

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1171
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

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, OR IN THE CASE OF A
9 NONPROFIT HEALTH CARE INSTITUTION THAT DOES NOT HAVE AN OWNER, EACH
10 APPLICANT, EACH LICENSEE AND THE PRINCIPAL OFFICER OR EXECUTIVE DIRECTOR,
11 SHALL BE A UNITED STATES CITIZEN OR A LAWFUL PERMANENT RESIDENT OF THE
12 UNITED STATES AND HAVE A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT
13 TO SECTION 41-1758.07:

14 1. AN OUTPATIENT TREATMENT CENTER THAT PROVIDES ONLY BEHAVIORAL
15 HEALTH SERVICES.

16 2. A BEHAVIORAL HEALTH INPATIENT FACILITY.

17 3. A BEHAVIORAL HEALTH RESIDENTIAL FACILITY.

18 4. A COUNSELING FACILITY.

19 5. A SUBSTANCE ABUSE TRANSITIONAL FACILITY.

20 6. A BEHAVIORAL HEALTH SPECIALIZED TRANSITIONAL FACILITY.

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

23 41-619.51. Definitions

24 In this article, unless the context otherwise requires:

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

- 1 2. "Board" means the board of fingerprinting.
- 2 3. "Central registry exception" means notification to the
3 department of economic security, the department of child safety or the
4 department of health services, as appropriate, pursuant to section
5 41-619.57 that the person is not disqualified because of a central
6 registry check conducted pursuant to section 8-804.
- 7 4. "Expedited review" means an examination, in accordance with
8 board rule, of the documents an applicant submits by the board or its
9 hearing officer without the applicant being present.
- 10 5. "Good cause exception" means the issuance of a fingerprint
11 clearance card to an employee pursuant to section 41-619.55.
- 12 6. "Person" means a person who is required to be fingerprinted
13 pursuant to this article or who is subject to a central registry check and
14 any of the following:
- 15 (a) Section 3-314.
- 16 (b) Section 8-105.
- 17 (c) Section 8-322.
- 18 (d) Section 8-463.
- 19 (e) Section 8-509.
- 20 (f) Section 8-802.
- 21 (g) Section 8-804.
- 22 (h) Section 15-183.
- 23 (i) Section 15-503.
- 24 (j) Section 15-512.
- 25 (k) Section 15-534.
- 26 (l) Section 15-763.01.
- 27 (m) Section 15-782.02.
- 28 (n) Section 15-1330.
- 29 (o) Section 15-1881.
- 30 (p) Section 17-215.
- 31 (q) Section 28-3228.
- 32 (r) Section 28-3413.
- 33 (s) Section 32-122.02.
- 34 (t) Section 32-122.05.
- 35 (u) Section 32-122.06.
- 36 (v) Section 32-823.
- 37 (w) Section 32-1232.
- 38 (x) Section 32-1276.01.
- 39 (y) Section 32-1284.
- 40 (z) Section 32-1297.01.
- 41 (aa) Section 32-1904.
- 42 (bb) Section 32-1941.
- 43 (cc) Section 32-1982.
- 44 (dd) Section 32-2022.
- 45 (ee) Section 32-2063.
- 46 (ff) Section 32-2108.01.
- 47 (gg) Section 32-2123.
- 48 (hh) Section 32-2371.
- 49 (ii) Section 32-3271.

