

Minutes of Public Meeting
ARIZONA BOARD OF FINGERPRINTING
July 12, 2000

The Arizona Board of Fingerprinting held its meeting at the Department of Economic Security, 4th Floor, 1789 W. Jefferson, Phoenix, Arizona. The meeting began at approximately 9:05 a.m.

MEMBERS PRESENT

Mike LeHew
Craig Emmanuel, Alternate
Kim Pipersburgh
Joe Garcia
Cheryl Rowley

MEMBERS ABSENT

CALL TO ORDER

ROLL CALL

CHAIR'S REPORT

Mr. LeHew introduced the items. Mr. Garcia made the motions to approve the Intergovernmental Service Agreement between DPS and the Board, and to approve and submit the Board's FY 2001-2003 Strategic Plan and FY2002-2003 budget request. Motion carried 5-0.

MOTION

MINUTES

Mr. Garcia made the motion that the Board approves the minutes of the business meeting held on June 23, 2000. Motion carried 5-0.

MOTION

GENERAL SESSION

Mr. LeHew introduced the item. Mr. Garcia made the motion to establish a working committee for implementation of the new legislation. Motion carried 5-0.

**CONSIDERATION OF PROCEDURES TO
IMPLEMENT NEW LEGISLATION
EFFECTIVE JULY 18, 2000.**

MOTION

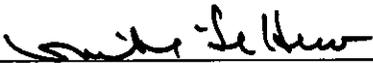
CALL TO THE PUBLIC

No one from the public attended the meeting.

ADJOURNMENT

Mr. LeHew adjourned the meeting at approximately 9:59 a.m.

Approved by the Board on the 21 day of December, 2000.



Chair

- 1) Hardline for interim approval
- 2) more flexible for consent agreement

15-534

Telephonic Good Cause Exception Hearings

Due to its volume of cases the Fingerprint Board (the Board) should have the discretion to conduct certain Good Cause Exception hearings telephonically. When evaluating which applicants should be heard telephonically the following factors should be considered:

1. The nature of the crime and the potential for future crimes against children.
2. The passage of time since the last offense.
3. Whether the Board is considering singular or multiple offenses.

Given this criteria the staff should be delegated the responsibility of determining which applicants are eligible for a telephonic hearing. Further guidelines for the setting of telephonic hearings are as follows:

guidelines

If the applicant has a ~~singular conviction~~ and that conviction is ~~five~~ or more years old the application should be considered telephonically.

via good cause exception consent agenda

1. Domestic Violence
2. DUI
3. Contributing to the delinquency of a minor
4. Fraud
5. Trespassing
6. False statements
7. Credit card transactions record theft
8. Fraudulent use of a credit card
9. Bad checks
10. Unlawful rental return
11. Aggravated criminal damage
12. Criminal damage
13. Assaults
14. Endangerment
15. Threatening intimidating
16. Assault by vicious animal
17. Shoplifting
18. Unlawful use of transportation
19. Obtaining a signature by deception

staff has flexibility to include other people who may be potential

~~20. Theft~~

Staff has the authority to add additional offenses if they feel the length of time has been significant etc

Guidelines

via good cause Consent agenda

If the applicant has a ~~singular conviction~~ for any of the following offenses and that conviction is ~~ten or more years~~ old the application should be considered telephonically.

1. Burglary
2. Possession
3. Narcotics offense
4. Fraud
5. Assault on police officers

Interim Approvals

Criteria for consideration

1. The nature of the crime and the potential for crimes against children.
2. Singular criminal offense
3. Five years has elapsed since the date of the conviction and or crime depending upon the available records.
 - DUI
 - Domestic Violence
 - Shoplifting
 - Criminal damage

1) narrative

1) ~~Anyone~~ on probation is not eligible for interim approval or consent agenda

2) If staff is not comfortable — ~~refer~~ automatically to hearing

cooperative or non cooperative

for consent agenda only — will need these

Staff make comment to Board

narrative with recommended card type

Rap Sheet

Police report if salient or available

reference the file & all original attachments to hearing



FINGERPRINT CLEARANCE CARD ELIGIBILITY INFORMATION

☛ Prior to applying for a Fingerprint Clearance Card, please read the following carefully to determine if you are eligible to receive a Fingerprint Clearance Card.

