Who Must Be Fingerprinted: 35 categories of persons in sensitive positions who are subject to criminal-history screening. To work in position that requires a "Level One Clearance" a person must meet more stringent criminal-background standards.

LEVEL ONE CLEARANCE

- Adoptive Parent, (DES)
- Board of Fingerprinting members & employees
- Child care group home employees, (DHS)
- Child care group home licensees, DHS
- Child care home providers, **DES**
- Child care employees, DHS
- Child care facility licensees, DHS
- Child Protective Services (CPS) employee, DES
- Day care home providers, **DES**
- **DES** contractors

- Developmental-home licensure, **DES**
- Div.Developmental Disabilities employees, DES
- Foster-home licensure
- DES information technology employees
- Non-CPS employees, DES

STANDARD CLEARANCE¹

- Children's Behavioral Health **Program Worker**
- Childcare worker for entity receiving federal child care food program funds
- Clinical Assistant (some)
- DV Victim's Shelter Worker¹

STANDARD CLEARANCE (Cont.d)

- **Juvenile Probation Services**
- Juvenile Corrections Worker/Some Contractors
- Nursing Care Administrator;
- Nursing Home Employees, Owners and Some Contractors
- Driving School Owner/Partner (some)
- Real Estate Salesperson or Broker
- State Dep't of Emergency/Military Affairs Worker
- Students Post-Secondary Health Education (some)
- Students Vocational Education (some)
- Teacher/other personnel Charter School
- Teacher/other personnel Public School
- Teacher School for Blind/Deaf

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

WHAT IS DOMESTIC VIOLENCE?

- Arizona law designates certain enumerated crimes to be domestic violence ("DV") offenses when the offender and the victim have a domestic relationship, which the DV statute defines quite broadly. Domestic relationships include, but are not limited to, husband-wife, grandparent-grandchild, brother-sister, some "in-law" relationships, some "step" relationships (e.g., stepchildren) and certain romantic relationships. For a complete list of domestic relationships and DV offenses, see A.R.S. 13-3601.
- A DV arrest, prosecution and/or conviction may have severe consequences for the defendant, including loss of various rights and, most relevant to this discussion, loss of fingerprint clearance.

A DV ARREST AND/OR CONVICTION WILL RESULT IN TEMPORARY OR PERMANENT LOSS OF FINGERPRINT CLEARANCE

- Applications and reapplications for clearances may be denied for arrest or conviction of certain enumerated offenses.² Clearances will be suspended and/or revoked if arrested/convicted of a DV offense.
- Beginning in 2014, Department of Public Safety *must* conduct periodic checks of state criminal records of current fingerprint clearance card holders and may also check federal criminal record. A.R.S, 41-1758.03(j)
- Some persons charged with a DV offense may apply for a "good cause" exception from the Fingerprinting Board that will restore their fingerprint clearance.

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

DOMESTIC VIOLENCE CONSEQUENCES FOR FINGERPRINT CLEARANCE

CRIME	LEVEL 1 CLEARANCE (§ 41-1758.07)	STANDARD CLEARANCE § 41-1758.03)
DV Felonies (generally)	 Suspended on arrest, revoked on conviction³ No good cause exception 	 Suspended on arrest May apply for good cause exception from Board of Fingerprinting
DV Misdemeanors (generally)	 Suspended on arrest May apply for good cause exception from Board of Fingerprinting 	 Suspended on arrest May apply for good cause exception from Board of Fingerprinting

³ The statue establishes a narrow exception for criminal damage convictions for amounts less than \$1000 if the crime was committed before June 29, 2009. A.R.S. § 41-1758.07(B)(41).

DOMESTIC VIOLENCE OFFENSES THAT RESULT IN SUSPENSION/REVOCATION EVEN IF NOT DESIGNATED "DV"

• The fingerprint clearance statute also requires revocation or suspension of clearance for the commission and conviction of certain crimes, which may be designated DV under A.R.S. 13-3601.. But these crimes are also an independent basis for discipline that may be imposed regardless of the whether the crime is designated "DV."

