

1 Section 1. 13-607

2 13-607. Judgment of guilt and sentence document; fingerprint; contents
3 of document; recitations

4 A. At the time of sentencing a person convicted of a felony offense ~~or~~
5 ~~a violation of section 13-1802, 13-1805,~~ AN OFFENSE INVOLVING DOMESTIC
6 VIOLENCE AS DEFINED IN SECTION 13-3601, OR A VIOLATION OF TITLE 13,
7 CHAPTER 14 OR TITLE 28, CHAPTER 4 ~~28-1381 or 28-1382,~~ the court shall
8 execute a judgment of guilt and sentence document or minute order as
9 prescribed by this section.

10 B. The court or a person appointed by the court shall at the time of
11 sentencing and in open court permanently EITHER affix ~~the~~ A defendant's
12 ~~right index~~ fingerprint to the document or order, OR RECORD THE
13 DEFENDANT'S TWO-FINGERPRINT BIOMETRIC-BASED IDENTIFIER IN THE COURT CASE
14 FILE.

15 C. The document or order shall recite all of the following in addition
16 to any information deemed appropriate by the court:

- 17 1. The defendant's full name and date of birth.
- 18 2. The name of the counsel for the defendant or, if counsel was waived,
19 the fact that the defendant knowingly, voluntarily and intelligently
20 waived the defendant's right to counsel after having been fully apprised
21 of the defendant's right to counsel.
- 22 3. The name, statutory citation and classification of the offense.
- 23 4. Whether there was a finding by the trier of fact that the offense was
24 of a dangerous or repetitive nature pursuant to section 13-703, 13-704
25 or WAS AN OFFENSE COMMITTED WHILE RELEASED FROM CONFINEMENT PURSUANT TO
26 SECTION 13-708.
- 27 5. Whether the basis of the finding of guilt was by trial to a jury or
28 to the court, or by plea of guilty or no contest.
- 29 6. That there was a knowing, voluntary and intelligent waiver of the
30 right to a jury trial if the finding of guilt was based on a trial to
31 the court.
- 32 7. That there was a knowing, voluntary and intelligent waiver of all
33 pertinent rights if the finding of guilt was based on a plea of guilty
34 or no contest.
- 35 8. A certification by the court or the clerk of the court that at the
36 time of sentencing and in open court THAT EITHER ~~the~~ A defendant's ~~right~~
37 ~~index~~ fingerprint was permanently affixed to the document or order, OR

1 THE DEFENDANT'S TWO-FINGERPRINT-BASED BIOMETRIC IDENTIFIER WAS OBTAINED
2 AND RECORDED IN THE COURT CASE FILE.

3 D. The document or order shall be made a permanent part of the public
4 records of the court, and the recitations contained in the document or
5 order are prima facie evidence of the facts stated in the recitations.

6 E. If the supreme court has authorized the clerk of the court to maintain
7 an electronic court record, the clerk may maintain only an electronic
8 reproduction or image of the original document or order.

9 Section 2. 13-3903

10 13-3903. Notice to appear and complaint

11 A. In any case in which a person is arrested for a misdemeanor offense or
12 a petty offense, the arresting officer may release the arrested person from
13 custody in lieu of taking the person to a law enforcement facility by use
14 of the procedure prescribed in this section.

15 B. At any time after taking a person arrested for a misdemeanor offense or
16 a petty offense to a law enforcement facility, the arresting officer,
17 instead of taking the person to a magistrate, may release the person from
18 further custody by use of the procedure prescribed in this section.

19 C. If a person is arrested for a misdemeanor offense or a petty offense and
20 the offense is listed in section 41-1750, subsection C, the person shall
21 not be released pursuant to this section until the person provides EITHER
22 a ~~right-index~~ fingerprint OR A TWO-FINGERPRINT-BASED BIOMETRIC IDENTIFIER
23 to the arresting agency. The arresting agency shall provide to the arrested
24 person a mandatory fingerprint compliance form that includes instructions
25 on reporting for ten-print fingerprinting, including available times and
26 locations for reporting for ten-print fingerprinting.