- 1 (jj) Section 32-3430.
- 2 (kk) Section 32-3620.
- 3 (ll) Section 32-3668.
- 4 (mm) Section 32-3669.
- 5 (nn) Section 32-3922.
- 6 (oo) Section 32-3924.
- 7 (pp) Section 32-4128.
- 8 (qq) Section 32-4222.
- 9 (rr) Section 36-113.
- 10 (ss) Section 36-207.
- 11 (tt) Section 36-411.
- 12 (uu) SECTION 36-411.02.
- 13 ~~(uu)~~ (vv) Section 36-425.03.
- 14 ~~(vv)~~ (ww) Section 36-446.04.
- 15 ~~(ww)~~ (xx) Section 36-594.01.
- 16 ~~(xx)~~ (yy) Section 36-594.02.
- 17 ~~(yy)~~ (zz) Section 36-766.01.
- 18 ~~(zz)~~ (aaa) Section 36-882.
- 19 ~~(aaa)~~ (bbb) Section 36-883.02.
- 20 ~~(bbb)~~ (ccc) Section 36-897.01.
- 21 ~~(ccc)~~ (ddd) Section 36-897.03.
- 22 ~~(ddd)~~ (eee) Section 36-1940.
- 23 ~~(eee)~~ (fff) Section 36-1940.01.
- 24 ~~(fff)~~ (ggg) Section 36-2069.
- 25 ~~(ggg)~~ (hhh) Section 36-3008.
- 26 ~~(hhh)~~ (iii) Section 41-619.53.
- 27 ~~(iii)~~ (jjj) Section 41-1964.
- 28 ~~(jjj)~~ (kkk) Section 41-1967.01.
- 29 ~~(kkk)~~ (lll) Section 41-1968.
- 30 ~~(lll)~~ (mmm) Section 41-1969.
- 31 ~~(mmm)~~ (nnn) Section 41-2814.
- 32 ~~(nnn)~~ (ooo) Section 41-4025.
- 33 ~~(ooo)~~ (ppp) Section 46-141, subsection A or B.
- 34 ~~(ppp)~~ (qqq) Section 46-321.

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

37 41-1758. Definitions

38 In this article, unless the context otherwise requires:

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

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

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

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

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

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

- 19 (a) Section 3-314.
- 20 (b) Section 8-105.
- 21 (c) Section 8-322.
- 22 (d) Section 8-463.
- 23 (e) Section 8-509.
- 24 (f) Section 8-802.
- 25 (g) Section 15-183.
- 26 (h) Section 15-503.
- 27 (i) Section 15-512.
- 28 (j) Section 15-534.
- 29 (k) Section 15-763.01.
- 30 (l) Section 15-782.02.
- 31 (m) Section 15-1330.
- 32 (n) Section 15-1881.
- 33 (o) Section 17-215.
- 34 (p) Section 28-3228.
- 35 (q) Section 28-3413.
- 36 (r) Section 32-122.02.
- 37 (s) Section 32-122.05.
- 38 (t) Section 32-122.06.
- 39 (u) Section 32-823.
- 40 (v) Section 32-1232.
- 41 (w) Section 32-1276.01.
- 42 (x) Section 32-1284.
- 43 (y) Section 32-1297.01.
- 44 (z) Section 32-1904.
- 45 (aa) Section 32-1941.
- 46 (bb) Section 32-1982.
- 47 (cc) Section 32-2022.
- 48 (dd) Section 32-2063.
- 49 (ee) Section 32-2108.01.

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- 1 (ff) Section 32-2123.
- 2 (gg) Section 32-2371.
- 3 (hh) Section 32-3271.
- 4 (ii) Section 32-3430.
- 5 (jj) Section 32-3620.
- 6 (kk) Section 32-3668.
- 7 (ll) Section 32-3669.
- 8 (mm) Section 32-3922.
- 9 (nn) Section 32-3924.
- 10 (oo) Section 32-4128.
- 11 (pp) Section 32-4222.
- 12 (qq) Section 36-113.
- 13 (rr) Section 36-207.
- 14 (ss) Section 36-411.
- 15 (tt) SECTION 36-411.02.
- 16 ~~(ttt)~~ (uu) Section 36-425.03.
- 17 ~~(uuu)~~ (vv) Section 36-446.04.
- 18 ~~(vvv)~~ (ww) Section 36-594.01.
- 19 ~~(www)~~ (xx) Section 36-594.02.
- 20 ~~(xxx)~~ (yy) Section 36-766.01.
- 21 ~~(yyy)~~ (zz) Section 36-882.
- 22 ~~(zzz)~~ (aaa) Section 36-883.02.
- 23 ~~(aaa)~~ (bbb) Section 36-897.01.
- 24 ~~(bbb)~~ (ccc) Section 36-897.03.
- 25 ~~(ccc)~~ (ddd) Section 36-1940.
- 26 ~~(ddd)~~ (eee) Section 36-1940.01.
- 27 ~~(eee)~~ (fff) Section 36-2069.
- 28 ~~(fff)~~ (ggg) Section 36-3008.
- 29 ~~(ggg)~~ (hhh) Section 41-619.52.
- 30 ~~(hhh)~~ (iii) Section 41-619.53.
- 31 ~~(iii)~~ (jjj) Section 41-1964.
- 32 ~~(jjj)~~ (kkk) Section 41-1967.01.
- 33 ~~(kkk)~~ (lll) Section 41-1968.
- 34 ~~(lll)~~ (mmm) Section 41-1969.
- 35 ~~(mmm)~~ (nnn) Section 41-2814.
- 36 ~~(nnn)~~ (ooo) Section 41-4025.
- 37 ~~(ooo)~~ (ppp) Section 46-141, subsection A or B.
- 38 ~~(ppp)~~ (qqq) Section 46-321.
- 39 6. "Rap back services" has the same meaning prescribed in section
- 40 41-1750.
- 41 7. "Vulnerable adult" has the same meaning prescribed in section
- 42 13-3623.
- 43 Sec. 4. Section 41-1758.01, Arizona Revised Statutes, is amended to
- 44 read:
- 45 41-1758.01. Fingerprinting division; powers and duties
- 46 A. The fingerprinting division is established in the department of
- 47 public safety and shall:
- 48 1. Conduct fingerprint background checks for persons and applicants
- 49 who are seeking licenses from state agencies, employment with licensees,

