

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.

30 6. Furnish assistance to peace officers throughout this state in crime
31 scene investigation for the detection of latent fingerprints and in the
32 comparison of latent fingerprints.

33 7. Conduct periodic operational audits of the central state repository
34 and of a representative sample of other agencies that contribute records
35 to or receive criminal justice information from the central state
36 repository or through the Arizona criminal justice information system.

1 8. Establish and enforce the necessary physical and system safeguards to
2 ensure that the criminal justice information maintained and disseminated
3 by the central state repository or through the Arizona criminal justice
4 information system is appropriately protected from unauthorized inquiry,
5 modification, destruction or dissemination as required by this section.
6 9. Aid and encourage coordination and cooperation among criminal justice
7 agencies through the statewide and interstate exchange of criminal
8 justice information.
9 10. Provide training and proficiency testing on the use of criminal
10 justice information to agencies receiving information from the central
11 state repository or through the Arizona criminal justice information
12 system.
13 11. Operate and maintain the Arizona automated fingerprint
14 identification system established by section 41-2411.
15 12. Provide criminal history record information to the fingerprinting
16 division for the purpose of screening applicants for fingerprint
17 clearance cards.
18 B. The director may establish guidelines for the submission and retention
19 of criminal justice information as deemed useful for the study or
20 prevention of crime and for the administration of criminal justice.
21 ~~C. The chief officers of criminal justice agencies of this state or its~~
22 ~~political subdivisions shall provide to the central state repository~~
23 ~~fingerprints and information concerning personal identification data,~~
24 ~~descriptions, crimes for which persons are arrested, process control~~
25 ~~numbers and dispositions and such other information as may be pertinent~~
26 ~~to all persons who have been charged with, arrested for, convicted of~~
27 ~~or summoned to court as criminal defendants for felony offenses or~~
28 ~~offenses involving domestic violence as defined in section 13-3601 or~~
29 ~~violations of title 13, chapter 14 or title 28, chapter 4 that have~~
30 ~~occurred in this state.~~
31 ~~D~~ C. The chief officers of law enforcement agencies of this state or its
32 political subdivisions shall provide to the department such information
33 as necessary to operate the statewide uniform crime reporting program
34 and to cooperate with the federal government uniform crime reporting
35 program.
36 E D. The chief officers of criminal justice agencies of this state or
37 its political subdivisions shall comply with the training and proficiency
38 testing guidelines as required by the department to comply with the
39 federal national crime information center mandates.

1 ~~F~~ E. The chief officers of criminal justice agencies of this state or
2 its political subdivisions also shall provide to the department
3 information concerning crimes that manifest evidence of prejudice based
4 on race, color, religion, national origin, sexual orientation, gender or
5 disability.

6 G F. The director shall authorize the exchange of criminal justice
7 information between the central state repository, or through the Arizona
8 criminal justice information system, whether directly or through any
9 intermediary, only as follows:

10 1. With criminal justice agencies of the federal government, Indian
11 tribes, this state or its political subdivisions and other states, on
12 request by the chief officers of such agencies or their designated
13 representatives, specifically for the purposes of the administration of
14 criminal justice and for evaluating the fitness of current and
15 prospective criminal justice employees.

16 2. With any noncriminal justice agency pursuant to a statute, ordinance
17 or executive order that specifically authorizes the noncriminal justice
18 agency to receive criminal history record information for the purpose of
19 evaluating the fitness of current or prospective licensees, employees,
20 contract employees or volunteers, on submission of the subject's
21 fingerprints and the prescribed fee. Each statute, ordinance, or
22 executive order that authorizes noncriminal justice agencies to receive
23 criminal history record information for these purposes shall identify
24 the specific categories of licensees, employees, contract employees or
25 volunteers, and shall require that fingerprints of the specified
26 individuals be submitted in conjunction with such requests for criminal
27 history record information.

28 3. With the board of fingerprinting for the purpose of conducting good
29 cause exceptions pursuant to section 41-619.55 and central registry
30 exceptions pursuant to section 41-619.57.

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

33 5. With the governor, if the governor elects to become actively involved
34 in the investigation of criminal activity or the administration of
35 criminal justice in accordance with the governor's constitutional duty
36 to ensure that the laws are faithfully executed or as needed to carry
37 out the other responsibilities of the governor's office.

38 6. With regional computer centers that maintain authorized computer-to-
39 computer interfaces with the department, that are criminal justice
40 agencies or under the management control of a criminal justice agency

1 and that are established by a statute, ordinance or executive order to
2 provide automated data processing services to criminal justice agencies
3 specifically for the purposes of the administration of criminal justice
4 or evaluating the fitness of regional computer center employees who have
5 access to the Arizona criminal justice information system and the
6 national crime information center system.

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

17 8. With individuals and agencies pursuant to a specific agreement with
18 a criminal justice agency to provide services required for the
19 administration of criminal justice pursuant to that agreement if the
20 agreement specifically authorizes access to data, limits the use of data
21 to purposes for which given and ensures the security and confidentiality
22 of the data consistent with this section.

