

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

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

## **SB 1700**

Introduced by  
Senators Diaz: Bravo, Fernandez, Gonzales, Hatathlie, Kuby, Miranda,  
Ortiz, Sears

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.

43 3. Not accept a scholarship from a school tuition organization  
44 pursuant to title 43 concurrently with an Arizona empowerment scholarship

1 account for the qualified student in the same year a parent signs the  
2 agreement pursuant to this section.

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

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

11 (b) Textbooks required by a qualified school.

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

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

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

22 (iii) Tuition for vocational and life skills education approved by  
23 the department.

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

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

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

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

45 (e) Curricula and supplementary materials.

- 1 (f) Tuition or fees for a nonpublic online learning program.
- 2 (g) Fees for a nationally standardized norm-referenced achievement
- 3 test, an advanced placement examination or any exams related to college or
- 4 university admission.
- 5 (h) Tuition or fees at an eligible postsecondary institution.
- 6 (i) Textbooks required by an eligible postsecondary institution.
- 7 (j) Fees to manage the Arizona empowerment scholarship account.
- 8 (k) Services provided by a public school, including individual
- 9 classes and extracurricular programs.
- 10 (l) Insurance or surety bond payments.
- 11 (m) Uniforms purchased from or through a qualified school.
- 12 (n) If the qualified student meets the criteria specified in
- 13 section 15-2401, paragraph 7, subdivision (a), item (i), (ii) or (iii) and
- 14 if the qualified student is in the second year prior to the final year of
- 15 a contract executed pursuant to this article, costs associated with an
- 16 annual education plan conducted by an independent evaluation team. The
- 17 department shall prescribe minimum qualifications for independent
- 18 evaluation teams pursuant to this subdivision and factors that teams must
- 19 use to determine whether the qualified student shall be eligible to
- 20 continue to receive monies pursuant to this article through the school
- 21 year in which the qualified student reaches twenty-two years of age. An
- 22 independent evaluation team that provides an annual education plan
- 23 pursuant to this subdivision shall submit a written report that summarizes
- 24 the results of the evaluation to the parent of the qualified student and
- 25 to the department on or before July 31. The written report submitted by
- 26 the independent evaluation team is valid for one year. If the department
- 27 determines that the qualified student meets the eligibility criteria
- 28 prescribed in the annual education plan, the qualified student is eligible
- 29 to continue to receive monies pursuant to this article until the qualified
- 30 student reaches twenty-two years of age, subject to annual review. A
- 31 parent may appeal the department's decision pursuant to title 41, chapter
- 32 6, article 10. As an addendum to a qualified student's final-year
- 33 contract, the department shall provide the following written information
- 34 to the parent of the qualified student:
- 35 (i) That the qualified student will not be eligible to continue to
- 36 receive monies pursuant to this article unless the results of an annual
- 37 education plan conducted pursuant to this subdivision demonstrate that the
- 38 qualified student meets the eligibility criteria prescribed in the annual
- 39 education plan.
- 40 (ii) That the parent is entitled to obtain an annual education plan
- 41 pursuant to this subdivision to determine whether the qualified student
- 42 meets the eligibility criteria prescribed in the annual education plan.
- 43 (iii) A list of independent evaluation teams that meet the minimum
- 44 qualifications prescribed by the department pursuant to this subdivision.

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

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

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

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

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

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

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

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

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

35 D. The department of education empowerment scholarship account fund  
36 is established consisting of monies appropriated by the legislature. The  
37 department shall administer the fund. Monies in the fund are subject to  
38 legislative appropriation. Monies in the fund shall be used for the  
39 department's costs in administering Arizona empowerment scholarship  
40 accounts under this chapter. Monies in the fund are exempt from the  
41 provisions of section 35-190 relating to lapsing of appropriations. If  
42 the number of Arizona empowerment scholarship accounts significantly  
43 increases after fiscal year 2020-2021, the department may request an  
44 increase in the amount appropriated to the fund in any subsequent fiscal  
45 year in the budget estimate submitted pursuant to section 35-113. The

1 department shall list monies in the fund as a separate line item in its  
2 budget estimate.

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

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

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

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

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

39 J. A qualified school or a provider of services purchased pursuant  
40 to subsection B, paragraph 4 of this section may not share, refund or  
41 rebate any Arizona empowerment scholarship account monies with the parent  
42 or qualified student in any manner.

43 K. Notwithstanding subsection H of this section, on the qualified  
44 student's graduation from a postsecondary institution or after any period  
45 of four consecutive years after high school graduation in which the

1 student is not enrolled in an eligible postsecondary institution, but not  
2 before this time as long as the account holder continues using a portion  
3 of account monies for allowable expenses each year and is in good  
4 standing, the qualified student's Arizona empowerment scholarship account  
5 shall be closed and any remaining monies shall be returned to the state.

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

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

10 15-2403. Arizona empowerment scholarship accounts:  
11 administration; appeals; risk-based audits; rules;  
12 policy handbook

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

15 B. The department shall conduct or contract for annual audits of  
16 Arizona empowerment scholarship accounts to ensure compliance with section  
17 15-2402, subsection B, paragraph 4. The department shall also conduct or  
18 contract for random, quarterly and annual audits of Arizona empowerment  
19 scholarship accounts as needed to ensure compliance with section 15-2402,  
20 subsection B, paragraph 4. The department, in consultation with the  
21 office of the auditor general, shall develop risk-based auditing  
22 procedures for audits conducted pursuant to this subsection.

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

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

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

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

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

31 H. The department shall accept applications between July 1 and June  
32 30 of each year. The department shall issue an award letter to eligible  
33 applicants within thirty days after receipt of a completed application and  
34 all required documentation. If an eligible applicant completes an  
35 application in advance for an Arizona empowerment scholarship account to  
36 be funded beginning on a later date, the department may enroll the  
37 eligible applicant on the later date, except that the department may not  
38 enroll the applicant more than two fiscal quarters after the fiscal  
39 quarter in which the application is completed or on a date that is after  
40 March 31 and before July 1. If an eligible applicant completes an  
41 application after March 31 and before July 1, the department shall enroll  
42 the applicant on or after July 1. The department shall enroll all other  
43 eligible applicants when the department issues an award letter pursuant to  
44 this subsection. This subsection does not allow a qualified student to  
45 receive monies in an Arizona empowerment scholarship account while the

1 qualified student is enrolled in a school district or charter school. On  
2 or before September 1 and November 1 of each year, the department shall  
3 furnish to the joint legislative budget committee and the governor's  
4 office of strategic planning and budgeting an estimate of the amount  
5 required to fund Arizona empowerment scholarship accounts for the  
6 following fiscal year. The department shall include in its budget request  
7 for the following fiscal year the amount estimated pursuant to section  
8 15-2402, subsection C for each qualified student.

