

1 Section 1. 41-1750. Central state repository; department of public
2 safety; duties; funds; accounts; definitions

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

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

14 2. Collect information concerning the number and nature of offenses known
15 to have been committed in this state and of the legal steps taken in
16 connection with these offenses, such other information that is useful in
17 the study of crime and in the administration of criminal justice and all
18 other information deemed necessary to operate the statewide uniform crime
19 reporting program and to cooperate with the federal government uniform
20 crime reporting program.

21 3. Collect information concerning criminal offenses that manifest
22 evidence of prejudice based on race, color, religion, national origin,
23 sexual orientation, gender or disability.

24 4. Cooperate with the central state repositories in other states and
25 with the appropriate agency of the federal government in the exchange
26 of information pertinent to violators of the law.

27 5. Ensure the rapid exchange of information concerning the commission of
28 crime and the detection of violators of the law among the criminal
29 justice agencies of other states and of the federal government.

- 1 6. Furnish assistance to peace officers throughout this state in crime
2 scene investigation for the detection of latent fingerprints and in the
3 comparison of latent fingerprints.
- 4 7. Conduct periodic operational audits of the central state repository
5 and of a representative sample of other agencies that contribute records
6 to or receive criminal justice information from the central state
7 repository or through the Arizona criminal justice information system.
- 8 8. Establish and enforce the necessary physical and system safeguards to
9 ensure that the criminal justice information maintained and disseminated
10 by the central state repository or through the Arizona criminal justice
11 information system is appropriately protected from unauthorized inquiry,
12 modification, destruction or dissemination as required by this section.
- 13 9. Aid and encourage coordination and cooperation among criminal justice
14 agencies through the statewide and interstate exchange of criminal
15 justice information.
- 16 10. Provide training and proficiency testing on the use of criminal
17 justice information to agencies receiving information from the central
18 state repository or through the Arizona criminal justice information
19 system.
- 20 11. Operate and maintain the Arizona automated fingerprint
21 identification system established by section 41-2411.
- 22 12. Provide criminal history record information to the fingerprinting
23 division for the purpose of screening applicants for fingerprint
24 clearance cards.
- 25 B. The director may establish guidelines for the submission and retention
26 of criminal justice information as deemed useful for the study or
27 prevention of crime and for the administration of criminal justice.
- 28 C. The chief officers of criminal justice agencies of this state or its
29 political subdivisions shall provide to the central state repository
30 fingerprints and information concerning personal identification data,
31 descriptions, crimes for which persons are arrested, process control

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

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

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

1 2. With any noncriminal justice agency pursuant to a statute, ordinance
2 or executive order that specifically authorizes the noncriminal justice
3 agency to receive criminal history record information for the purpose of
4 evaluating the fitness of current or prospective licensees, employees,
5 contract employees or volunteers, on submission of the subject's
6 fingerprints and the prescribed fee. Each statute, ordinance, or
7 executive order that authorizes noncriminal justice agencies to receive
8 criminal history record information for these purposes shall identify
9 the specific categories of licensees, employees, contract employees or
10 volunteers, and shall require that fingerprints of the specified
11 individuals be submitted in conjunction with such requests for criminal
12 history record information.

13 3. With the board of fingerprinting for the purpose of conducting good
14 cause exceptions pursuant to section 41-619.55 and central registry
15 exceptions pursuant to section 41-619.57.

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

18 5. With the governor, if the governor elects to become actively involved
19 in the investigation of criminal activity or the administration of
20 criminal justice in accordance with the governor's constitutional duty
21 to ensure that the laws are faithfully executed or as needed to carry
22 out the other responsibilities of the governor's office.

23 6. With regional computer centers that maintain authorized computer-to-
24 computer interfaces with the department, that are criminal justice
25 agencies or under the management control of a criminal justice agency
26 and that are established by a statute, ordinance or executive order to
27 provide automated data processing services to criminal justice agencies
28 specifically for the purposes of the administration of criminal justice
29 or evaluating the fitness of regional computer center employees who have
30 access to the Arizona criminal justice information system and the
31 national crime information center system.

1 7. With an individual who asserts a belief that criminal history record
2 information relating to the individual is maintained by an agency or in
3 an information system in this state that is subject to this section. On
4 submission of fingerprints, the individual may review this information
5 for the purpose of determining its accuracy and completeness by making
6 application to the agency operating the system. Rules adopted under this
7 section shall include provisions for administrative review and necessary
8 correction of any inaccurate or incomplete information. The review and
9 challenge process authorized by this paragraph is limited to criminal
10 history record information.

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

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

23 10. With the auditor general for audit purposes.