CRIME	LEVEL 1 CLEARANCE (§ 41-1758.07)	STANDARD CLEARANCE § 41-1758.03)
Homicide	 Suspended on arrest, revoked on conviction No good cause exception 	 First & second degree murder, suspended on arrest, revoked on convction, no good cause exception Manslaughter & negligent homicide, suspended on arrest, good cause available.
Endangerment	 Felony: suspended on arrest, revoked on conviction, no good cause Misdemeanor: suspended on arrest, good cause available 	Suspended on arrest, good cause available

Threatening/ Intimidation	 Felony: suspended on arrest, revoked on conviction, no good cause Misdemeanor: suspended on arrest, good cause available 	Suspended on arrest, good cause available
CRIME	LEVEL 1 CLEARANCE (§ 41-1758.07)	STANDARD CLEARANCE (§ 41-1758.03)
Assault	 Felony: suspended on arrest, revoked on conviction, no good cause Misdemeanor: suspended on arrest, good cause available 	Suspended on arrest, good cause available
Kidnapping	 Suspended on arrest, good cause available <u>But</u> if designated DV, suspended/revoked, no good cause. 	Suspended on arrest, good cause available
Sexual assault	Suspended on arrest, revoked at conviction, no good cause.	Suspended on arrest, revoked at conviction, no good cause.

Criminal Trespass	 Suspended on arrest, good cause available <u>But</u> if designated DV and charged as a felony offense (e.g. "Entering or remaining unlawfully in or on a residential structure"), then, suspended/revoked, no good cause. 	Suspended on arrest, good cause available
CRIME	LEVEL 1 CLEARANCE (§ 41-1758.07)	STANDARD CLEARANCE § 41-1758.03)
Criminal Damage	 Suspended on arrest, good cause available. But if designated DV, and charged as felony (\$1,000 or more damage), then suspended, revoked, no good cause. 	Suspended at arrest, good cause available.
Cruelty to Animals	 Suspended on arrest, good cause available. <u>But</u> if designated DV, and charged as felony (e.g., intentionally kills girlfriend's dog) then suspended, revoked, no good cause 	Suspended on arrest, good cause available.
Child or Vulnerable Adult Abuse	Suspended on arrest, revoked at conviction, no good cause available.	Suspended on arrest, revoked at conviction, no good cause available.

Federal	Treated as "same or similar offenses" under	Treated as "same or similar offenses" under
Crimes	Arizona law.	Arizona law.

COMPLETE LIST OF OFFENSES THAT WILL RESULT IN SUSPENSION OR REVOCATION

LEVEL ONE CLEARANCE – Suspension on Arrest, Revocation on Conviction, No "Good Cause" Available	STANDARD CLEARANCE – Suspension on Arrest, Revocation on Conviction, No "Good Cause" Available
Sexual abuse of a vulnerable adult.	Sexual abuse of a vulnerable adult.
2. Incest.	2. Incest.
3. Homicide, including first or second degree murder, manslaughter and negligent homicide.	3. First or second degree murder.
4. Sexual assault.	4. Sexual assault.
Sexual exploitation of a minor.	5. Sexual exploitation of a minor.
Sexual exploitation of a vulnerable adult.	6. Sexual exploitation of a vulnerable adult.
·	7. Commercial sexual exploitation of a minor.
7. Commercial sexual exploitation of a minor.	8. Commercial sexual exploitation of a vulnerable adult.