23 9. With individuals and agencies for the express purpose of research,
24 evaluative or statistical activities pursuant to an agreement with a
25 criminal justice agency if the agreement specifically authorizes access
26 to data, limits the use of data to research, evaluative or statistical
27 purposes and ensures the confidentiality and security of the data
28 consistent with this section.

29 10. With the auditor general for audit purposes.

30 11. With central state repositories of other states for noncriminal
31 justice purposes for dissemination in accordance with the laws of those
32 states.

33 12. On submission of the fingerprint card, with the department of child
34 safety to provide criminal history record information on prospective
35 adoptive parents for the purpose of conducting the preadoption
36 certification investigation under title 8, chapter 1, article 1 if the
37 department of economic security is conducting the investigation, or with
38 an agency or a person appointed by the court, if the agency or person
39 is conducting the investigation. Information received under this

1 paragraph shall only be used for the purposes of the preadoption
2 certification investigation.

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

9 (a) The fingerprint card.

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

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

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

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

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

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

26 19. With licensees of the United States nuclear regulatory commission
27 for the purpose of determining whether an individual should be granted
28 unescorted access to the protected area of a commercial nuclear
29 generating station on submission of the subject of record's fingerprints
30 and the prescribed fee.

31 20. With the state board of education for the purpose of evaluating the
32 fitness of a certificated teacher or administrator or an applicant for
33 a teaching or an administrative certificate provided that the state board
34 of education or its employees or agents have reasonable suspicion that
35 the certificated person engaged in conduct that would be a criminal
36 violation of the laws of this state or was involved in immoral or
37 unprofessional conduct or that the applicant engaged in conduct that
38 would warrant disciplinary action if the applicant were certificated at
39 the time of the alleged conduct. The information shall be provided on
40 the submission of either:

1 (a) The fingerprint card.
2 (b) The name, date of birth and social security number of the person.
3 21. With each school district and charter school in this state. The state
4 board of education and the state board for charter schools shall provide
5 the department of public safety with a current list of e-mail addresses
6 for each school district and charter school in this state and shall
7 periodically provide the department of public safety with updated e-mail
8 addresses. If the department of public safety is notified that a person
9 who is required to have a fingerprint clearance card to be employed by
10 or to engage in volunteer activities at a school district or charter
11 school has been arrested for or convicted of an offense listed in section
12 41-1758.03, subsection B or has been arrested for or convicted of an
13 offense that amounts to unprofessional conduct under section 15-550, the
14 department of public safety shall notify each school district and charter
15 school in this state that the person's fingerprint clearance card has
16 been suspended or revoked.
17 22. With the department of child safety as provided by law, which
18 currently is the Adam Walsh child protection and safety act of 2006 (42
19 United States Code section 16961), for the purposes of investigating or
20 responding to reports of child abuse, neglect or exploitation.
21 Information received pursuant to this paragraph from the national crime
22 information center, the interstate identification index and the Arizona
23 criminal justice information system network shall only be used for the
24 purposes of investigating or responding as prescribed in this paragraph.
25 The information shall be provided on submission to the department of
26 public safety of either:
27 (a) The fingerprints of the person being investigated.
28 (b) The name, date of birth and social security number of the person.
29 23. With a nonprofit organization that interacts with children or
30 vulnerable adults for the lawful purpose of evaluating the fitness of
31 all current and prospective employees, contractors and volunteers of the
32 organization. The criminal history record information shall be provided
33 on submission of the applicant fingerprint card and the prescribed fee.
34 24. With the superior court for the purpose of determining an
35 individual's eligibility for substance abuse and treatment courts in a
36 family or juvenile case.
37 **H G.** The director shall adopt rules necessary to execute this section.
38 **I H.** The director, in the manner prescribed by law, shall remove and
39 destroy records that the director determines are no longer of value in
40 the detection or prevention of crime.

1 **I**. The director shall establish a fee in an amount necessary to cover
2 the cost of federal noncriminal justice fingerprint processing for
3 criminal history record information checks that are authorized by law
4 for noncriminal justice employment, licensing or other lawful purposes.
5 An additional fee may be charged by the department for state noncriminal
6 justice fingerprint processing. Fees submitted to the department for
7 state noncriminal justice fingerprint processing are not refundable.

8 **J**. The director shall establish a fee in an amount necessary to cover
9 the cost of processing copies of department reports, eight by ten inch
10 black and white photographs or eight by ten inch color photographs of
11 traffic accident scenes.

12 **K**. Except as provided in subsection 0 of this section, each agency
13 authorized by this section may charge a fee, in addition to any other
14 fees prescribed by law, in an amount necessary to cover the cost of state
15 and federal noncriminal justice fingerprint processing for criminal
16 history record information checks that are authorized by law for
17 noncriminal justice employment, licensing or other lawful purposes.

