45 the applicant on or after July 1. The department shall enroll all other

1 eligible applicants when the department issues an award letter pursuant to
2 this subsection. This subsection does not allow a qualified student to
3 receive monies in an Arizona empowerment scholarship account while the
4 qualified student is enrolled in a school district or charter school. On
5 or before September 1 and November 1 of each year, the department shall
6 furnish to the joint legislative budget committee and the governor's
7 office of strategic planning and budgeting an estimate of the amount
8 required to fund Arizona empowerment scholarship accounts for the
9 following fiscal year. The department shall include in its budget request
10 for the following fiscal year the amount estimated pursuant to section
11 15-2402, subsection C for each qualified student.

12 I. The state board of education may adopt rules and policies
13 necessary to administer Arizona empowerment scholarship accounts,
14 including rules and policies:

15 1. For establishing an appeals process pursuant to subsection D of
16 this section.

17 2. For conducting or contracting for examinations of the use of
18 account monies, consistent with subsection L of this section.

19 3. For conducting or contracting for random, quarterly and annual
20 reviews of accounts.

21 4. For establishing or contracting for the establishment of an
22 online anonymous fraud reporting service.

23 5. For establishing an anonymous telephone hotline for fraud
24 reporting.

25 6. That require a surety bond or insurance for account holders.

26 7. FOR DETERMINING WHETHER AN EXPENSE IS ALLOWED, INCLUDING
27 VERIFYING THAT AN INDIVIDUAL WHO PROVIDES TUTORING OR TEACHING SERVICES
28 SATISFIES THE REQUIREMENTS PRESCRIBED BY SECTION 15-2402, SUBSECTION B,
29 PARAGRAPH 4, SUBDIVISION (d).

30 J. The department shall contract with an independent third party
31 for the purposes of determining whether a qualified student is eligible to
32 receive educational therapies or services pursuant to section 15-2402,
33 subsection B, paragraph 4, subdivision (c). If during any period on or
34 after January 1, 2023 the department fails to ensure that a contract with
35 an independent third party is in effect, during that period:

36 1. The county school superintendent of each county may approve a
37 list of independent third parties within the county whose evaluation may
38 be used to determine whether a qualified student who resides within the
39 county is eligible to receive educational therapies or services pursuant
40 to section 15-2402, subsection B, paragraph 4, subdivision (c).

41 2. If the county school superintendent of a county does not provide
42 a list of approved independent third parties within ninety days after the
43 beginning of any period during which the department does not have a
44 contract with an independent third party in effect as described in this
45 subsection, the parent of a qualified student who resides within the

1 county has the right to obtain an independent educational evaluation from
2 a qualified examiner to determine whether the qualified student is
3 eligible to receive educational therapies or services pursuant to section
4 15-2402, subsection B, paragraph 4, subdivision (c). The expense for an
5 educational evaluation undertaken pursuant to this paragraph shall be
6 provided by the school district within which the qualified student resides
7 and that serves the grade level of the qualified student. For the
8 purposes of this paragraph, "qualified examiner" means a licensed
9 physician, psychiatrist or psychologist.

10 K. On or before July 1 of each year, the department shall develop
11 an applicant and participant handbook that includes information relating
12 to policies and processes of Arizona empowerment scholarship
13 accounts. The policy handbook shall comply with the rules adopted by the
14 state board of education pursuant to this section. The department shall
15 post the handbook on the department's website.

16 L. The department shall:

17 1. Establish and maintain an online database of allowable and
18 disallowed categories of expenses and provide a link to the database on
19 the department's website.

20 2. Allow the use of account monies to reimburse the parent of a
21 qualified student or a qualified student for the purchase of a good or
22 educational service that is an allowable expense pursuant to section
23 15-2402, subsection B.

24 M. Except for cases in which the attorney general determines that a
25 parent or account holder has committed fraud, any expenditure from an
26 Arizona empowerment scholarship account for a purchase that the department
27 determines is not an allowable expense pursuant to section 15-2402 and
28 that is subsequently repaid by the parent or account holder shall be
29 credited back to the Arizona empowerment scholarship account balance
30 within thirty days after the receipt of payment.

31 N. If, in response to an appeal of an administrative decision made
32 by the department, the state board of education issues a stay of an
33 Arizona empowerment scholarship account suspension pursuant to rules
34 adopted by the board, the department may not withhold funding or contract
35 renewal for the account holder because of the appealed administrative
36 decision during the stay unless directed by the board to do so.

37 Sec. 4. Title 15, chapter 19, article 1, Arizona Revised Statutes,
38 is amended by adding section 15-2407, to read:

39 15-2407. Qualified schools; personnel; fingerprinting
40 requirements; qualifications; annual audits;
41 penalties; definition

42 A. NOTWITHSTANDING SECTIONS 15-161 AND 15-2404, A QUALIFIED SCHOOL
43 THAT ACCEPTS PAYMENT FROM A PARENT OR QUALIFIED STUDENT PURSUANT TO THIS
44 CHAPTER SHALL REQUIRE ALL SCHOOL PERSONNEL TO BOTH:

