



## **ARIZONA BOARD OF FINGERPRINTING**

Mail Code 185 • Post Office Box 6129 • Phoenix, Arizona 85005-6129  
Telephone (602) 265-0135 • Fax (602) 265-6240

**Final Minutes for Public Meeting**  
Held November 8, 2013, at 9:00 a.m.  
4205 North 7th Avenue, Suite 206  
Phoenix, Arizona

### **Board Members**

Charles Easaw, Department of Education, Chairperson  
Matthew A. Scheller, Department of Juvenile Corrections, Vice Chairperson  
Chad Campbell, Administrative Office of the Courts  
Michael Ashley, Department of Economic Security  
Kim Pipersburgh, Department of Health Services

### **Executive Director**

Dennis Seavers

## **CALL TO ORDER AND ROLL CALL**

Mr. Easaw called the meeting to order at 9:05 a.m. The following Board members were present: Charles Easaw, Matthew A. Scheller, Chad Campbell, Michael Ashley, and Kim Pipersburgh.

Also in attendance was Dennis Seavers, Executive Director.

## **CALL TO THE PUBLIC**

Mr. Easaw made a call to the public. There were no members of the public present.

## **LEGISLATION**

Mr. Easaw referred Board members to Mr. Seavers's November 6, 2013 memo (see Attachment 1), which proposed legislation to add a human-trafficking offense to the list of precluding crimes.

Mr. Scheller made a motion to approve the legislative proposal, and Ms. Pipersburgh seconded. The motion passed, 5–0.

## **ADJOURNMENT**

Mr. Scheller made a motion to adjourn, and Ms. Pipersburgh seconded. The motion passed, 5–0. Mr. Easaw adjourned the meeting at 9:12 a.m.

Minutes approved on March 14, 2014

---

Dennis Seavers, Executive Director



# Arizona Board of Fingerprinting Memo

TO: Board members  
FROM: Dennis Seavers  
C:  
Date: November 6, 2013  
**SUBJECT Legislative proposal**

---

I propose that at its November 8, 2013 meeting, the Board authorize me to pursue legislation that would add a human-trafficking offense to the list of crimes that prevent a person from receiving a fingerprint clearance card. This memo offers background on and an explanation for the legislative proposal.

## **BACKGROUND**

A.R.S. §§ 41–1758.03 and –1758.07 list the crimes that would cause a person’s fingerprint clearance card to be denied or suspended. Some crimes (in subsection B of both statutes) absolutely preclude a person from receiving a card, and in most cases the person isn’t permitted to apply for a good cause exception. Other crimes (in subsection C of both statutes) initially preclude a person from receiving a card, except that the person may apply for a good cause exception and, if approved, ultimately receive the card. The last time the statutory list of precluding crimes was updated was in 2006, with discussions and negotiations occurring throughout 2005.

In 2005, the Legislature added A.R.S. § 13–1308 (trafficking of persons for forced labor or services) to the criminal code. The statute for the crime, which is a class 2 felony, is attached to this memo. That crime was not included in the 2006 updates to the list of precluding offenses and is currently not a precluding offense.

At its September 13, 2013 meeting, the Board discussed adding this offense to the list of precluding crimes. Although DPS initially considered including this legislative proposal in its own legislative package, DPS and I agreed that it would be better for the Board to pursue this legislation, given the upcoming deadline (November 15) for agencies to secure sponsorship for bills.

## **RECOMMENDATION**

I recommend that the Board propose legislation to add this offense to the subsection B crimes (the ones where the applicant cannot apply for a good cause exception).

The Board could instead propose adding the crime to the subsection C crimes (where the applicant can apply for a good cause exception), but the severity of this crime is comparable to other crimes in the subsection B lists, including sex trafficking, which is also a class 2 felony.

13-1308. Trafficking of persons for forced labor or services; classification; definitions

A. It is unlawful for a person to either:

1. Knowingly traffic another person with the intent to or knowledge that the other person will be subject to forced labor or services.
2. Knowingly benefit, financially or by receiving anything of value, from participation in a venture that has engaged in an act in violation of section 13-1306, section 13-1307 or this section.

B. A violation of this section is a class 2 felony.

C. For the purposes of this section:

1. "Forced labor or services":

(a) Means labor or services that are performed or provided by another person and that are obtained through a person's either:

(i) Causing or threatening to cause serious physical injury to any person.

(ii) Restraining or threatening to physically restrain another person.

(iii) Knowingly destroying, concealing, removing, confiscating, possessing or withholding another person's actual or purported passport or other immigration document, government issued identification document, government record or personal property.

(iv) Abusing or threatening to abuse the law or the legal system.

(v) Extortion.

(vi) Causing or threatening to cause financial harm to any person.

(vii) Facilitating or controlling another person's access to a controlled substance.

(b) Does not include ordinary household chores and reasonable disciplinary measures between a parent or legal guardian and the parent's or legal guardian's child.

2. "Traffic" means to entice, recruit, harbor, provide, transport or otherwise obtain another person by deception, coercion or force.