18 **L**. A fingerprint account within the records processing fund is
19 established for the purpose of separately accounting for the collection
20 and payment of fees for noncriminal justice fingerprint processing by
21 the department. Monies collected for this purpose shall be credited to
22 the account, and payments by the department to the United States for
23 federal noncriminal justice fingerprint processing shall be charged
24 against the account. Monies in the account not required for payment to
25 the United States shall be used by the department in support of the
26 department's noncriminal justice fingerprint processing duties. At the
27 end of each fiscal year, any balance in the account not required for
28 payment to the United States or to support the department's noncriminal
29 justice fingerprint processing duties reverts to the state general fund.

30 **M**. A records processing fund is established for the purpose of
31 separately accounting for the collection and payment of fees for
32 department reports and photographs of traffic accident scenes processed
33 by the department. Monies collected for this purpose shall be credited
34 to the fund and shall be used by the department in support of functions
35 related to providing copies of department reports and photographs. At
36 the end of each fiscal year, any balance in the fund not required for
37 support of the functions related to providing copies of department
38 reports and photographs reverts to the state general fund.

39 **N**. The department of child safety may pay from appropriated monies the
40 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 7, the licensing of foster parents or the
4 certification of adoptive parents.

5 **P O.** 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 P.** The director shall ensure that the following limitations are
10 observed regarding dissemination of criminal justice information
11 obtained from the central state repository or through the Arizona
12 criminal justice 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
32 the central state repositories of those states for dissemination in
33 accordance with the laws of those states.

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

37 **R Q.** This section and the rules adopted under this section apply to all
38 agencies and individuals collecting, storing or disseminating criminal
39 justice information processed by manual or automated operations if the
40 collection, storage or dissemination is funded in whole or in part with

1 monies made available by the law enforcement assistance administration
2 after July 1, 1973, pursuant to title I of the crime control act of 1973,
3 and to all agencies that interact with or receive criminal justice
4 information from or through the central state repository and through the
5 Arizona criminal justice information system.

6 **S R.** This section does not apply to criminal history record information
7 contained in:

8 1. Posters, arrest warrants, announcements or lists for identifying or
9 apprehending fugitives or wanted persons.

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

14 3. Transcripts or records of judicial proceedings if released by a court
15 or legislative or administrative proceedings.

16 4. Announcements of executive clemency or pardon.

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

22 **T S.** Nothing in this section prevents a criminal justice agency from
23 disclosing to the public criminal history record information that is
24 reasonably contemporaneous to the event for which an individual is
25 currently within the criminal justice system, including information
26 noted on traffic accident reports concerning citations, blood alcohol
27 tests or arrests made in connection with the traffic accident being
28 investigated.

29 ~~U. In order to ensure that complete and accurate criminal history record
30 information is maintained and disseminated by the central state
31 repository:~~

32 ~~1. The arresting authority shall take legible ten-print fingerprints of
33 all persons who are arrested for offenses listed in subsection C of this
34 section including persons who are arrested and released pursuant to
35 section 13-3903, subsection C. The arresting authority may transfer an
36 arrestee to a booking agency for ten-print fingerprinting. The arresting
37 authority or booking agency shall obtain a process control number and
38 provide to the person fingerprinted a document that indicates proof of
39 the fingerprinting and that informs the person that the document must
40 be presented to the court.~~

1 ~~2. The mandatory fingerprint compliance form shall contain the following~~
2 ~~information:~~
3 ~~(a) Whether ten-print fingerprints have been obtained from the person.~~
4 ~~(b) Whether a process control number was obtained.~~
5 ~~(c) The offense or offenses for which the process control number was~~
6 ~~obtained.~~
7 ~~(d) Any report number of the arresting authority.~~
8 ~~(e) Instructions on reporting for ten-print fingerprinting, including~~
9 ~~available times and locations for reporting for ten-print~~
10 ~~fingerprinting.~~
11 ~~(f) Instructions that direct the person to provide the form to the court~~
12 ~~at the person's next court appearance.~~
13 ~~3. Within ten days after a person is fingerprinted, the arresting~~
14 ~~authority or agency that took the fingerprints shall forward the~~
15 ~~fingerprints to the department in the manner or form required by the~~
16 ~~department.~~
17 ~~4. On the issuance of a summons for a defendant who is charged with an~~
18 ~~offense listed in subsection C of this section, the summons shall direct~~
19 ~~the defendant to provide ten-print fingerprints to the appropriate law~~
20 ~~enforcement agency.~~
21 ~~5. At the initial appearance or on the arraignment of a summoned~~
22 ~~defendant who is charged with an offense listed in subsection C of this~~
23 ~~section, if the person does not present a completed mandatory fingerprint~~
24 ~~compliance form to the court or if the court has not received the process~~
25 ~~control number, the court shall order that within twenty calendar days~~
26 ~~the defendant be ten-print fingerprinted at a designated time and place~~
27 ~~by the appropriate law enforcement agency.~~
28 ~~6. If the defendant fails to present a completed mandatory fingerprint~~
29 ~~compliance form or if the court has not received the process control~~
30 ~~number, the court, on its own motion, may remand the defendant into~~
31 ~~custody for ten-print fingerprinting. If otherwise eligible for release,~~
32 ~~the defendant shall be released from custody after being ten-print~~
33 ~~fingerprinted.~~
34 ~~7. In every criminal case in which the defendant is incarcerated or~~
35 ~~fingerprinted as a result of the charge, an originating law enforcement~~
36 ~~agency or prosecutor, within forty days of the disposition, shall advise~~
37 ~~the central state repository of all dispositions concerning the~~
38 ~~termination of criminal proceedings against an individual arrested for~~
39 ~~an offense specified in subsection C of this section. This information~~
40 ~~shall be submitted on a form or in a manner required by the department.~~

