

# FINGERPRINT CLEARANCE: CONSEQUENCES OF DUI PROSECUTION & CONVICTION

**Persons Who Must Be Fingerprinted: 35 Statutorily Defined Categories of Persons -- Includes:**

LEVEL ONE CLEARANCE <sup>1</sup>		STANDARD CLEARANCE (Cont'd)
<ul style="list-style-type: none"> <li>• Adoptive Parent, (DES)</li> <li>• Board of Fingerprinting members &amp; employees</li> <li>• Child care group home employees, (DHS)</li> <li>• Child care group home licensees, DHS</li> <li>• Child care home providers, DES</li> <li>• Child care employees, DHS</li> <li>• Child care facility licensees, DHS</li> <li>• Child Protective Services (CPS) employee, DES</li> <li>• Day care home providers, DES</li> <li>• DES contractors</li> </ul>	<ul style="list-style-type: none"> <li>• Developmental-home licensure, DES</li> <li>• Div. Developmental Disabilities employees, DES</li> <li>• Foster-home licensure</li> <li>• DES information technology employees</li> <li>• Non-CPS employees, DES</li> </ul>	<ul style="list-style-type: none"> <li>• Juvenile Probation Services</li> <li>• Juvenile Corrections Worker/Some Contractors</li> <li>• Nursing Care Administrator;</li> <li>• Nursing Home Employees, Owners and Some Contractors</li> <li>• Driving School Owner/Partner (some)</li> <li>• Real Estate Salesperson or Broker</li> <li>• State Dep't of Emergency/Military Affairs Worker</li> <li>• Students – Post-Secondary Health Education (some)</li> <li>• Students – Vocational Education (some)</li> <li>• Teacher/other personnel – Charter School</li> <li>• Teacher/other personnel - Public School</li> <li>• Teacher – School for Blind/Deaf</li> </ul>
	<b>STANDARD CLEARANCE<sup>1</sup></b>	

- Level one (1) clearances are designed to be more difficult to obtain and are subject to more criminal bars

<sup>1</sup> Volunteers must often also obtain fingerprint clearance for one or more of the above categories.

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## REAPPLICATION & DISCIPLINE

- Applications and reapplications for clearances may be denied for arrest or conviction of certain enumerated offenses.<sup>2</sup> Clearances may be **suspended or revoked** if arrested/convicted of certain enumerated offenses.
- If DUI arrest/conviction, receive 5 year restriction that cannot be removed by a good cause showing

CRIME	Suspension on Arrest <sup>3</sup>	Revoke on Conviction	Good Cause
§28-1381 – “Simple” DUI	No. But, restricted from “driving any vehicle to transport employees or clients of the employing agency” for 5 years	No	No
§28-1382 – “Extreme” DUI	No. But, restricted clearance for 5 years	No	No
§28-1383 – “Agg. “ DUI	Yes, for Level 1 Clearances. <sup>4</sup> Will receive a restricted, standard clearance.	Yes, for Level 1 Clearances	No
§13-1201 Endangerment	Yes	Yes – felony conviction for Level 1 Clearance	Level 1 – misdemeanor only Standard – yes
§ 28-693 – Reckless Driving	No.	No	NA

<sup>2</sup> A.R.S. § § 41-1758.03 (denial of standard clearance); 41-1758.07 (denial of level 1 clearance); 41-1758.04 (suspension/revocation)

<sup>3</sup> A.R.S. § 41-1758.07(S)

<sup>4</sup> A.R.S. § 41-1758(4)