9 I. The state board of education may adopt rules and policies  
10 necessary to administer Arizona empowerment scholarship accounts,  
11 including rules and policies:

12 1. For establishing an appeals process pursuant to subsection D of  
13 this section.

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

16 3. For conducting or contracting for random, quarterly and annual  
17 reviews of accounts.

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

20 5. For establishing an anonymous telephone hotline for fraud  
21 reporting.

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

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

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

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

38 2. If the county school superintendent of a county does not provide  
39 a list of approved independent third parties within ninety days after the  
40 beginning of any period during which the department does not have a  
41 contract with an independent third party in effect as described in this  
42 subsection, the parent of a qualified student who resides within the  
43 county has the right to obtain an independent educational evaluation from  
44 a qualified examiner to determine whether the qualified student is  
45 eligible to receive educational therapies or services pursuant to section

1 15-2402, subsection B, paragraph 4, subdivision (c). The expense for an  
2 educational evaluation undertaken pursuant to this paragraph shall be  
3 provided by the school district within which the qualified student resides  
4 and that serves the grade level of the qualified student. For the  
5 purposes of this paragraph, "qualified examiner" means a licensed  
6 physician, psychiatrist or psychologist.

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

13 L. The department shall:

14 1. Establish and maintain an online database of allowable and  
15 disallowed categories of expenses and provide a link to the database on  
16 the department's website.

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

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

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

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

36 15-2407. Qualified schools; personnel; fingerprinting  
37 requirements; penalties; definition

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

41 1. HAVE A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE  
42 41, CHAPTER 12, ARTICLE 3.1 OR APPLY FOR A FINGERPRINT CLEARANCE CARD  
43 WITHIN TWENTY DAYS AFTER THE INDIVIDUAL BEGINS WORK.

44 2. BE ELIGIBLE FOR EMPLOYMENT AT A SCHOOL DISTRICT OR CHARTER  
45 SCHOOL IN THIS STATE PURSUANT TO SECTION 15-505, SUBSECTION D.

1 B. A QUALIFIED SCHOOL THAT ACCEPTS PAYMENT FROM A PARENT OR  
2 QUALIFIED STUDENT PURSUANT TO THIS CHAPTER MAY COMMUNICATE TO A SCHOOL  
3 DISTRICT, CHARTER SCHOOL OR OTHER QUALIFIED SCHOOL FOR EMPLOYMENT PURPOSES  
4 WHETHER ANY SCHOOL PERSONNEL HAS BEEN ISSUED OR DENIED A FINGERPRINT  
5 CLEARANCE CARD.

6 C. THE AUDITOR GENERAL SHALL ANNUALLY AUDIT QUALIFIED SCHOOLS FOR  
7 COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION. IF THE AUDITOR GENERAL  
8 FINDS THAT A QUALIFIED SCHOOL HAS FAILED TO COMPLY WITH THE REQUIREMENTS  
9 OF THIS SECTION, THE AUDITOR GENERAL SHALL:

10 1. NOTIFY BOTH THE QUALIFIED SCHOOL AND THE STATE BOARD OF  
11 EDUCATION OF THE VIOLATION.

12 2. INSTRUCT THE QUALIFIED SCHOOL HOW TO CURE THE VIOLATION.

13 D. IF THE STATE BOARD OF EDUCATION DETERMINES THAT THE QUALIFIED  
14 SCHOOL HAS FAILED TO CURE THE VIOLATION WITHIN SIXTY DAYS AFTER THE  
15 AUDITOR GENERAL ISSUES A NOTICE PURSUANT TO SUBSECTION C OF THIS SECTION,  
16 THE STATE BOARD OF EDUCATION SHALL NOTIFY THE QUALIFIED SCHOOL AND THE  
17 DEPARTMENT THAT THE QUALIFIED SCHOOL IS NOT IN COMPLIANCE. A QUALIFIED  
18 SCHOOL THAT IS DETERMINED TO BE IN NONCOMPLIANCE PURSUANT TO THIS  
19 SUBSECTION SHALL REIMBURSE THE DEPARTMENT FOR ALL ARIZONA EMPOWERMENT  
20 SCHOLARSHIP ACCOUNT MONIES THAT THE QUALIFIED SCHOOL RECEIVED PURSUANT TO  
21 THIS ARTICLE DURING THE PREVIOUS SCHOOL YEAR.

22 E. FOR THE PURPOSES OF THIS SECTION, "SCHOOL PERSONNEL":

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

25 (a) A PAID EMPLOYEE OF THE QUALIFIED SCHOOL.

26 (b) AN INDIVIDUAL WHO PROVIDES SERVICES DIRECTLY TO STUDENTS OF THE  
27 QUALIFIED SCHOOL AND WHO IS ALL OF THE FOLLOWING:

28 (i) NOT A PAID EMPLOYEE OF THE QUALIFIED SCHOOL.

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

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

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

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

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

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

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

42 23-1361. Blacklist; definition; exceptions; privileged  
43 communications; immunity

44 A. "Blacklist" means any understanding or agreement whereby the  
45 names of any person or persons, list of names, descriptions or other means

1 of identification shall be spoken, written, printed or implied for the  
2 purpose of being communicated or transmitted between two or more employers  
3 of labor, or their bosses, foremen, superintendents, managers, officers or  
4 other agents, whereby the laborer is prevented or prohibited from engaging  
5 in a useful occupation. Any understanding or agreement between employers,  
6 or their bosses, foremen, superintendents, managers, officers or other  
7 agents, whether written or verbal, comes within the meaning of this  
8 section and it makes no difference whether the employers, or their bosses,  
9 foremen, superintendents, managers, officers or other agents, act  
10 individually or for some company, corporation, syndicate, partnership or  
11 society and it makes no difference whether they are employed or acting as  
12 agents for the same or different companies, corporations, syndicates,  
13 partnerships or societies.