- 1 1. HAVE A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO
2 TITLE 41, CHAPTER 12, ARTICLE 3.1 OR APPLY FOR A FINGERPRINT CLEARANCE
3 CARD WITHIN TWENTY DAYS AFTER THE INDIVIDUAL BEGINS WORK.
- 4 2. BE ELIGIBLE FOR EMPLOYMENT AT A SCHOOL DISTRICT OR CHARTER
5 SCHOOL IN THIS STATE PURSUANT TO SECTION 15-505, SUBSECTION D.
- 6 B. A QUALIFIED SCHOOL THAT ACCEPTS PAYMENT FROM A PARENT OR
7 QUALIFIED STUDENT PURSUANT TO THIS CHAPTER MAY COMMUNICATE TO A SCHOOL
8 DISTRICT, CHARTER SCHOOL OR OTHER QUALIFIED SCHOOL FOR EMPLOYMENT PURPOSES
9 WHETHER ANY SCHOOL PERSONNEL HAS BEEN ISSUED OR DENIED A FINGERPRINT
10 CLEARANCE CARD.
- 11 C. NOTWITHSTANDING SECTIONS 15-161 AND 15-2404, A QUALIFIED SCHOOL
12 THAT ACCEPTS PAYMENT FROM A PARENT OR QUALIFIED STUDENT PURSUANT TO THIS
13 CHAPTER SHALL REQUIRE ALL SCHOOL PERSONNEL WHO PROVIDE ACADEMIC
14 INSTRUCTION TO HAVE AT LEAST ONE OF THE FOLLOWING:
- 15 1. A BACCALAUREATE OR HIGHER DEGREE FROM AN ACCREDITED
16 POSTSECONDARY INSTITUTION.
- 17 2. AT LEAST THREE YEARS OF TEACHING EXPERIENCE, INCLUDING TEACHING
18 IN PUBLIC OR PRIVATE SCHOOLS.
- 19 3. SPECIALIZED SKILLS, KNOWLEDGE OR EXPERTISE RELATED TO THE
20 CONTENT AREA OR SUBJECT MATTER FOR WHICH THE INDIVIDUAL PROVIDES
21 INSTRUCTION.
- 22 D. THE AUDITOR GENERAL SHALL ANNUALLY AUDIT QUALIFIED SCHOOLS FOR
23 COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION. IF THE
24 AUDITOR GENERAL FINDS THAT A QUALIFIED SCHOOL HAS FAILED TO COMPLY WITH
25 THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION, THE AUDITOR GENERAL
26 SHALL:
- 27 1. NOTIFY BOTH THE QUALIFIED SCHOOL AND THE STATE BOARD OF
28 EDUCATION OF THE VIOLATION.
- 29 2. INSTRUCT THE QUALIFIED SCHOOL HOW TO CURE THE VIOLATION.
- 30 E. IF THE STATE BOARD OF EDUCATION DETERMINES THAT THE QUALIFIED
31 SCHOOL HAS FAILED TO CURE THE VIOLATION WITHIN SIXTY DAYS AFTER THE
32 AUDITOR GENERAL ISSUES A NOTICE PURSUANT TO SUBSECTION D OF THIS SECTION,
33 THE STATE BOARD OF EDUCATION SHALL NOTIFY THE QUALIFIED SCHOOL AND THE
34 DEPARTMENT THAT THE QUALIFIED SCHOOL IS NOT IN COMPLIANCE. A QUALIFIED
35 SCHOOL THAT IS DETERMINED TO BE IN NONCOMPLIANCE PURSUANT TO THIS
36 SUBSECTION SHALL REIMBURSE THE DEPARTMENT FOR ALL ARIZONA EMPOWERMENT
37 SCHOLARSHIP ACCOUNT MONIES THAT THE QUALIFIED SCHOOL RECEIVED PURSUANT TO
38 THIS ARTICLE DURING THE PREVIOUS SCHOOL YEAR.
- 39 F. FOR THE PURPOSES OF THIS SECTION, "SCHOOL PERSONNEL":
- 40 1. INCLUDES ANY INDIVIDUAL WHO IS INITIALLY HIRED BY THE QUALIFIED
41 SCHOOL AFTER JANUARY 1, 1990 AND WHO IS ANY OF THE FOLLOWING:
- 42 (a) A PAID EMPLOYEE OF THE QUALIFIED SCHOOL.
- 43 (b) AN INDIVIDUAL WHO PROVIDES SERVICES DIRECTLY TO STUDENTS OF THE
44 QUALIFIED SCHOOL AND WHO IS ALL OF THE FOLLOWING:
- 45 (i) NOT A PAID EMPLOYEE OF THE QUALIFIED SCHOOL.

1 (ii) NOT A PARENT OR GUARDIAN OF A STUDENT WHO ATTENDS THE
2 QUALIFIED SCHOOL.

3 (iii) NOT UNDER THE DIRECTION OF OR, EXCEPT FOR BRIEF PERIODS OF
4 TIME DURING A SCHOOL DAY OR SCHOOL ACTIVITY, WITHIN SIGHT OF A PAID
5 EMPLOYEE OF THE QUALIFIED SCHOOL WHILE PROVIDING SERVICES TO STUDENTS.

6 (iv) REQUIRED OR ALLOWED TO PROVIDE SERVICES DIRECTLY TO STUDENTS.

7 2. DOES NOT INCLUDE AN INDIVIDUAL WHO IS EITHER:

8 (a) REQUIRED AS A CONDITION OF LICENSURE TO BE FINGERPRINTED IF THE
9 LICENSE IS REQUIRED FOR EMPLOYMENT.

10 (b) REESTABLISHING EMPLOYMENT WITH A QUALIFIED SCHOOL WITHIN ONE
11 YEAR AFTER TERMINATING EMPLOYMENT WITH THE SAME QUALIFIED SCHOOL.

12 Sec. 5. Section 23-1361, Arizona Revised Statutes, is amended to
13 read:

14 23-1361. Blacklist; definition; exceptions; privileged
15 communications; immunity

16 A. "Blacklist" means any understanding or agreement whereby the
17 names of any person or persons, list of names, descriptions or other means
18 of identification shall be spoken, written, printed or implied for the
19 purpose of being communicated or transmitted between two or more employers
20 of labor, or their bosses, foremen, superintendents, managers, officers or
21 other agents, whereby the laborer is prevented or prohibited from engaging
22 in a useful occupation. Any understanding or agreement between employers,
23 or their bosses, foremen, superintendents, managers, officers or other
24 agents, whether written or verbal, comes within the meaning of this
25 section and it makes no difference whether the employers, or their bosses,
26 foremen, superintendents, managers, officers or other agents, act
27 individually or for some company, corporation, syndicate, partnership or
28 society and it makes no difference whether they are employed or acting as
29 agents for the same or different companies, corporations, syndicates,
30 partnerships or societies.