27 D. In any case in which a person is arrested for a misdemeanor offense or
28 a petty offense, the arresting officer may prepare in quadruplicate a
29 written notice to appear and complaint, containing the name and address of
30 the person, the offense charged, and the time and place where and when the
31 person shall appear in court, provided:

32 1. The time specified in the notice to appear is at least five days after
33 arrest.

34 2. The place specified in the notice shall be the court specified in section
35 13-3898.

36 3. The arrested person, in order to secure release as provided in this
37 section, shall give his written promise so to appear in court by signing at
38 least one copy of the written notice and complaint prepared by the arresting
39 officer. The officer shall deliver a copy of the notice and complaint to
40 the person promising to appear. Thereupon, the officer shall forthwith
41 release the person arrested from custody.

1 4. The officer, as soon as practical, shall deliver the original notice and
2 complaint to the magistrate specified therein. Thereupon, the magistrate
3 shall promptly file the notice and complaint and enter it into the docket
4 of the court.

5 E. The Arizona traffic ticket and complaint may be utilized not only for
6 the purposes provided by Arizona supreme court rule, but to satisfy the
7 requirements of this section.

8 F. When a person has given his written promise to appear in court upon a
9 designated date pursuant to this section, and thereafter fails to appear,
10 personally or by counsel, on or before that date, the court clerk or other
11 court staff shall file a complaint, in writing, under oath, setting forth
12 the offense of knowingly violating a written promise to appear in court in
13 accordance with section 13-3904, and the magistrate shall issue a warrant
14 of arrest thereon. Upon such person's appearance in court for arraignment
15 on the charge of violating section 13-3904, the court shall also arraign
16 the person on the charge stated in the notice to appear and complaint for
17 which the person had previously promised to appear.

18 G. This section does not affect a peace officer's authority to conduct an
19 otherwise lawful search incident to his arrest even though the arrested
20 person is released before being taken to the police station or before a
21 magistrate pursuant to this section

22 Section 3. Section 41-1750

23 41-1750. Central state repository; department of public safety; duties;
24 funds; accounts; definitions

25 A. The department is responsible for the effective operation of the
26 central state repository in order to collect, store and disseminate
27 complete and accurate Arizona criminal history records and related
28 criminal justice information. The department shall:

29 1. Procure from all criminal justice agencies in this state accurate and
30 complete personal identification data, fingerprints, charges, process
31 control numbers and dispositions and such other information as may be
32 pertinent to all persons who have been charged with, arrested for,
33 convicted of or summoned to court as a criminal defendant for a felony
34 offense or an offense involving domestic violence as defined in section
35 13-3601 or a violation of title 13, chapter 14 or title 28, chapter 4.

36 2. Collect information concerning the number and nature of offenses known
37 to have been committed in this state and of the legal steps taken in
38 connection with these offenses, such other information that is useful in
39 the study of crime and in the administration of criminal justice and all
40 other information deemed necessary to operate the statewide uniform crime

