

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1223

AN ACT

AMENDING SECTION 11-483, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 299, SECTION 2; AMENDING SECTION 11-484, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 299, SECTION 4; AMENDING SECTIONS 16-153, 28-454, 39-123 AND 39-124, ARIZONA REVISED STATUTES; RELATING TO RECORDS REDACTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-483, Arizona Revised Statutes, as amended by
3 Laws 2006, chapter 299, section 2, is amended to read:

4 11-483. Records maintained by county recorder; confidentiality;
5 definitions

6 A. Notwithstanding any other provision of this article, in any county
7 ~~a peace officer, justice, judge, commissioner, public defender, prosecutor,~~
8 ~~victim of domestic violence or stalking or person who is protected under an~~
9 ~~order of protection or injunction against harassment~~ AN ELIGIBLE PERSON may
10 request that the general public be prohibited from accessing the unique
11 identifier and the recording date contained in indexes of recorded
12 instruments maintained by the county recorder and may request the recorder to
13 prohibit access to that person's residential address and telephone number
14 contained in instruments or writings recorded by the county recorder. ~~and~~
15 ~~made available on the internet.~~

16 B. ~~A peace officer, justice, judge, commissioner, public defender,~~
17 ~~prosecutor, victim of domestic violence or stalking or person who is~~
18 ~~protected under an order of protection or injunction against harassment~~ AN
19 ELIGIBLE PERSON may request this action by filing an affidavit that states
20 all of the following on an application form developed by the administrative
21 office of the courts in agreement with an association of counties, an
22 organization of peace officers and the motor vehicle division of the
23 department of transportation:

24 1. The person's full legal name and residential address.

25 2. The full legal description and parcel number of the person's
26 property.

27 3. The position the person currently holds and a description of the
28 person's duties, except that ~~a~~ AN ELIGIBLE person who is a victim of
29 domestic violence or stalking shall instead state that the person is a victim
30 of domestic violence or stalking and shall attach documentation supporting
31 the claim, including a true and correct copy of any of the following:

32 (a) Findings from a court of competent jurisdiction.

33 (b) Police reports.

34 (c) Medical records.

35 (d) Child protective services records.

36 (e) Domestic violence shelter records.

37 (f) School records.

38 4. The reasons the person reasonably believes that the person's life
39 or safety or that of another person is in danger and that restricting access
40 pursuant to this section will serve to reduce the danger.

41 5. The document locator number and recording date of each instrument
42 for which the person requests access restriction pursuant to this section.

43 6. A copy of pages from each instrument that includes the document
44 locator number and the person's full legal name and residential address or
45 full legal name and telephone number.

1 C. If ~~a peace officer, justice, judge, commissioner, public defender,~~
2 ~~prosecutor, victim of domestic violence or stalking or person who is~~
3 ~~protected under an order of protection or injunction against harassment~~ AN
4 ELIGIBLE PERSON is also requesting pursuant to section 11-484 that the
5 general public be prohibited from accessing records maintained by the county
6 assessor and county treasurer, the ~~peace officer, justice, judge,~~
7 ~~commissioner, public defender, prosecutor, victim of domestic violence or~~
8 ~~stalking or person who is protected under an order of protection or~~
9 ~~injunction against harassment~~ ELIGIBLE PERSON may combine the request
10 pursuant to subsection B of this section with the request pursuant to section
11 11-484 by filing one affidavit. The affidavit and subsequent action by the
12 appropriate authorities shall meet all of the requirements of this section
13 and section 11-484.

14 D. The affidavit shall be filed with the presiding judge of the
15 superior court in the county in which the affiant resides. To prevent a
16 multiplicity of filings, AN ELIGIBLE PERSON WHO IS a peace officer, public
17 defender, ~~or~~ prosecutor, CORRECTIONS OR DETENTION OFFICER OR LAW ENFORCEMENT
18 OR COURT SUPPORT STAFF MEMBER shall deliver the affidavit to the peace
19 officer's commanding officer, or to the head of the prosecuting, LAW
20 ENFORCEMENT, CORRECTIONS, DETENTION or public defender agency, as applicable,
21 or that person's designee, who shall file the affidavits at one time. In the
22 absence of an affidavit that contains a request for immediate action and that
23 is supported by facts justifying an earlier presentation, the commanding
24 officer, or the head of the prosecuting, LAW ENFORCEMENT, CORRECTIONS,
25 DETENTION or public defender agency, as applicable, or that person's
26 designee, shall not file affidavits more often than quarterly.

27 E. On receipt of an affidavit or affidavits, the presiding judge of
28 the superior court shall file with the clerk of the superior court a petition
29 on behalf of all requesting affiants. Each affidavit presented shall be
30 attached to the petition. In the absence of an affidavit that contains a
31 request for immediate action and that is supported by facts justifying an
32 earlier consideration, the presiding judge may accumulate affidavits and file
33 a petition at the end of each quarter.

