

Senate Engrossed

behavioral health facilities; fingerprinting

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1173

AN ACT

AMENDING TITLE 36, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 36-411.02; AMENDING SECTIONS 41-619.51, 41-1758, 41-1758.01
AND 41-1758.07, ARIZONA REVISED STATUTES; RELATING TO HEALTH CARE
INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, chapter 4, article 1, Arizona Revised
3 Statutes, is amended by adding section 36-411.02, to read:

4 36-411.02. Behavioral health facilities; fingerprint
5 clearance cards

6 BEGINNING JANUARY 1, 2027, AS A CONDITION OF LICENSURE OR CONTINUED
7 LICENSURE OF THE FOLLOWING HEALTH CARE INSTITUTIONS, EACH APPLICANT,
8 LICENSEE AND OWNER OF THE HEALTH CARE INSTITUTION SHALL BE A UNITED STATES
9 CITIZEN OR A LAWFUL PERMANENT RESIDENT OF THE UNITED STATES AND HAVE A
10 VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.07:

11 1. AN OUTPATIENT TREATMENT CENTER THAT PROVIDES ONLY BEHAVIORAL
12 HEALTH SERVICES.

13 2. A BEHAVIORAL HEALTH INPATIENT FACILITY.

14 3. A BEHAVIORAL HEALTH RESIDENTIAL FACILITY.

15 4. A COUNSELING FACILITY.

16 5. A SUBSTANCE ABUSE TRANSITIONAL FACILITY.

17 6. A BEHAVIORAL HEALTH SPECIALIZED TRANSITIONAL FACILITY.

18 Sec. 2. Section 41-619.51, Arizona Revised Statutes, is amended to
19 read:

20 41-619.51. Definitions

21 In this article, unless the context otherwise requires:

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

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

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

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

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

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

- 6 (a) Section 3-314.
- 7 (b) Section 8-105.
- 8 (c) Section 8-322.
- 9 (d) Section 8-463.
- 10 (e) Section 8-509.
- 11 (f) Section 8-802.
- 12 (g) Section 8-804.
- 13 (h) Section 15-183.
- 14 (i) Section 15-503.
- 15 (j) Section 15-512.
- 16 (k) Section 15-534.
- 17 (l) Section 15-763.01.
- 18 (m) Section 15-782.02.
- 19 (n) Section 15-1330.
- 20 (o) Section 15-1881.
- 21 (p) Section 17-215.
- 22 (q) Section 28-3228.
- 23 (r) Section 28-3413.
- 24 (s) Section 32-122.02.
- 25 (t) Section 32-122.05.
- 26 (u) Section 32-122.06.
- 27 (v) Section 32-823.
- 28 (w) Section 32-1232.
- 29 (x) Section 32-1276.01.
- 30 (y) Section 32-1284.
- 31 (z) Section 32-1297.01.
- 32 (aa) Section 32-1904.
- 33 (bb) Section 32-1941.
- 34 (cc) Section 32-1982.
- 35 (dd) Section 32-2022.
- 36 (ee) Section 32-2063.
- 37 (ff) Section 32-2108.01.
- 38 (gg) Section 32-2123.
- 39 (hh) Section 32-2371.
- 40 (ii) Section 32-3271.
- 41 (jj) Section 32-3430.
- 42 (kk) Section 32-3620.
- 43 (ll) Section 32-3668.
- 44 (mm) Section 32-3669.
- 45 (nn) Section 32-3922.