14 B. It is not unlawful for a former employer to provide to a  
15 requesting employer, or agents acting in the employer's behalf,  
16 information concerning a person's education, training, experience,  
17 qualifications and job performance to be used for the purpose of  
18 evaluating the person for employment. It is not unlawful for a school  
19 district OR A QUALIFIED SCHOOL AS DEFINED IN SECTION 15-2401 to provide  
20 information received as a result of a fingerprint check required by  
21 section 15-512 OR 15-2407 to any other school district, CHARTER SCHOOL OR  
22 QUALIFIED SCHOOL AS DEFINED IN SECTION 15-2401 if requested to do so by  
23 the person who was the subject of the fingerprint check or communicate to  
24 any school district, CHARTER SCHOOL OR QUALIFIED SCHOOL AS DEFINED IN  
25 SECTION 15-2401 if requested to do so by the person who applied for a  
26 fingerprint clearance card whether the person has been issued or denied a  
27 fingerprint clearance card. A copy of any written communication regarding  
28 employment must be sent by the employer providing the information to the  
29 former employee's last known address.

30 C. An employer who in good faith provides information requested by  
31 a prospective employer about the reason for termination of a former  
32 employee or about the job performance, professional conduct or evaluation  
33 of a current or former employee is immune from civil liability for the  
34 disclosure or the consequences of providing the information. There is a  
35 presumption of good faith if either:

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

38 2. The employer employs at least one hundred employees and has a  
39 regular practice in this state of providing information requested by a  
40 prospective employer about the reason for termination of a former employee  
41 or about the job performance, professional conduct or evaluation of a  
42 current or former employee.

43 D. The presumption of good faith under subsection C of this section  
44 is rebuttable by showing that the employer disclosed the information with  
45 actual malice or with intent to mislead. This subsection and subsection C

1 of this section do not alter any privileges that exist under common law.  
2 For the purposes of this subsection, "actual malice" means knowledge that  
3 the information was false or was provided with reckless disregard of its  
4 truth or falsity.

5 E. Communications concerning employees or prospective employees  
6 that are made by an employer or prospective employer, or by a labor  
7 organization, to a government body or agency and that are required by law  
8 or that are furnished pursuant to written rules or policies of the  
9 government body or agency are privileged.

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

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

26 H. A bank, savings and loan association, credit union, escrow  
27 agent, commercial mortgage banker, mortgage banker or mortgage broker is  
28 not civilly liable for providing an employment reference unless the  
29 information provided is false and the bank, savings and loan association,  
30 credit union, escrow agent, commercial mortgage banker, mortgage banker or  
31 mortgage broker providing the false information does so with knowledge and  
32 malice.

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

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

38 41-619.51. Definitions

39 In this article, unless the context otherwise requires:

40 1. "Agency" means the supreme court, the department of economic  
41 security, the department of child safety, the department of education, the  
42 department of health services, the department of juvenile corrections, the  
43 department of emergency and military affairs, the department of public  
44 safety, the department of transportation, the state real estate  
45 department, the department of insurance and financial institutions, the

1 Arizona game and fish department, the Arizona department of agriculture,  
2 the board of examiners of nursing care institution administrators and  
3 assisted living facility managers, the state board of dental examiners,  
4 the Arizona state board of pharmacy, the board of physical therapy, the  
5 state board of psychologist examiners, the board of athletic training, the  
6 board of occupational therapy examiners, the state board of podiatry  
7 examiners, the acupuncture board of examiners, the state board of  
8 technical registration, the board of massage therapy, the board of  
9 behavioral health examiners or the Arizona department of housing.

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

11 3. "Central registry exception" means notification to the  
12 department of economic security, the department of child safety or the  
13 department of health services, as appropriate, pursuant to section  
14 41-619.57 that the person is not disqualified because of a central  
15 registry check conducted pursuant to section 8-804.

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

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

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

- 24 (a) Section 3-314.
- 25 (b) Section 8-105.
- 26 (c) Section 8-322.
- 27 (d) Section 8-463.
- 28 (e) Section 8-509.
- 29 (f) Section 8-802.
- 30 (g) Section 8-804.
- 31 (h) Section 15-183.
- 32 (i) Section 15-503.
- 33 (j) Section 15-512.
- 34 (k) Section 15-534.
- 35 (l) Section 15-763.01.
- 36 (m) Section 15-782.02.
- 37 (n) Section 15-1330.
- 38 (o) Section 15-1881.
- 39 (p) SECTION 15-2407.
- 40 ~~(p)~~ (q) Section 17-215.
- 41 ~~(q)~~ (r) Section 28-3228.
- 42 ~~(r)~~ (s) Section 28-3413.
- 43 ~~(s)~~ (t) Section 32-122.02.
- 44 ~~(t)~~ (u) Section 32-122.05.
- 45 ~~(u)~~ (v) Section 32-122.06.

1       ~~(v)~~ (w) Section 32-823.  
2       ~~(w)~~ (x) Section 32-1232.  
3       ~~(x)~~ (y) Section 32-1276.01.  
4       ~~(y)~~ (z) Section 32-1284.  
5       ~~(z)~~ (aa) Section 32-1297.01.  
6       ~~(aa)~~ (bb) Section 32-1904.  
7       ~~(bb)~~ (cc) Section 32-1941.  
8       ~~(cc)~~ (dd) Section 32-1982.  
9       ~~(dd)~~ (ee) Section 32-2022.  
10      ~~(ee)~~ (ff) Section 32-2063.  
11      ~~(ff)~~ (gg) Section 32-2108.01.  
12      ~~(gg)~~ (hh) Section 32-2123.  
13      ~~(hh)~~ (ii) Section 32-2371.  
14      ~~(ii)~~ (jj) Section 32-3271.  
15      ~~(jj)~~ (kk) Section 32-3430.  
16      ~~(kk)~~ (ll) Section 32-3620.  
17      ~~(ll)~~ (mm) Section 32-3668.  
18      ~~(mm)~~ (nn) Section 32-3669.  
19      ~~(nn)~~ (oo) Section 32-3922.  
20      ~~(oo)~~ (pp) Section 32-3924.  
21      ~~(pp)~~ (qq) Section 32-4128.  
22      ~~(qq)~~ (rr) Section 32-4222.  
23      ~~(rr)~~ (ss) Section 36-113.  
24      ~~(ss)~~ (tt) Section 36-207.  
25      ~~(tt)~~ (uu) Section 36-411.  
26      ~~(uu)~~ (vv) Section 36-425.03.  
27      ~~(vv)~~ (ww) Section 36-446.04.  
28      ~~(ww)~~ (xx) Section 36-594.01.  
29      ~~(xx)~~ (yy) Section 36-594.02.  
30      ~~(yy)~~ (zz) Section 36-766.01.  
31      ~~(zz)~~ (aaa) Section 36-882.  
32      ~~(aaa)~~ (bbb) Section 36-883.02.  
33      ~~(bbb)~~ (ccc) Section 36-897.01.  
34      ~~(ccc)~~ (ddd) Section 36-897.03.  
35      ~~(ddd)~~ (eee) Section 36-1940.  
36      ~~(eee)~~ (fff) Section 36-1940.01.  
37      ~~(fff)~~ (ggg) Section 36-2069.  
38      ~~(ggg)~~ (hhh) Section 36-3008.  
39      ~~(hhh)~~ (iii) Section 41-619.53.  
40      ~~(iii)~~ (jjj) Section 41-1964.  
41      ~~(jjj)~~ (kkk) Section 41-1967.01.  
42      ~~(kkk)~~ (lll) Section 41-1968.  
43      ~~(lll)~~ (mmm) Section 41-1969.  
44      ~~(mmm)~~ (nnn) Section 41-2814.  
45      ~~(nnn)~~ (ooo) Section 41-4025.



