



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, Second Regular Session*

**AMENDED**  
FACT SHEET FOR H.B. 2243

fingerprinting; criminal history; records check

Purpose

An emergency measure that modifies policies and procedures relating to the use of fingerprints and criminal history records checks.

Background

The Department of Public Safety (DPS) is responsible for the operation of the Central State Repository in order to collect, store and disseminate complete and accurate criminal history records and related information. DPS must procure, from all criminal justice agencies in Arizona, accurate and complete personal identification data, fingerprints, charges, process control numbers and dispositions and other such information as may be pertinent for individuals charged, arrested for, convicted of or summoned to court for specified offenses. The Director of DPS must authorize the exchange of criminal justice information with outlined agencies and individuals, including the Federal Bureau of Investigation (FBI), various state agencies who require Fingerprint Clearance Cards (FCCs) for certain employment positions, and the Board of Fingerprinting (Board) ([A.R.S. § 41-1750](#)).

The Board is required to determine good cause exceptions for persons who are denied FCCs due to precluding criminal offenses. The Board may grant a good cause exception at a hearing if the person shows to the Board's satisfaction that the person is not awaiting trial on, or has not been convicted of, any precluding offenses, or that the person has rehabilitated and is not a recidivist. The Board must consider other outlined factors before granting an exception, including the extent of the person's criminal record and the time elapsed since the offense was committed. The Board's Staff must review reports of arrests, charging or conviction, and the Director of the Board (Director) must forward this information to the state agencies listed on the person's FCC application ([A.R.S. § 41-619.55](#)).

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

Provisions

1. States that the Board may only review reports of a person's arrests, charges or convictions for precluding offenses in conjunction with the person's application for a good cause exception if the person previously received an FCC or was denied an FCC.
2. Removes the requirement that the Director provide reports of arrests, charges or convictions of precluding offenses to:
  - a) state agencies listed on the person's FCC application; and
  - b) health sciences students or clinical assistants as specified.

3. Allows fingerprints submitted to criminal justice agencies and specified noncriminal justice agencies to be searched through DPS and the FBI to conduct criminal history records checks.
4. Allows DPS to retain fingerprints submitted to these entities for the purpose of being searched by future submissions to DPS, including latent fingerprint searches.
5. Allows fingerprints submitted to nonprofit organizations that interact with children or vulnerable adults to be searched by DPS to conduct criminal history records checks.
6. Allows DPS to conduct criminal history records checks through state and federal Rap Back services, rather than conduct periodic criminal history records checks, for the purpose of updating the clearance status of current criminal justice employees.
7. Allows the DPS Fingerprinting Division (Division) to conduct criminal history record checks through state and federal Rap Back services, rather than conduct periodic state and federal criminal history records checks, for the purpose of updating the clearance status of current Level I FCC holders.
8. Removes the ability of the Division to notify the Board of the results of a records check, and specifies that the Division may notify the employing agency, or the licensing agency.
9. Requires the Division, if it suspends a person's FCC and the person requests a good cause exception, to release the person's criminal history records to the Board upon the Board's request.
10. Allows for other biometric data to be provided to the Central State Repository.
11. Allows a person who has applied for an occupation or position that requires a valid FCC, and whose application is pending approval for a federal criminal records check, to be granted a temporary work authorization by the relevant agency while the person's application is being processed, provided that all other relevant requirements are met.
12. Stipulates that a person who is granted a temporary work authorization is authorized to work while the person's FCC application is being processed, if the person:
  - a) provides the agency with documentation that shows the person's application for an FCC is pending with DPS; and
  - b) certifies on notarized forms provided by the agency that the person:
    - i. has never been convicted of or admitted to committing any precluding criminal offenses, and is not awaiting trial for any such offenses; and
    - ii. is not subject to registration as a sex offender.
13. Allows a relevant agency to do any of the following:
  - a) adopt any policies and procedures necessary to implement requirements related to temporary work authorizations;
  - b) conduct third-party background checks;
  - c) deny a temporary work authorization if the relevant agency has verifiable information that the person has committed or is awaiting trial for a precluding offense, or is required to register as a sex offender; and
  - d) take appropriate disciplinary action against a person who misrepresents any of the information required for temporary work authorization.

14. Stipulates that the temporary work authorization expires if DPS denies the issuance of an FCC, and requires DPS to notify the relevant agency of the denial.
15. Repeals requirements relating to temporary work authorizations on the date that the FBI notifies DPS that the agency has been approved to conduct federal criminal records checks, and requires DPS to notify relevant agencies and the Director of Legislative Council of that date in writing.
16. Specifies that *agency* includes a board or commission.
17. Defines *biometric data* as any physical characteristics, including fingerprints and palm prints, and face, tattoo and iris images.
18. Defines *Rap Back services* as real-time or near real-time notifications of activity, such as arrests on an individual, for authorized criminal justice or noncriminal justice purposes in which continuous evaluation of the individual's criminal history is required.
19. Makes technical and conforming changes.
20. Becomes effective upon signature of the Governor, if the emergency clause is enacted.

Amendments Adopted by Committee of the Whole

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House Action

Senate Action

MAPS	1/29/24	DP	14-0-0-0	MAPS	3/6/24	DP	7-0-0
3 <sup>rd</sup> Read	2/15/24		58-0-1-0-1				

Prepared by Senate Research

April 30, 2024

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