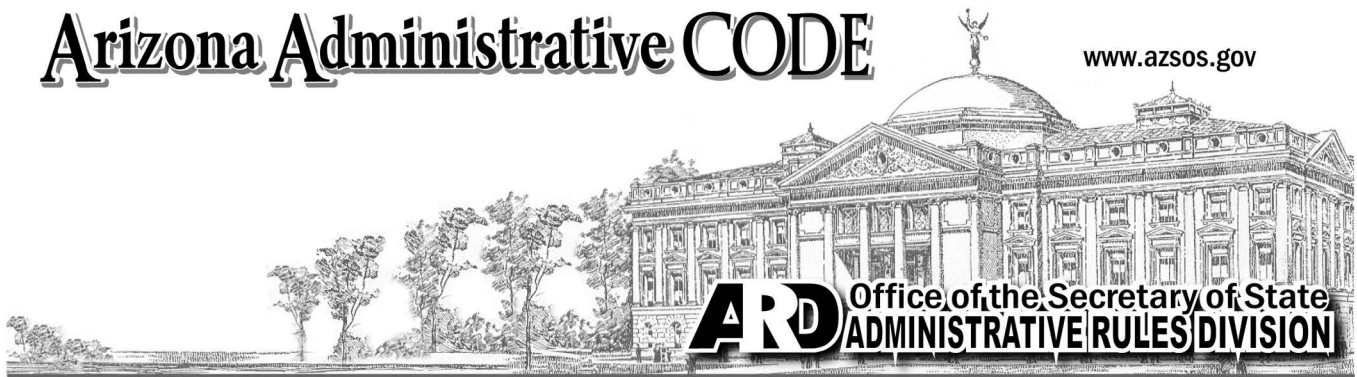




13 A.A.C. 1

Supp. 24-2

TITLE 13. PUBLIC SAFETY

CHAPTER 1. DEPARTMENT OF PUBLIC SAFETY - CRIMINAL IDENTIFICATION SECTION

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Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of
April 1, 2024 through June 30, 2024

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The release of this Chapter in Supp. 24-2 replaces Supp. 22-4, 1-10 pages.

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), Administrative Rules Division, accepts state agency rule notice and other legal filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into Titles. Titles are divided into Chapters. A Chapter includes state agency rules. Rules in Chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each Chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

A certification verifies the authenticity of each *Code* Chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, www.azsos.gov under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

PERSONAL USE/COMMERCIAL USE

This Chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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Administrative Rules Division

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TITLE 13. PUBLIC SAFETY

CHAPTER 1. DEPARTMENT OF PUBLIC SAFETY - CRIMINAL IDENTIFICATION SECTION

Authority: A.R.S. § 41-1713(A)(4)

Supp. 24-2

Editor's Note: This Chapter was recodified under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4).

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TITLE 13. PUBLIC SAFETY

CHAPTER 1. DEPARTMENT OF PUBLIC SAFETY - CRIMINAL IDENTIFICATION SECTION

ARTICLE 1. CRIMINAL HISTORY RECORDS**R13-1-101. Definitions**

In addition to the definitions in A.R.S. §§ 41-1750 and 41-2201 and the incorporated by reference materials, the following definitions apply to this Chapter:

1. "ABIS" means the Arizona Biometrics Information System maintained by the Department that stores state-level arrest fingerprints and related biometric and criminal history information.
2. "ABIS Image Scanner" means the electronic scanning system that produces a digital image of a paper ink and roll arrest fingerprint record and transmits the image electronically.
3. "ABIS Livescan" means the electronic system that captures and transmits arrest information and fingerprints.
4. "ACJIS" means the Arizona Criminal Justice Information System, a statewide network housing various databases on persons and property in this state. The ACJIS network is maintained by the Department and is available to authorized local, state, and federal criminal justice agencies.
5. "ADRS" means the Arizona Disposition Reporting System, which is maintained by the Department and supports electronic submission of disposition information to the central state repository.
6. "Arizona Computerized Criminal History" means a criminal history record kept by the Department in a database of offenders arrested in this state.
7. "Arresting agency case number" means a unique combination of 15 numbers and letters used to identify a criminal justice agency's case number such as the Department case number, Department report number, or case report number. The first three characters are the ABIS-assigned alpha characters that identify the arresting agency.
8. "CHRI" means Criminal History Record Information.
9. "Classifiable Fingerprints" means fingerprint impressions that meet the criteria of the FBI as contained in Form FD-258 dated 11-1-2020, U.S. Government Printing Office: 1110-0046, 10:20:56, incorporated by reference, available from the Department and the FBI (Attn: Logistical Support Unit (LSU), CJIS Division, 1000 Custer Hollow Road, Clarksburg, WV 26306). This incorporation contains no future editions or amendments.
10. "Date of arrest" means the date a person is taken into custody using the format as indicated in Exhibit A.
11. "Date of birth" means the subject's date of birth using the format as indicated in Exhibit A.
12. "Department" means the Arizona Department of Public Safety.
13. "Disposition date" is the date of final disposition of a charge.
14. "FBI" means the Federal Bureau of Investigation.
15. "Juvenile fingerprinted" means identification signifying an individual is a juvenile under the age of 18 on an arrest fingerprint card if the juvenile is being remanded as an adult.
16. "Law Enforcement Agency" means a federal, tribal, municipal, county, or state agency with powers of arrest.
17. "LSI" means local subject identifier, a unique combination of 15 numbers and letters used by local law enforcement agencies to identify an individual. It is the local equivalent of a State Identification (SID) number. The first three characters are the ABIS-assigned alpha characters that identify the agency.