8. Commercial sexual exploitation of a vulnerable adult.	9. Child prostitution as prescribed in § 13-3212.
9. Child prostitution as prescribed in § 13-3212.	10. Child abuse.
10. Child abuse.	11. Abuse of a vulnerable adult.
11. Felony child neglect.	12. Sexual conduct with a minor.
12. Abuse of a vulnerable adult.	13. Molestation of a child.
13. Sexual conduct with a minor.	
LEVEL ONE CLEARANCE – Suspension on Arrest,	STANDARD CLEARANCE – Suspension on Arrest,
Revocation on Conviction, No "Good Cause" Available	Revocation on Conviction, No "Good Cause" Available
14. Molestation of a child.	14. Molestation of a vulnerable adult.
14. Molestation of a child.15. Molestation of a vulnerable adult.	15. A dangerous crime against children as defined in § 13-
15. Molestation of a vulnerable adult.	15. A dangerous crime against children as defined in § 13-
15. Molestation of a vulnerable adult.16. Dangerous crimes against children as defined in § 13-	15. A dangerous crime against children as defined in § 13-705.16. Exploitation of minors involving drug offenses.17. Taking a child for the purpose of prostitution as
 15. Molestation of a vulnerable adult. 16. Dangerous crimes against children as defined in § 13-705. 17. Exploitation of minors involving drug offenses. 18. Taking a child for the purpose of prostitution as 	 15. A dangerous crime against children as defined in § 13-705. 16. Exploitation of minors involving drug offenses. 17. Taking a child for the purpose of prostitution as prescribed in § 13-3206.
15. Molestation of a vulnerable adult.16. Dangerous crimes against children as defined in § 13-705.17. Exploitation of minors involving drug offenses.	15. A dangerous crime against children as defined in § 13-705.16. Exploitation of minors involving drug offenses.17. Taking a child for the purpose of prostitution as
 15. Molestation of a vulnerable adult. 16. Dangerous crimes against children as defined in § 13-705. 17. Exploitation of minors involving drug offenses. 18. Taking a child for the purpose of prostitution as 	 15. A dangerous crime against children as defined in § 13-705. 16. Exploitation of minors involving drug offenses. 17. Taking a child for the purpose of prostitution as prescribed in § 13-3206.

21. Sexual abuse.	21. Production, publication, sale, possession and
22. Production, publication, sale, possession and	presentation of obscene items as prescribed in § 13-3502.
presentation of obscene items as prescribed in § 13-3502.	22. Furnishing harmful items to minors as prescribed in §
23. Furnishing harmful items to minors as prescribed in §	13-3506.
13-3506.	23. Furnishing harmful items to minors by internet activity
24. Furnishing harmful items to minors by internet activity	as prescribed in § 13-3506.01.
as prescribed in § 13-3506.01.	24. Obscene or indecent telephone communications to
25. Obscene or indecent telephone communications to	minors for commercial purposes as prescribed in § 13-
minors for commercial purposes as prescribed in § 13-	3512.
3512.	25. Luring a minor for sexual exploitation.
LEVEL ONE CLEARANCE – Suspension on Arrest,	STANDARD CLEARANCE – Suspension on Arrest,
Revocation on Conviction, No "Good Cause" Available	Revocation on Conviction, No "Good Cause" Available
26. Luring a minor for sexual exploitation.	26. Enticement of persons for purposes of prostitution.
27. Enticement of persons for purposes of prostitution.	27. Procurement by false pretenses of person for purposes
28. Procurement by false pretenses of person for purposes	of prostitution.
of prostitution.	28. Procuring or placing persons in a house of prostitution.
29. Procuring or placing persons in a house of prostitution.	29. Receiving earnings of a prostitute.
30. Receiving earnings of a prostitute.	30. Causing one's spouse to become a prostitute.
31. Causing one's spouse to become a prostitute.	31. Detention of persons in a house of prostitution for debt.
32. Detention of persons in a house of prostitution for debt.	32. Keeping or residing in a house of prostitution or