1 contract providers and state agencies or employment or educational
2 opportunities with agencies that require fingerprint background checks
3 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
4 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
5 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232,
6 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022,
7 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3271, 32-3430, 32-3620, 32-3668,
8 32-3669, 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411,
9 36-411.02, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882,
10 36-883.02, 36-897.01, 36-897.03, 36-1940, 36-1940.01, 36-2069, 36-3008,
11 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969, 41-2814 and
12 41-4025, section 46-141, subsection A or B and section 46-321.

13 2. Issue fingerprint clearance cards. On issuance, a fingerprint
14 clearance card becomes the personal property of the cardholder and the
15 cardholder shall retain possession of the fingerprint clearance card.

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

20 4. Inform in writing each person who submits fingerprints for a
21 fingerprint background check of the right to petition the board of
22 fingerprinting for a good cause exception pursuant to section 41-1758.03,
23 41-1758.04 or 41-1758.07.

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

31 6. Notify the person in writing if the division suspends, revokes
32 or places a driving restriction notation on a fingerprint clearance card
33 pursuant to section 41-1758.04. The notice shall include the criminal
34 history information on which the suspension, revocation or placement of
35 the driving restriction notation was based. This criminal history
36 information is subject to dissemination restrictions pursuant to section
37 41-1750 and Public Law 92-544.

38 7. Administer and enforce this article.

39 B. The fingerprinting division may contract for electronic or
40 internet-based fingerprinting services through an entity or entities for
41 the acquisition and transmission of applicant fingerprint and data
42 submissions to the department, including identity verified fingerprints
43 pursuant to section 15-106. The entity or entities contracted by the
44 department of public safety may charge the applicant a fee for services
45 provided pursuant to this article. The entity or entities contracted by
46 the department of public safety shall comply with:

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

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

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

5 41-1758.07. Level I fingerprint clearance cards; definitions

6 A. On receiving the state and federal criminal history record of a
7 person who is required to be fingerprinted pursuant to this section, the
8 division shall compare the record with the list of criminal offenses that
9 preclude the person from receiving a level I fingerprint clearance card.
10 If the person's criminal history record does not contain any of the
11 offenses listed in subsections B and C of this section, the division shall
12 issue the person a level I fingerprint clearance card.

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

- 19 1. Sexual abuse of a vulnerable adult.
- 20 2. Incest.
- 21 3. Homicide, including first or second degree murder, manslaughter
22 and negligent homicide.
- 23 4. Sexual assault.
- 24 5. Sexual exploitation of a minor.
- 25 6. Sexual exploitation of a vulnerable adult.
- 26 7. Commercial sexual exploitation of a minor.
- 27 8. Commercial sexual exploitation of a vulnerable adult.
- 28 9. Child sex trafficking as prescribed in section 13-3212.
- 29 10. Child abuse.
- 30 11. Felony child neglect.
- 31 12. Abuse of a vulnerable adult.
- 32 13. Sexual conduct with a minor.
- 33 14. Molestation of a child.
- 34 15. Molestation of a vulnerable adult.
- 35 16. Dangerous crimes against children as defined in section 13-705.
- 36 17. Exploitation of minors involving drug offenses.
- 37 18. Taking a child for the purpose of prostitution as prescribed in
38 section 13-3206.
- 39 19. Neglect or abuse of a vulnerable adult.
- 40 20. Sex trafficking.
- 41 21. Sexual abuse.
- 42 22. Production, publication, sale, possession and presentation of
43 obscene items as prescribed in section 13-3502.
- 44 23. Furnishing harmful items to minors as prescribed in section
45 13-3506.
- 46 24. Furnishing harmful items to minors by internet activity as
47 prescribed in section 13-3506.01.
- 48 25. Obscene or indecent telephone communications to minors for
49 commercial purposes as prescribed in section 13-3512.