18. "NCIC" means the National Crime Information Center maintained by the FBI, a national repository of files on persons and property relating to a crime.
19. "Offense" means an offense listed in Arizona Revised Statutes or a municipal or county ordinance that is used to arrest an offender.
20. "Offense type" means a designation that indicates whether an offense is a felony or a misdemeanor.
21. "ORI" means a unique identifier assigned by the FBI to an agency.
22. "PCN" means Process Control Number.
23. "Personal identifiers" means a subject's sex, race, height, weight, hair color, and eye color.
24. "Place of birth" means the state or country in which a subject of record was born.
25. "State Identification Number (SID)" means an identification number that is assigned by the Department to an individual whose set of arrest fingerprints has been submitted to ABIS.

Historical Note

Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5477, effective October 31, 2003 (Supp. 03-4). Formerly

Section R13-1-01; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4). New

Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Amended by final rulemaking at 15 A.A.R. 273, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 28 A.A.R. 3425 (October 28, 2022, Issue 43), effective December 4, 2022 (Supp. 22-4). Amended by final rulemaking at 30 A.A.R. 2077 (June 21, 2024), effective August 4, 2024 (Supp. 24-2).

R13-1-102. Submission and Retention of Criminal Justice Information

- A. The chief officer of a criminal justice agency in this state shall ensure that CHRI is submitted to the Department's Central State Repository as follows.
 1. A law enforcement agency shall submit arrest fingerprints to the Department through the ABIS or through the mail to the Department, Biometrics Identification Unit, P.O. Box 6638, Mail Drop 3130, Phoenix, AZ 85005-6638.
 2. A law enforcement agency shall comply with the requirements of the ABIS Operating Manual, Version 1.0, dated October 25, 2023 which is incorporated by reference and contains no future additions or amendments. The manual can be obtained from the Department's Biometrics Identification Unit at 2222 W. Encanto Blvd, Phoenix, AZ 85009 or (602) 223-2041 or dpsident@azdps.gov.
 3. Law enforcement agencies, prosecutor offices, and courts shall submit dispositions related to an arrest fingerprint to the Department's Central State Repository within 40 calendar days from the disposition date.
 4. A court shall submit court orders that affect criminal history records to the Department's Central State Repository within 10 calendar days. The Department shall update the criminal history record based on the information received in the court order.
- B. The Department's Central State Repository shall retain a criminal history record until the subject of record reaches age 110 or one year after the Department receives notice of the subject of record's death.

TITLE 13. PUBLIC SAFETY

CHAPTER 1. DEPARTMENT OF PUBLIC SAFETY - CRIMINAL IDENTIFICATION SECTION

Historical Note

Former rule 1. Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5477, effective October 31, 2003 (Supp. 03-4). Formerly Section R13-1-02; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4). New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Amended by final rulemaking at 15 A.A.R. 273, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 30 A.A.R. 2077 (June 21, 2024), effective August 4, 2024 (Supp. 24-2).

R13-1-103. Procedures for Law Enforcement Agencies and Prosecutors' Office to Forward Dispositions of Criminal Proceedings to the Central State Repository

- A. A law enforcement agency and prosecutor office shall submit a completed Disposition Report form for crimes specified in A.R.S. § 41-1750(C) to the Department's Central State Repository as outlined in A.R.S. § 41-1750.
- B. The law enforcement agency that prepares the Disposition Report form shall complete the information in blocks #1 through #16 on the Disposition Report form as shown in Exhibit A for the arrest charges filed by the agency.
 1. The law enforcement agency that prepares the Disposition Report form shall forward the form to the appropriate prosecutor's office. If the arresting agency decides not to pursue criminal charges, the arresting agency shall complete blocks #1 through #16 and blocks #18, #25, and #26, and submit the completed form to the Department's Central State Repository.
 2. The Department's Central State Repository shall update the criminal history record with the disposition report information.
- C. The prosecutor's office shall verify the arrest charges listed on the Disposition Report form by the law enforcement agency. The prosecutor may amend the listed arrest charges by completing blocks #10, #13, #14, #15 and #17 on line "b" of the existing charge, if applicable and line "a" of the next available charge if applicable. The prosecutor's office shall reflect a decision to terminate prosecution on one or more of the arrest charges on the Disposition Report form by completing blocks #18, #24, #25 and #26 for all of the applicable charges.
 1. For criminal charges filed with a court by the prosecutor, the prosecutor shall verify or complete information in blocks #10 through #16 and block #17, if applicable, on the Disposition Report form and forward the form to the appropriate court as required by Arizona Rule of Criminal Procedure Rule 37.2.
 2. If the prosecutor decides not to file with the court on one or more of the arrest charges listed on the Disposition Report form, the prosecutor shall complete blocks #18, #25, and #26. The prosecutor shall forward the completed Disposition Report form to the Central State Repository and the prosecutor shall forward a copy of the form to the appropriate court, if one or more charges are being filed with the court. The Central State Repository shall update the criminal history record to indicate the disposition for arrest charges not filed by the prosecutor.
 3. If the prosecutor enters into a Deferred Prosecution Agreement with the arrestee on one or more of the arrest charges listed on the Disposition Report form, the prosecutor shall complete blocks #18, #19, #20, #21, #22, #23, #24, #25 and #26. The prosecutor shall forward the completed Disposition Report form to the Central State