1           6. Furnish assistance to peace officers throughout this state in  
2 crime scene investigation for the detection of latent fingerprints and in  
3 the comparison of latent fingerprints.

4           7. Conduct periodic operational audits of the central state  
5 repository and of a representative sample of other agencies that  
6 contribute records to or receive criminal justice information from the  
7 central state repository or through the Arizona criminal justice  
8 information system.

9           8. Establish and enforce the necessary physical and system  
10 safeguards to ensure that the criminal justice information maintained and  
11 disseminated by the central state repository or through the Arizona  
12 criminal justice information system is appropriately protected from  
13 unauthorized inquiry, modification, destruction or dissemination as  
14 required by this section.

15           9. Aid and encourage coordination and cooperation among criminal  
16 justice agencies through the statewide and interstate exchange of criminal  
17 justice information.

18           10. Provide training and proficiency testing on the use of criminal  
19 justice information to agencies receiving information from the central  
20 state repository or through the Arizona criminal justice information  
21 system.

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

24           12. Provide criminal history record information to the  
25 fingerprinting division for the purpose of screening applicants for  
26 fingerprint clearance cards.

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

30           C. Criminal justice agencies may provide criminal history records  
31 and related criminal justice information for violations that are not  
32 listed in this section. Except for the requirements listed in subsection  
33 U of this section, the chief officers of criminal justice agencies of this  
34 state or its political subdivisions shall provide to the central state  
35 repository fingerprints and information concerning personal identification  
36 data, descriptions, crimes for which persons are arrested, process control  
37 numbers and dispositions and such other information, including other  
38 biometric data, as may be pertinent to all persons who have been charged  
39 with, arrested for, convicted of or summoned to court as criminal  
40 defendants for any of the following:

41           1. Felony offenses or offenses involving domestic violence as  
42 defined in section 13-3601.

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

45           3. An offense listed in:

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

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

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

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

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

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

7 D. The chief officers of law enforcement agencies of this state or  
8 its political subdivisions shall provide to the department such  
9 information as necessary to operate the statewide uniform crime reporting  
10 program and to cooperate with the federal government uniform crime  
11 reporting program.

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

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

21 G. The director shall authorize the exchange of criminal justice  
22 information between the central state repository, or through the Arizona  
23 criminal justice information system, whether directly or through any  
24 intermediary, only as follows:

25 1. With criminal justice agencies of the federal government, Indian  
26 tribes, this state or its political subdivisions and other states, on  
27 request by the chief officers of such agencies or their designated  
28 representatives, specifically for the purposes of the administration of  
29 criminal justice and for evaluating the fitness of current and prospective  
30 criminal justice employees. Fingerprints submitted pursuant to this  
31 paragraph may be searched through the department and the federal bureau of  
32 investigation to conduct criminal history records checks. The department  
33 may conduct criminal history records checks through state and federal rap  
34 back services for the purpose of updating the status of current criminal  
35 justice employees or volunteers and may notify the criminal justice agency  
36 of the results of the records check. The department is authorized to  
37 submit fingerprints to the federal bureau of investigation to be retained  
38 for the purpose of being searched by future submissions to the federal  
39 bureau of investigation, including latent fingerprint searches. The  
40 department may retain fingerprints submitted pursuant to this paragraph  
41 for the purpose of being searched by future submissions to the department,  
42 including latent fingerprint searches.

43 2. With any noncriminal justice agency pursuant to a statute,  
44 ordinance or executive order that specifically authorizes the noncriminal  
45 justice agency to receive criminal history record information for the

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

22 3. With the board of fingerprinting for the purpose of conducting  
23 good cause exceptions pursuant to section 41-619.55 and central registry  
24 exceptions pursuant to section 41-619.57.

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

27 5. With the governor, if the governor elects to become actively  
28 involved in the investigation of criminal activity or the administration  
29 of criminal justice in accordance with the governor's constitutional duty  
30 to ensure that the laws are faithfully executed or as needed to carry out  
31 the other responsibilities of the governor's office.

32 6. With regional computer centers that maintain authorized  
33 computer-to-computer interfaces with the department, that are criminal  
34 justice agencies or under the management control of a criminal justice  
35 agency and that are established by a statute, ordinance or executive order  
36 to provide automated data processing services to criminal justice agencies  
37 specifically for the purposes of the administration of criminal justice or  
38 evaluating the fitness of regional computer center employees who have  
39 access to the Arizona criminal justice information system and the national  
40 crime information center system.

41 7. With an individual who asserts a belief that criminal history  
42 record information relating to the individual is maintained by an agency  
43 or in an information system in this state that is subject to this section.  
44 On submission of fingerprints, the individual may review this information  
45 for the purpose of determining its accuracy and completeness by making

1 application to the agency operating the system. Rules adopted under this  
2 section shall include provisions for administrative review and necessary  
3 correction of any inaccurate or incomplete information. The review and  
4 challenge process authorized by this paragraph is limited to criminal  
5 history record information.

