

ARIZONA STATE SENATE

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DATE: February 10, 2023

SUBJECT: Strike everything amendment to S.B. 1221, relating to hospital; fingerprints

Purpose

Allows a licensed hospital to request assistance from a criminal justice agency, for noncriminal justice purposes, to determine the identity of an unidentified patient who is either incapacitated or deceased.

Background

The Department of Public Safety (DPS) is responsible for the effective operation of the central state repository in order to collect, store and disseminate complete and accurate Arizona criminal history records and related criminal justice information. DPS must: 1) procure from all criminal justice agencies in Arizona, accurate and complete personal identification data, fingerprints, charges, process control numbers and dispositions and other information relevant to all persons who have been charged with, arrested for, convicted of or summoned to court as a criminal defendant for outlined offenses; and 2) operate and maintain the Arizona Automated Fingerprint Identification System.

The DPS Director must establish a fee in an amount necessary to cover the cost of authorized federal noncriminal justice fingerprint processing for criminal history record information checks for noncriminal justice employment, licensing or other lawful purposes. An additional fee may be charged for state noncriminal justice fingerprint processing.

A *criminal justice agency* is a: 1) court at any governmental level with criminal or equivalent jurisdiction, including courts of any foreign sovereignty recognized by the federal government; or 2) government agency, or subunit of a government agency, that is specifically authorized to perform as its principal function the administration of criminal justice, including agencies of any foreign sovereignty recognized by the federal government, and that allocates more than 50 percent of its annual budget to the Administration of Criminal Justice ([A.R.S. § 41-1750](#)).

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

Provisions

1. Allows a licensed hospital to request assistance from a criminal justice agency, for noncriminal justice purposes, to determine the identity of an unidentified patient who is either incapacitated or deceased through an analysis of the patient's fingerprints or biometric identification techniques.

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2. Allows a private registered investigator to fingerprint or obtain the biometric information from the unidentified patient and provide the fingerprints or biometric information to the criminal justice agency without the patient's consent or authorization.
3. Requires the criminal justice agency to provide the name of the unidentified patient to the hospital, without providing of the patient's criminal history record.
4. States that the requesting hospital is responsible for the cost of fingerprinting or obtaining the biometric information from the patient and must pay the established fee.
5. Becomes effective on the general effective date.