Repository and the prosecutor shall forward the completed Disposition Report form to the appropriate court if one or more charges are being filed with the court. The Central State Repository shall update the criminal history record to indicate the disposition for arrest charges not filed by the prosecutor. Once the prosecution has closed the case with a final disposition on one or more of the arrest charges listed on the Disposition Report form, the prosecutor shall complete blocks #18, #25 and #26 with the updated disposition.

- D. Submission of disposition information may be made by one of the following means:
 1. By ADRS if the law enforcement agency or prosecutor office enforces quality control measures and follows the electronic disposition format provided by the Department;
 2. By mail to the Department, Central State Repository Section, P.O. Box 6638, Mail Drop 3110, Phoenix, AZ 85005-6638; or
 3. By email to AZ_CentralStateRepository@azdps.gov.

Historical Note

Former rule 2. Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5477, effective October 31, 2003 (Supp. 03-4). Formerly Section R13-1-03; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4). New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Amended by final rulemaking at 30 A.A.R. 2077 (June 21, 2024), effective August 4, 2024 (Supp. 24-2).

R13-1-104. Procedures for Juveniles Remanded as Adults and Procedures for the Department of Corrections to Forward Information Regarding Inmates to the Central State Repository

- A. The Department maintains criminal history records in the Central State Repository for juveniles as the subject of record only if the juvenile is remanded to an adult court. If a criminal justice agency is processing a juvenile who is remanded to an adult court, the agency shall use the procedures in this Article to submit criminal history records to the Department's Central State Repository.
- B. The Arizona Department of Corrections shall forward each week to the Department a computer tape that includes for each inmate within the prison system the inmate's full name, date of birth, sex, race, inmate number assigned by the agency, arrest information for which the inmate is serving time in prison, and custody status. The Department shall update computerized files of the Offender-based Tracking System and the Arizona Computerized Criminal History, when applicable.

Historical Note

Former rule 3. Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5477, effective October 31, 2003 (Supp. 03-4). Formerly Section R13-1-04; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4). New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2).

R13-1-105. Procedures for a Criminal Court to Forward Dispositions of Criminal Charges to the Central State Repository

- A. A criminal court shall submit the disposition of all charges to the Central State Repository under Rule 37 of the Arizona Rules of Criminal Procedure.

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CHAPTER 1. DEPARTMENT OF PUBLIC SAFETY - CRIMINAL IDENTIFICATION SECTION

- B. The court shall verify the arrest charges listed on the Disposition Report form and complete the applicable blocks for each charge addressed by the court.
- C. If there is more than one arrest charge listed on the Disposition Report form and any of the charges are being adjudicated by another court, the court shall photocopy the Disposition Report form and forward it to the other court.
- D. The court shall complete and forward the disposition form to the Department's Central State Repository. The Department shall update the criminal history record with the disposition report information.
- E. A criminal court shall use a Disposition Report supplemental form provided by the Department to report additional arrest charges and dispositions of the charges. The Disposition Report form is used to record the first three charges of an arrest event and the disposition of these charges. The Disposition Report supplemental form is used to record additional charges and the dispositions of those additional charges.
- F. Agencies may submit disposition information electronically to the Department's Central State Repository instead of a paper form if the agency enforces quality control measures and follows the electronic disposition formats provided by the Department.

Historical Note

Former rule 4. Formerly Section R13-1-05; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2).

R13-1-106. Arrest Fingerprint Record Submission

- A. The chief officer of a criminal justice agency shall ensure that a completed arrest fingerprint record with classifiable fingerprints as prescribed by subsection (D) in a format prescribed by the Department is sent to the Department's Central State Repository within 10 calendar days from the date of fingerprinting using one of the following methods:
 - 1. ABIS Livescan,
 - 2. ABIS Image Scanner, or
 - 3. Ink-and-roll paper arrest fingerprint card to the Department, Biometrics Identification Unit, P.O. Box 6638, Mail Drop 3130, Phoenix, AZ 85005-6638.
- B. The chief officer of a criminal justice agency shall ensure that only one arrest fingerprint record is sent to the Department's Central State Repository for each arrest.
- C. A criminal justice agency using the ink-and-roll method of fingerprinting shall obtain blank arrest fingerprint cards from the Federal Bureau of Investigation as referenced in R13-1-101(9).
- D. A completed arrest fingerprint record contains the following information:
 - 1. About the individual arrested:
 - a. Name;
 - b. Date of birth;
 - c. Personal identifiers;
 - d. Juvenile fingerprinted, if applicable; and
 - e. Place of birth;
 - 2. Date of arrest;
 - 3. ORI, and arresting agency's name and address;
 - 4. Date of offense;
 - 5. Local identification/reference:
 - a. LSI and arresting agency case number are required,
 - b. Local file number and agency tracking number are optional;

- 6. Citation information/charge description. Citation to the state, county, or municipal code allegedly violated and description of the charge, for example, A.R.S. § 13-1802, theft.
- 7. Offense type:
 - a. Designate a felony with a "F,"
 - b. Designate a misdemeanor with a "M";
- 8. Court ORI;
- 9. PCN;
- 10. Name or identification number of official taking fingerprints; and
- 11. Classifiable arrest fingerprints.