- 1 (oo) Section 32-3924.
- 2 (pp) Section 32-4128.
- 3 (qq) Section 32-4222.
- 4 (rr) Section 36-113.
- 5 (ss) Section 36-207.
- 6 (tt) Section 36-411.
- 7 (uu) SECTION 36-411.02.
- 8 ~~(uu)~~ (vv) Section 36-425.03.
- 9 ~~(vv)~~ (ww) Section 36-446.04.
- 10 ~~(ww)~~ (xx) Section 36-594.01.
- 11 ~~(xx)~~ (yy) Section 36-594.02.
- 12 ~~(yy)~~ (zz) Section 36-766.01.
- 13 ~~(zz)~~ (aaa) Section 36-882.
- 14 ~~(aaa)~~ (bbb) Section 36-883.02.
- 15 ~~(bbb)~~ (ccc) Section 36-897.01.
- 16 ~~(ccc)~~ (ddd) Section 36-897.03.
- 17 ~~(ddd)~~ (eee) Section 36-1940.
- 18 ~~(eee)~~ (fff) Section 36-1940.01.
- 19 ~~(fff)~~ (ggg) Section 36-2069.
- 20 ~~(ggg)~~ (hhh) Section 36-3008.
- 21 ~~(hhh)~~ (iii) Section 41-619.53.
- 22 ~~(iii)~~ (jjj) Section 41-1964.
- 23 ~~(jjj)~~ (kkk) Section 41-1967.01.
- 24 ~~(kkk)~~ (lll) Section 41-1968.
- 25 ~~(lll)~~ (mmm) Section 41-1969.
- 26 ~~(mmm)~~ (nnn) Section 41-2814.
- 27 ~~(nnn)~~ (ooo) Section 41-4025.
- 28 ~~(ooo)~~ (ppp) Section 46-141, subsection A or B.
- 29 ~~(ppp)~~ (qqq) Section 46-321.

30 Sec. 3. Section 41-1758, Arizona Revised Statutes, is amended to
31 read:

32 41-1758. Definitions

33 In this article, unless the context otherwise requires:

- 34 1. "Agency" means the supreme court, the department of economic
35 security, the department of child safety, the department of education, the
36 department of health services, the department of juvenile corrections, the
37 department of emergency and military affairs, the department of public
38 safety, the department of transportation, the state real estate
39 department, the department of insurance and financial institutions, the
40 board of fingerprinting, the Arizona game and fish department, the Arizona
41 department of agriculture, the board of examiners of nursing care
42 institution administrators and assisted living facility managers, the
43 state board of dental examiners, the Arizona state board of pharmacy, the
44 board of physical therapy, the state board of psychologist examiners, the
45 board of athletic training, the board of occupational therapy examiners,

1 the state board of podiatry examiners, the acupuncture board of examiners,
2 the state board of technical registration, the board of massage therapy,
3 the board of behavioral health examiners or the Arizona department of
4 housing.

5 2. "Division" means the fingerprinting division in the department
6 of public safety.

7 3. "Electronic or internet-based fingerprinting services" means a
8 secure system for digitizing applicant fingerprints and transmitting the
9 applicant data and fingerprints of a person or entity submitting
10 fingerprints to the department of public safety for any authorized purpose
11 under this title. For the purposes of this paragraph, "secure system"
12 means a system that complies with the information technology security
13 policy approved by the department of public safety.

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

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

- 18 (a) Section 3-314.
- 19 (b) Section 8-105.
- 20 (c) Section 8-322.
- 21 (d) Section 8-463.
- 22 (e) Section 8-509.
- 23 (f) Section 8-802.
- 24 (g) Section 15-183.
- 25 (h) Section 15-503.
- 26 (i) Section 15-512.
- 27 (j) Section 15-534.
- 28 (k) Section 15-763.01.
- 29 (l) Section 15-782.02.
- 30 (m) Section 15-1330.
- 31 (n) Section 15-1881.
- 32 (o) Section 17-215.
- 33 (p) Section 28-3228.
- 34 (q) Section 28-3413.
- 35 (r) Section 32-122.02.
- 36 (s) Section 32-122.05.
- 37 (t) Section 32-122.06.
- 38 (u) Section 32-823.
- 39 (v) Section 32-1232.
- 40 (w) Section 32-1276.01.
- 41 (x) Section 32-1284.
- 42 (y) Section 32-1297.01.
- 43 (z) Section 32-1904.
- 44 (aa) Section 32-1941.
- 45 (bb) Section 32-1982.