1 ~~8. Dispositions resulting from formal proceedings in a court having~~
2 ~~jurisdiction in a criminal action against an individual who is arrested~~
3 ~~for an offense specified in subsection C of this section or section 8-~~
4 ~~341, subsection V, paragraph 3 shall be reported to the central state~~
5 ~~repository within forty days of the date of the disposition. This~~
6 ~~information shall be submitted on a form or in a manner specified by~~
7 ~~rules approved by the supreme court.~~

8 ~~9. The state department of corrections or the department of juvenile~~
9 ~~corrections, within forty days, shall advise the central state repository~~
10 ~~that it has assumed supervision of a person convicted of an offense~~
11 ~~specified in subsection C of this section or section 8-341, subsection~~
12 ~~V, paragraph 3. The state department of corrections or the department~~
13 ~~of juvenile corrections shall also report dispositions that occur~~
14 ~~thereafter to the central state repository within forty days of the date~~
15 ~~of the dispositions. This information shall be submitted on a form or~~
16 ~~in a manner required by the department of public safety.~~

17 ~~10. Each criminal justice agency shall query the central state repository~~
18 ~~before dissemination of any criminal history record information to ensure~~
19 ~~the completeness of the information. Inquiries shall be made before any~~
20 ~~dissemination except in those cases in which time is of the essence and~~
21 ~~the repository is technically incapable of responding within the~~
22 ~~necessary time period. If time is of the essence, the inquiry shall still~~
23 ~~be made and the response shall be provided as soon as possible.~~

24 **¶ T.** The director shall adopt rules specifying that any agency that
25 collects, stores or disseminates criminal justice information that is
26 subject to this section shall establish effective security measures to
27 protect the information from unauthorized access, disclosure,
28 modification or dissemination. The rules shall include reasonable
29 safeguards to protect the affected information systems from fire, flood,
30 wind, theft, sabotage or other natural or man-made hazards or disasters.

31 **¶ U.** The department shall make available to agencies that contribute to,
32 or receive criminal justice information from, the central state
33 repository or through the Arizona criminal justice information system a
34 continuing training program in the proper methods for collecting, storing
35 and disseminating information in compliance with this section.

36 **¶ V.** Nothing in this section creates a cause of action or a right to
37 bring an action including an action based on discrimination due to sexual
38 orientation.

39 **¶ W.** For the purposes of this section:

- 1 1. "Administration of criminal justice" means performance of the
2 detection, apprehension, detention, pretrial release, posttrial release,
3 prosecution, adjudication, correctional supervision or rehabilitation of
4 criminal offenders. Administration of criminal justice includes
5 enforcement of criminal traffic offenses and civil traffic violations,
6 including parking violations, when performed by a criminal justice
7 agency. Administration of criminal justice also includes criminal
8 identification activities and the collection, storage and dissemination
9 of criminal history record information.
- 10 2. "Administrative records" means records that contain adequate and
11 proper documentation of the organization, functions, policies,
12 decisions, procedures and essential transactions of the agency and that
13 are designed to furnish information to protect the rights of this state
14 and of persons directly affected by the agency's activities.
- 15 3. "Arizona criminal justice information system" or "system" means the
16 statewide information system managed by the director for the collection,
17 processing, preservation, dissemination and exchange of criminal justice
18 information and includes the electronic equipment, facilities,
19 procedures and agreements necessary to exchange this information.
- 20 4. "Central state repository" means the central location within the
21 department for the collection, storage and dissemination of Arizona
22 criminal history records and related criminal justice information.
- 23 5. "Criminal history record information" and "criminal history record"
24 means information that is collected by criminal justice agencies on
25 individuals and that consists of identifiable descriptions and notations
26 of arrests, detentions, indictments and other formal criminal charges,
27 and any disposition arising from those actions, sentencing, formal
28 correctional supervisory action and release. Criminal history record
29 information and criminal history record do not include identification
30 information to the extent that the information does not indicate
31 involvement of the individual in the criminal justice system or
32 information relating to juveniles unless they have been adjudicated as
33 adults.
- 34 6. "Criminal justice agency" means either:
35 (a) A court at any governmental level with criminal or equivalent
36 jurisdiction, including courts of any foreign sovereignty duly
37 recognized by the federal government.
38 (b) A government agency or subunit of a government agency that is
39 specifically authorized to perform as its principal function the
40 administration of criminal justice pursuant to a statute, ordinance or

1 executive order and that allocates more than fifty per cent of its annual
2 budget to the administration of criminal justice. This subdivision
3 includes agencies of any foreign sovereignty duly recognized by the
4 federal government.