31 B. It is not unlawful for a former employer to provide to a
32 requesting employer, or agents acting in the employer's behalf,
33 information concerning a person's education, training, experience,
34 qualifications and job performance to be used for the purpose of
35 evaluating the person for employment. It is not unlawful for a school
36 district OR A QUALIFIED SCHOOL AS DEFINED IN SECTION 15-2401 to provide
37 information received as a result of a fingerprint check required by
38 section 15-512 OR 15-2407 to any other school district, CHARTER SCHOOL OR
39 QUALIFIED SCHOOL AS DEFINED IN SECTION 15-2401 if requested to do so by
40 the person who was the subject of the fingerprint check or communicate to
41 any school district, CHARTER SCHOOL OR QUALIFIED SCHOOL AS DEFINED IN
42 SECTION 15-2401 if requested to do so by the person who applied for a
43 fingerprint clearance card whether the person has been issued or denied a
44 fingerprint clearance card. A copy of any written communication regarding

1 employment must be sent by the employer providing the information to the
2 former employee's last known address.

3 C. An employer who in good faith provides information requested by
4 a prospective employer about the reason for termination of a former
5 employee or about the job performance, professional conduct or evaluation
6 of a current or former employee is immune from civil liability for the
7 disclosure or the consequences of providing the information. There is a
8 presumption of good faith if either:

9 1. The employer employs less than one hundred employees and
10 provides only the information authorized by this subsection.

11 2. The employer employs at least one hundred employees and has a
12 regular practice in this state of providing information requested by a
13 prospective employer about the reason for termination of a former employee
14 or about the job performance, professional conduct or evaluation of a
15 current or former employee.

16 D. The presumption of good faith under subsection C of this section
17 is rebuttable by showing that the employer disclosed the information with
18 actual malice or with intent to mislead. This subsection and subsection C
19 of this section do not alter any privileges that exist under common law.
20 For the purposes of this subsection, "actual malice" means knowledge that
21 the information was false or was provided with reckless disregard of its
22 truth or falsity.

23 E. Communications concerning employees or prospective employees
24 that are made by an employer or prospective employer, or by a labor
25 organization, to a government body or agency and that are required by law
26 or that are furnished pursuant to written rules or policies of the
27 government body or agency are privileged.

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

31 G. In response to a request by another bank, savings and loan
32 association, credit union, escrow agent, commercial mortgage banker,
33 mortgage banker or mortgage broker it is not unlawful for a bank, a
34 savings and loan association, a credit union, an escrow agent, a
35 commercial mortgage banker, a mortgage banker or a mortgage broker to
36 provide a written employment reference that advises of the applicant's
37 involvement in any theft, embezzlement, misappropriation or other
38 defalcation that has been reported to federal authorities pursuant to
39 federal banking guidelines or reported to the department of insurance and
40 financial institutions. In order for the immunity provided in subsection
41 H of this section to apply, a copy of the written employment reference
42 must be sent by the institution providing the reference to the last known
43 address of the applicant in question.

44 H. A bank, savings and loan association, credit union, escrow
45 agent, commercial mortgage banker, mortgage banker or mortgage broker is

1 not civilly liable for providing an employment reference unless the
2 information provided is false and the bank, savings and loan association,
3 credit union, escrow agent, commercial mortgage banker, mortgage banker or
4 mortgage broker providing the false information does so with knowledge and
5 malice.

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

9 Sec. 6. Section 41-619.51, Arizona Revised Statutes, is amended to
10 read:

11 41-619.51. Definitions

12 In this article, unless the context otherwise requires:

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

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

29 3. "Central registry exception" means notification to the
30 department of economic security, the department of child safety or the
31 department of health services, as appropriate, pursuant to section
32 41-619.57 that the person is not disqualified because of a central
33 registry check conducted pursuant to section 8-804.

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

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

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

- 42 (a) Section 3-314.
- 43 (b) Section 8-105.
- 44 (c) Section 8-322.
- 45 (d) Section 8-463.

- 1 (e) Section 8-509.
- 2 (f) Section 8-802.
- 3 (g) Section 8-804.
- 4 (h) Section 15-183.
- 5 (i) Section 15-503.
- 6 (j) Section 15-512.
- 7 (k) Section 15-534.
- 8 (l) Section 15-763.01.
- 9 (m) Section 15-782.02.
- 10 (n) Section 15-1330.
- 11 (o) Section 15-1881.
- 12 (p) SECTION 15-2407.
- 13 ~~(p)~~ (q) Section 17-215.
- 14 ~~(q)~~ (r) Section 28-3228.
- 15 ~~(r)~~ (s) Section 28-3413.
- 16 ~~(s)~~ (t) Section 32-122.02.
- 17 ~~(t)~~ (u) Section 32-122.05.
- 18 ~~(u)~~ (v) Section 32-122.06.
- 19 ~~(v)~~ (w) Section 32-823.
- 20 ~~(w)~~ (x) Section 32-1232.
- 21 ~~(x)~~ (y) Section 32-1276.01.
- 22 ~~(y)~~ (z) Section 32-1284.
- 23 ~~(z)~~ (aa) Section 32-1297.01.
- 24 ~~(aa)~~ (bb) Section 32-1904.
- 25 ~~(bb)~~ (cc) Section 32-1941.
- 26 ~~(cc)~~ (dd) Section 32-1982.
- 27 ~~(dd)~~ (ee) Section 32-2022.
- 28 ~~(ee)~~ (ff) Section 32-2063.
- 29 ~~(ff)~~ (gg) Section 32-2108.01.
- 30 ~~(gg)~~ (hh) Section 32-2123.
- 31 ~~(hh)~~ (ii) Section 32-2371.
- 32 ~~(ii)~~ (jj) Section 32-3430.
- 33 ~~(jj)~~ (kk) Section 32-3620.
- 34 ~~(kk)~~ (ll) Section 32-3668.
- 35 ~~(ll)~~ (mm) Section 32-3669.
- 36 ~~(mm)~~ (nn) Section 32-3922.
- 37 ~~(nn)~~ (oo) Section 32-3924.
- 38 ~~(oo)~~ (pp) Section 32-4222.
- 39 ~~(pp)~~ (qq) Section 32-4128.
- 40 ~~(qq)~~ (rr) Section 36-113.
- 41 ~~(rr)~~ (ss) Section 36-207.
- 42 ~~(ss)~~ (tt) Section 36-411.
- 43 ~~(tt)~~ (uu) Section 36-425.03.
- 44 ~~(uu)~~ (vv) Section 36-446.04.
- 45 ~~(vv)~~ (ww) Section 36-594.01.