- 1 reporting program and to cooperate with the federal government uniform
2 crime reporting program.
- 3 3. Collect information concerning criminal offenses that manifest
4 evidence of prejudice based on race, color, religion, national origin,
5 sexual orientation, gender or disability.
- 6 4. Cooperate with the central state repositories in other states and
7 with the appropriate agency of the federal government in the exchange
8 of information pertinent to violators of the law.
- 9 5. Ensure the rapid exchange of information concerning the commission of
10 crime and the detection of violators of the law among the criminal
11 justice agencies of other states and of the federal government.
- 12 6. Furnish assistance to peace officers throughout this state in crime
13 scene investigation for the detection of latent fingerprints and in the
14 comparison of latent fingerprints.
- 15 7. Conduct periodic operational audits of the central state repository
16 and of a representative sample of other agencies that contribute records
17 to or receive criminal justice information from the central state
18 repository or through the Arizona criminal justice information system.
- 19 8. Establish and enforce the necessary physical and system safeguards to
20 ensure that the criminal justice information maintained and disseminated
21 by the central state repository or through the Arizona criminal justice
22 information system is appropriately protected from unauthorized inquiry,
23 modification, destruction or dissemination as required by this section.
- 24 9. Aid and encourage coordination and cooperation among criminal justice
25 agencies through the statewide and interstate exchange of criminal
26 justice information.
- 27 10. Provide training and proficiency testing on the use of criminal
28 justice information to agencies receiving information from the central
29 state repository or through the Arizona criminal justice information
30 system.
- 31 11. Operate and maintain the Arizona automated fingerprint
32 identification system established by section 41-2411.
- 33 12. Provide criminal history record information to the fingerprinting
34 division for the purpose of screening applicants for fingerprint
35 clearance cards.
- 36 B. The director may establish guidelines for the submission and retention
37 of criminal justice information as deemed useful for the study or
38 prevention of crime and for the administration of criminal justice.
- 39 C. The chief officers of criminal justice agencies of this state or its
40 political subdivisions shall provide to the central state repository

1 fingerprints and information concerning personal identification data,
2 descriptions, crimes for which persons are arrested, process control
3 numbers and dispositions and such other information as may be pertinent
4 to all persons who have been charged with, arrested for, convicted of
5 or summoned to court as criminal defendants for felony offenses or
6 offenses involving domestic violence as defined in section 13-3601 or
7 violations of title 13, chapter 14 or title 28, chapter 4 that have
8 occurred in this state.

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

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

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

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

27 1. With criminal justice agencies of the federal government, Indian
28 tribes, this state or its political subdivisions and other states, on
29 request by the chief officers of such agencies or their designated
30 representatives, specifically for the purposes of the administration of
31 criminal justice and for evaluating the fitness of current and
32 prospective criminal justice employees.

33 2. With any noncriminal justice agency pursuant to a statute, ordinance
34 or executive order that specifically authorizes the noncriminal justice
35 agency to receive criminal history record information for the purpose of
36 evaluating the fitness of current or prospective licensees, employees,
37 contract employees or volunteers, on submission of the subject's
38 fingerprints and the prescribed fee. Each statute, ordinance, or
39 executive order that authorizes noncriminal justice agencies to receive
40 criminal history record information for these purposes shall identify

1 the specific categories of licensees, employees, contract employees or
2 volunteers, and shall require that fingerprints of the specified
3 individuals be submitted in conjunction with such requests for criminal
4 history record information.

5 3. With the board of fingerprinting for the purpose of conducting good
6 cause exceptions pursuant to section 41-619.55 and central registry
7 exceptions pursuant to section 41-619.57.

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

10 5. With the governor, if the governor elects to become actively involved
11 in the investigation of criminal activity or the administration of
12 criminal justice in accordance with the governor's constitutional duty
13 to ensure that the laws are faithfully executed or as needed to carry
14 out the other responsibilities of the governor's office.

15 6. With regional computer centers that maintain authorized computer-to-
16 computer interfaces with the department, that are criminal justice
17 agencies or under the management control of a criminal justice agency
18 and that are established by a statute, ordinance or executive order to
19 provide automated data processing services to criminal justice agencies
20 specifically for the purposes of the administration of criminal justice
21 or evaluating the fitness of regional computer center employees who have
22 access to the Arizona criminal justice information system and the
23 national crime information center system.

24 7. With an individual who asserts a belief that criminal history record
25 information relating to the individual is maintained by an agency or in
26 an information system in this state that is subject to this section. On
27 submission of fingerprints, the individual may review this information
28 for the purpose of determining its accuracy and completeness by making
29 application to the agency operating the system. Rules adopted under this
30 section shall include provisions for administrative review and necessary
31 correction of any inaccurate or incomplete information. The review and
32 challenge process authorized by this paragraph is limited to criminal
33 history record information.