6 8. With individuals and agencies pursuant to a specific agreement  
7 with a criminal justice agency to provide services required for the  
8 administration of criminal justice pursuant to that agreement if the  
9 agreement specifically authorizes access to data, limits the use of data  
10 to purposes for which given and ensures the security and confidentiality  
11 of the data consistent with this section.

12 9. With individuals and agencies for the express purpose of  
13 research, evaluative or statistical activities pursuant to an agreement  
14 with a criminal justice agency if the agreement specifically authorizes  
15 access to data, limits the use of data to research, evaluative or  
16 statistical purposes and ensures the confidentiality and security of the  
17 data consistent with this section.

18 10. With the auditor general for audit purposes.

19 11. With central state repositories of other states for noncriminal  
20 justice purposes for dissemination in accordance with the laws of those  
21 states.

22 12. On submission of the fingerprint card, with the department of  
23 child safety and a tribal social services agency to provide criminal  
24 history record information on prospective adoptive parents for the purpose  
25 of conducting the preadoption certification investigation under title 8,  
26 chapter 1, article 1 if the department of economic security is conducting  
27 the investigation, or with an agency or a person appointed by the court,  
28 if the agency or person is conducting the investigation. Information  
29 received under this paragraph shall only be used for the purposes of the  
30 preadoption certification investigation.

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

37 (a) The fingerprint card.

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

40 14. On submission of a fingerprint card, provide criminal history  
41 record information to the superior court for the purpose of evaluating the  
42 fitness of investigators appointed under section 14-5303 or 14-5407,  
43 guardians appointed under section 14-5206 or 14-5304 or conservators  
44 appointed under section 14-5401.

- 1           15. With the supreme court to provide criminal history record  
2 information on prospective fiduciaries pursuant to section 14-5651.
- 3           16. With the department of juvenile corrections to provide criminal  
4 history record information pursuant to section 41-2814.
- 5           17. On submission of the fingerprint card, provide criminal history  
6 record information to the Arizona peace officer standards and training  
7 board or a board certified law enforcement academy to evaluate the fitness  
8 of prospective cadets.
- 9           18. With the internet sex offender website database established  
10 pursuant to section 13-3827.
- 11           19. With licensees of the United States nuclear regulatory  
12 commission for the purpose of determining whether an individual should be  
13 granted unescorted access to the protected area of a commercial nuclear  
14 generating station on submission of the subject of record's fingerprints  
15 and the prescribed fee.
- 16           20. With the state board of education for the purpose of evaluating  
17 the fitness of a certificated educator, an applicant for a teaching or  
18 administrative certificate or a noncertificated person as defined in  
19 section 15-505 if the state board of education or its employees or agents  
20 have reasonable suspicion that the educator or person engaged in conduct  
21 that would be a criminal violation of the laws of this state or was  
22 involved in immoral or unprofessional conduct or that the applicant  
23 engaged in conduct that would warrant disciplinary action if the applicant  
24 were certificated at the time of the alleged conduct. The information  
25 shall be provided on the submission of either:
- 26           (a) The fingerprint card.
- 27           (b) The name, date of birth and social security number of the  
28 person.
- 29           21. With each school district and charter school in this state **AND**  
30 **WITH EACH QUALIFIED SCHOOL THAT ACCEPTS PAYMENT FROM THE PARENT OF ONE OR**  
31 **MORE QUALIFIED STUDENTS PURSUANT TO TITLE 15, CHAPTER 19.** The department  
32 of education and the state board for charter schools shall provide the  
33 department of public safety with a current list of email addresses for  
34 each school district, ~~and~~ charter school **AND QUALIFIED SCHOOL** in this  
35 state and shall periodically provide the department of public safety with  
36 updated email addresses. If the department of public safety is notified  
37 that a person who is required to have a fingerprint clearance card to be  
38 employed by or to engage in volunteer activities at a school district, ~~or~~  
39 charter school **OR QUALIFIED SCHOOL** has been arrested for or convicted of  
40 an offense listed in section 41-1758.03, subsection B or has been arrested  
41 for or convicted of an offense that amounts to unprofessional conduct  
42 under section 15-550, the department of public safety shall notify each  
43 school district, ~~and~~ charter school **AND QUALIFIED SCHOOL** in this state  
44 that the person's fingerprint clearance card has been suspended or  
45 revoked.

1           22. With a tribal social services agency and the department of  
2 child safety as provided by law, which currently is the Adam Walsh child  
3 protection and safety act of 2006 (42 United States Code section 16961),  
4 for the purposes of investigating or responding to reports of child abuse,  
5 neglect or exploitation. Information received pursuant to this paragraph  
6 from the national crime information center, the interstate identification  
7 index and the Arizona criminal justice information system network shall  
8 only be used for the purposes of investigating or responding as prescribed  
9 in this paragraph. The information shall be provided on submission to the  
10 department of public safety of either:

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

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

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

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

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

27           H. The director shall adopt rules necessary to execute this  
28 section.

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

32           J. The director shall establish a fee in an amount necessary to  
33 cover the cost of federal noncriminal justice fingerprint processing for  
34 criminal history record information checks that are authorized by law for  
35 noncriminal justice employment, licensing or other lawful purposes. An  
36 additional fee may be charged by the department for state noncriminal  
37 justice fingerprint processing. Fees submitted to the department for  
38 state noncriminal justice fingerprint processing are not refundable.

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

43           L. Except as provided in subsection 0 of this section, each agency  
44 authorized by this section may charge a fee, in addition to any other fees  
45 prescribed by law, in an amount necessary to cover the cost of state and

1 federal noncriminal justice fingerprint processing for criminal history  
2 record information checks that are authorized by law for noncriminal  
3 justice employment, licensing or other lawful purposes.

4 M. A fingerprint account within the records processing fund is  
5 established for the purpose of separately accounting for the collection  
6 and payment of fees for noncriminal justice fingerprint processing by the  
7 department. Monies collected for this purpose shall be credited to the  
8 account, and payments by the department to the United States for federal  
9 noncriminal justice fingerprint processing shall be charged against the  
10 account. Monies in the account not required for payment to the United  
11 States shall be used by the department in support of the department's  
12 noncriminal justice fingerprint processing duties. At the end of each  
13 fiscal year, any balance in the account not required for payment to the  
14 United States or to support the department's noncriminal justice  
15 fingerprint processing duties reverts to the state general fund.