1 the study of crime and in the administration of criminal justice and all
2 other information deemed necessary to operate the statewide uniform crime
3 reporting program and to cooperate with the federal government uniform
4 crime reporting program.

5 3. Collect information concerning criminal offenses that manifest
6 evidence of prejudice based on race, color, religion, national origin,
7 sexual orientation, gender, antisemitism or disability.

8 4. Cooperate with the central state repositories in other states
9 and with the appropriate agency of the federal government in the exchange
10 of information pertinent to violators of the law.

11 5. Ensure the rapid exchange of information concerning the
12 commission of crime and the detection of violators of the law among the
13 criminal justice agencies of other states and of the federal government.

14 6. Furnish assistance to peace officers throughout this state in
15 crime scene investigation for the detection of latent fingerprints and in
16 the comparison of latent fingerprints.

17 7. Conduct periodic operational audits of the central state
18 repository and of a representative sample of other agencies that
19 contribute records to or receive criminal justice information from the
20 central state repository or through the Arizona criminal justice
21 information system.

22 8. Establish and enforce the necessary physical and system
23 safeguards to ensure that the criminal justice information maintained and
24 disseminated by the central state repository or through the Arizona
25 criminal justice information system is appropriately protected from
26 unauthorized inquiry, modification, destruction or dissemination as
27 required by this section.

28 9. Aid and encourage coordination and cooperation among criminal
29 justice agencies through the statewide and interstate exchange of criminal
30 justice information.

31 10. Provide training and proficiency testing on the use of criminal
32 justice information to agencies receiving information from the central
33 state repository or through the Arizona criminal justice information
34 system.

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

37 12. Provide criminal history record information to the
38 fingerprinting division for the purpose of screening applicants for
39 fingerprint clearance cards.

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

43 C. Criminal justice agencies may provide criminal history records
44 and related criminal justice information for violations that are not
45 listed in this section. Except for the requirements listed in subsection

1 U of this section, the chief officers of criminal justice agencies of this
2 state or its political subdivisions shall provide to the central state
3 repository fingerprints and information concerning personal identification
4 data, descriptions, crimes for which persons are arrested, process control
5 numbers and dispositions and such other information, including other
6 biometric data, as may be pertinent to all persons who have been charged
7 with, arrested for, convicted of or summoned to court as criminal
8 defendants for any of the following:

9 1. Felony offenses or offenses involving domestic violence as
10 defined in section 13-3601.

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

13 3. An offense listed in:

14 (a) Section 32-2422, subsection A, paragraph 4.

15 (b) Section 32-2441, paragraph 4.

16 (c) Section 32-2612, subsection A, paragraph 4.

17 (d) Section 32-2622, subsection A, paragraph 4.

18 (e) Section 41-1758.03, subsections B and C.

19 (f) Section 41-1758.07, subsections B and C.

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

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

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

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

38 1. With criminal justice agencies of the federal government, Indian
39 tribes, this state or its political subdivisions and other states, on
40 request by the chief officers of such agencies or their designated
41 representatives, specifically for the purposes of the administration of
42 criminal justice and for evaluating the fitness of current and prospective
43 criminal justice employees. Fingerprints submitted pursuant to this
44 paragraph may be searched through the department and the federal bureau of
45 investigation to conduct criminal history records checks. The department

1 may conduct criminal history records checks through state and federal rap
2 back services for the purpose of updating the status of current criminal
3 justice employees or volunteers and may notify the criminal justice agency
4 of the results of the records check. The department is authorized to
5 submit fingerprints to the federal bureau of investigation to be retained
6 for the purpose of being searched by future submissions to the federal
7 bureau of investigation, including latent fingerprint searches. The
8 department may retain fingerprints submitted pursuant to this paragraph
9 for the purpose of being searched by future submissions to the department,
10 including latent fingerprint searches.

11 2. With any noncriminal justice agency pursuant to a statute,
12 ordinance or executive order that specifically authorizes the noncriminal
13 justice agency to receive criminal history record information for the
14 purpose of evaluating the fitness of current or prospective licensees,
15 employees, contract employees or volunteers, on submission of the
16 subject's fingerprints and the prescribed fee. Each statute, ordinance,
17 or executive order that authorizes noncriminal justice agencies to receive
18 criminal history record information for these purposes shall identify the
19 specific categories of licensees, employees, contract employees or
20 volunteers and shall require that fingerprints of the specified
21 individuals be submitted in conjunction with such requests for criminal
22 history record information. Fingerprints submitted pursuant to this
23 paragraph may be searched through the department and the federal bureau of
24 investigation to conduct criminal history records checks. The department
25 may conduct criminal history records checks through state and federal rap
26 back services for the purpose of updating the status of current licensees,
27 employees, contract employees or volunteers and may notify the noncriminal
28 justice agency of the results of the records check. The department is
29 authorized to submit fingerprints to the federal bureau of investigation
30 to be retained for the purpose of being searched by future submissions to
31 the federal bureau of investigation, including latent fingerprint
32 searches. The department is authorized to retain fingerprints submitted
33 pursuant to this paragraph for the purpose of being searched by future
34 submissions to the department, including latent fingerprint searches.

35 3. With the board of fingerprinting for the purpose of conducting
36 good cause exceptions pursuant to section 41-619.55 and central registry
37 exceptions pursuant to section 41-619.57.

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

40 5. With the governor, if the governor elects to become actively
41 involved in the investigation of criminal activity or the administration
42 of criminal justice in accordance with the governor's constitutional duty
43 to ensure that the laws are faithfully executed or as needed to carry out
44 the other responsibilities of the governor's office.

1 6. With regional computer centers that maintain authorized
2 computer-to-computer interfaces with the department, that are criminal
3 justice agencies or under the management control of a criminal justice
4 agency and that are established by a statute, ordinance or executive order
5 to provide automated data processing services to criminal justice agencies
6 specifically for the purposes of the administration of criminal justice or
7 evaluating the fitness of regional computer center employees who have
8 access to the Arizona criminal justice information system and the national
9 crime information center system.