5 7. "Criminal justice information" means information that is collected by
6 criminal justice agencies and that is needed for the performance of their
7 legally authorized and required functions, such as criminal history
8 record information, citation information, stolen property information,
9 traffic accident reports, wanted persons information and system network
10 log searches. Criminal justice information does not include the
11 administrative records of a criminal justice agency.

12 8. "Disposition" means information disclosing that a decision has been
13 made not to bring criminal charges or that criminal proceedings have
14 been concluded or information relating to sentencing, correctional
15 supervision, release from correctional supervision, the outcome of an
16 appellate review of criminal proceedings or executive clemency.

17 9. "Dissemination" means the written, oral or electronic communication
18 or transfer of criminal justice information to individuals and agencies
19 other than the criminal justice agency that maintains the information.
20 Dissemination includes the act of confirming the existence or
21 nonexistence of criminal justice information.

22 10. "Management control":

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

24 (i) Priorities regarding development and operation of criminal justice
25 information systems and programs.

26 (ii) Standards for the selection, supervision and termination of
27 personnel involved in the development of criminal justice information
28 systems and programs and in the collection, maintenance, analysis and
29 dissemination of criminal justice information.

30 (iii) Policies governing the operation of computers, circuits and
31 telecommunications terminals used to process criminal justice
32 information to the extent that the equipment is used to process, store
33 or transmit criminal justice information.

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

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

1 12. "Secondary dissemination" means the dissemination of criminal
2 justice information from an individual or agency that originally obtained
3 the information from the central state repository or through the Arizona
4 criminal justice information system to another individual or agency.

5 13. "Sexual orientation" means consensual homosexuality or
6 heterosexuality.

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

9 **Section 2. 41-1757. Law enforcement; courts; fingerprinting**

10 **A. THE CHIEF OFFICERS OF CRIMINAL JUSTICE AGENCIES OF THIS STATE OR ITS**
11 **POLITICAL SUBDIVISIONS SHALL PROVIDE TO THE CENTRAL STATE REPOSITORY**
12 **FINGERPRINTS AND INFORMATION CONCERNING PERSONAL IDENTIFICATION DATA,**
13 **DESCRIPTIONS, CRIMES FOR WHICH PERSONS ARE ARRESTED, PROCESS CONTROL**
14 **NUMBERS AND DISPOSITIONS AND SUCH OTHER INFORMATION AS MAY BE PERTINENT**
15 **TO ALL PERSONS WHO HAVE BEEN CHARGED WITH, ARRESTED FOR, CONVICTED OF**
16 **OR SUMMONED TO COURT AS CRIMINAL DEFENDANTS FOR FELONY OFFENSES OR**
17 **OFFENSES INVOLVING DOMESTIC VIOLENCE AS DEFINED IN SECTION 13-3601 OR**
18 **VIOLATIONS OF TITLE 13, CHAPTER 14 OR TITLE 28, CHAPTER 4 THAT HAVE**
19 **OCCURRED IN THIS STATE.**

20 **B. IN ORDER TO ENSURE THAT COMPLETE AND ACCURATE CRIMINAL HISTORY RECORD**
21 **INFORMATION IS MAINTAINED AND DISSEMINATED BY THE CENTRAL STATE**
22 **REPOSITORY:**

23 **1. THE ARRESTING AUTHORITY SHALL TAKE LEGIBLE TEN-PRINT FINGERPRINTS OF**
24 **ALL PERSONS WHO ARE ARRESTED FOR OFFENSES LISTED IN SUBSECTION A OF THIS**
25 **SECTION INCLUDING PERSONS WHO ARE ARRESTED AND RELEASED PURSUANT TO**
26 **SECTION 13-3903, SUBSECTION C. THE ARRESTING AUTHORITY MAY TRANSFER AN**
27 **ARRESTEE TO A BOOKING AGENCY FOR TEN-PRINT FINGERPRINTING. THE ARRESTING**
28 **AUTHORITY OR BOOKING AGENCY SHALL OBTAIN A PROCESS CONTROL NUMBER AND**
29 **PROVIDE TO THE PERSON FINGERPRINTED A DOCUMENT THAT INDICATES PROOF OF**
30 **THE FINGERPRINTING AND THAT INFORMS THE PERSON THAT THE DOCUMENT MUST**
31 **BE PRESENTED TO THE COURT.**