- 1 (cc) Section 32-2022.
- 2 (dd) Section 32-2063.
- 3 (ee) Section 32-2108.01.
- 4 (ff) Section 32-2123.
- 5 (gg) Section 32-2371.
- 6 (hh) Section 32-3271.
- 7 (ii) Section 32-3430.
- 8 (jj) Section 32-3620.
- 9 (kk) Section 32-3668.
- 10 (ll) Section 32-3669.
- 11 (mm) Section 32-3922.
- 12 (nn) Section 32-3924.
- 13 (oo) Section 32-4128.
- 14 (pp) Section 32-4222.
- 15 (qq) Section 36-113.
- 16 (rr) Section 36-207.
- 17 (ss) Section 36-411.
- 18 (tt) SECTION 36-411.02.
- 19 ~~(uu)~~ (uu) Section 36-425.03.
- 20 ~~(vv)~~ (vv) Section 36-446.04.
- 21 ~~(ww)~~ (ww) Section 36-594.01.
- 22 ~~(xx)~~ (xx) Section 36-594.02.
- 23 ~~(yy)~~ (yy) Section 36-766.01.
- 24 ~~(zz)~~ (zz) Section 36-882.
- 25 ~~(aaa)~~ (aaa) Section 36-883.02.
- 26 ~~(bbb)~~ (bbb) Section 36-897.01.
- 27 ~~(ccc)~~ (ccc) Section 36-897.03.
- 28 ~~(ddd)~~ (ddd) Section 36-1940.
- 29 ~~(eee)~~ (eee) Section 36-1940.01.
- 30 ~~(fff)~~ (fff) Section 36-2069.
- 31 ~~(ggg)~~ (ggg) Section 36-3008.
- 32 ~~(hhh)~~ (hhh) Section 41-619.52.
- 33 ~~(iii)~~ (iii) Section 41-619.53.
- 34 ~~(jjj)~~ (jjj) Section 41-1964.
- 35 ~~(kkk)~~ (kkk) Section 41-1967.01.
- 36 ~~(lll)~~ (lll) Section 41-1968.
- 37 ~~(mmm)~~ (mmm) Section 41-1969.
- 38 ~~(nnn)~~ (nnn) Section 41-2814.
- 39 ~~(ooo)~~ (ooo) Section 41-4025.
- 40 ~~(ppp)~~ (ppp) Section 46-141, subsection A or B.
- 41 ~~(qqq)~~ (qqq) Section 46-321.
- 42 6. "Rap back services" has the same meaning prescribed in section
- 43 41-1750.
- 44 7. "Vulnerable adult" has the same meaning prescribed in section
- 45 13-3623.

1 Sec. 4. Section 41-1758.01, Arizona Revised Statutes, is amended to
2 read:

3 41-1758.01. Fingerprinting division; powers and duties

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

6 1. Conduct fingerprint background checks for persons and applicants
7 who are seeking licenses from state agencies, employment with licensees,
8 contract providers and state agencies or employment or educational
9 opportunities with agencies that require fingerprint background checks
10 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
11 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
12 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232,
13 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022,
14 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3271, 32-3430, 32-3620, 32-3668,
15 32-3669, 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411,
16 36-411.02, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882,
17 36-883.02, 36-897.01, 36-897.03, 36-1940, 36-1940.01, 36-2069, 36-3008,
18 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969, 41-2814 and
19 41-4025, section 46-141, subsection A or B and section 46-321.

20 2. Issue fingerprint clearance cards. On issuance, a fingerprint
21 clearance card becomes the personal property of the cardholder and the
22 cardholder shall retain possession of the fingerprint clearance card.

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

27 4. Inform in writing each person who submits fingerprints for a
28 fingerprint background check of the right to petition the board of
29 fingerprinting for a good cause exception pursuant to section 41-1758.03,
30 41-1758.04 or 41-1758.07.