16 N. A records processing fund is established for the purpose of  
17 separately accounting for the collection and payment of fees for  
18 department reports and photographs of traffic accident scenes processed by  
19 the department. Monies collected for this purpose shall be credited to  
20 the fund and shall be used by the department in support of functions  
21 related to providing copies of department reports and photographs. At the  
22 end of each fiscal year, any balance in the fund not required for support  
23 of the functions related to providing copies of department reports and  
24 photographs reverts to the state general fund.

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

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

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

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

35 Q. The director shall ensure that the following limitations are  
36 observed regarding dissemination of criminal justice information obtained  
37 from the central state repository or through the Arizona criminal justice  
38 information system:

39 1. Any criminal justice agency that obtains criminal justice  
40 information from the central state repository or through the Arizona  
41 criminal justice information system assumes responsibility for the  
42 security of the information and shall not secondarily disseminate this  
43 information to any individual or agency not authorized to receive this  
44 information directly from the central state repository or originating  
45 agency.

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

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

9           4. The existence or nonexistence of criminal history record  
10 information shall not be confirmed to any individual or agency not  
11 authorized to receive the information itself.

12           5. Criminal history record information to be released for  
13 noncriminal justice purposes to agencies of other states shall only be  
14 released to the central state repositories of those states for  
15 dissemination in accordance with the laws of those states.

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

19           R. This section and the rules adopted under this section apply to  
20 all agencies and individuals collecting, storing or disseminating criminal  
21 justice information processed by manual or automated operations if the  
22 collection, storage or dissemination is funded in whole or in part with  
23 monies made available by the law enforcement assistance administration  
24 after July 1, 1973, pursuant to title I of the crime control act of 1973,  
25 and to all agencies that interact with or receive criminal justice  
26 information from or through the central state repository and through the  
27 Arizona criminal justice information system.

28           S. This section does not apply to criminal history record  
29 information contained in:

30           1. Posters, arrest warrants, announcements or lists for identifying  
31 or apprehending fugitives or wanted persons.

32           2. Original records of entry such as police blotters maintained by  
33 criminal justice agencies, compiled chronologically and required by law or  
34 long-standing custom to be made public if these records are organized on a  
35 chronological basis.

36           3. Transcripts or records of judicial proceedings if released by a  
37 court or legislative or administrative proceedings.

38           4. Announcements of executive clemency or pardon.

39           5. Computer databases, other than the Arizona criminal justice  
40 information system, that are specifically designed for community  
41 notification of an offender's presence in the community pursuant to  
42 section 13-3825 or for public informational purposes authorized by section  
43 13-3827.

44           T. This section does not prevent a criminal justice agency from  
45 disclosing to the public criminal history record information that is

1 reasonably contemporaneous to the event for which an individual is  
2 currently within the criminal justice system, including information noted  
3 on traffic accident reports concerning citations, blood alcohol tests or  
4 arrests made in connection with the traffic accident being investigated.

5 U. In order to ensure that complete and accurate criminal history  
6 record information is maintained and disseminated by the central state  
7 repository:

8 1. The booking agency shall take legible ten-print fingerprints of  
9 all persons who are arrested for offenses listed in subsection C of this  
10 section. The booking agency shall obtain a process control number and  
11 provide to the person fingerprinted a document that indicates proof of the  
12 fingerprinting and that informs the person that the document must be  
13 presented to the court.

14 2. Except as provided in paragraph 3 of this subsection, if a  
15 person is summoned to court as a result of an indictment or complaint for  
16 an offense listed in subsection C of this section, the court shall order  
17 the person to appear before the county sheriff and provide legible  
18 ten-print fingerprints. The county sheriff shall obtain a process control  
19 number and provide a document to the person fingerprinted that indicates  
20 proof of the fingerprinting and that informs the person that the document  
21 must be presented to the court. For the purposes of this paragraph,  
22 "summoned" includes a written promise to appear by the defendant on a  
23 uniform traffic ticket and complaint.

24 3. If a person is arrested for a misdemeanor offense listed in  
25 subsection C of this section by a city or town law enforcement agency, the  
26 person shall appear before the law enforcement agency that arrested the  
27 defendant and provide legible ten-print fingerprints. The law enforcement  
28 agency shall obtain a process control number and provide a document to the  
29 person fingerprinted that indicates proof of the fingerprinting and that  
30 informs the person that the document must be presented to the court.

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

33 (a) Whether ten-print fingerprints have been obtained from the  
34 person.

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

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

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

39 (e) Instructions on reporting for ten-print fingerprinting,  
40 including available times and locations for reporting for ten-print  
41 fingerprinting.

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

44 5. Within ten days after a person is fingerprinted, the arresting  
45 authority or agency that took the fingerprints shall forward the

1 fingerprints to the department in the manner or form required by the  
2 department.

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

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

14 8. If the defendant fails to present a completed mandatory  
15 fingerprint compliance form or if the court has not received the process  
16 control number, the court, on its own motion, may remand the defendant  
17 into custody for ten-print fingerprinting. If otherwise eligible for  
18 release, the defendant shall be released from custody after being  
19 ten-print fingerprinted.

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

27 10. Dispositions resulting from formal proceedings in a court  
28 having jurisdiction in a criminal action against an individual who is  
29 arrested for an offense specified in subsection C of this section or  
30 section 8-341, subsection Q, paragraph 3 shall be reported to the central  
31 state repository within forty days of the date of the disposition. This  
32 information shall be submitted on a form or in a manner specified by rules  
33 approved by the supreme court.

34 11. The state department of corrections or the department of  
35 juvenile corrections, within forty days, shall advise the central state  
36 repository that it has assumed supervision of a person convicted of an  
37 offense specified in subsection C of this section or section 8-341,  
38 subsection Q, paragraph 3. The state department of corrections or the  
39 department of juvenile corrections shall also report dispositions that  
40 occur thereafter to the central state repository within forty days of the  
41 date of the dispositions. This information shall be submitted on a form  
42 or in a manner required by the department of public safety.

43 12. Each criminal justice agency shall query the central state  
44 repository before dissemination of any criminal history record information  
45 to ensure the completeness of the information. Inquiries shall be made

1 before any dissemination except in those cases in which time is of the  
2 essence and the repository is technically incapable of responding within  
3 the necessary time period. If time is of the essence, the inquiry shall  
4 still be made and the response shall be provided as soon as possible.