34 8. With individuals and agencies pursuant to a specific agreement with
35 a criminal justice agency to provide services required for the
36 administration of criminal justice pursuant to that agreement if the
37 agreement specifically authorizes access to data, limits the use of data
38 to purposes for which given and ensures the security and confidentiality
39 of the data consistent with this section.

1 9. With individuals and agencies for the express purpose of research,
2 evaluative or statistical activities pursuant to an agreement with a
3 criminal justice agency if the agreement specifically authorizes access
4 to data, limits the use of data to research, evaluative or statistical
5 purposes and ensures the confidentiality and security of the data
6 consistent with this section.

7 10. With the auditor general for audit purposes.

8 11. With central state repositories of other states for noncriminal
9 justice purposes for dissemination in accordance with the laws of those
10 states.

11 12. On submission of the fingerprint card, with the department of
12 economic security to provide criminal history record information on
13 prospective adoptive parents for the purpose of conducting the
14 preadoption certification investigation under title 8, chapter 1,
15 article 1 if the department of economic security is conducting the
16 investigation, or with an agency or a person appointed by the court, if
17 the agency or person is conducting the investigation. Information
18 received under this paragraph shall only be used for the purposes of the
19 preadoption certification investigation.

20 13. With the department of economic security and the superior court for
21 the purpose of evaluating the fitness of custodians or prospective
22 custodians of juveniles, including parents, relatives and prospective
23 guardians. Information received under this paragraph shall only be used
24 for the purposes of that evaluation. The information shall be provided
25 on submission of either:

26 (a) The fingerprint card.

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

28 14. On submission of a fingerprint card, provide criminal history record
29 information to the superior court for the purpose of evaluating the
30 fitness of investigators appointed under section 14-5303 or 14-5407,
31 guardians appointed under section 14-5206 or 14-5304, or conservators
32 appointed under section 14-5401.

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

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

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

1 18. With the internet sex offender web site database established pursuant
2 to section 13-3827.

3 19. With licensees of the United States nuclear regulatory commission
4 for the purpose of determining whether an individual should be granted
5 unescorted access to the protected area of a commercial nuclear
6 generating station on submission of the subject of record's fingerprints
7 and the prescribed fee.

8 20. With the state board of education for the purpose of evaluating the
9 fitness of a certificated teacher or administrator or an applicant for
10 a teaching or an administrative certificate provided that the state board
11 of education or its employees or agents have reasonable suspicion that
12 the certificated person engaged in conduct that would be a criminal
13 violation of the laws of this state or was involved in immoral or
14 unprofessional conduct or that the applicant engaged in conduct that
15 would warrant disciplinary action if the applicant were certificated at
16 the time of the alleged conduct. The information shall be provided on
17 the submission of either:

18 (a) The fingerprint card.

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

20 21. With each school district and charter school in this state. The state
21 board of education and the state board for charter schools shall provide
22 the department of public safety with a current list of e-mail addresses
23 for each school district and charter school in this state and shall
24 periodically provide the department of public safety with updated e-mail
25 addresses. If the department of public safety is notified that a person
26 who is required to have a fingerprint clearance card to be employed by
27 or to engage in volunteer activities at a school district or charter
28 school has been arrested for or convicted of an offense listed in section
29 41-1758.03, subsection B or has been arrested for or convicted of an
30 offense that amounts to unprofessional conduct under section 15-550, the
31 department of public safety shall notify each school district and charter
32 school in this state that the person's fingerprint clearance card has
33 been suspended or revoked.