33. Keeping or residing in a house of prostitution or	employment in prostitution.
employment in prostitution.	33. Pandering.
34. Pandering.	34. Transporting persons for the purpose of prostitution,
35. Transporting persons for the purpose of prostitution, polygamy and concubinage.	polygamy and concubinage.
	35. Portraying adult as a minor as prescribed in § 13-3555.
36. Portraying adult as a minor as prescribed in § 13-3555.	36. Admitting minors to public displays of sexual conduct as
37. Admitting minors to public displays of sexual conduct as prescribed in § 13-3558.	prescribed in § 13-3558.
38. Any felony offense involving contributing to the	37. Unlawful sale or purchase of children.
delinquency of a minor.	38. Child bigamy.
LEVEL ONE OLEADANGE O	
LEVEL ONE CLEARANCE – Suspension on Arrest,	STANDARD CLEARANCE – Suspension on Arrest,
Revocation on Conviction, No "Good Cause" Available	STANDARD CLEARANCE – Suspension on Arrest, Revocation on Conviction, No "Good Cause" Available
•	•
Revocation on Conviction, No "Good Cause" Available	Revocation on Conviction, No "Good Cause" Available
Revocation on Conviction, No "Good Cause" Available 39. Unlawful sale or purchase of children 40. Child bigamy. 41. Any felony offense involving domestic violence as	Revocation on Conviction, No "Good Cause" Available
Revocation on Conviction, No "Good Cause" Available 39. Unlawful sale or purchase of children 40. Child bigamy. 41. Any felony offense involving domestic violence as defined in § 13-3601 except for a felony offense only	Revocation on Conviction, No "Good Cause" Available
Revocation on Conviction, No "Good Cause" Available 39. Unlawful sale or purchase of children 40. Child bigamy. 41. Any felony offense involving domestic violence as defined in § 13-3601 except for a felony offense only involving criminal damage in an amount of more than two	Revocation on Conviction, No "Good Cause" Available
Revocation on Conviction, No "Good Cause" Available 39. Unlawful sale or purchase of children 40. Child bigamy. 41. Any felony offense involving domestic violence as defined in § 13-3601 except for a felony offense only	Revocation on Conviction, No "Good Cause" Available
Revocation on Conviction, No "Good Cause" Available 39. Unlawful sale or purchase of children 40. Child bigamy. 41. Any felony offense involving domestic violence as defined in § 13-3601 except for a felony offense only involving criminal damage in an amount of more than two hundred fifty dollars but less than one thousand dollars if	Revocation on Conviction, No "Good Cause" Available

applying for a level I fingerprint clearance card. 43. Felony drug or alcohol related offenses if committed within five years before the date of applying for a level I fingerprint clearance card. 44. Felony indecent exposure. 45. Felony public sexual indecency. 46. Terrorism. 47. Any offense involving a violent crime as defined in § 13-901.03.	
LEVEL ONE CLEARANCE – Suspension on Arrest, "Good Cause" Available	STANDARD CLEARANCE – Suspension on Arrest, "Good Cause" Available
 Any misdemeanor offense in violation of title 13, chapter 12. Misdemeanor indecent exposure. Misdemeanor public sexual indecency. Aggravated criminal damage. Theft. 	 Manslaughter. Endangerment. Threatening or intimidating. Assault. Unlawfully administering intoxicating liquors, narcotic drugs or dangerous drugs.

7. Shoplifting.	7. Drive by shooting.
8. Forgery.	8. Assaults on officers or fire fighters.
9. Criminal possession of a forgery device.	9. Discharging a firearm at a structure.
10. Obtaining a signature by deception.	10. Indecent exposure.
11. Criminal impersonation.	11. Public sexual indecency.
12. Theft of a credit card or obtaining a credit card by	12. Aggravated criminal damage.
fraudulent means.	13. Theft.
13. Receipt of anything of value obtained by fraudulent use of a credit card.	14. Theft by extortion.
14. Forgery of a credit card.	15. Shoplifting.
LEVEL ONE CLEARANCE – Suspension on Arrest,	STANDARD CLEARANCE – Suspension on Arrest,
"Good Cause" Available	"Good Cause" Available
"Good Cause" Available 15. Fraudulent use of a credit card.	•
15. Fraudulent use of a credit card.16. Possession of any machinery, plate or other contrivance	"Good Cause" Available
15. Fraudulent use of a credit card.16. Possession of any machinery, plate or other contrivance or incomplete credit card.	"Good Cause" Available 16. Forgery.
15. Fraudulent use of a credit card.16. Possession of any machinery, plate or other contrivance	"Good Cause" Available 16. Forgery. 17. Criminal possession of a forgery device.
15. Fraudulent use of a credit card.16. Possession of any machinery, plate or other contrivance or incomplete credit card.17. False statement as to financial condition or identity to	"Good Cause" Available 16. Forgery. 17. Criminal possession of a forgery device. 18. Obtaining a signature by deception.