Historical Note

Former rule 5. Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5477, effective October 31, 2003 (Supp. 03-4). Formerly Section R13-1-06; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4). New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Amended by final rulemaking at 15 A.A.R. 273, effective March 7, 2009 (Supp. 09-1). Amended by final rulemaking at 30 A.A.R. 2077 (June 21, 2024), effective August 4, 2024 (Supp. 24-2).

R13-1-107. Procedures for Review and Accuracy and Completeness of Criminal History Records

- A. The subject of record or the subject's attorney may request criminal history record information maintained by the Department for the sole purpose of reviewing the accuracy and completeness of the subject of record's criminal history record.
- B. To obtain a copy of a criminal history record, the subject of record shall submit a completed paper Record Review Instruction Packet provided by the Department's Central State Repository Section at (602) 223-2222 to have the information mailed or emailed. Alternatively, the subject of record may obtain the information and submit electronically via the Department's Public Services Portal website at www.azdps.gov.
- C. A completed Record Review Instruction Packet includes the following for the subject of record:
 - 1. Full set of classifiable fingerprints taken by an official at any law enforcement agency, entity contracted by the Department, or entities contracted by a law enforcement agency in another state. If filing via the Public Services Portal website, the fingerprints shall be mailed to the Department according to the instructions in the packet.
 - 2. Name,
 - 3. Date of birth,
 - 4. Personal identifiers,
 - 5. Place of birth,
 - 6. Social Security number,
 - 7. Address of residence,
 - 8. Date fingerprinted, and
 - 9. Signature of the applicant. Or the subject's attorney if submitting pursuant to subsection (E).
- D. The completed Record Review Instruction Packet shall be returned to the Department according to the mailing instructions in the packet or via the Public Services Portal website.
- E. The subject of record's attorney may obtain the subject of record's criminal history record by providing a notarized letter of authorization from the subject of record with the completed paper Record Review Instruction Packet. The attorney may

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only submit via the paper, mail-in process due to the submission requirement of the original notarized letter. The Public Services Portal website option is not available to the attorney.

- F. Within 15 business days of receipt of the completed Record Review Instruction Packet, the Department shall provide a response to the subject of record or the subject's attorney. The Department shall include in the response arrest and disposition information maintained by the Department on the subject of record and a Review and Challenge of Arizona Criminal History Record Information form that requests:

1. Subject of record's full name;
2. Signature of subject of record or signature of the attorney representing the subject of record when completing paper forms. If submitting electronically via the Public Service Portal website, when the subject of record accesses their account using multifactor authentication, the subject of record shall type their legal name for the signature in the designated location and check the forgery acknowledgment box;
3. Date of submission of the challenge;
4. Summary of the exceptions and reasons for the exceptions, specifying each arrest, and including:
 - a. Name of arresting agency,
 - b. Date of arrest,
 - c. Arrest number, and
 - d. Charge or charges;
5. Subject of record's mailing address and email address if available; and
6. Signature of the subject of record, verifying the summary of exceptions and reasons when completing paper forms. If submitting electronically via the Public Service Portal website, when the subject of record accesses their account using multifactor authentication, the subject of record shall type their legal name for the signature in the designated location and check the forgery acknowledgment box.

Historical Note

Former rule 6. Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5477, effective October 31, 2003 (Supp. 03-4). Formerly Section R13-1-07; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4). New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Amended by final rulemaking at 30 A.A.R. 2077 (June 21, 2024), effective August 4, 2024 (Supp. 24-2).

R13-1-108. Procedures for Challenging the Accuracy and Completeness of Criminal History Records

- A. To challenge a criminal history record, the subject of record or the subject of record's attorney shall complete and return the Review and Challenge of Arizona Criminal History Record Information form referenced in R13-1-107(F) within 35 days of the date of the response referenced in R13-1-107(F).
- B. The Department shall complete an audit of the challenged entries within 15 days of receipt of the form by:
1. Contacting the contributing agencies,
 2. Verifying the information, and
 3. Researching dispositions on any challenged entry.
- C. If the Department determines that a correction to or deletion from the criminal history record is necessary, the Department shall modify the record and notify the Federal Bureau of Investigation.

- D. Upon conclusion of the audit referenced in subsection (B), the Department shall send written notification of the audit result and a copy of any record modification to the subject of record or the subject of record's attorney.
- E. The Department shall include in the notice of audit result referenced in subsection (D) a statement that the subject of record may request a hearing to determine the accuracy of the criminal history record. To request a hearing, the subject of record or the subject of record's attorney shall submit to the Department a written request within 35 days of the date of the notice of audit result referenced in subsection (D).

Historical Note

Former rule 7. Formerly Section R13-1-08; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Amended by final rulemaking at 15 A.A.R. 273, effective March 7, 2009 (Supp. 09-1).