34 22. With the child protective services division of the department of
35 economic security as provided by law, which currently is the Adam Walsh
36 child protection and safety act of 2006 (42 United States Code section
37 16961), for the purposes of investigating or responding to reports of
38 child abuse, neglect or exploitation. Information received pursuant to
39 this paragraph from the national crime information center, the interstate
40 identification index and the Arizona criminal justice information system

1 network shall only be used for the purposes of investigating or
2 responding as prescribed in this paragraph. The information shall be
3 provided on submission to the department of public safety of either:
4 (a) The fingerprints of the person being investigated.
5 (b) The name, date of birth and social security number of the person.
6 23. With a nonprofit organization that interacts with children or
7 vulnerable adults for the lawful purpose of evaluating the fitness of
8 all current and prospective employees, contractors and volunteers of the
9 organization. The criminal history record information shall be provided
10 on submission of the applicant fingerprint card and the prescribed fee.
11 H. The director shall adopt rules necessary to execute this section.
12 I. The director, in the manner prescribed by law, shall remove and
13 destroy records that the director determines are no longer of value in
14 the detection or prevention of crime.
15 J. The director shall establish a fee in an amount necessary to cover
16 the cost of federal noncriminal justice fingerprint processing for
17 criminal history record information checks that are authorized by law
18 for noncriminal justice employment, licensing or other lawful purposes.
19 An additional fee may be charged by the department for state noncriminal
20 justice fingerprint processing. Fees submitted to the department for
21 state noncriminal justice fingerprint processing are not refundable.
22 K. The director shall establish a fee in an amount necessary to cover
23 the cost of processing copies of department reports, eight by ten inch
24 black and white photographs or eight by ten inch color photographs of
25 traffic accident scenes.
26 L. Except as provided in subsection O of this section, each agency
27 authorized by this section may charge a fee, in addition to any other
28 fees prescribed by law, in an amount necessary to cover the cost of state
29 and federal noncriminal justice fingerprint processing for criminal
30 history record information checks that are authorized by law for
31 noncriminal justice employment, licensing or other lawful purposes.
32 M. A fingerprint account within the records processing fund is
33 established for the purpose of separately accounting for the collection
34 and payment of fees for noncriminal justice fingerprint processing by
35 the department. Monies collected for this purpose shall be credited to
36 the account, and payments by the department to the United States for
37 federal noncriminal justice fingerprint processing shall be charged
38 against the account. Monies in the account not required for payment to
39 the United States shall be used by the department in support of the
40 department's noncriminal justice fingerprint processing duties. At the

1 end of each fiscal year, any balance in the account not required for
2 payment to the United States or to support the department's noncriminal
3 justice fingerprint processing duties reverts to the state general fund.
4 N. A records processing fund is established for the purpose of separately
5 accounting for the collection and payment of fees for department reports
6 and photographs of traffic accident scenes processed by the department.
7 Monies collected for this purpose shall be credited to the fund and shall
8 be used by the department in support of functions related to providing
9 copies of department reports and photographs. At the end of each fiscal
10 year, any balance in the fund not required for support of the functions
11 related to providing copies of department reports and photographs reverts
12 to the state general fund.

13 O. The department of economic security may pay from appropriated monies
14 the cost of federal fingerprint processing or federal criminal history
15 record information checks that are authorized by law for employees and
16 volunteers of the department, guardians pursuant to section 46-134,
17 subsection A, paragraph 15, the licensing of foster parents or the
18 certification of adoptive parents.

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

- 20 1. The collection and disposition of fees pursuant to this section.
- 21 2. The refusal of service to those agencies that are delinquent in paying
22 these fees.

23 Q. The director shall ensure that the following limitations are observed
24 regarding dissemination of criminal justice information obtained from
25 the central state repository or through the Arizona criminal justice
26 information system:

- 27 1. Any criminal justice agency that obtains criminal justice information
28 from the central state repository or through the Arizona criminal justice
29 information system assumes responsibility for the security of the
30 information and shall not secondarily disseminate this information to
31 any individual or agency not authorized to receive this information
32 directly from the central state repository or originating agency.

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

- 37 3. Criminal history record information disseminated to noncriminal
38 justice agencies or to individuals shall be used only for the purposes
39 for which it was given. Secondary dissemination is prohibited unless
40 otherwise authorized by law.

1 4. The existence or nonexistence of criminal history record information
2 shall not be confirmed to any individual or agency not authorized to
3 receive the information itself.