10 7. With an individual who asserts a belief that criminal history
11 record information relating to the individual is maintained by an agency
12 or in an information system in this state that is subject to this section.
13 On submission of fingerprints, the individual may review this information
14 for the purpose of determining its accuracy and completeness by making
15 application to the agency operating the system. Rules adopted under this
16 section shall include provisions for administrative review and necessary
17 correction of any inaccurate or incomplete information. The review and
18 challenge process authorized by this paragraph is limited to criminal
19 history record information.

20 8. With individuals and agencies pursuant to a specific agreement
21 with a criminal justice agency to provide services required for the
22 administration of criminal justice pursuant to that agreement if the
23 agreement specifically authorizes access to data, limits the use of data
24 to purposes for which given and ensures the security and confidentiality
25 of the data consistent with this section.

26 9. With individuals and agencies for the express purpose of
27 research, evaluative or statistical activities pursuant to an agreement
28 with a criminal justice agency if the agreement specifically authorizes
29 access to data, limits the use of data to research, evaluative or
30 statistical purposes and ensures the confidentiality and security of the
31 data consistent with this section.

32 10. With the auditor general for audit purposes.

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

36 12. On submission of the fingerprint card, with the department of
37 child safety and a tribal social services agency to provide criminal
38 history record information on prospective adoptive parents for the purpose
39 of conducting the preadoption certification investigation under title 8,
40 chapter 1, article 1 if the department of economic security is conducting
41 the investigation, or with an agency or a person appointed by the court,
42 if the agency or person is conducting the investigation. Information
43 received under this paragraph shall only be used for the purposes of the
44 preadoption certification investigation.

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

7 (a) The fingerprint card.

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

10 14. On submission of a fingerprint card, provide criminal history
11 record information to the superior court for the purpose of evaluating the
12 fitness of investigators appointed under section 14-5303 or 14-5407,
13 guardians appointed under section 14-5206 or 14-5304 or conservators
14 appointed under section 14-5401.

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

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

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

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

25 19. With licensees of the United States nuclear regulatory
26 commission for the purpose of determining whether an individual should be
27 granted unescorted access to the protected area of a commercial nuclear
28 generating station on submission of the subject of record's fingerprints
29 and the prescribed fee.

30 20. With the state board of education for the purpose of evaluating
31 the fitness of a certificated educator, an applicant for a teaching or
32 administrative certificate or a noncertificated person as defined in
33 section 15-505 if the state board of education or its employees or agents
34 have reasonable suspicion that the educator or person engaged in conduct
35 that would be a criminal violation of the laws of this state or was
36 involved in immoral or unprofessional conduct or that the applicant
37 engaged in conduct that would warrant disciplinary action if the applicant
38 were certificated at the time of the alleged conduct. The information
39 shall be provided on the submission of either:

40 (a) The fingerprint card.

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

43 21. With each school district and charter school in this state **AND**
44 **WITH EACH QUALIFIED SCHOOL THAT ACCEPTS PAYMENT FROM THE PARENT OF ONE OR**
45 **MORE QUALIFIED STUDENTS PURSUANT TO TITLE 15, CHAPTER 19.** The department

1 of education and the state board for charter schools shall provide the
2 department of public safety with a current list of email addresses for
3 each school district, ~~and~~ charter school ~~in this state~~ AND QUALIFIED
4 SCHOOL and shall periodically provide the department of public safety with
5 updated email addresses. If the department of public safety is notified
6 that a person who is required to have a fingerprint clearance card to be
7 employed by or to engage in volunteer activities at a school district, ~~or~~
8 charter school OR QUALIFIED SCHOOL has been arrested for or convicted of
9 an offense listed in section 41-1758.03, subsection B or has been arrested
10 for or convicted of an offense that amounts to unprofessional conduct
11 under section 15-550, the department of public safety shall notify each
12 school district, ~~and~~ charter school AND QUALIFIED SCHOOL in this state
13 that the person's fingerprint clearance card has been suspended or
14 revoked.

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

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

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

28 23. With a nonprofit organization that interacts with children or
29 vulnerable adults for the lawful purpose of evaluating the fitness of all
30 current and prospective employees, contractors and volunteers of the
31 organization. The criminal history record information shall be provided
32 on submission of the applicant's fingerprint card and the prescribed fee.
33 Fingerprints submitted pursuant to this paragraph may be searched by the
34 department to conduct state criminal history records checks.

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

38 25. With the governor to provide criminal history record
39 information on prospective gubernatorial nominees, appointees and
40 employees as provided by law.

41 H. The director shall adopt rules necessary to execute this
42 section.

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

1 J. The director shall establish a fee in an amount necessary to
 2 cover the cost of federal noncriminal justice fingerprint processing for
 3 criminal history record information checks that are authorized by law for
 4 noncriminal justice employment, licensing or other lawful purposes. An
 5 additional fee may be charged by the department for state noncriminal
 6 justice fingerprint processing. Fees submitted to the department for
 7 state noncriminal justice fingerprint processing are not refundable.

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

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

18 M. A fingerprint account within the records processing fund is
 19 established for the purpose of separately accounting for the collection
 20 and payment of fees for noncriminal justice fingerprint processing by the
 21 department. Monies collected for this purpose shall be credited to the
 22 account, and payments by the department to the United States for federal
 23 noncriminal justice fingerprint processing shall be charged against the
 24 account. Monies in the account not required for payment to the United
 25 States shall be used by the department in support of the department's
 26 noncriminal justice fingerprint processing duties. At the end of each
 27 fiscal year, any balance in the account not required for payment to the
 28 United States or to support the department's noncriminal justice
 29 fingerprint processing duties reverts to the state general fund.

30 N. A records processing fund is established for the purpose of
 31 separately accounting for the collection and payment of fees for
 32 department reports and photographs of traffic accident scenes processed by
 33 the department. Monies collected for this purpose shall be credited to
 34 the fund and shall be used by the department in support of functions
 35 related to providing copies of department reports and photographs. At the
 36 end of each fiscal year, any balance in the fund not required for support
 37 of the functions related to providing copies of department reports and
 38 photographs reverts to the state general fund.