32 **2. THE MANDATORY FINGERPRINT COMPLIANCE FORM SHALL CONTAIN THE FOLLOWING**
33 **INFORMATION:**

34 **(A) WHETHER TEN-PRINT FINGERPRINTS HAVE BEEN OBTAINED FROM THE PERSON.**

35 **(B) WHETHER A PROCESS CONTROL NUMBER WAS OBTAINED.**

36 **(C) THE OFFENSE OR OFFENSES FOR WHICH THE PROCESS CONTROL NUMBER WAS**
37 **OBTAINED.**

38 **(D) ANY REPORT NUMBER OF THE ARRESTING AUTHORITY.**

1 (E) INSTRUCTIONS ON REPORTING FOR TEN-PRINT FINGERPRINTING, INCLUDING
2 AVAILABLE TIMES AND LOCATIONS FOR REPORTING FOR TEN-PRINT
3 FINGERPRINTING.

4 (F) INSTRUCTIONS THAT DIRECT THE PERSON TO PROVIDE THE FORM TO THE COURT
5 AT THE PERSON'S NEXT COURT APPEARANCE.

6 3. WITHIN TEN DAYS AFTER A PERSON IS FINGERPRINTED, THE ARRESTING
7 AUTHORITY OR AGENCY THAT TOOK THE FINGERPRINTS SHALL FORWARD THE
8 FINGERPRINTS TO THE DEPARTMENT IN THE MANNER OR FORM REQUIRED BY THE
9 DEPARTMENT.

10 4. ON THE ISSUANCE OF A SUMMONS FOR A DEFENDANT WHO IS CHARGED WITH AN
11 OFFENSE LISTED IN SUBSECTION C OF THIS SECTION, THE SUMMONS SHALL DIRECT
12 THE DEFENDANT TO PROVIDE TEN-PRINT FINGERPRINTS TO THE APPROPRIATE LAW
13 ENFORCEMENT AGENCY.

14 5. AT THE INITIAL APPEARANCE OR ON THE ARRAIGNMENT OF A SUMMONED
15 DEFENDANT WHO IS CHARGED WITH AN OFFENSE LISTED IN SUBSECTION C OF THIS
16 SECTION, IF THE PERSON DOES NOT PRESENT A COMPLETED MANDATORY FINGERPRINT
17 COMPLIANCE FORM TO THE COURT OR IF THE COURT HAS NOT RECEIVED THE PROCESS
18 CONTROL NUMBER, THE COURT SHALL ORDER THAT WITHIN TWENTY CALENDAR DAYS
19 THE DEFENDANT BE TEN-PRINT FINGERPRINTED AT A DESIGNATED TIME AND PLACE
20 BY THE APPROPRIATE LAW ENFORCEMENT AGENCY.

21 6. IF THE DEFENDANT FAILS TO PRESENT A COMPLETED MANDATORY FINGERPRINT
22 COMPLIANCE FORM OR IF THE COURT HAS NOT RECEIVED THE PROCESS CONTROL
23 NUMBER, THE COURT, ON ITS OWN MOTION, MAY REMAND THE DEFENDANT INTO
24 CUSTODY FOR TEN-PRINT FINGERPRINTING. IF OTHERWISE ELIGIBLE FOR RELEASE,
25 THE DEFENDANT SHALL BE RELEASED FROM CUSTODY AFTER BEING TEN-PRINT
26 FINGERPRINTED.

27 7. IN EVERY CRIMINAL CASE IN WHICH THE DEFENDANT IS INCARCERATED OR
28 FINGERPRINTED AS A RESULT OF THE CHARGE, AN ORIGINATING LAW ENFORCEMENT
29 AGENCY OR PROSECUTOR, WITHIN FORTY DAYS OF THE DISPOSITION, SHALL ADVISE
30 THE CENTRAL STATE REPOSITORY OF ALL DISPOSITIONS CONCERNING THE
31 TERMINATION OF CRIMINAL PROCEEDINGS AGAINST AN INDIVIDUAL ARRESTED FOR
32 AN OFFENSE SPECIFIED IN SUBSECTION C OF THIS SECTION. THIS INFORMATION
33 SHALL BE SUBMITTED ON A FORM OR IN A MANNER REQUIRED BY THE DEPARTMENT.

34 8. DISPOSITIONS RESULTING FROM FORMAL PROCEEDINGS IN A COURT HAVING
35 JURISDICTION IN A CRIMINAL ACTION AGAINST AN INDIVIDUAL WHO IS ARRESTED
36 FOR AN OFFENSE SPECIFIED IN SUBSECTION C OF THIS SECTION OR SECTION 8-
37 341, SUBSECTION V, PARAGRAPH 3 SHALL BE REPORTED TO THE CENTRAL STATE
38 REPOSITORY WITHIN FORTY DAYS OF THE DATE OF THE DISPOSITION. THIS
39 INFORMATION SHALL BE SUBMITTED ON A FORM OR IN A MANNER SPECIFIED BY
40 RULES APPROVED BY THE SUPREME COURT.