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

38 6. Notify the person in writing if the division suspends, revokes
39 or places a driving restriction notation on a fingerprint clearance card
40 pursuant to section 41-1758.04. The notice shall include the criminal
41 history information on which the suspension, revocation or placement of
42 the driving restriction notation was based. This criminal history
43 information is subject to dissemination restrictions pursuant to section
44 41-1750 and Public Law 92-544.

45 7. Administer and enforce this article.

1 B. The fingerprinting division may contract for electronic or
2 internet-based fingerprinting services through an entity or entities for
3 the acquisition and transmission of applicant fingerprint and data
4 submissions to the department, including identity verified fingerprints
5 pursuant to section 15-106. The entity or entities contracted by the
6 department of public safety may charge the applicant a fee for services
7 provided pursuant to this article. The entity or entities contracted by
8 the department of public safety shall comply with:

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

11 2. The information technology security policy approved by the
12 department of public safety.

13 Sec. 5. Section 41-1758.07, Arizona Revised Statutes, is amended to
14 read:

15 41-1758.07. Level I fingerprint clearance cards; definitions

16 A. On receiving the state and federal criminal history record of a
17 person who is required to be fingerprinted pursuant to this section, the
18 division shall compare the record with the list of criminal offenses that
19 preclude the person from receiving a level I fingerprint clearance card.
20 If the person's criminal history record does not contain any of the
21 offenses listed in subsections B and C of this section, the division shall
22 issue the person a level I fingerprint clearance card.

23 B. A person who is subject to registration as a sex offender in
24 this state or any other jurisdiction or who is awaiting trial on or who
25 has been convicted of committing or attempting, soliciting, facilitating
26 or conspiring to commit one or more of the following offenses in this
27 state or the same or similar offenses in another state or jurisdiction is
28 precluded from receiving a level I fingerprint clearance card:

29 1. Sexual abuse of a vulnerable adult.

30 2. Incest.

31 3. Homicide, including first or second degree murder, manslaughter
32 and negligent homicide.

33 4. Sexual assault.

34 5. Sexual exploitation of a minor.

35 6. Sexual exploitation of a vulnerable adult.

36 7. Commercial sexual exploitation of a minor.

37 8. Commercial sexual exploitation of a vulnerable adult.

38 9. Child sex trafficking as prescribed in section 13-3212.

39 10. Child abuse.

40 11. Felony child neglect.

41 12. Abuse of a vulnerable adult.

42 13. Sexual conduct with a minor.

43 14. Molestation of a child.

44 15. Molestation of a vulnerable adult.

45 16. Dangerous crimes against children as defined in section 13-705.

- 1 17. Exploitation of minors involving drug offenses.
- 2 18. Taking a child for the purpose of prostitution as prescribed in
- 3 section 13-3206.
- 4 19. Neglect or abuse of a vulnerable adult.
- 5 20. Sex trafficking.
- 6 21. Sexual abuse.
- 7 22. Production, publication, sale, possession and presentation of
- 8 obscene items as prescribed in section 13-3502.
- 9 23. Furnishing harmful items to minors as prescribed in section
- 10 13-3506.
- 11 24. Furnishing harmful items to minors by internet activity as
- 12 prescribed in section 13-3506.01.
- 13 25. Obscene or indecent telephone communications to minors for
- 14 commercial purposes as prescribed in section 13-3512.
- 15 26. Luring a minor for sexual exploitation.
- 16 27. Enticement of persons for purposes of prostitution.
- 17 28. Procurement by false pretenses of person for purposes of
- 18 prostitution.
- 19 29. Procuring or placing persons in a house of prostitution.
- 20 30. Receiving earnings of a prostitute.
- 21 31. Causing one's spouse to become a prostitute.
- 22 32. Detention of persons in a house of prostitution for debt.
- 23 33. Keeping or residing in a house of prostitution or employment in
- 24 prostitution.
- 25 34. Pandering.
- 26 35. Transporting persons for the purpose of prostitution, polygamy
- 27 and concubinage.
- 28 36. Portraying adult as a minor as prescribed in section 13-3555.
- 29 37. Admitting minors to public displays of sexual conduct as
- 30 prescribed in section 13-3558.
- 31 38. Any felony offense involving contributing to the delinquency of
- 32 a minor.
- 33 39. Unlawful sale or purchase of children.
- 34 40. Child bigamy.
- 35 41. Any felony offense involving domestic violence as defined in
- 36 section 13-3601 except for a felony offense only involving criminal damage
- 37 in an amount of more than \$250 but less than \$1,000 if the offense was
- 38 committed before June 29, 2009.
- 39 42. Any felony offense in violation of title 13, chapter 12 if
- 40 committed within five years before the date of applying for a level I
- 41 fingerprint clearance card.
- 42 43. Felony drug or alcohol related offenses if committed within
- 43 five years before the date of applying for a level I fingerprint clearance
- 44 card.
- 45 44. Felony indecent exposure.