- 1 26. Luring a minor for sexual exploitation.
- 2 27. Enticement of persons for purposes of prostitution.
- 3 28. Procurement by false pretenses of person for purposes of
4 prostitution.
- 5 29. Procuring or placing persons in a house of prostitution.
- 6 30. Receiving earnings of a prostitute.
- 7 31. Causing one's spouse to become a prostitute.
- 8 32. Detention of persons in a house of prostitution for debt.
- 9 33. Keeping or residing in a house of prostitution or employment in
10 prostitution.
- 11 34. Pandering.
- 12 35. Transporting persons for the purpose of prostitution, polygamy
13 and concubinage.
- 14 36. Portraying adult as a minor as prescribed in section 13-3555.
- 15 37. Admitting minors to public displays of sexual conduct as
16 prescribed in section 13-3558.
- 17 38. Any felony offense involving contributing to the delinquency of
18 a minor.
- 19 39. Unlawful sale or purchase of children.
- 20 40. Child bigamy.
- 21 41. Any felony offense involving domestic violence as defined in
22 section 13-3601 except for a felony offense only involving criminal damage
23 in an amount of more than \$250 but less than \$1,000 if the offense was
24 committed before June 29, 2009.
- 25 42. Any felony offense in violation of title 13, chapter 12 if
26 committed within five years before the date of applying for a level I
27 fingerprint clearance card.
- 28 43. Felony drug or alcohol related offenses if committed within
29 five years before the date of applying for a level I fingerprint clearance
30 card.
- 31 44. Felony indecent exposure.
- 32 45. Felony public sexual indecency.
- 33 46. Terrorism.
- 34 47. Any offense involving a violent crime as defined in section
35 13-901.03.
- 36 48. Trafficking of persons for forced labor or services.
- 37 C. A person who is awaiting trial on or who has been convicted of
38 committing or attempting, soliciting, facilitating or conspiring to commit
39 one or more of the following offenses in this state or the same or similar
40 offenses in another state or jurisdiction is precluded from receiving a
41 level I fingerprint clearance card, except that the person may petition
42 the board of fingerprinting for a good cause exception pursuant to section
43 41-619.55:
 - 44 1. Any misdemeanor offense in violation of title 13, chapter 12.
 - 45 2. Misdemeanor indecent exposure.
 - 46 3. Misdemeanor public sexual indecency.
 - 47 4. Aggravated criminal damage.
 - 48 5. Theft.
 - 49 6. Theft by extortion.

- 1 7. Shoplifting.
- 2 8. Forgery.
- 3 9. Criminal possession of a forgery device.
- 4 10. Obtaining a signature by deception.
- 5 11. Criminal impersonation.
- 6 12. Theft of a credit card or obtaining a credit card by fraudulent
- 7 means.
- 8 13. Receipt of anything of value obtained by fraudulent use of a
- 9 credit card.
- 10 14. Forgery of a credit card.
- 11 15. Fraudulent use of a credit card.
- 12 16. Possession of any machinery, plate or other contrivance or
- 13 incomplete credit card.
- 14 17. False statement as to financial condition or identity to obtain
- 15 a credit card.
- 16 18. Fraud by persons authorized to provide goods or services.
- 17 19. Credit card transaction record theft.
- 18 20. Misconduct involving weapons.
- 19 21. Misconduct involving explosives.
- 20 22. Depositing explosives.
- 21 23. Misconduct involving simulated explosive devices.
- 22 24. Concealed weapon violation.
- 23 25. Misdemeanor possession and misdemeanor sale of peyote.
- 24 26. Felony possession and felony sale of peyote if committed more
- 25 than five years before the date of applying for a level I fingerprint
- 26 clearance card.
- 27 27. Misdemeanor possession and misdemeanor sale of a
- 28 vapor-releasing substance containing a toxic substance.
- 29 28. Felony possession and felony sale of a vapor-releasing
- 30 substance containing a toxic substance if committed more than five years
- 31 before the date of applying for a level I fingerprint clearance card.
- 32 29. Misdemeanor sale of precursor chemicals.
- 33 30. Felony sale of precursor chemicals if committed more than five
- 34 years before the date of applying for a level I fingerprint clearance
- 35 card.
- 36 31. Misdemeanor possession, misdemeanor use or misdemeanor sale of
- 37 marijuana, dangerous drugs or narcotic drugs.
- 38 32. Felony possession, felony use or felony sale of marijuana,
- 39 dangerous drugs or narcotic drugs if committed more than five years before
- 40 the date of applying for a level I fingerprint clearance card.
- 41 33. Misdemeanor manufacture or misdemeanor distribution of an
- 42 imitation controlled substance.
- 43 34. Felony manufacture or felony distribution of an imitation
- 44 controlled substance if committed more than five years before the date of
- 45 applying for a level I fingerprint clearance card.
- 46 35. Misdemeanor manufacture or misdemeanor distribution of an
- 47 imitation prescription-only drug.