☛ The Department of Public Safety will make the Fingerprint Clearance Card eligibility determination based on the provisions in Title 41, Chapter 12.

A person who is awaiting trial on or who has been convicted of committing one or more of the following offenses in this state or similar offenses in another state or jurisdiction is precluded from receiving a Class One Fingerprint Clearance Card. If found to be awaiting trial on or convicted of committing one or more of the following offenses the person may not petition the Board of Fingerprinting for a good cause exception hearing.

1. Sexual abuse of a minor.
2. Sexual abuse of a vulnerable adult.
3. Incest.
4. First or second degree murder.
5. Kidnapping.
6. Arson.
7. Sexual Assault.
8. Sexual exploitation of a minor.
9. Sexual exploitation of a vulnerable adult.
10. Commercial sexual exploitation of a minor.
11. Commercial sexual exploitation of a vulnerable adult.
12. Felony offenses involving sale, distribution or transportation of, offer to sell, transport or distribute or conspiracy to sell, transport or distribute marijuana, dangerous drugs or narcotic drugs.
13. Robbery.
14. Child Prostitution as prescribed in Section 13-3212.
15. Child Abuse.
16. Abuse of a vulnerable adult.
17. Sexual conduct with a minor.
18. Molestation of a child.
19. Molestation of a vulnerable adult.
20. Manslaughter.
21. Aggravated Assault.
22. A dangerous crime against children as defined in Section 13-604.01.
23. Exploitation of minors involving drug offenses.
24. Felony offenses involving contributing to the delinquency of a minor.
25. Taking a child for the purposes of prostitution as defined in Section 13-3206.

A person who is awaiting trial on or who has been convicted of committing one or more of the following offenses is precluded from receiving a Class One Fingerprint Clearance Card, except that the person may petition the Board of Fingerprinting for a good cause exception hearing pursuant to Section 41-619.55:

1. Endangerment.
 2. Threatening or intimidating
- Fingerprint Clearance Card Eligibility Information (continued)
3. Assault
 4. Unlawfully administering intoxicating liquors, narcotic drugs or dangerous drugs.
 5. Assault by prisoners with intent to incite a riot or participate in a riot.
 6. Assault by vicious animals.
 7. Drive by shooting.
 8. Assaults on officers or fire fighters.
 9. Discharging a firearm at a structure.
 10. Indecent Exposure.
 11. Public sexual indecency.
 12. Lewd and lascivious acts.
 13. Criminal damage.
 14. Aggravated criminal damage.
 15. Theft.
 16. Unlawful use of means of transportation.
 17. Theft by extortion.
 18. Shoplifting.
 19. Unlawful failure to return rented property.
 20. Issuing a bad check.
 21. Forgery.
 22. Criminal possession of a forgery device.
 23. Obtaining a signature by deception.
 24. Criminal impersonation.
 25. Theft of a credit card or obtaining a credit card by fraudulent means.
 26. Receipt of anything of value obtained by fraudulent use of a credit card.
 27. Forgery of a credit card.
 28. Fraudulent use of a credit card.
 29. Possession of any machinery, plate or other contrivance or incomplete credit card.
 30. False statement as to financial condition or identity to obtain a credit card.
 31. Fraud by person authorized to provide goods or services.
 32. Credit card transaction record theft.
 33. Bribery of a public servant.
 34. Trading in public office.
 35. Commercial bribery.
 36. Improper influence on a public officer or employee for consideration.
 37. Misconduct involving weapons.
 38. Misconduct involving explosives.
 39. Depositing explosives.
 40. Misconduct involving simulated explosive devices.
 41. Concealed weapon violation.
 42. Enticement of any persons for purposes of prostitution.
 43. Procurement by false pretenses of any person for purposes of prostitution.
 44. Procuring or placing persons in a house of prostitution.
 45. Receiving earnings of a prostitute.
 46. Causing one's spouse to become a prostitute.
 47. Detention of persons in a house of prostitution for debt.
 48. Keeping or residing in a house of prostitution or employment in prostitution.
 49. Pandering.
 50. Transporting persons for the purpose of prostitution or other immoral purposes.
 51. Possession and sale of peyote.