5 V. The director shall adopt rules specifying that any agency that  
6 collects, stores or disseminates criminal justice information that is  
7 subject to this section shall establish effective security measures to  
8 protect the information from unauthorized access, disclosure, modification  
9 or dissemination. The rules shall include reasonable safeguards to  
10 protect the affected information systems from fire, flood, wind, theft,  
11 sabotage or other natural or man-made hazards or disasters.

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

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

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

24 Z. For the purposes of this section:

25 1. "Administration of criminal justice" means performance of the  
26 detection, apprehension, detention, pretrial release, posttrial release,  
27 prosecution, adjudication, correctional supervision or rehabilitation of  
28 criminal offenders. Administration of criminal justice includes  
29 enforcement of criminal traffic offenses and civil traffic violations,  
30 including parking violations, when performed by a criminal justice agency.  
31 Administration of criminal justice also includes criminal identification  
32 activities and the collection, storage and dissemination of criminal  
33 history record information.

34 2. "Administrative records" means records that contain adequate and  
35 proper documentation of the organization, functions, policies, decisions,  
36 procedures and essential transactions of the agency and that are designed  
37 to furnish information to protect the rights of this state and of persons  
38 directly affected by the agency's activities.

39 3. "Antisemitism" includes the definition of antisemitism that was  
40 adopted by the international holocaust remembrance alliance on May 26,  
41 2016 and that has been adopted by the United States department of state,  
42 including the contemporary examples of antisemitism identified in the  
43 adopted definition.

44 4. "Arizona criminal justice information system" or "system" means  
45 the statewide information system managed by the director for the

1 collection, processing, preservation, dissemination and exchange of  
2 criminal justice information and includes the electronic equipment,  
3 facilities, procedures and agreements necessary to exchange this  
4 information.

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

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

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

12 8. "Criminal history record information" and "criminal history  
13 record" means information that is collected by criminal justice agencies  
14 on individuals and that consists of identifiable descriptions and  
15 notations of arrests, detentions, indictments and other formal criminal  
16 charges, and any disposition arising from those actions, sentencing,  
17 formal correctional supervisory action and release. Criminal history  
18 record information and criminal history record do not include  
19 identification information to the extent that the information does not  
20 indicate involvement of the individual in the criminal justice system or  
21 information relating to juveniles unless they have been adjudicated as  
22 adults.

23 9. "Criminal justice agency" means either:

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

27 (b) A government agency or subunit of a government agency that is  
28 specifically authorized to perform as its principal function the  
29 administration of criminal justice pursuant to a statute, ordinance or  
30 executive order and that allocates more than fifty percent of its annual  
31 budget to the administration of criminal justice. This subdivision  
32 includes agencies of any foreign sovereignty duly recognized by the  
33 federal government.

34 10. "Criminal justice information" means information that is  
35 collected by criminal justice agencies and that is needed for the  
36 performance of their legally authorized and required functions, such as  
37 criminal history record information, citation information, stolen property  
38 information, traffic accident reports, wanted persons information and  
39 system network log searches. Criminal justice information does not  
40 include the administrative records of a criminal justice agency.

41 11. "Disposition" means information disclosing that a decision has  
42 been made not to bring criminal charges or that criminal proceedings have  
43 been concluded or information relating to sentencing, correctional  
44 supervision, release from correctional supervision, the outcome of an  
45 appellate review of criminal proceedings or executive clemency.

1           12. "Dissemination" means the written, oral or electronic  
2 communication or transfer of criminal justice information to individuals  
3 and agencies other than the criminal justice agency that maintains the  
4 information. Dissemination includes the act of confirming the existence  
5 or nonexistence of criminal justice information.

6           13. "Management control":

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

8           (i) Priorities regarding development and operation of criminal  
9 justice information systems and programs.

10           (ii) Standards for the selection, supervision and termination of  
11 personnel involved in the development of criminal justice information  
12 systems and programs and in the collection, maintenance, analysis and  
13 dissemination of criminal justice information.

14           (iii) Policies governing the operation of computers, circuits and  
15 telecommunications terminals used to process criminal justice information  
16 to the extent that the equipment is used to process, store or transmit  
17 criminal justice information.

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

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

25           15. "QUALIFIED SCHOOL" HAS THE SAME MEANING PRESCRIBED IN SECTION  
26 15-2401.

27           ~~15.~~ 16. "Rap back services" means real-time or near real-time  
28 notifications of activity, such as arrests on an individual, for  
29 authorized criminal justice or noncriminal justice purposes in which  
30 continuous evaluation of the individual's criminal history is required.

31           ~~16.~~ 17. "Secondary dissemination" means the dissemination of  
32 criminal justice information from an individual or agency that originally  
33 obtained the information from the central state repository or through the  
34 Arizona criminal justice information system to another individual or  
35 agency.

36           ~~17.~~ 18. "Sexual orientation" means consensual homosexuality or  
37 heterosexuality.

38           ~~18.~~ 19. "Subject of record" means the person who is the primary  
39 subject of a criminal justice record.

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

42           41-1758. Definitions

43           In this article, unless the context otherwise requires:

44           1. "Agency" means the supreme court, the department of economic  
45 security, the department of child safety, the department of education, the

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

15 2. "Division" means the fingerprinting division in the department  
16 of public safety.

17 3. "Electronic or internet-based fingerprinting services" means a  
18 secure system for digitizing applicant fingerprints and transmitting the  
19 applicant data and fingerprints of a person or entity submitting  
20 fingerprints to the department of public safety for any authorized purpose  
21 under this title. For the purposes of this paragraph, "secure system"  
22 means a system that complies with the information technology security  
23 policy approved by the department of public safety.

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

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

- 28 (a) Section 3-314.
- 29 (b) Section 8-105.
- 30 (c) Section 8-322.
- 31 (d) Section 8-463.
- 32 (e) Section 8-509.
- 33 (f) Section 8-802.
- 34 (g) Section 15-183.
- 35 (h) Section 15-503.
- 36 (i) Section 15-512.
- 37 (j) Section 15-534.
- 38 (k) Section 15-763.01.
- 39 (l) Section 15-782.02.
- 40 (m) Section 15-1330.
- 41 (n) Section 15-1881.
- 42 (o) SECTION 15-2407.
- 43 ~~(p)~~ (p) Section 17-215.
- 44 ~~(q)~~ (q) Section 28-3228.
- 45 ~~(r)~~ (r) Section 28-3413.