R13-1-109. Hearing Procedures

- A. Under A.R.S. § 41-2204(6), a hearing shall be conducted after receipt of a request for a hearing to determine the accuracy of information in a criminal history record maintained by the Central State Repository.
- B. The Office of Administrative Hearing shall conduct a hearing to determine the accuracy of information in a criminal history record maintained by the Central State Repository in accordance with the procedures in A.R.S. Title 41, Chapter 6, Article 10 and the rules issued by the Office of Administrative Hearings.
- C. Under A.R.S. § 41-1092.08, within 30 days after the Office of Administrative Hearings sends the administrative law judge's recommended decision to the Director, the Director shall review the recommended decision and may accept, modify, or reject it.

Historical Note

Former rule 8. Formerly Section R13-1-09; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4). Section repealed; new Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Former R13-1-109 renumbered to R13-1-111, new Section made by final rulemaking at 15 A.A.R. 273, effective March 7, 2009 (Supp. 09-1).

R13-1-110. Review or Rehearing of the Director's Decision

- A. In accordance with A.R.S. § 41-1092.09, a party may file with the Department a motion for rehearing or review of a decision issued by the Director under R13-1-109.
- B. A party may amend a motion for rehearing or review at any time before the Department rules on the motion.
- C. The Department may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
1. Irregularity in the proceedings or any order or abuse of discretion that deprived the moving party of a fair hearing;
 2. Misconduct of the Director, Department staff, or an administrative law judge;
 3. Accident or surprise that could not have been prevented by ordinary prudence;
 4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;

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5. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings; and
 6. The findings of fact are not justified by the evidence or the decision is contrary to law.
- D.** The Department may affirm or modify a decision or grant a rehearing or review on all or some of the issues for any of the reasons listed in subsection (C). The Department shall specify with particularity the grounds for an order modifying a decision or granting a rehearing or review. If a rehearing or review is granted, the rehearing or review shall cover only the matters specified in the order.
- E.** Not later than 30 days after the date of a decision and after giving the parties notice and an opportunity to be heard, the Department may, on its own initiative, order a rehearing or review of the decision for any reason listed in subsection (C). The Department may grant a motion for rehearing or review, timely served, for a reason not stated in a motion.
- F.** When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service of the motion, serve response affidavits. The Department may extend this period for a maximum of 20 days for good cause or by written stipulation of the parties. The Department may permit reply affidavits.
- G.** If, in a particular decision, the Director makes a specific finding that the immediate effectiveness of the decision is necessary for preservation of the public health, safety, or welfare and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision

shall be issued as a final decision without an opportunity for a rehearing or review.

Historical Note

New Section made by final rulemaking at 15 A.A.R. 273, effective March 7, 2009 (Supp. 09-1).

R13-1-111. Information Deemed Useful for the Study and Prevention of Crime or the Administration of Criminal Justice

- A.** An individual or agency that wishes to obtain criminal history records from the Central State Repository for the purpose of research, evaluative or statistical activities, the prevention of crime, or to provide services for the administration of criminal justice shall:
1. Provide a written or electronic request to the Department that specifies the purpose of the study, or how the records will be used to prevent crime or administer criminal justice; and
 2. If the request is approved, sign a non-disclosure agreement that meets the requirements of A.R.S. § 41-1750(G)(9) and is prepared and provided by the Department.
- B.** The Department shall review the signed non-disclosure agreement and authorize the exchange of information in accordance with the agreement.

Historical Note

New Section R13-1-111 renumbered from R13-1-109 and amended by final rulemaking at 15 A.A.R. 273, effective March 7, 2009 (Supp. 09-1).

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Exhibit A. Disposition Report Form Block Completion Instructions for Law Enforcement and Prosecutors

Block #1: SID NUMBER/AZ: If subject was previously arrested, the State Identification number may be obtained from the Arizona Computerized Criminal History (ACCH) files via terminal inquiry.

Block #2: NAME (Last, First, Middle): Subject's complete name as shown on the arrest fingerprint record that was completed for this arrest.

Block #3: DATE OF BIRTH (DOB): As shown on the arrest fingerprint record (MMDDCCYY) MM = month, DD = day, CCYY = full year. Example: 03/20/1954.

Block #4: DATE OF ARREST: As shown on the arrest fingerprint record (MMDDCCYY) MM = month, DD = day, CCYY = full year. Example: 04/20/2001.

Block #5: PCN: PCN assigned for specific arrest incident via ABIS.

Block #6: ARRESTING AGENCY ORI: The NCIC-assigned originating agency identifier (ORI).

Block #7: ARRESTING AGENCY CASE NUMBER: The arresting agency's case number.

Block #8: BOOKING AGENCY ORI: The NCIC-assigned originating agency identifier (ORI).

Block #9: BOOKING NUMBER: The number assigned by the detention facility.

Block #10: CHARGES: Each offense charged at the time of arrest MUST be listed on line "a". Line "b" is used only for amendments to the initial arrest charge(s).

Block #11: ARIZONA REVISED STATUTE (A.R.S.) or Ordinance: Enter the correct A.R.S. number or the County/Municipal Ordinance number for each charge (as indicated on the arrest fingerprint record.)