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

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

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

20 S. This section does not apply to criminal history record information
21 contained in:

22 1. Posters, arrest warrants, announcements or lists for identifying or
23 apprehending fugitives or wanted persons.

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

28 3. Transcripts or records of judicial proceedings if released by a court
29 or legislative or administrative proceedings.

30 4. Announcements of executive clemency or pardon.

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

36 T. Nothing in this section prevents a criminal justice agency from
37 disclosing to the public criminal history record information that is
38 reasonably contemporaneous to the event for which an individual is
39 currently within the criminal justice system, including information
40 noted on traffic accident reports concerning citations, blood alcohol

1 tests or arrests made in connection with the traffic accident being
2 investigated.

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

6 1. The arresting authority shall take legible ten-print fingerprints of
7 all persons who are arrested for offenses listed in subsection C of this
8 section including persons who are arrested and released pursuant to
9 section 13-3903, subsection C. The arresting authority may transfer an
10 arrestee to a booking agency for ten-print fingerprinting. **IF THE BOOKING**
11 **AGENCY CANNOT DETERMINE WHETHER LEGIBLE TEN-PRINT FINGERPRINTS WERE**
12 **TAKEN FROM THE ARRESTEE THE BOOKING AGENCY SHALL TAKE THE TEN-PRINT**
13 **FINGERPRINTS.** The arresting authority or booking agency shall obtain a
14 process control number and provide to the person fingerprinted a document
15 that indicates proof of the fingerprinting and that informs the person
16 that the document must be presented to the court.

17 2. The mandatory fingerprint compliance form shall contain the following
18 information:

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

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

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

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

24 (e) Instructions on reporting for ten-print fingerprinting, including
25 available times and locations for reporting for ten-print
26 fingerprinting.

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

29 3. Within ten days after a person is fingerprinted, the arresting
30 authority or agency that took the fingerprints shall forward the
31 fingerprints to the department in the manner or form required by the
32 department.

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

37 5. At the initial appearance or on the arraignment of a summoned
38 defendant who is charged with an offense listed in subsection C of this
39 section, if the person does not present a completed mandatory fingerprint
40 compliance form to the court or if the court has not received the process

1 control number, the court shall order that within twenty calendar days
2 the defendant be ten-print fingerprinted at a designated time and place
3 by the appropriate law enforcement agency.

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

10 7. In every criminal case in which the defendant is incarcerated or
11 fingerprinted as a result of the charge, an originating law enforcement
12 agency or prosecutor, within forty days of the disposition, shall advise
13 the central state repository of all dispositions concerning the
14 termination of criminal proceedings against an individual arrested for
15 an offense specified in subsection C of this section. This information
16 shall be submitted on a form or in a manner required by the department.

17 8. Dispositions resulting from formal proceedings in a court having
18 jurisdiction in a criminal action against an individual who is arrested
19 for an offense specified in subsection C of this section or section 8-
20 341, subsection V shall be reported to the central state repository
21 within forty days of the date of the disposition. This information shall
22 be submitted on a form or in a manner specified by rules approved by the
23 supreme court.

24 9. The state department of corrections or the department of juvenile
25 corrections, within forty days, shall advise the central state repository
26 that it has assumed supervision of a person convicted of an offense
27 specified in subsection C of this section or section 8-341, subsection
28 V, paragraph 3. The state department of corrections or the department
29 of juvenile corrections shall also report dispositions that occur
30 thereafter to the central state repository within forty days of the date
31 of the dispositions. This information shall be submitted on a form or
32 in a manner required by the department of public safety.

33 10. Each criminal justice agency shall query the central state repository
34 before dissemination of any criminal history record information to ensure
35 the completeness of the information. Inquiries shall be made before any
36 dissemination except in those cases in which time is of the essence and
37 the repository is technically incapable of responding within the
38 necessary time period. If time is of the essence, the inquiry shall still
39 be made and the response shall be provided as soon as possible.