- 1 36. Felony manufacture or felony distribution of an imitation
2 prescription-only drug if committed more than five years before the date
3 of applying for a level I fingerprint clearance card.
- 4 37. Misdemeanor manufacture or misdemeanor distribution of an
5 imitation over-the-counter drug.
- 6 38. Felony manufacture or felony distribution of an imitation
7 over-the-counter drug if committed more than five years before the date of
8 applying for a level I fingerprint clearance card.
- 9 39. Misdemeanor possession or misdemeanor possession with intent to
10 use an imitation controlled substance.
- 11 40. Felony possession or felony possession with intent to use an
12 imitation controlled substance if committed more than five years before
13 the date of applying for a level I fingerprint clearance card.
- 14 41. Misdemeanor possession or misdemeanor possession with intent to
15 use an imitation prescription-only drug.
- 16 42. Felony possession or felony possession with intent to use an
17 imitation prescription-only drug if committed more than five years before
18 the date of applying for a level I fingerprint clearance card.
- 19 43. Misdemeanor possession or misdemeanor possession with intent to
20 use an imitation over-the-counter drug.
- 21 44. Felony possession or felony possession with intent to use an
22 imitation over-the-counter drug if committed more than five years before
23 the date of applying for a level I fingerprint clearance card.
- 24 45. Misdemeanor manufacture of certain substances and drugs by
25 certain means.
- 26 46. Felony manufacture of certain substances and drugs by certain
27 means if committed more than five years before the date of applying for a
28 level I fingerprint clearance card.
- 29 47. Adding poison or other harmful substance to food, drink or
30 medicine.
- 31 48. A criminal offense involving criminal trespass under title 13,
32 chapter 15.
- 33 49. A criminal offense involving burglary under title 13,
34 chapter 15.
- 35 50. A criminal offense under title 13, chapter 23, except
36 terrorism.
- 37 51. Misdemeanor offenses involving child neglect.
- 38 52. Misdemeanor offenses involving contributing to the delinquency
39 of a minor.
- 40 53. Misdemeanor offenses involving domestic violence as defined in
41 section 13-3601.
- 42 54. Felony offenses involving domestic violence if the offense only
43 involved criminal damage in an amount of more than \$250 but less than
44 \$1,000 and the offense was committed before June 29, 2009.
- 45 55. Arson.
- 46 56. Felony offenses involving sale, distribution or transportation
47 of, offer to sell, transport or distribute or conspiracy to sell,
48 transport or distribute marijuana, dangerous drugs or narcotic drugs if

1 committed more than five years before the date of applying for a level I
2 fingerprint clearance card.

3 57. Criminal damage.

4 58. Misappropriation of charter school monies as prescribed in
5 section 13-1818.

6 59. Taking identity of another person or entity.

7 60. Aggravated taking identity of another person or entity.

8 61. Trafficking in the identity of another person or entity.

9 62. Cruelty to animals.

10 63. Prostitution as prescribed in section 13-3214.

11 64. Sale or distribution of material harmful to minors through
12 vending machines as prescribed in section 13-3513.

13 65. Welfare fraud.

14 66. Any felony offense in violation of title 13, chapter 12 if
15 committed more than five years before the date of applying for a level I
16 fingerprint clearance card.

17 67. Kidnapping.

18 68. Robbery, aggravated robbery or armed robbery.