Block #12: DATE OF OFFENSE/VIOLATION: Enter the date the offense/violation was committed (MMDDCCYY).

Block #13: OFFENSE TYPE: Circle or add "M" for misdemeanor. Circle or add "F" for felony. Circle or add "U" for undesignated.

Block #14: PREPARATORY OFFENSE CODE: Enter the appropriate code from the list on the front of this form. Indicate "A" for Attempted, "C" for Conspiracy to Commit, "F" for facilitate, or "S" for solicit.

Block #15: DOMESTIC VIOLENCE & VICTIM INFORMATION CODE: Enter the appropriate code from the list on the front of the form. Indicate "D" for a crime involving domestic violence, "M" when the victim is a minor, "A" when the victim is a vulnerable adult, "L" when the victim is a law enforcement officer, "C" for a dangerous crime against a child/children.

Block #16: DESIGNATED COURT NAME/IDENTIFIER: Enter the designated court name or NCIC-assigned originating identifier (ORI) for each charge.

Block #17: AMENDED TO: Enter the letter "X" in block #17, line "a"; then write amended charge(s) and sentence information on the corresponding "b" line, beginning in block #10, completing all applicable blocks through block #27.

Block #18: DISPOSITION CODE: Enter the appropriate disposition code from the following: "NF" for no complaint filed (to be used by the arresting agency only), "NR" for not referred to prosecution (to be used by the prosecutor only), "DP" for deferred prosecution (to be used by the prosecutor only), or "UI" for cases that are filed with the court and are awaiting a final disposition (to be used by the prosecutor only).

Block #25: DISPOSITION DATE: Enter the official disposition date (MMDDCCYY).

Block #26: AGENCY ORI MAKING DISPOSITION DECISION: The NCIC-assigned originating agency identifier (ORI) of the agency making the disposition decision.

Block #27: FURTHER EXPLANATIONS OR MODIFICATIONS: Further explanation regarding a particular charge/disposition (list the charge number) may be entered in this section.

Block #28: RIGHT INDEX FINGERPRINT: (lower right corner of the form) At the time of arrest/fingerprinting, the subject's right index fingerprint may be placed in this box. (This fingerprint is optional and not required to process the Disposition Report form.)

Historical Note

Article 1, Exhibit A recodified from Article 5, Exhibit A, effective February 7, 2019 (Supp. 19-1). Amended by final rulemaking at 30 A.A.R. 2077 (June 21, 2024), effective August 4, 2024 (Supp. 24-2).

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Exhibit B. Disposition Report Form Block Completion Instructions for Criminal Courts

Block #1: SID NUMBER/AZ: If subject was previously arrested, the State Identification number may be obtained from the Arizona Computerized Criminal History (ACCH) files via terminal inquiry.

Block #2: NAME (Last, First, Middle): Subject's complete name as shown on the arrest fingerprint record that was completed for this arrest.

Block #3: DATE OF BIRTH (DOB): As shown on the arrest fingerprint record (MMDDCCYY) MM = month, DD = day, CCYY = full year. Example: 03/20/1954.

Block #4: DATE OF ARREST: As shown on the arrest fingerprint record (MMDDCCYY) MM = month, DD = day, CCYY = full year. Example: 04/20/2001.

Block #5: PCN: PCN assigned for specific arrest incident via ABIS.

Block #6: ARRESTING AGENCY ORI: The NCIC-assigned originating agency identifier (ORI).

Block #7: ARRESTING AGENCY CASE NUMBER: The arresting agency's case number.

Block #8: BOOKING AGENCY ORI: The NCIC-assigned originating agency identifier (ORI).

Block #9: BOOKING NUMBER: The number assigned by the detention facility.

Block #10: CHARGES: Each offense charged at the time of arrest MUST be listed on line "a". Line "b" and "c" (if available) are used only for amendments to the initial arrest charge(s).

Block #11: ARIZONA REVISED STATUTE (A.R.S.) or Ordinance: Enter the correct A.R.S. number or the County/Municipal Ordinance number for each charge (as indicated on the arrest fingerprint record).

Block #12: DATE OF OFFENSE/VIOLATION: Enter the date the offense/violation was committed (MMDDCCYY).

Block #13: OFFENSE TYPE: Circle or add "M" for misdemeanor. Circle or add "F" for felony. Circle or add "U" for undesignated. If the court has ordered the case to be an Undesignated Misdemeanor add "U". Once the case has a final outcome, the court shall update block #13 to be either "M" or "F".

Block #14: PREPARATORY OFFENSE CODE: Enter the appropriate code from the list on the front of this form. Indicate "A" for attempted, "C" for Conspiracy to Commit, "F" for facilitate, or "S" for solicit.

Block #15: DOMESTIC VIOLENCE & VICTIM INFORMATION CODE: Enter the appropriate code from the list on the front of the form. Indicate "D" for a crime involving domestic violence, "M" when the victim is a minor, "A" when the victim is a vulnerable adult, "L" when the victim is a law enforcement officer, "C" for a dangerous crime against a child/children.

Block #16: DESIGNATED COURT NAME/IDENTIFIER: Enter the designated court name or NCIC-assigned originating identifier (ORI) for each charge.