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

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

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

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

5 Q. The director shall ensure that the following limitations are
6 observed regarding dissemination of criminal justice information obtained
7 from the central state repository or through the Arizona criminal justice
8 information system:

9 1. Any criminal justice agency that obtains criminal justice
10 information from the central state repository or through the Arizona
11 criminal justice information system assumes responsibility for the
12 security of the information and shall not secondarily disseminate this
13 information to any individual or agency not authorized to receive this
14 information directly from the central state repository or originating
15 agency.

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

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

24 4. The existence or nonexistence of criminal history record
25 information shall not be confirmed to any individual or agency not
26 authorized to receive the information itself.

27 5. Criminal history record information to be released for
28 noncriminal justice purposes to agencies of other states shall only be
29 released to the central state repositories of those states for
30 dissemination in accordance with the laws of those states.

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

34 R. This section and the rules adopted under this section apply to
35 all agencies and individuals collecting, storing or disseminating criminal
36 justice information processed by manual or automated operations if the
37 collection, storage or dissemination is funded in whole or in part with
38 monies made available by the law enforcement assistance administration
39 after July 1, 1973, pursuant to title I of the crime control act of 1973,
40 and to all agencies that interact with or receive criminal justice
41 information from or through the central state repository and through the
42 Arizona criminal justice information system.

43 S. This section does not apply to criminal history record
44 information contained in:

- 1 1. Posters, arrest warrants, announcements or lists for identifying
2 or apprehending fugitives or wanted persons.
- 3 2. Original records of entry such as police blotters maintained by
4 criminal justice agencies, compiled chronologically and required by law or
5 long-standing custom to be made public if these records are organized on a
6 chronological basis.
- 7 3. Transcripts or records of judicial proceedings if released by a
8 court or legislative or administrative proceedings.
- 9 4. Announcements of executive clemency or pardon.
- 10 5. Computer databases, other than the Arizona criminal justice
11 information system, that are specifically designed for community
12 notification of an offender's presence in the community pursuant to
13 section 13-3825 or for public informational purposes authorized by section
14 13-3827.
- 15 T. This section does not prevent a criminal justice agency from
16 disclosing to the public criminal history record information that is
17 reasonably contemporaneous to the event for which an individual is
18 currently within the criminal justice system, including information noted
19 on traffic accident reports concerning citations, blood alcohol tests or
20 arrests made in connection with the traffic accident being investigated.
- 21 U. In order to ensure that complete and accurate criminal history
22 record information is maintained and disseminated by the central state
23 repository:
 - 24 1. The booking agency shall take legible ten-print fingerprints of
25 all persons who are arrested for offenses listed in subsection C of this
26 section. The booking agency shall obtain a process control number and
27 provide to the person fingerprinted a document that indicates proof of the
28 fingerprinting and that informs the person that the document must be
29 presented to the court.
 - 30 2. Except as provided in paragraph 3 of this subsection, if a
31 person is summoned to court as a result of an indictment or complaint for
32 an offense listed in subsection C of this section, the court shall order
33 the person to appear before the county sheriff and provide legible
34 ten-print fingerprints. The county sheriff shall obtain a process control
35 number and provide a document to the person fingerprinted that indicates
36 proof of the fingerprinting and that informs the person that the document
37 must be presented to the court. For the purposes of this paragraph,
38 "summoned" includes a written promise to appear by the defendant on a
39 uniform traffic ticket and complaint.
 - 40 3. If a person is arrested for a misdemeanor offense listed in
41 subsection C of this section by a city or town law enforcement agency, the
42 person shall appear before the law enforcement agency that arrested the
43 defendant and provide legible ten-print fingerprints. The law enforcement
44 agency shall obtain a process control number and provide a document to the

1 person fingerprinted that indicates proof of the fingerprinting and that
2 informs the person that the document must be presented to the court.

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

5 (a) Whether ten-print fingerprints have been obtained from the
6 person.

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

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

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

11 (e) Instructions on reporting for ten-print fingerprinting,
12 including available times and locations for reporting for ten-print
13 fingerprinting.

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

16 5. Within ten days after a person is fingerprinted, the arresting
17 authority or agency that took the fingerprints shall forward the
18 fingerprints to the department in the manner or form required by the
19 department.

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

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

31 8. If the defendant fails to present a completed mandatory
32 fingerprint compliance form or if the court has not received the process
33 control number, the court, on its own motion, may remand the defendant
34 into custody for ten-print fingerprinting. If otherwise eligible for
35 release, the defendant shall be released from custody after being
36 ten-print fingerprinted.

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

44 10. Dispositions resulting from formal proceedings in a court
45 having jurisdiction in a criminal action against an individual who is

1 arrested for an offense specified in subsection C of this section or
2 section 8-341, subsection Q, paragraph 3 shall be reported to the central
3 state repository within forty days of the date of the disposition. This
4 information shall be submitted on a form or in a manner specified by rules
5 approved by the supreme court.

6 11. The state department of corrections or the department of
7 juvenile corrections, within forty days, shall advise the central state
8 repository that it has assumed supervision of a person convicted of an
9 offense specified in subsection C of this section or section 8-341,
10 subsection Q, paragraph 3. The state department of corrections or the
11 department of juvenile corrections shall also report dispositions that
12 occur thereafter to the central state repository within forty days of the
13 date of the dispositions. This information shall be submitted on a form
14 or in a manner required by the department of public safety.

15 12. Each criminal justice agency shall query the central state
16 repository before dissemination of any criminal history record information
17 to ensure the completeness of the information. Inquiries shall be made
18 before any dissemination except in those cases in which time is of the
19 essence and the repository is technically incapable of responding within
20 the necessary time period. If time is of the essence, the inquiry shall
21 still be made and the response shall be provided as soon as possible.

22 V. The director shall adopt rules specifying that any agency that
23 collects, stores or disseminates criminal justice information that is
24 subject to this section shall establish effective security measures to
25 protect the information from unauthorized access, disclosure, modification
26 or dissemination. The rules shall include reasonable safeguards to
27 protect the affected information systems from fire, flood, wind, theft,
28 sabotage or other natural or man-made hazards or disasters.