19 D. A person who is awaiting trial on or who has been convicted of
20 committing or attempting to commit a misdemeanor violation of section
21 28-1381, 28-1382 or 28-1383 in this state or the same or a similar offense
22 in another state or jurisdiction within five years after the date of
23 applying for a level I fingerprint clearance card is precluded from
24 driving any vehicle to transport employees or clients of the employing
25 agency as part of the person's employment. The division shall place a
26 notation on the level I fingerprint clearance card that indicates this
27 driving restriction. This subsection does not preclude a person from
28 driving a vehicle alone as part of the person's employment.

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

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

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

40 1. An agency granted a good cause exception before August 16, 1999
41 and no new precluding offense is identified. The fingerprint clearance
42 card shall specify only the program that granted the good cause exception.
43 On the request of the applicant, the agency that granted the prior good
44 cause exception shall notify the division in writing of the date on which
45 the prior good cause exception was granted, the date of the conviction and
46 the name of the offense for which the good cause exception was granted.

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

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

4 I. A person who is under eighteen years of age or who is at least
5 ninety-nine years of age is exempt from the level I fingerprint clearance
6 card requirements of this section. At all times the person shall be under
7 the direct visual supervision of personnel who have valid level I
8 fingerprint clearance cards.

9 J. The division may conduct criminal history records checks through
10 state and federal rap back services pursuant to section 41-1750,
11 subsection G for the purpose of updating the clearance status of current
12 level I fingerprint clearance cardholders pursuant to this section and may
13 notify the employing or licensing agency of the results of the records
14 check. If the division suspends a person's fingerprint clearance card and
15 the person requests a good cause exception pursuant to section 41-619.55,
16 the division shall release, on request by the board of fingerprinting, the
17 person's criminal history record to the board of fingerprinting.

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

21 L. If a person's criminal history record contains an offense listed
22 in subsection B or C of this section and the final disposition is not
23 recorded on the record, the division shall conduct research to obtain the
24 disposition within thirty business days after receipt of the record. If
25 the division cannot determine, within thirty business days after receipt
26 of the person's state and federal criminal history record information,
27 whether the person is awaiting trial on or has been convicted of
28 committing or attempting, soliciting, facilitating or conspiring to commit
29 any of the offenses listed in subsection B or C of this section in this
30 state or the same or a similar offense in another state or jurisdiction,
31 the division shall not issue a level I fingerprint clearance card to the
32 person. If the division is unable to make the determination required by
33 this subsection and does not issue a level I fingerprint clearance card to
34 a person, the person may request a good cause exception pursuant to
35 section 41-619.55.

36 M. If after conducting a state and federal criminal history records
37 check the division determines that it is not authorized to issue a level I
38 fingerprint clearance card to an applicant, the division shall notify the
39 agency that the division is not authorized to issue a level I fingerprint
40 clearance card. This notice shall include the criminal history
41 information on which the denial was based. This criminal history
42 information is subject to dissemination restrictions pursuant to section
43 41-1750 and Public Law 92-544.

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

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

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

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

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

13 Q. Unless a cardholder commits an offense listed in subsection B or
14 C of this section after June 29, 2009, a fingerprint clearance card issued
15 pursuant to section 41-1758.03 before June 29, 2009 and its renewals are
16 valid for all requirements for a level I fingerprint clearance card except
17 those relating to the requirements of section 8-105 or 8-509. A
18 fingerprint clearance card issued before June 29, 2009 to meet the
19 requirements of section 8-105 or 8-509 and its renewals are valid after
20 June 29, 2009 to meet all requirements for a level I fingerprint clearance
21 card, including the requirements of section 8-105 or 8-509, if the
22 cardholder has been certified by the court to adopt or has been issued a
23 foster home license before June 29, 2009.

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

26 S. For the purposes of this section:

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

28 (a) Section 3-314, 8-105, 8-463, 8-509, 8-802, 17-215, 36-207,
29 36-411.02, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03,
30 36-1940, 36-1940.01, 36-2819, 36-2855, 41-619.52, 41-619.53, 41-1964,
31 41-1967.01, 41-1968, 41-1969 or 46-141.

32 (b) Subsection O of this section.

33 2. "Renewal" means the issuance of a fingerprint clearance card to
34 an existing fingerprint clearance cardholder who applies before the
35 person's existing fingerprint clearance card expires."

36 Amend title to conform

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