Block #17: AMENDED TO: Enter the letter "X" in block #17, line "a"; then write amended charge(s) and sentence information on the corresponding "b" line or "c" line (if available), beginning in block #10, completing all applicable blocks through block #27.

Block #18: DISPOSITION CODE: Enter the appropriate disposition or appellate code from the list on the front of the form.

AC — Acquitted/ Not guilty

CD — Court Dismissed

DP — Deferred Prosecution (Only to be used by the prosecutor.)

DS — Deferred Sentencing

EX — Expunged (Shall be accompanied by court order.)

GG — Guilty

GI — Guilty but Insane

NF — No complaint filed (Only to be used by the prosecutor.)

NP — Nolo contendere plea

NR — Not referred for prosecution (Only to be used by the arresting agency.)

PD — Pardoned

PM — Pending due to mental incompetency

PO — Plea to other charges

RI — Not responsible by reason of insanity

APPELLATE CODES:

AF — Affirmed

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AR — Affirmed, Remanded for Re-sentencing

RR — Reversed and Remanded

RV — Reversed and Conviction Overturned

SM — Sentence Modified

Block #19: PRISON/JAIL: If the defendant was sentenced to confinement, circle “P” for prison or “J” for Jail.

Block #20: LENGTH OF CONFINEMENT: Indicate the length of confinement (in days, months, years, etc.) to which the defendant is sentenced. Example: 1 yr. 2 mo.

Block #21: SENTENCE CODE: Enter the appropriate sentence code from the list on the front of the form.

CC — Concurrent

CS — Consecutive

PS — Public or Community Service

SS — Court Suspended Sentence

Block #22: PROBATION LENGTH: Indicate the length of probation in days, months, years, etc. to which the subject is sentenced. Example: 3 yrs.

Block #23: FINE: Circle “Y” for Yes, to indicate that a fine was imposed. Circle “N” for No, to indicate that a fine was not imposed.

Block #24: COURT CASE COMPLAINT NUMBER: The case number assigned by the Justice/Municipal/Superior Court.

Block #25: DISPOSITION DATE: Enter the official disposition date (MMDDCCYY).

Block #26: AGENCY ORI MAKING DISPOSITION DECISION: The NCIC-assigned ORI of the agency making the disposition decision.

Block #27: FURTHER EXPLANATIONS OR MODIFICATIONS: Further explanation regarding a particular charge/disposition (list the charge number) may be entered in this block.

Block #28: RIGHT INDEX FINGERPRINT: (lower right corner of the form) At the time of arrest/fingerprinting, the subject’s right index fingerprint may be placed in this box. (This fingerprint is optional and not required to process the Disposition Report form.)

Historical Note

Article 1, Exhibit B recodified from Article 5, Exhibit B, effective February 7, 2019 (Supp. 19-1). Amended by final rulemaking at 30 A.A.R. 2077 (June 21, 2024), effective August 4, 2024 (Supp. 24-2).

ARTICLE 2. ACJIS NETWORK

R13-1-201. ACJIS Security Measures

A. All criminal justice agencies that collect, store, disseminate, or access criminal justice information or criminal history record information from the ACJIS or NCIC shall comply with the policies, rules and regulations as outlined in the following publications that are incorporated by reference, available from the Department’s Access Integrity Unit at 2222 W. Encanto Blvd., Phoenix, AZ 85009, the Federal Bureau of Investigation at 1000 Custer Hollow Road, Clarksburg, WV 26306 and the U.S. Government Publishing Office www.govinfo.gov and include no future editions or amendments:

1. ACJIS Operating Manual, dated September 2021;
2. FBI Criminal Justice Information System Security Policy, dated December 7, 2022;
3. FBI NCIC Operating Manual, dated January 20, 2023;
4. FBI Interstate Identification Index/National Fingerprint File Manual, dated March 2017; and,
5. 28 Code of Federal Regulations Part 20, dated July 1, 2020.

B. A criminal justice agency accessing the ACJIS network shall meet the following security guidelines:

1. Access and dissemination of information from the ACJIS network is limited to criminal justice agencies for the administration of criminal justice or for criminal justice employment.

2. An agency that enters records into the ACJIS network is responsible for the accuracy, timeliness, and completeness of the record entries.
3. An agency shall have an ACJIS misuse policy that outlines the sanctions imposed on agency personnel who misuse ACJIS.
4. An agency shall ensure that agency equipment connected to the ACJIS network is fully compatible with existing ACJIS computer equipment and upgraded as necessary to remain compatible with ACJIS configurations and architecture.
5. An agency shall ensure that agency personnel maintain appropriate operator certification levels as specified in the ACJIS Operating Manual.

C. A criminal justice agency that interfaces its record management system with the ACJIS network shall meet the following interface standards and security requirements as set by the Department:

1. Provide to the Department a complete and accurate schematic depicting the agency network and hardware configuration;
2. Ensure there are security controls to prevent unauthorized access to ACJIS information;
3. Follow user identification and password configurations specified by the Department;
4. Establish a process to review system logs and store the logs for one year; and

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5. Support policy compliance and ensure the Department Information Security Officer is promptly informed of security incidents.
- D. The Department shall provide criminal justice agencies with information received from the FBI that the Department determines is necessary to comply with this Section.

