



ARIZONA STATE SENATE
Fiftieth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR H.B. 2674

central state repository; nonprofit organizations

Purpose

Requires the Department of Public Safety (DPS) to exchange criminal justice information in the central state repository with nonprofit organizations that interact with children or vulnerable adults. Eliminates the driving restriction related to certain fingerprint clearance card holders.

Background

Statute specifies that DPS is responsible for the effective operation of the central state repository (repository) in order to collect, store and disseminate complete and accurate Arizona criminal history records and related criminal justice information. The Arizona Criminal Justice Information System (ACJIS) is the statewide information system for the collection, processing, preservation, dissemination and exchange of criminal justice information, including the electronic equipment, facilities, procedures and agreements necessary to exchange this information. Copies of criminal records are restricted to authorized individuals and agencies (A.R.S. § 41-1750). The Director of DPS (Director) must authorize the exchange of criminal justice information between the repository or through ACJIS only with specified entities pursuant to statute, including noncriminal justice agencies pursuant to statute, ordinance or executive order for the purpose of evaluating the fitness of current or prospective licensees, employees or volunteers. In November 2011, the Governor authorized DPS to provide Arizona criminal history record information to certain nonprofit organizations, in accordance with rules issued by DPS. H.B. 2674 codifies Executive Order 2011-07.

Laws 1998, Chapter 270 standardized state and federal criminal history records checks conducted by the Departments of Economic Security, Education, Health Services and Juvenile Corrections and the Arizona Supreme Court into a single process with the use of fingerprint clearance cards (cards). Arizona statutes require a card for several types of professional licensure, certification and state jobs, mainly those that involve working with children or vulnerable adults. DPS must deny a card if an applicant is subject to registration as a sex offender, has been convicted of or is awaiting trial for certain crimes listed in statute or if it cannot determine the outcome of an arrest for these crimes within 30 business days of receiving the criminal records. A card applicant who was convicted of a driving under the influence (DUI) offense within five years may receive a card; however, the card has a notation that precludes the person from driving a vehicle to transport employees or clients of the employing agency as part of the person's employment (A.R.S. §§ 41-1758.03, 41-1758.07).

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There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires the Director to authorize the exchange of criminal justice information between the repository or through ACJIS with a nonprofit organization that interacts with children or vulnerable adults for the lawful purpose of evaluating the fitness of all current and prospective employees, contractors and volunteers of the organization.
2. Requires the criminal history record information to be provided on submission of the applicant fingerprint card and prescribed fee.
3. Eliminates the driving restriction for DUI offenders who are standard card holders, relating to transporting employees or clients.
4. Makes technical changes.
5. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

- Removes a driving restriction related to standard fingerprint clearance cards.

House Action

MAPS 2/8/12 DP 7-0-0-2
3rd Read 2/28/12 51-5-0-1

Senate Action

PSHS 3/7/12 DP 6-0-0-0
3rd Read 4/4/12 29-0-1-0

Prepared by Senate Research
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