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

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

13 X. Nothing in this section creates a cause of action or a right to bring
14 an action including an action based on discrimination due to sexual
15 orientation.

16 Y. For the purposes of this section:

17 1. "Administration of criminal justice" means performance of the
18 detection, apprehension, detention, pretrial release, posttrial release,
19 prosecution, adjudication, correctional supervision or rehabilitation of
20 criminal offenders. Administration of criminal justice includes
21 enforcement of criminal traffic offenses and civil traffic violations,
22 including parking violations, when performed by a criminal justice
23 agency. Administration of criminal justice also includes criminal
24 identification activities and the collection, storage and dissemination
25 of criminal history record information.

26 2. "Administrative records" means records that contain adequate and
27 proper documentation of the organization, functions, policies,
28 decisions, procedures and essential transactions of the agency and that
29 are designed to furnish information to protect the rights of this state
30 and of persons directly affected by the agency's activities.

31 3. "Arizona criminal justice information system" or "system" means the
32 statewide information system managed by the director for the collection,
33 processing, preservation, dissemination and exchange of criminal justice
34 information and includes the electronic equipment, facilities,
35 procedures and agreements necessary to exchange this information.

36 4. "Central state repository" means the central location within the
37 department for the collection, storage and dissemination of Arizona
38 criminal history records and related criminal justice information.

39 5. "Criminal history record information" and "criminal history record"
40 means information that is collected by criminal justice agencies on

1 individuals and that consists of identifiable descriptions and notations
2 of arrests, detentions, indictments and other formal criminal charges,
3 and any disposition arising from those actions, sentencing, formal
4 correctional supervisory action and release. Criminal history record
5 information and criminal history record do not include identification
6 information to the extent that the information does not indicate
7 involvement of the individual in the criminal justice system or
8 information relating to juveniles unless they have been adjudicated as
9 adults.

10 6. "Criminal justice agency" means either:

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

14 (b) A government agency or subunit of a government agency that is
15 specifically authorized to perform as its principal function the
16 administration of criminal justice pursuant to a statute, ordinance or
17 executive order and that allocates more than fifty per cent of its annual
18 budget to the administration of criminal justice. This subdivision
19 includes agencies of any foreign sovereignty duly recognized by the
20 federal government.

21 7. "Criminal justice information" means information that is collected by
22 criminal justice agencies and that is needed for the performance of their
23 legally authorized and required functions, such as criminal history
24 record information, citation information, stolen property information,
25 traffic accident reports, wanted persons information and system network
26 log searches. Criminal justice information does not include the
27 administrative records of a criminal justice agency.

28 8. "Disposition" means information disclosing that a decision has been
29 made not to bring criminal charges or that criminal proceedings have
30 been concluded or information relating to sentencing, correctional
31 supervision, release from correctional supervision, the outcome of an
32 appellate review of criminal proceedings or executive clemency.

33 9. "Dissemination" means the written, oral or electronic communication
34 or transfer of criminal justice information to individuals and agencies
35 other than the criminal justice agency that maintains the information.
36 Dissemination includes the act of confirming the existence or
37 nonexistence of criminal justice information.

38 10. "Management control":

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

1 (i) Priorities regarding development and operation of criminal justice
2 information systems and programs.

3 (ii) Standards for the selection, supervision and termination of
4 personnel involved in the development of criminal justice information
5 systems and programs and in the collection, maintenance, analysis and
6 dissemination of criminal justice information.

7 (iii) Policies governing the operation of computers, circuits and
8 telecommunications terminals used to process criminal justice
9 information to the extent that the equipment is used to process, store
10 or transmit criminal justice information.

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

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

18 12. "Secondary dissemination" means the dissemination of criminal
19 justice information from an individual or agency that originally obtained
20 the information from the central state repository or through the Arizona
21 criminal justice information system to another individual or agency.

22 13. "Sexual orientation" means consensual homosexuality or
23 heterosexuality.

24 14. "Subject of record" means the person who is the primary subject of
25 a criminal justice record.