Historical Note

New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Amended by final rulemaking at 28 A.A.R. 3425 (October 28, 2022, Issue 43), effective December 4, 2022 (Supp. 22-4). Amended by final rulemaking at 30 A.A.R. 2077 (June 21, 2024), effective August 4, 2024 (Supp. 24-2).

R13-1-202. Repealed**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Repealed by final rulemaking at 28 A.A.R. 3425 (October 28, 2022, Issue 43), effective December 4, 2022 (Supp. 22-4).

R13-1-203. Repealed**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Repealed by final rulemaking at 28 A.A.R. 3425 (October 28, 2022, Issue 43), effective December 4, 2022 (Supp. 22-4).

R13-1-204. Repealed**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Repealed by final rulemaking at 28 A.A.R. 3425 (October 28, 2022, Issue 43), effective December 4, 2022 (Supp. 22-4).

ARTICLE 3. ARIZONA CRIME STATISTICS**R13-1-301. Submittal of Uniform Crime Statistics**

- A. A law enforcement agency shall submit uniform crime information to include crimes that manifest evidence of prejudice based on race, color, religion, national origin, sexual orientation, gender or disability and as outlined in the following publications that are incorporated by reference, available from the Department's Access Integrity Unit at 2222 W. Encanto Blvd., Phoenix, AZ 85009 and the FBI at 1000 Custer Hollow Road, Clarksburg, WV 26306, and include no future editions or amendments:
1. Arizona National Incident-Based Reporting System Technical Specifications, dated March 2020.
 2. FBI 2021.1 National Incident-Based Reporting System User Manual, dated April 2021.
 3. FBI 2019.2.1 National Incident-Based Reporting System Technical Specifications, dated June 2020.
- B. The Department shall provide law enforcement agencies with information contained in the FBI's Uniform Crime Reporting State Program Bulletins and any other directives the Department determines is necessary to comply with this Section.

Historical Note

New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Amended by final rulemaking at 28 A.A.R. 3425 (October 28, 2022, Issue 43), effective December 4, 2022 (Supp. 22-4).

R13-1-302. Repealed**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Repealed by final rulemaking at 28 A.A.R. 3425 (October 28, 2022, Issue 43), effective December 4, 2022 (Supp. 22-4).

ARTICLE 4. APPLICANT FINGERPRINT PROCESSING**R13-1-401. Non-criminal Justice Fingerprint Processing Charges**

- A. For an applicant for non-criminal justice employment, fingerprint processing charges are:
1. For a state criminal records check, \$5; and
 2. If a federal criminal record check by the FBI is requested by the applicant, the Department shall collect an additional charge to cover the cost billed to the Department by the FBI for the federal criminal records check.
- B. For a state criminal records check, an individual or government agency shall submit payment by:
1. Credit card;
 2. Cashier's check;
 3. Money order;
 4. For government agencies a transfer of funds through the State's accounting system; or
 5. Check drawn on a government agency account.
- C. All charges are non-refundable.

Historical Note

New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Amended by final rulemaking at 25 A.A.R. 3558, effective January 18, 2020 (Supp. 19-4).

R13-1-402. Refusal of Service

- A. If any form of payment is not accepted by the Department's banking facility, the Department shall send the state agency, company, or individual that submitted the payment a notice of nonpayment.
- B. The notice of nonpayment informs the state agency, company, or individual that the Department will not accept non-criminal justice fingerprint submissions from the agency, company, or individual until past due payment is made.
- C. At the Department's discretion, the Department may require the delinquent party to submit all future payments in the form of a cashier's check, credit card or money order.

Historical Note

New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Amended by final rulemaking at 25 A.A.R. 3558, effective January 18, 2020 (Supp. 19-4).

ARTICLE 5. REPEALED**R13-1-501. Repealed****Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Section R13-1-501 repealed by final expedited rulemaking at 25 A.A.R. 1444, effective immediately May 21, 2019 (Supp. 19-2).

R13-1-502. Repealed**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Section amended by final rulemaking at 23 A.A.R. 3546, effective February 10, 2018 (Supp. 17-4). Section R13-1-502

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repealed by final expedited rulemaking at 25 A.A.R. 1444, effective immediately May 21, 2019 (Supp. 19-2).

R13-1-503. Repealed**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Section R13-1-503 repealed by final expedited rulemaking at 25 A.A.R. 1444, effective immediately May 21, 2019 (Supp. 19-2).

R13-1-504. Repealed**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Section amended by final rulemaking at 23 A.A.R. 3546, effective February 10, 2018 (Supp. 17-4). Section R13-1-504

repealed by final expedited rulemaking at 25 A.A.R. 1444, effective immediately May 21, 2019 (Supp. 19-2).

Exhibit A. Recodified**Historical Note**

Article 5, Exhibit A made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Article 5, Exhibit A recodified to Article 1, Exhibit B, effective February 7, 2019 (Supp. 19-1).

Exhibit B. Recodified**Historical Note**

Article 5, Exhibit B made by final rulemaking at 11 A.A.R. 1550, effective June 4, 2005 (Supp. 05-2). Article 5, Exhibit B recodified to Article 1, Exhibit B, effective February 7, 2019 (Supp. 19-1).