- 1 45. Felony public sexual indecency.
- 2 46. Terrorism.
- 3 47. Any offense involving a violent crime as defined in section
- 4 13-901.03.
- 5 48. Trafficking of persons for forced labor or services.
- 6 C. A person who is awaiting trial on or who has been convicted of
- 7 committing or attempting, soliciting, facilitating or conspiring to commit
- 8 one or more of the following offenses in this state or the same or similar
- 9 offenses in another state or jurisdiction is precluded from receiving a
- 10 level I fingerprint clearance card, except that the person may petition
- 11 the board of fingerprinting for a good cause exception pursuant to section
- 12 41-619.55:
- 13 1. Any misdemeanor offense in violation of title 13, chapter 12.
- 14 2. Misdemeanor indecent exposure.
- 15 3. Misdemeanor public sexual indecency.
- 16 4. Aggravated criminal damage.
- 17 5. Theft.
- 18 6. Theft by extortion.
- 19 7. Shoplifting.
- 20 8. Forgery.
- 21 9. Criminal possession of a forgery device.
- 22 10. Obtaining a signature by deception.
- 23 11. Criminal impersonation.
- 24 12. Theft of a credit card or obtaining a credit card by fraudulent
- 25 means.
- 26 13. Receipt of anything of value obtained by fraudulent use of a
- 27 credit card.
- 28 14. Forgery of a credit card.
- 29 15. Fraudulent use of a credit card.
- 30 16. Possession of any machinery, plate or other contrivance or
- 31 incomplete credit card.
- 32 17. False statement as to financial condition or identity to obtain
- 33 a credit card.
- 34 18. Fraud by persons authorized to provide goods or services.
- 35 19. Credit card transaction record theft.
- 36 20. Misconduct involving weapons.
- 37 21. Misconduct involving explosives.
- 38 22. Depositing explosives.
- 39 23. Misconduct involving simulated explosive devices.
- 40 24. Concealed weapon violation.
- 41 25. Misdemeanor possession and misdemeanor sale of peyote.
- 42 26. Felony possession and felony sale of peyote if committed more
- 43 than five years before the date of applying for a level I fingerprint
- 44 clearance card.