1       ~~(r)~~ (s) Section 32-122.02.  
2       ~~(s)~~ (t) Section 32-122.05.  
3       ~~(t)~~ (u) Section 32-122.06.  
4       ~~(u)~~ (v) Section 32-823.  
5       ~~(v)~~ (w) Section 32-1232.  
6       ~~(w)~~ (x) Section 32-1276.01.  
7       ~~(x)~~ (y) Section 32-1284.  
8       ~~(y)~~ (z) Section 32-1297.01.  
9       ~~(z)~~ (aa) Section 32-1904.  
10      ~~(aa)~~ (bb) Section 32-1941.  
11      ~~(bb)~~ (cc) Section 32-1982.  
12      ~~(cc)~~ (dd) Section 32-2022.  
13      ~~(dd)~~ (ee) Section 32-2063.  
14      ~~(ee)~~ (ff) Section 32-2108.01.  
15      ~~(ff)~~ (gg) Section 32-2123.  
16      ~~(gg)~~ (hh) Section 32-2371.  
17      ~~(hh)~~ (ii) Section 32-3271.  
18      ~~(ii)~~ (jj) Section 32-3430.  
19      ~~(jj)~~ (kk) Section 32-3620.  
20      ~~(kk)~~ (ll) Section 32-3668.  
21      ~~(ll)~~ (mm) Section 32-3669.  
22      ~~(mm)~~ (nn) Section 32-3922.  
23      ~~(nn)~~ (oo) Section 32-3924.  
24      ~~(oo)~~ (pp) Section 32-4128.  
25      ~~(pp)~~ (qq) Section 32-4222.  
26      ~~(qq)~~ (rr) Section 36-113.  
27      ~~(rr)~~ (ss) Section 36-207.  
28      ~~(ss)~~ (tt) Section 36-411.  
29      ~~(tt)~~ (uu) Section 36-425.03.  
30      ~~(uu)~~ (vv) Section 36-446.04.  
31      ~~(vv)~~ (ww) Section 36-594.01.  
32      ~~(ww)~~ (xx) Section 36-594.02.  
33      ~~(xx)~~ (yy) Section 36-766.01.  
34      ~~(yy)~~ (zz) Section 36-882.  
35      ~~(zz)~~ (aaa) Section 36-883.02.  
36      ~~(aaa)~~ (bbb) Section 36-897.01.  
37      ~~(bbb)~~ (ccc) Section 36-897.03.  
38      ~~(ccc)~~ (ddd) Section 36-1940.  
39      ~~(ddd)~~ (eee) Section 36-1940.01.  
40      ~~(eee)~~ (fff) Section 36-2069.  
41      ~~(fff)~~ (ggg) Section 36-3008.  
42      ~~(ggg)~~ (hhh) Section 41-619.52.  
43      ~~(hhh)~~ (iii) Section 41-619.53.  
44      ~~(iii)~~ (jjj) Section 41-1964.  
45      ~~(jjj)~~ (kkk) Section 41-1967.01.

- 1           ~~(kkk)~~ (lll) Section 41-1968.
- 2           ~~(jjj)~~ (mmm) Section 41-1969.
- 3           ~~(mmm)~~ (nnn) Section 41-2814.
- 4           ~~(nnn)~~ (ooo) Section 41-4025.
- 5           ~~(ooo)~~ (ppp) Section 46-141, subsection A or B.
- 6           ~~(ppp)~~ (qqq) Section 46-321.

7           6. "Rap back services" has the same meaning prescribed in section  
8 41-1750.

9           7. "Vulnerable adult" has the same meaning prescribed in section  
10 13-3623.

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

13           41-1758.01. Fingerprinting division; powers and duties

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

16           1. Conduct fingerprint background checks for persons and applicants  
17 who are seeking licenses from state agencies, employment with licensees,  
18 contract providers and state agencies or employment or educational  
19 opportunities with agencies that require fingerprint background checks  
20 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,  
21 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, [15-2407](#),  
22 17-215, 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823,  
23 32-1232, 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982,  
24 32-2022, 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3271, 32-3430, 32-3620,  
25 32-3668, 32-3669, 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207,  
26 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882,  
27 36-883.02, 36-897.01, 36-897.03, 36-1940, 36-1940.01, 36-2069, 36-3008,  
28 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969, 41-2814 and  
29 41-4025, section 46-141, subsection A or B and section 46-321.

30           2. Issue fingerprint clearance cards. On issuance, a fingerprint  
31 clearance card becomes the personal property of the cardholder and the  
32 cardholder shall retain possession of the fingerprint clearance card.

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

37           4. Inform in writing each person who submits fingerprints for a  
38 fingerprint background check of the right to petition the board of  
39 fingerprinting for a good cause exception pursuant to section 41-1758.03,  
40 41-1758.04 or 41-1758.07.

41           5. If after conducting a state and federal criminal history records  
42 check the division determines that it is not authorized to issue a  
43 fingerprint clearance card to a person, inform the person in writing that  
44 the division is not authorized to issue a fingerprint clearance card. The  
45 notice shall include the criminal history information on which the denial

1 was based. This criminal history information is subject to dissemination  
2 restrictions pursuant to section 41-1750 and Public Law 92-544.

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

10 7. Administer and enforce this article.

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

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

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

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

25 41-1758.08. Fingerprint clearance card; use of expired card

26 A. Notwithstanding any other law, an expired fingerprint clearance  
27 card may be used to satisfy the fingerprint requirements of section  
28 15-183, 15-503, 15-512, 15-534, 15-782.02, 15-1330, ~~OR~~ 15-1881 OR 15-2407  
29 if the person signs an affidavit stating both of the following:

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

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

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

39 Sec. 11. Fingerprinting requirement; current school personnel

40 Notwithstanding section 15-2407, subsection A, Arizona Revised  
41 Statutes, as added by this act, current school personnel, as defined in  
42 section 15-2407, Arizona Revised Statutes, as added by this act, must  
43 comply with the fingerprint clearance card requirements prescribed in  
44 section 15-2407, Arizona Revised Statutes, as added by this act, within  
45 six months after the effective date of this act.