19. Credit card transaction record theft.	of a credit card.
20. Misconduct involving weapons.	22. Forgery of a credit card.
21. Misconduct involving explosives.	23. Fraudulent use of a credit card.
22. Depositing explosives.	24. Possession of any machinery, plate or other contrivance
23. Misconduct involving simulated explosive devices.	or incomplete credit card.
24. Concealed weapon violation.	25. False statement as to financial condition or identity to obtain a credit card.
25. Misdemeanor possession and misdemeanor sale of peyote.	26. Fraud by persons authorized to provide goods or services.
26. Felony possession and felony sale of peyote if committed more than five years before the date of applying	27. Credit card transaction record theft.
for a level I fingerprint clearance card.	28. Misconduct involving weapons
LEVEL ONE CLEARANCE – Suspension on Arrest, "Good Cause" Available	STANDARD CLEARANCE – Suspension on Arrest, "Good Cause" Available
27. Misdemeanor possession and misdemeanor sale of a	29. Misconduct involving explosives.
vapor-releasing substance containing a toxic substance.	30. Depositing explosives.
28. Felony possession and felony sale of a vapor-releasing substance containing a toxic substance if committed more	31. Misconduct involving simulated explosive devices.
than five years before the date of applying for a level I fingerprint clearance card.	32. Concealed weapon violation.
29. Misdemeanor sale of precursor chemicals.	33. Possession and sale of peyote.
23. Misuemeanor sale or precursor chemicals.	34. Possession and sale of a vapor-releasing substance

30. Felony sale of precursor chemicals if committed more	containing a toxic substance.
than five years before the date of applying for a level I fingerprint clearance card.	35. Sale of precursor chemicals.
31. Misdemeanor possession, misdemeanor use or misdemeanor sale of marijuana, dangerous drugs or	36. Possession, use or sale of marijuana, dangerous drugs or narcotic drugs.
narcotic drugs 32. Felony possession, felony use or felony sale of	37. Manufacture or distribution of an imitation controlled substance.
marijuana, dangerous drugs or narcotic drugs if committed more than five years before the date of applying for a level I	38. Manufacture or distribution of an imitation prescription-only drug.
fingerprint clearance card. 33. Misdemeanor manufacture or misdemeanor distribution of an imitation controlled substance.	39. Manufacture or distribution of an imitation over-the-counter drug.
of all illitation controlled substance.	40. Possession or possession with intent to use an imitation controlled substance.
LEVEL ONE CLEARANCE – Suspension on Arrest, "Good Cause" Available	STANDARD CLEARANCE – Suspension on Arrest, "Good Cause" Available
34. Felony manufacture or felony distribution of an imitation controlled substance if committed more than five years	41. Possession or possession with intent to use an imitation prescription-only drug.
before the date of applying for a level I fingerprint clearance card.	42. Possession or possession with intent to use an imitation over-the-counter drug.
35. Misdemeanor manufacture or misdemeanor distribution of an imitation prescription-only drug.	43. Manufacture of certain substances and drugs by certain