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

34 X. This section does not create a cause of action or a right to
35 bring an action, including an action based on discrimination due to sexual
36 orientation.

37 Y. The definition prescribed in subsection Z, paragraph 3 of this
38 section does not diminish or infringe on any rights protected under the
39 first amendment to the United States constitution or the Arizona
40 constitution.

41 Z. For the purposes of this section:

42 1. "Administration of criminal justice" means performance of the
43 detection, apprehension, detention, pretrial release, posttrial release,
44 prosecution, adjudication, correctional supervision or rehabilitation of
45 criminal offenders. Administration of criminal justice includes

1 enforcement of criminal traffic offenses and civil traffic violations,
2 including parking violations, when performed by a criminal justice agency.
3 Administration of criminal justice also includes criminal identification
4 activities and the collection, storage and dissemination of criminal
5 history record information.

6 2. "Administrative records" means records that contain adequate and
7 proper documentation of the organization, functions, policies, decisions,
8 procedures and essential transactions of the agency and that are designed
9 to furnish information to protect the rights of this state and of persons
10 directly affected by the agency's activities.

11 3. "Antisemitism" includes the definition of antisemitism that was
12 adopted by the international holocaust remembrance alliance on May 26,
13 2016 and that has been adopted by the United States department of state,
14 including the contemporary examples of antisemitism identified in the
15 adopted definition.

16 4. "Arizona criminal justice information system" or "system" means
17 the statewide information system managed by the director for the
18 collection, processing, preservation, dissemination and exchange of
19 criminal justice information and includes the electronic equipment,
20 facilities, procedures and agreements necessary to exchange this
21 information.

22 5. "Biometric data" means any physical characteristics, including
23 fingerprints and palm prints and face, tattoo and iris images.

24 6. "Booking agency" means the county sheriff or, if a person is
25 booked into a municipal jail, the municipal law enforcement agency.

26 7. "Central state repository" means the central location within the
27 department for the collection, storage and dissemination of Arizona
28 criminal history records and related criminal justice information.

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

40 9. "Criminal justice agency" means either:

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

44 (b) A government agency or subunit of a government agency that is
45 specifically authorized to perform as its principal function the

1 administration of criminal justice pursuant to a statute, ordinance or
2 executive order and that allocates more than fifty percent of its annual
3 budget to the administration of criminal justice. This subdivision
4 includes agencies of any foreign sovereignty duly recognized by the
5 federal government.

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

13 11. "Disposition" means information disclosing that a decision has
14 been made not to bring criminal charges or that criminal proceedings have
15 been concluded or information relating to sentencing, correctional
16 supervision, release from correctional supervision, the outcome of an
17 appellate review of criminal proceedings or executive clemency.

18 12. "Dissemination" means the written, oral or electronic
19 communication or transfer of criminal justice information to individuals
20 and agencies other than the criminal justice agency that maintains the
21 information. Dissemination includes the act of confirming the existence
22 or nonexistence of criminal justice information.

23 13. "Management control":

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

25 (i) Priorities regarding development and operation of criminal
26 justice information systems and programs.

27 (ii) Standards for the selection, supervision and termination of
28 personnel involved in the development of criminal justice information
29 systems and programs and in the collection, maintenance, analysis and
30 dissemination of criminal justice information.

31 (iii) Policies governing the operation of computers, circuits and
32 telecommunications terminals used to process criminal justice information
33 to the extent that the equipment is used to process, store or transmit
34 criminal justice information.

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

38 14. "Process control number" means the Arizona automated
39 fingerprint identification system number that attaches to each arrest
40 event at the time of fingerprinting and that is assigned to the arrest
41 fingerprint card, disposition form and other pertinent documents.

42 15. "QUALIFIED SCHOOL" HAS THE SAME MEANING PRESCRIBED IN
43 SECTION 15-2401.

44 ~~15.~~ 16. "Rap back services" means real-time or near real-time
45 notifications of activity, such as arrests on an individual, for

1 authorized criminal justice or noncriminal justice purposes in which
2 continuous evaluation of the individual's criminal history is required.

3 ~~16.~~ 17. "Secondary dissemination" means the dissemination of
4 criminal justice information from an individual or agency that originally
5 obtained the information from the central state repository or through the
6 Arizona criminal justice information system to another individual or
7 agency.

8 ~~17.~~ 18. "Sexual orientation" means consensual homosexuality or
9 heterosexuality.

10 ~~18.~~ 19. "Subject of record" means the person who is the primary
11 subject of a criminal justice record.

12 Sec. 8. Section 41-1758, Arizona Revised Statutes, is amended to
13 read:

14 41-1758. Definitions

15 In this article, unless the context otherwise requires:

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

31 2. "Division" means the fingerprinting division in the department
32 of public safety.

33 3. "Electronic or internet-based fingerprinting services" means a
34 secure system for digitizing applicant fingerprints and transmitting the
35 applicant data and fingerprints of a person or entity submitting
36 fingerprints to the department of public safety for any authorized purpose
37 under this title. For the purposes of this paragraph, "secure system"
38 means a system that complies with the information technology security
39 policy approved by the department of public safety.

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

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

- 44 (a) Section 3-314.
- 45 (b) Section 8-105.