24 11. With central state repositories of other states for noncriminal
25 justice purposes for dissemination in accordance with the laws of those
26 states.

27 12. On submission of the fingerprint card, with the department of child
28 safety and a tribal social services agency to provide criminal history
29 record information on prospective adoptive parents for the purpose of
30 conducting the preadoption certification investigation under title 8,
31 chapter 1, article 1 if the department of economic security is conducting

1 the investigation, or with an agency or a person appointed by the court,
2 if the agency or person is conducting the investigation. Information
3 received under this paragraph shall only be used for the purposes of the
4 preadoption certification investigation.

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

- 11 (a) The fingerprint card.
- 12 (b) The name, date of birth and social security number of the person.

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

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

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

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

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

28 19. With licensees of the United States nuclear regulatory commission
29 for the purpose of determining whether an individual should be granted
30 unescorted access to the protected area of a commercial nuclear

1 generating station on submission of the subject of record's fingerprints
2 and the prescribed fee.

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

- 13 (a) The fingerprint card.
- 14 (b) The name, date of birth and social security number of the person.

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

29 22. With a tribal social services agency and the department of child
30 safety as provided by law, which currently is the Adam Walsh child
31 protection and safety act of 2006 (42 United States Code section 16961),

1 for the purposes of investigating or responding to reports of child
2 abuse, neglect or exploitation. Information received pursuant to this
3 paragraph from the national crime information center, the interstate
4 identification index and the Arizona criminal justice information system
5 network shall only be used for the purposes of investigating or
6 responding as prescribed in this paragraph. The information shall be
7 provided on submission to the department of public safety of either:

- 8 (a) The fingerprints of the person being investigated.
- 9 (b) The name, date of birth and social security number of the person.

10 23. With a nonprofit organization that interacts with children or
11 vulnerable adults for the lawful purpose of evaluating the fitness of
12 all current and prospective employees, contractors and volunteers of the
13 organization. The criminal history record information shall be provided
14 on submission of the applicant fingerprint card and the prescribed fee.

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

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

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

22 J. The director shall establish a fee in an amount necessary to cover
23 the cost of federal noncriminal justice fingerprint processing for
24 criminal history record information checks that are authorized by law
25 for noncriminal justice employment, licensing or other lawful purposes.
26 An additional fee may be charged by the department for state noncriminal
27 justice fingerprint processing. Fees submitted to the department for
28 state noncriminal justice fingerprint processing are not refundable.

29 K. The director shall establish a fee in an amount necessary to cover
30 the cost of processing copies of department reports, eight by ten inch

1 black and white photographs or eight by ten inch color photographs of
2 traffic accident scenes.

3 L. Except as provided in subsection O of this section, each agency
4 authorized by this section may charge a fee, in addition to any other
5 fees prescribed by law, in an amount necessary to cover the cost of state
6 and federal noncriminal justice fingerprint processing for criminal
7 history record information checks that are authorized by law for
8 noncriminal justice employment, licensing or other lawful purposes.

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

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

30 O. The department of child safety may pay from appropriated monies the
31 cost of federal fingerprint processing or federal criminal history record

1 information checks that are authorized by law for employees and
2 volunteers of the department, guardians pursuant to section 8-453,
3 subsection A, paragraph 6, the licensing of foster parents or the
4 certification of adoptive parents.

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

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

9 Q. The director shall ensure that the following limitations are observed
10 regarding dissemination of criminal justice information obtained from
11 the central state repository or through the Arizona criminal justice
12 information system:

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

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

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

- 27 4. The existence or nonexistence of criminal history record information
28 shall not be confirmed to any individual or agency not authorized to
29 receive the information itself.

- 30 5. Criminal history record information to be released for noncriminal
31 justice purposes to agencies of other states shall only be released to

1 the central state repositories of those states for dissemination in
2 accordance with the laws of those states.

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

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

15 S. This section does not apply to criminal history record information
16 contained in:

17 1. Posters, arrest warrants, announcements or lists for identifying or
18 apprehending fugitives or wanted persons.

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

23 3. Transcripts or records of judicial proceedings if released by a court
24 or legislative or administrative proceedings.

25 4. Announcements of executive clemency or pardon.

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

1 T. Nothing in this section prevents a criminal justice agency from
2 disclosing to the public criminal history record information that is
3 reasonably contemporaneous to the event for which an individual is
4 currently within the criminal justice system, including information
5 noted on traffic accident reports concerning citations, blood alcohol
6 tests or arrests made in connection with the traffic accident being
7 investigated.