52. Possession and sale of a vapor-releasing substance containing a toxic substance.
53. Sale of precursor chemicals.
54. Possession, use or sale of marijuana, dangerous drugs or narcotic drugs on school grounds or near schools.
55. Manufacture or distribution of an imitation controlled substance.
56. Manufacture or distribution of an imitation prescription-only drug.
57. Manufacture or distribution of an imitation over-the-counter drug.
58. Possession or possession with intent to use an imitation controlled substance.
59. Possession or possession with intent to use an imitation prescription-only drug.
60. Possession or possession with intent to use an imitation over-the-counter drug.
61. Manufacture of certain substances and drugs by certain means.
62. Adding poison or other harmful substance to food, drink or medicine.
63. Dropping objects from an overpass.
64. A criminal offense involving criminal trespass and burglary under Title 13, Chapter 15.
65. A criminal offense involving business and commercial frauds under Title 13, Chapter 22.
66. A criminal offense involving organized crime and fraud under Title 13, Chapter 23.
67. Child neglect.
68. Neglect of a vulnerable adult.
69. Misdemeanor offenses involving contributing to the delinquency of a minor.
70. Driving under the influence of intoxicating liquor or drugs as prescribed in Section 28-1381 or extreme driving under the influence of intoxicating liquor or drugs as prescribed in Section 28-1382 or aggravated driving under the influence of intoxicating liquor or drugs as prescribed in Section 28-1383.
71. Offenses involving domestic violence.

A person who is awaiting trial on or who has been convicted of committing one or more of the following offenses in this state or similar offenses in another state or jurisdiction is precluded from receiving a Class Two Fingerprint Clearance Card. If found to be awaiting trial on or convicted of committing one or more of the following offenses the person may not petition the Board of Fingerprinting for a good cause exception hearing.

1. Sexual abuse of a minor.
2. Incest.
3. First or second degree murder.
4. Sexual assault.
5. Sexual exploitation of a minor.
6. Commercial sexual exploitation of a minor.
7. A dangerous crime against children as defined in Section 13-604.01.
8. Child abuse.
9. Sexual conduct with a minor.
10. Molestation of a child.
11. Exploitation of minors involving drug offenses.

A person who is awaiting trial on or who has been convicted of committing one or more of the following offenses is precluded from receiving a Class Two Fingerprint Clearance Card, except that the person may petition the Board of Fingerprinting for a good cause exception hearing pursuant to Section 41-619.55:

1. Arson.
2. Felony offenses involving contributing to the delinquency of a minor.
3. Felony offenses involving sale, distribution or transportation of, offer to sell, transport or distribute or conspiracy to sell, transport or distribute marijuana, dangerous drugs or narcotic drugs.
4. Felony offenses involving the possession or use of marijuana, dangerous drugs or narcotic drugs.
5. Burglary.
6. Aggravated or armed robbery.
7. Robbery.

8. Kidnapping.
9. Manslaughter.
10. Assault or aggravated assault.
11. Driving under the influence of intoxicating liquor or drugs as prescribed in Section 28-1381 or extreme driving under the influence of intoxicating liquor or drugs as prescribed in Section 28-1382 or aggravated driving under the influence of intoxicating liquor or drugs as prescribed in Section 28-1383.
12. Offenses involving domestic violence.

The offenses and statutory references listed on the previous pages may be modified at any time due to legislative action. For the most current list of legislatively mandated precluded offenses refer to ARS 41-1758.03.

If the Department of Public Safety is unable to determine within fifteen business days of receipt of the person's state and federal criminal history record information whether the person is awaiting trial on or has been convicted of committing any of the offenses listed above, the department may not issue a class one or class two fingerprint clearance card. (ARS § 41-1758.03 O.) However, the person may request a good cause exception hearing pursuant to Section 41-619.55. (ARS § 41-1758.03)