- 1 (c) Section 8-322.
- 2 (d) Section 8-463.
- 3 (e) Section 8-509.
- 4 (f) Section 8-802.
- 5 (g) Section 15-183.
- 6 (h) Section 15-503.
- 7 (i) Section 15-512.
- 8 (j) Section 15-534.
- 9 (k) Section 15-763.01.
- 10 (l) Section 15-782.02.
- 11 (m) Section 15-1330.
- 12 (n) Section 15-1881.
- 13 (o) SECTION 15-2407.
- 14 ~~(p)~~ (p) Section 17-215.
- 15 ~~(q)~~ (q) Section 28-3228.
- 16 ~~(r)~~ (r) Section 28-3413.
- 17 ~~(s)~~ (s) Section 32-122.02.
- 18 ~~(t)~~ (t) Section 32-122.05.
- 19 ~~(u)~~ (u) Section 32-122.06.
- 20 ~~(v)~~ (v) Section 32-823.
- 21 ~~(w)~~ (w) Section 32-1232.
- 22 ~~(x)~~ (x) Section 32-1276.01.
- 23 ~~(y)~~ (y) Section 32-1284.
- 24 ~~(z)~~ (z) Section 32-1297.01.
- 25 ~~(aa)~~ (aa) Section 32-1904.
- 26 ~~(bb)~~ (bb) Section 32-1941.
- 27 ~~(cc)~~ (cc) Section 32-1982.
- 28 ~~(dd)~~ (dd) Section 32-2022.
- 29 ~~(ee)~~ (ee) Section 32-2063.
- 30 ~~(ff)~~ (ff) Section 32-2108.01.
- 31 ~~(gg)~~ (gg) Section 32-2123.
- 32 ~~(hh)~~ (hh) Section 32-2371.
- 33 ~~(ii)~~ (ii) Section 32-3430.
- 34 ~~(jj)~~ (jj) Section 32-3620.
- 35 ~~(kk)~~ (kk) Section 32-3668.
- 36 ~~(ll)~~ (ll) Section 32-3669.
- 37 ~~(mm)~~ (mm) Section 32-3922.
- 38 ~~(nn)~~ (nn) Section 32-3924.
- 39 ~~(oo)~~ (oo) Section 32-4128.
- 40 ~~(pp)~~ (pp) Section 32-4222.
- 41 ~~(qq)~~ (qq) Section 36-113.
- 42 ~~(rr)~~ (rr) Section 36-207.
- 43 ~~(ss)~~ (ss) Section 36-411.
- 44 ~~(tt)~~ (tt) Section 36-425.03.
- 45 ~~(uu)~~ (uu) Section 36-446.04.

- 1 ~~(uu)~~ (vv) Section 36-594.01.
- 2 ~~(vv)~~ (ww) Section 36-594.02.
- 3 ~~(ww)~~ (xx) Section 36-766.01.
- 4 ~~(xx)~~ (yy) Section 36-882.
- 5 ~~(yy)~~ (zz) Section 36-883.02.
- 6 ~~(zz)~~ (aaa) Section 36-897.01.
- 7 ~~(aaa)~~ (bbb) Section 36-897.03.
- 8 ~~(bbb)~~ (ccc) Section 36-3008.
- 9 ~~(ccc)~~ (ddd) Section 41-619.52.
- 10 ~~(ddd)~~ (eee) Section 41-619.53.
- 11 ~~(eee)~~ (fff) Section 41-1964.
- 12 ~~(fff)~~ (ggg) Section 41-1967.01.
- 13 ~~(ggg)~~ (hhh) Section 41-1968.
- 14 ~~(hhh)~~ (iii) Section 41-1969.
- 15 ~~(iii)~~ (jjj) Section 41-2814.
- 16 ~~(jjj)~~ (kkk) Section 41-4025.
- 17 ~~(kkk)~~ (lll) Section 46-141, subsection A or B.
- 18 ~~(lll)~~ (mmm) Section 46-321.

19 6. "Rap back services" has the same meaning prescribed in section
20 41-1750.

21 7. "Vulnerable adult" has the same meaning prescribed in section
22 13-3623.

23 Sec. 9. Section 41-1758.01, Arizona Revised Statutes, is amended to
24 read:

25 41-1758.01. Fingerprinting division; powers and duties

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

28 1. Conduct fingerprint background checks for persons and applicants
29 who are seeking licenses from state agencies, employment with licensees,
30 contract providers and state agencies or employment or educational
31 opportunities with agencies that require fingerprint background checks
32 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
33 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 15-2407,
34 17-215, 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823,
35 32-1232, 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982,
36 32-2022, 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668,
37 32-3669, 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411,
38 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02,
39 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01,
40 41-1968, 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141, subsection A or B
41 and section 46-321.

42 2. Issue fingerprint clearance cards. On issuance, a fingerprint
43 clearance card becomes the personal property of the cardholder and the
44 cardholder shall retain possession of the fingerprint clearance card.

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

5 4. Inform in writing each person who submits fingerprints for a
6 fingerprint background check of the right to petition the board of
7 fingerprinting for a good cause exception pursuant to section 41-1758.03,
8 41-1758.04 or 41-1758.07.

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

16 6. Notify the person in writing if the division suspends, revokes
17 or places a driving restriction notation on a fingerprint clearance card
18 pursuant to section 41-1758.04. The notice shall include the criminal
19 history information on which the suspension, revocation or placement of
20 the driving restriction notation was based. This criminal history
21 information is subject to dissemination restrictions pursuant to section
22 41-1750 and Public Law 92-544.

23 7. Administer and enforce this article.

24 B. The fingerprinting division may contract for electronic or
25 internet-based fingerprinting services through an entity or entities for
26 the acquisition and transmission of applicant fingerprint and data
27 submissions to the department, including identity verified fingerprints
28 pursuant to section 15-106. The entity or entities contracted by the
29 department of public safety may charge the applicant a fee for services
30 provided pursuant to this article. The entity or entities contracted by
31 the department of public safety shall comply with:

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

34 2. The information technology security policy approved by the
35 department of public safety.

36 Sec. 10. Section 41-1758.08, Arizona Revised Statutes, is amended
37 to read:

38 41-1758.08. Fingerprint clearance card; use of expired card

39 A. Notwithstanding any other law, an expired fingerprint clearance
40 card may be used to satisfy the fingerprint requirements of section
41 15-183, 15-503, 15-512, 15-534, 15-782.02, 15-1330, ~~15-1881~~ **OR 15-2407**
42 if the person signs an affidavit stating both of the following:

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

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

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

7 Sec. 11. Fingerprinting requirement; current school personnel
8 Notwithstanding section 15-2407, subsection A, Arizona Revised Statutes,
9 as added by this act, current school personnel, as defined in section
10 15-2407, Arizona Revised Statutes, as added by this act, must comply with
11 the fingerprint clearance card requirements prescribed in section 15-2407,
12 Arizona Revised Statutes, as added by this act, within six months after
13 the effective date of this act.