8 U. In order to ensure that complete and accurate criminal history record
9 information is maintained and disseminated by the central state
10 repository:

11 1. The ~~arresting authority~~ BOOKING AGENCY shall take legible ten-print
12 fingerprints of all persons who are arrested for offenses listed in
13 subsection C of this section ~~including persons who are arrested and~~
14 ~~released pursuant to section 13-3903, subsection C. The arresting~~
15 ~~authority may transfer an arrestee to a booking agency for ten-print~~
16 ~~fingerprinting.~~ If the booking agency cannot determine whether legible
17 ten-print fingerprints were taken from the arrestee, the booking agency
18 shall take the arrestee's ten-print fingerprints. The ~~arresting~~
19 ~~authority or~~ booking agency shall obtain a process control number and
20 provide to the person fingerprinted a document that indicates proof of
21 the fingerprinting and that informs the person that the document must
22 be presented to the court.

23 2. EXCEPT, AS PROVIDED IN PARAGRAPH 3 OF THIS SUBSECTION, IF A PERSON
24 IS SUMMONED INTO COURT AS A RESULT OF AN INDICTMENT OR COMPLAINT FOR AN
25 OFFENSE LISTED IN SUBSECTION C OF THIS SECTION, THE COURT SHALL ORDER
26 THE PERSON TO APPEAR AT THE COUNTY SHERIFF AND PROVIDE A LEGIBILE TEN-
27 PRINT FINGERPRINT. THE COUNTY SHERIFF SHALL OBTAIN A PROCESS CONTROL
28 NUMBER AND PROVIDE TO THE PERSON FINGERPRINTED A DOCUMENT THAT INDICATES
29 PROOF OF THE FINGERPRINTING AND THAT INFORMS THE PERSON THAT THE DOCUMENT
30 MUST BE PRESENTED TO THE COURT.

1 3. IF A PERSON IS ARRESTED FOR A MISDEMEANOR OFFENSE LISTED IN SUBSECTION
2 C OF THIS SECTION AND RELEASED FROM CUSTODY PURSUANT TO SECTION 13-3903,
3 SUBSECTION C, THE PERSON SHALL APPEAR AT THE LAW ENFORCEMENT AGENCY THAT
4 ARRESTED THE DEFENDANT AND PROVIDE A LEGIBLE TEN-PRINT FINGERPRINT. THE
5 LAW ENFORCEMET AGENCY SHALL OBTAIN A PROCESS CONTROL NUMBER AND PROVIDE
6 TO THE PERSON FINGERPRINTED A DOCUMENT THAT INDICATES PROOF OF THE
7 FINGERPRINTING AND THAT INFORMS THE PERSON THAT THE DOCUMENT MUST BE
8 PRESENTED TO THE COURT.

9 ~~2~~ 4. The mandatory fingerprint compliance form shall contain the
10 following information:

- 11 (a) Whether ten-print fingerprints have been obtained from the person.
- 12 (b) Whether a process control number was obtained.
- 13 (c) The offense or offenses for which the process control number was
14 obtained.
- 15 (d) Any report number of the arresting authority.
- 16 (e) Instructions on reporting for ten-print fingerprinting, including
17 available times and locations for reporting for ten-print
18 fingerprinting.
- 19 (f) Instructions that direct the person to provide the form to the court
20 at the person's next court appearance.

21 ~~3~~ 5. Within ten days after a person is fingerprinted, the arresting
22 authority or agency that took the fingerprints shall forward the
23 fingerprints to the department in the manner or form required by the
24 department.

25 ~~4~~ 6. On the issuance of a summons for a defendant who is charged with
26 an offense listed in subsection C of this section, the summons shall
27 direct the defendant to provide ten-print fingerprints to the appropriate
28 law enforcement agency.

29 ~~5~~ 7. At the initial appearance or on the arraignment of a summoned
30 defendant who is charged with an offense listed in subsection C of this
31 section, if the person does not present a completed mandatory fingerprint

1 compliance form to the court or if the court has not received the process
2 control number, the court shall order that within twenty calendar days
3 the defendant be ten-print fingerprinted at a designated time and place
4 by the appropriate law enforcement agency.

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

11 **7 9.** In every criminal case in which the defendant is incarcerated or
12 fingerprinted as a result of the charge, an originating law enforcement
13 agency or prosecutor, within forty days of the disposition, shall advise
14 the central state repository of all dispositions concerning the
15 termination of criminal proceedings against an individual arrested for
16 an offense specified in subsection C of this section. This information
17 shall be submitted on a form or in a manner required by the department.

18 **8 10.** Dispositions resulting from formal proceedings in a court having
19 jurisdiction in a criminal action against an individual who is arrested
20 for an offense specified in subsection C of this section or section 8-
21 341, subsection V, paragraph 3 shall be reported to the central state
22 repository within forty days of the date of the disposition. This
23 information shall be submitted on a form or in a manner specified by
24 rules approved by the supreme court.