1 9. THE STATE DEPARTMENT OF CORRECTIONS OR THE DEPARTMENT OF JUVENILE
2 CORRECTIONS, WITHIN FORTY DAYS, SHALL ADVISE THE CENTRAL STATE REPOSITORY
3 THAT IT HAS ASSUMED SUPERVISION OF A PERSON CONVICTED OF AN OFFENSE
4 SPECIFIED IN SUBSECTION C OF THIS SECTION OR SECTION 8-341, SUBSECTION
5 V, PARAGRAPH 3. THE STATE DEPARTMENT OF CORRECTIONS OR THE DEPARTMENT
6 OF JUVENILE CORRECTIONS SHALL ALSO REPORT DISPOSITIONS THAT OCCUR
7 THEREAFTER TO THE CENTRAL STATE REPOSITORY WITHIN FORTY DAYS OF THE DATE
8 OF THE DISPOSITIONS. THIS INFORMATION SHALL BE SUBMITTED ON A FORM OR
9 IN A MANNER REQUIRED BY THE DEPARTMENT OF PUBLIC SAFETY.

10 10. EACH CRIMINAL JUSTICE AGENCY SHALL QUERY THE CENTRAL STATE REPOSITORY
11 BEFORE DISSEMINATION OF ANY CRIMINAL HISTORY RECORD INFORMATION TO ENSURE
12 THE COMPLETENESS OF THE INFORMATION. INQUIRIES SHALL BE MADE BEFORE ANY
13 DISSEMINATION EXCEPT IN THOSE CASES IN WHICH TIME IS OF THE ESSENCE AND
14 THE REPOSITORY IS TECHNICALLY INCAPABLE OF RESPONDING WITHIN THE
15 NECESSARY TIME PERIOD. IF TIME IS OF THE ESSENCE, THE INQUIRY SHALL STILL
16 BE MADE AND THE RESPONSE SHALL BE PROVIDED AS SOON AS POSSIBLE.

17 C. THE DIRECTOR SHALL ADOPT RULES SPECIFYING THAT ANY AGENCY THAT
18 COLLECTS, STORES OR DISSEMINATES CRIMINAL JUSTICE INFORMATION THAT IS
19 SUBJECT TO THIS SECTION SHALL ESTABLISH EFFECTIVE SECURITY MEASURES TO
20 PROTECT THE INFORMATION FROM UNAUTHORIZED ACCESS, DISCLOSURE,
21 MODIFICATION OR DISSEMINATION. THE RULES SHALL INCLUDE REASONABLE
22 SAFEGUARDS TO PROTECT THE AFFECTED INFORMATION SYSTEMS FROM FIRE, FLOOD,
23 WIND, THEFT, SABOTAGE OR OTHER NATURAL OR MAN-MADE HAZARDS OR DISASTERS.

24 D. THE DIRECTOR AND THE SUPREME COURT MAY ADOPT RULES NECESSARY TO
25 EXECUTE THIS SECTION.

26 E. 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,
32 INCLUDING PARKING VIOLATIONS, WHEN PERFORMED BY A CRIMINAL JUSTICE
33 AGENCY. ADMINISTRATION OF CRIMINAL JUSTICE ALSO INCLUDES CRIMINAL
34 IDENTIFICATION ACTIVITIES AND THE COLLECTION, STORAGE AND DISSEMINATION
35 OF CRIMINAL HISTORY RECORD INFORMATION.

36 2. "ADMINISTRATIVE RECORDS" MEANS RECORDS THAT CONTAIN ADEQUATE AND
37 PROPER DOCUMENTATION OF THE ORGANIZATION, FUNCTIONS, POLICIES,
38 DECISIONS, PROCEDURES AND ESSENTIAL TRANSACTIONS OF THE AGENCY AND THAT
39 ARE DESIGNED TO FURNISH INFORMATION TO PROTECT THE RIGHTS OF THIS STATE
40 AND OF PERSONS DIRECTLY AFFECTED BY THE AGENCY'S ACTIVITIES.

