



## **ARIZONA BOARD OF FINGERPRINTING**

Mail Code 185 • Post Office Box 6129 • Phoenix, Arizona 85005-6129  
Telephone (602) 322-8590 • Fax (602) 322-8594

### **Notice of Public Meeting**

February 23, 2007, at 9:00 a.m.

2222 West Encanto Blvd., Suite 350, Phoenix, Arizona

#### **Board Members**

Mike LeHew, Department of Economic Security, Chair  
Kim Pipersburgh, Department of Health Services, Vice Chair  
Rand Rosenbaum, Administrative Office of the Courts  
Charles Easaw, Department of Education  
Arthur W. Baker, Department of Juvenile Corrections

#### **Executive Director**

Dennis Seavers

Pursuant to Arizona Revised Statutes ("A.R.S.") § 38-431.02, notice is hereby given to the members of the Arizona Board of Fingerprinting ("board") and to the general public that the board will hold a meeting open to the public as specified below. The board reserves the right to change the order of the agenda.

Individuals who wish to acquire background material provided to board members (with the exception of material relating to possible or previous executive sessions) may request them by contacting Dennis Seavers at (602) 322-8593.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter by contacting Dennis Seavers at (602) 322-8593. Requests should be made as early as possible to allow time to arrange the accommodation.

DATED AND POSTED THIS 21st day of February 2007 at 11:00 a.m.

Arizona Board of Fingerprinting

By \_\_\_\_\_  
Dennis Seavers, Executive Director

### AGENDA

I. CALL TO ORDER AND ROLL CALL Mr. LeHew

II. CALL TO THE PUBLIC Mr. LeHew

At this portion of the meeting, the public is invited to make comments. Arizona law prohibits board members from discussing items that are not on the agenda. Therefore, action taken as a result of public comment will be limited to scheduling the matter for further consideration and decision at a later date.

IV. LEGISLATION Mr. Seavers

At this portion of the meeting, the Board will discuss legislation that is pending at the Arizona State Legislature, especially Senate Bill 1045.

V. ADJOURNMENT Mr. LeHew

# Arizona Board of Fingerprinting

## Memo

TO: Board members  
FROM: Dennis Seavers  
C:  
Date: February 21, 2007  
**SUBJECT: Senate Bill 1045**



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This memo describes some recent and possibly controversial developments with the legislation that the Board had introduced this year. On February 23, 2007, the Board will be meeting to discuss this bill.

*Please note below that legislators have requested feedback from you and your agency regarding possible changes to this bill.*

### **Background**

Senate Bill (“SB”) 1045 would add several offenses to the lists of precluding crimes that appear in A.R.S. § 41–1758.03. The Board currently supports this bill and requested that it be introduced.

### **Recent developments**

Today, the Board was scheduled to be heard in the House Committee on Natural Resources and Public Safety. Prior to the hearing, I learned that the committee chairman, Jerry Weiers (not to be confused with the Speaker of the House, Jim Weiers) was considering an amendment to make prostitution a nonappealable offense. That is, the amendment would move prostitution—which the bill proposes to make an appealable offense but which currently is not a precluding offense—from A.R.S. § 41–1758.03(C) to –1758.03(B). Other nonappealable crimes include incest, murder, sexual exploitation of a minor, and rape.

I spoke with Rep. Weiers and Sen. Linda Gray (the bill’s sponsor) before the committee hearing. Rep. Weiers said he would hold the bill until a later committee hearing, and he, Sen. Gray, and I would meet to discuss the changes he was proposing. Later this morning, I had a conference call with them. After discussion, Rep. Weiers agreed not to add prostitution to the list of nonappealable offenses. However, he proposed adding to the nonappealable list several offenses that are currently appealable and two offenses that the bill proposes to add to the appealable list. Sen. Gray agreed.

Below is a list of precluding offenses that are currently appealable and that Rep. Weiers would like to make nonappealable.

- Enticement of any persons for purposes of prostitution
- Procurement by false pretenses of any person for purposes of prostitution
- Procuring or placing persons in a house of prostitution
- Receiving earnings of a prostitute
- Causing one's spouse to become a prostitution
- Detention of persons in a house of prostitution for debt
- Keeping or residing in a house of prostitution or employment in prostitution
- Pandering
- Transporting persons for the purpose of prostitution or other immoral purposes

Below is a list of crimes that are not precluding offenses, that SB 1045 proposes to add to the appealable list, and that Rep. Weiers would like to make nonappealable.

- Portraying adult as minor as prescribed in section 13-3555
- Admitting minors to public displays of sexual conduct as prescribed in section 13-3558

### **Requested response**

Rep. Weiers and Sen. Gray asked that I speak with the Board and representatives from agencies in the fingerprint-clearance-card system to see whether the agencies support this change. They asked that I respond by the end of the week.

I would respectfully ask that Board members, representing their respective agencies, be prepared to take a stance on the proposed changes at the February 23, 2007, meeting. Please feel free to contact me at any time with questions about the proposed changes and the card system.