25 **9 11.** The state department of corrections or the department of juvenile
26 corrections, within forty days, shall advise the central state repository
27 that it has assumed supervision of a person convicted of an offense
28 specified in subsection C of this section or section 8-341, subsection
29 V, paragraph 3. The state department of corrections or the department
30 of juvenile corrections shall also report dispositions that occur
31 thereafter to the central state repository within forty days of the date

1 of the dispositions. This information shall be submitted on a form or
2 in a manner required by the department of public safety.

3 ~~10~~ 12. Each criminal justice agency shall query the central state
4 repository before dissemination of any criminal history record
5 information to ensure the completeness of the information. Inquiries
6 shall be made before any dissemination except in those cases in which
7 time is of the essence and the repository is technically incapable of
8 responding within the necessary time period. If time is of the essence,
9 the inquiry shall still be made and the response shall be provided as
10 soon as possible.

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

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

23 X. Nothing in this section creates a cause of action or a right to bring
24 an action including an action based on discrimination due to sexual
25 orientation.

26 Y. For the purposes of this section:

27 1. "Administration of criminal justice" means performance of the
28 detection, apprehension, detention, pretrial release, posttrial release,
29 prosecution, adjudication, correctional supervision or rehabilitation of
30 criminal offenders. Administration of criminal justice includes
31 enforcement of criminal traffic offenses and civil traffic violations,

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

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

10 3. "Arizona criminal justice information system" or "system" means the
11 statewide information system managed by the director for the collection,
12 processing, preservation, dissemination and exchange of criminal justice
13 information and includes the electronic equipment, facilities,
14 procedures and agreements necessary to exchange this information.

15 4. "BOOKING AGENCY" MEANS THE COUNTY SHERIFF, EXCEPT THAT IF THE PERSON
16 IS BOOKED INTO A MUNICIPAL JAIL IT MEANS THE MUNICIPAL LAW ENFORCEMENT
17 AGENCY.

18 4 5. "Central state repository" means the central location within the
19 department for the collection, storage and dissemination of Arizona
20 criminal history records and related criminal justice information.

21 5 6. "Criminal history record information" and "criminal history record"
22 means information that is collected by criminal justice agencies on
23 individuals and that consists of identifiable descriptions and notations
24 of arrests, detentions, indictments and other formal criminal charges,
25 and any disposition arising from those actions, sentencing, formal
26 correctional supervisory action and release. Criminal history record
27 information and criminal history record do not include identification
28 information to the extent that the information does not indicate
29 involvement of the individual in the criminal justice system or
30 information relating to juveniles unless they have been adjudicated as
31 adults.

- 1 **6 7.** "Criminal justice agency" means either:
- 2 (a) A court at any governmental level with criminal or equivalent
- 3 jurisdiction, including courts of any foreign sovereignty duly
- 4 recognized by the federal government.
- 5 (b) A government agency or subunit of a government agency that is
- 6 specifically authorized to perform as its principal function the
- 7 administration of criminal justice pursuant to a statute, ordinance or
- 8 executive order and that allocates more than fifty percent of its annual
- 9 budget to the administration of criminal justice. This subdivision
- 10 includes agencies of any foreign sovereignty duly recognized by the
- 11 federal government.
- 12 **7 8.** "Criminal justice information" means information that is collected
- 13 by criminal justice agencies and that is needed for the performance of
- 14 their legally authorized and required functions, such as criminal history
- 15 record information, citation information, stolen property information,
- 16 traffic accident reports, wanted persons information and system network
- 17 log searches. Criminal justice information does not include the
- 18 administrative records of a criminal justice agency.
- 19 **8 9.** "Disposition" means information disclosing that a decision has been
- 20 made not to bring criminal charges or that criminal proceedings have
- 21 been concluded or information relating to sentencing, correctional
- 22 supervision, release from correctional supervision, the outcome of an
- 23 appellate review of criminal proceedings or executive clemency.
- 24 **9 10.** "Dissemination" means the written, oral or electronic communication
- 25 or transfer of criminal justice information to individuals and agencies
- 26 other than the criminal justice agency that maintains the information.
- 27 Dissemination includes the act of confirming the existence or
- 28 nonexistence of criminal justice information.
- 29 **10 11.** "Management control":
- 30 (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~~ 12. "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~~ 13. "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~~ 14. "Sexual orientation" means consensual homosexuality or
23 heterosexuality.

24 ~~14~~ 15. "Subject of record" means the person who is the primary subject
25 of a criminal justice record.

26 Section 2. Delayed effective date.

27 This act is effective from and after December 31, 2016.