1 3. "ARIZONA CRIMINAL JUSTICE INFORMATION SYSTEM" OR "SYSTEM" MEANS THE
2 STATEWIDE INFORMATION SYSTEM MANAGED BY THE DIRECTOR FOR THE COLLECTION,
3 PROCESSING, PRESERVATION, DISSEMINATION AND EXCHANGE OF CRIMINAL JUSTICE
4 INFORMATION AND INCLUDES THE ELECTRONIC EQUIPMENT, FACILITIES,
5 PROCEDURES AND AGREEMENTS NECESSARY TO EXCHANGE THIS INFORMATION.
6 4. "CENTRAL STATE REPOSITORY" MEANS THE CENTRAL LOCATION WITHIN THE
7 DEPARTMENT FOR THE COLLECTION, STORAGE AND DISSEMINATION OF ARIZONA
8 CRIMINAL HISTORY RECORDS AND RELATED CRIMINAL JUSTICE INFORMATION.
9 5. "CRIMINAL HISTORY RECORD INFORMATION" AND "CRIMINAL HISTORY RECORD"
10 MEANS INFORMATION THAT IS COLLECTED BY CRIMINAL JUSTICE AGENCIES ON
11 INDIVIDUALS AND THAT CONSISTS OF IDENTIFIABLE DESCRIPTIONS AND NOTATIONS
12 OF ARRESTS, DETENTIONS, INDICTMENTS AND OTHER FORMAL CRIMINAL CHARGES,
13 AND ANY DISPOSITION ARISING FROM THOSE ACTIONS, SENTENCING, FORMAL
14 CORRECTIONAL SUPERVISORY ACTION AND RELEASE. CRIMINAL HISTORY RECORD
15 INFORMATION AND CRIMINAL HISTORY RECORD DO NOT INCLUDE IDENTIFICATION
16 INFORMATION TO THE EXTENT THAT THE INFORMATION DOES NOT INDICATE
17 INVOLVEMENT OF THE INDIVIDUAL IN THE CRIMINAL JUSTICE SYSTEM OR
18 INFORMATION RELATING TO JUVENILES UNLESS THEY HAVE BEEN ADJUDICATED AS
19 ADULTS.
20 6. "CRIMINAL JUSTICE AGENCY" MEANS EITHER:
21 (A) A COURT AT ANY GOVERNMENTAL LEVEL WITH CRIMINAL OR EQUIVALENT
22 JURISDICTION, INCLUDING COURTS OF ANY FOREIGN SOVEREIGNTY DULY
23 RECOGNIZED BY THE FEDERAL GOVERNMENT.
24 (B) A GOVERNMENT AGENCY OR SUBUNIT OF A GOVERNMENT AGENCY THAT IS
25 SPECIFICALLY AUTHORIZED TO PERFORM AS ITS PRINCIPAL FUNCTION THE
26 ADMINISTRATION OF CRIMINAL JUSTICE PURSUANT TO A STATUTE, ORDINANCE OR
27 EXECUTIVE ORDER AND THAT ALLOCATES MORE THAN FIFTY PER CENT OF ITS ANNUAL
28 BUDGET TO THE ADMINISTRATION OF CRIMINAL JUSTICE. THIS SUBDIVISION
29 INCLUDES AGENCIES OF ANY FOREIGN SOVEREIGNTY DULY RECOGNIZED BY THE
30 FEDERAL GOVERNMENT.
31 7. "CRIMINAL JUSTICE INFORMATION" MEANS INFORMATION THAT IS COLLECTED BY
32 CRIMINAL JUSTICE AGENCIES AND THAT IS NEEDED FOR THE PERFORMANCE OF THEIR
33 LEGALLY AUTHORIZED AND REQUIRED FUNCTIONS, SUCH AS CRIMINAL HISTORY
34 RECORD INFORMATION, CITATION INFORMATION, STOLEN PROPERTY INFORMATION,
35 TRAFFIC ACCIDENT REPORTS, WANTED PERSONS INFORMATION AND SYSTEM NETWORK
36 LOG SEARCHES. CRIMINAL JUSTICE INFORMATION DOES NOT INCLUDE THE
37 ADMINISTRATIVE RECORDS OF A CRIMINAL JUSTICE AGENCY.
38 8. "DISPOSITION" MEANS INFORMATION DISCLOSING THAT A DECISION HAS BEEN
39 MADE NOT TO BRING CRIMINAL CHARGES OR THAT CRIMINAL PROCEEDINGS HAVE
40 BEEN CONCLUDED OR INFORMATION RELATING TO SENTENCING, CORRECTIONAL

1 SUPERVISION, RELEASE FROM CORRECTIONAL SUPERVISION, THE OUTCOME OF AN
2 APPELLATE REVIEW OF CRIMINAL PROCEEDINGS OR EXECUTIVE CLEMENCY.
3 9. "DISSEMINATION" MEANS THE WRITTEN, ORAL OR ELECTRONIC COMMUNICATION
4 OR TRANSFER OF CRIMINAL JUSTICE INFORMATION TO INDIVIDUALS AND AGENCIES
5 OTHER THAN THE CRIMINAL JUSTICE AGENCY THAT MAINTAINS THE INFORMATION.
6 DISSEMINATION INCLUDES THE ACT OF CONFIRMING THE EXISTENCE OR
7 NONEXISTENCE OF CRIMINAL JUSTICE INFORMATION.
8 10. "PROCESS CONTROL NUMBER" MEANS THE ARIZONA AUTOMATED FINGERPRINT
9 IDENTIFICATION SYSTEM NUMBER THAT ATTACHES TO EACH ARREST EVENT AT THE
10 TIME OF FINGERPRINTING AND THAT IS ASSIGNED TO THE ARREST FINGERPRINT
11 CARD, DISPOSITION FORM AND OTHER PERTINENT DOCUMENTS.