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

- 1 45. Misdemeanor manufacture of certain substances and drugs by
2 certain means.
- 3 46. Felony manufacture of certain substances and drugs by certain
4 means if committed more than five years before the date of applying for a
5 level I fingerprint clearance card.
- 6 47. Adding poison or other harmful substance to food, drink or
7 medicine.
- 8 48. A criminal offense involving criminal trespass under title 13,
9 chapter 15.
- 10 49. A criminal offense involving burglary under title 13,
11 chapter 15.
- 12 50. A criminal offense under title 13, chapter 23, except
13 terrorism.
- 14 51. Misdemeanor offenses involving child neglect.
- 15 52. Misdemeanor offenses involving contributing to the delinquency
16 of a minor.
- 17 53. Misdemeanor offenses involving domestic violence as defined in
18 section 13-3601.
- 19 54. Felony offenses involving domestic violence if the offense only
20 involved criminal damage in an amount of more than \$250 but less than
21 \$1,000 and the offense was committed before June 29, 2009.
- 22 55. Arson.
- 23 56. Felony offenses involving sale, distribution or transportation
24 of, offer to sell, transport or distribute or conspiracy to sell,
25 transport or distribute marijuana, dangerous drugs or narcotic drugs if
26 committed more than five years before the date of applying for a level I
27 fingerprint clearance card.
- 28 57. Criminal damage.
- 29 58. Misappropriation of charter school monies as prescribed in
30 section 13-1818.
- 31 59. Taking identity of another person or entity.
- 32 60. Aggravated taking identity of another person or entity.
- 33 61. Trafficking in the identity of another person or entity.
- 34 62. Cruelty to animals.
- 35 63. Prostitution as prescribed in section 13-3214.
- 36 64. Sale or distribution of material harmful to minors through
37 vending machines as prescribed in section 13-3513.
- 38 65. Welfare fraud.
- 39 66. Any felony offense in violation of title 13, chapter 12 if
40 committed more than five years before the date of applying for a level I
41 fingerprint clearance card.
- 42 67. Kidnapping.
- 43 68. Robbery, aggravated robbery or armed robbery.
- 44 D. A person who is awaiting trial on or who has been convicted of
45 committing or attempting to commit a misdemeanor violation of section

1 28-1381, 28-1382 or 28-1383 in this state or the same or a similar offense
2 in another state or jurisdiction within five years after the date of
3 applying for a level I fingerprint clearance card is precluded from
4 driving any vehicle to transport employees or clients of the employing
5 agency as part of the person's employment. The division shall place a
6 notation on the level I fingerprint clearance card that indicates this
7 driving restriction. This subsection does not preclude a person from
8 driving a vehicle alone as part of the person's employment.

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

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

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

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

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

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

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

37 J. The division may conduct criminal history records checks through
38 state and federal rap back services pursuant to section 41-1750,
39 subsection G for the purpose of updating the clearance status of current
40 level I fingerprint clearance cardholders pursuant to this section and may
41 notify the employing or licensing agency of the results of the records
42 check. If the division suspends a person's fingerprint clearance card and
43 the person requests a good cause exception pursuant to section 41-619.55,
44 the division shall release, on request by the board of fingerprinting, the
45 person's criminal history record to the board of fingerprinting.

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

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

19 M. If after conducting a state and federal criminal history records
20 check the division determines that it is not authorized to issue a level I
21 fingerprint clearance card to an applicant, the division shall notify the
22 agency that the division is not authorized to issue a level I fingerprint
23 clearance card. This notice shall include the criminal history
24 information on which the denial was based. This criminal history
25 information is subject to dissemination restrictions pursuant to section
26 41-1750 and Public Law 92-544.

27 N. The division is not liable for damages resulting from:

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

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

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

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

43 Q. Unless a cardholder commits an offense listed in subsection B or
44 C of this section after June 29, 2009, a fingerprint clearance card issued
45 pursuant to section 41-1758.03 before June 29, 2009 and its renewals are

1 valid for all requirements for a level I fingerprint clearance card except
2 those relating to the requirements of section 8-105 or 8-509. A
3 fingerprint clearance card issued before June 29, 2009 to meet the
4 requirements of section 8-105 or 8-509 and its renewals are valid after
5 June 29, 2009 to meet all requirements for a level I fingerprint clearance
6 card, including the requirements of section 8-105 or 8-509, if the
7 cardholder has been certified by the court to adopt or has been issued a
8 foster home license before June 29, 2009.

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

11 S. For the purposes of this section:

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

13 (a) Section 3-314, 8-105, 8-463, 8-509, 8-802, 17-215, 36-207,
14 36-411.02, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03,
15 36-1940, 36-1940.01, 36-2819, 36-2855, 41-619.52, 41-619.53, 41-1964,
16 41-1967.01, 41-1968, 41-1969 or 46-141.

17 (b) Subsection 0 of this section.

18 2. "Renewal" means the issuance of a fingerprint clearance card to
19 an existing fingerprint clearance cardholder who applies before the
20 person's existing fingerprint clearance card expires.