36. Felony manufacture or felony distribution of an imitation

prescription-only drug if committed more than five years

44. Adding poison or other harmful substance to food, drink

before the date of applying for a level I fingerprint clearance	or medicine.
card. 37. Misdemeanor manufacture or misdemeanor distribution	45. A criminal offense involving criminal trespass and burglary under title 13, chapter 15.
of an imitation over-the-counter drug.	46. A criminal offense under title 13, chapter 23.
38. Felony manufacture or felony distribution of an imitation over-the-counter drug if committed more than five years	47. Child neglect.
before the date of applying for a level I fingerprint clearance card.	48. Misdemeanor offenses involving contributing to the delinquency of a minor.
39. Misdemeanor possession or misdemeanor possession with intent to use an imitation controlled substance.	49. Offenses involving domestic violence.
	50. Arson.
40. Felony possession or felony possession with intent to use an imitation controlled substance if committed more	51. Kidnapping.
than five years before the date of applying for a level I	
fingerprint clearance card.	
LEVEL ONE CLEARANCE – Suspension on Arrest,	STANDARD CLEARANCE – Suspension on Arrest,
"Good Cause" Available	"Good Cause" Available
41. Misdemeanor possession or misdemeanor possession	52. Felony offenses involving sale, distribution or
with intent to use an imitation prescription-only drug.	transportation of, offer to sell, transport or distribute or
42. Felony possession or felony possession with intent to	conspiracy to sell, transport or distribute marijuana,
use an imitation prescription-only drug if committed more	dangerous drugs or narcotic drugs.
than five years before the date of applying for a level I	53. Robbery.
fingerprint clearance card.	54. Aggravated assault.
43. Misdemeanor possession or misdemeanor possession	o I. Aggiavatoa accadit.

with intent to use an imitation over-the-counter drug. 44. Felony possession or felony possession with intent to use an imitation over-the-counter drug if committed more than five years before the date of applying for a level I fingerprint clearance card. 45. Misdemeanor manufacture of certain substances and drugs by certain means. 46. Felony manufacture of certain substances and drugs by certain means if committed more than five years before the date of applying for a level I fingerprint clearance card. 47. Adding poison or other harmful substance to food, drink or medicine. 48. A criminal offense involving criminal trespass and burglary under title 13, chapter 15. [FN2]	 55. Felony offenses involving contributing to the delinquency of a minor. 56. Negligent homicide. 57. Criminal damage. 58. Misappropriation of charter school monies as prescribed in § 13-1818. 59. Taking identity of another person or entity. 60. Aggravated taking identity of another person or entity. 61. Trafficking in the identity of another person or entity. 62. Cruelty to animals. 63. Prostitution.
LEVEL ONE CLEARANCE – Suspension on Arrest, "Good Cause" Available	STANDARD CLEARANCE – Suspension on Arrest, "Good Cause" Available
49. A criminal offense under title 13, chapter 23, except terrorism.	64. Sale or distribution of material harmful to minors through vending machines as prescribed in § 13-3513.
50. Misdemeanor offenses involving child neglect.51. Misdemeanor offenses involving contributing to the delinquency of a minor	65. Welfare fraud

52. Misdemeanor offenses involving domestic violence as defined in § 13-3601.	
53. Felony offenses involving domestic violence if the offense only involved criminal damage in an amount of more than two hundred fifty dollars but less than one thousand dollars and the offense was committed before June 29, 2009.	
54. Arson.	
 55. 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 if committed more than five years before the date of applying for a level I fingerprint clearance card. 56. Criminal damage. 	
LEVEL ONE CLEARANCE – Suspension on Arrest, "Good Cause" Available	STANDARD CLEARANCE – Suspension on Arrest, "Good Cause" Available
57. Misappropriation of charter school monies as prescribed in § 13-1818.	See above.
58. Taking identity of another person or entity.	
59. Aggravated taking identity of another person or entity.	

60. Trafficking in the identity of another person or entity.
61. Cruelty to animals.
62. Prostitution, as prescribed in § 13-3214.
63. Sale or distribution of material harmful to minors through vending machines as prescribed in § 13-3513.
64. Welfare fraud.
65. Any felony offense in violation of title 13, chapter 12 if committed more than five years before the date of applying for a level I fingerprint clearance card.
66. Kidnapping.
67. Robbery, aggravated robbery or armed robbery.