34 F. The presiding judge of the superior court shall review the petition
35 and each attached affidavit to determine whether the action requested by each
36 affiant should be granted. If the presiding judge of the superior court
37 concludes that the action requested by the affiant will reduce a danger to
38 the life or safety of the affiant or another person, the presiding judge of
39 the superior court shall order that the recorder prohibit access for ~~five~~ TEN
40 years to the affiant's residential address and telephone number contained in
41 instruments or writings recorded by the county recorder and made available on
42 the internet. If the presiding judge of the superior court concludes that
43 the affiant or another person is in actual danger of physical harm from a
44 person or persons with whom the affiant has had official dealings and that
45 action pursuant to this section will reduce a danger to the life or safety of

1 the affiant or another person, the presiding judge of the superior court
2 shall order that the general public be prohibited for ~~five~~ TEN years from
3 accessing the unique identifier and the recording date contained in indexes
4 of recorded instruments maintained by the county recorder and identified
5 pursuant to subsection B of this section.

6 G. On motion to the court, if the presiding judge of the superior
7 court concludes that an instrument or writing recorded by the county recorder
8 has been redacted or sealed in error, that the original affiant no longer
9 lives at the address listed in the original affidavit, that the cause for the
10 original affidavit no longer exists or that temporary access to the
11 instrument or writing is needed, the presiding judge may temporarily stay or
12 permanently vacate all or part of the court order prohibiting public access
13 to the recorded instrument or writing.

14 H. On entry of the court order, the clerk of the superior court shall
15 file the court order and a copy of the affidavit required by subsection B of
16 this section with the county recorder. No more than ten days after the date
17 on which the county recorder receives the court order, the county recorder
18 shall restrict access to the information as required by subsection F of this
19 section.

20 I. If the court denies an affiant's request pursuant to this section,
21 the affiant may request a court hearing. The hearing shall be conducted by
22 the court in the county where the petition was filed.

23 J. The recorder shall remove the restrictions on all records
24 restricted pursuant to this section by January 5 in the year after the court
25 order expires.

26 K. To include subsequent recordings in the court order, the ~~peace~~
27 ~~officer, justice, judge, commissioner, public defender, prosecutor, victim of~~
28 ~~domestic violence or stalking or person who is protected under an order of~~
29 ~~protection or injunction against harassment~~ ELIGIBLE PERSON shall present to
30 the county recorder at the time of recordation a certified copy of the court
31 order OR SHALL PROVIDE TO THE COUNTY RECORDER THE RECORDING NUMBER OF THE
32 COURT ORDER. The recorder shall ensure that public access shall be
33 restricted pursuant to subsection A of this section.

34 L. This section shall not be interpreted to restrict access to public
35 records for the purposes of perfecting a lien pursuant to title 12, chapter
36 9, article 2.

37 M. This section does not prohibit access to the records of the county
38 recorder by parties to the instrument, a title insurer, a title insurance
39 agent or an escrow agent licensed by the department of insurance or the
40 department of banking.

41 N. For the purposes of this section:

42 1. "Commissioner" means a commissioner of the superior court.

43 2. "CORRECTIONS SUPPORT STAFF MEMBER" MEANS AN ADULT OR JUVENILE
44 CORRECTIONS EMPLOYEE WHO HAS DIRECT CONTACT WITH INMATES.

1 3. "ELIGIBLE PERSON" MEANS A PEACE OFFICER, JUSTICE, JUDGE,
2 COMMISSIONER, PUBLIC DEFENDER, PROSECUTOR, ADULT OR JUVENILE CORRECTIONS
3 OFFICER, CORRECTIONS SUPPORT STAFF MEMBER, LAW ENFORCEMENT SUPPORT STAFF
4 MEMBER, NATIONAL GUARD MEMBER ACTING IN SUPPORT OF A LAW ENFORCEMENT AGENCY,
5 CODE ENFORCEMENT OFFICER, PROBATION OFFICER, MEMBER OF THE BOARD OF EXECUTIVE
6 CLEMENCY, VICTIM OF DOMESTIC VIOLENCE OR STALKING, PERSON WHO IS PROTECTED
7 UNDER AN ORDER OF PROTECTION OR INJUNCTION AGAINST HARASSMENT OR A
8 FIREFIGHTER ASSIGNED TO THE ARIZONA COUNTER TERRORISM CENTER IN THE
9 DEPARTMENT OF PUBLIC SAFETY.

10 ~~2-~~ 4. "Indexes" means only those indexes that are maintained by and
11 located in the office of the county recorder, that are accessed
12 electronically and that contain information beginning from and after January
13 1, 1987.

14 ~~3-~~ 5. "Judge" means a judge of the United States district court, the
15 United States court of appeals, the United States magistrate court, the
16 United States bankruptcy court, the Arizona court of appeals, the superior
17 court or a municipal court.

18 ~~4-~~ 6. "Justice" means a justice of the United States or Arizona
19 supreme court or a justice of the peace.

20 7. "LAW ENFORCEMENT SUPPORT STAFF MEMBER" MEANS A PERSON WHO SERVES IN
21 THE ROLE OF AN INVESTIGATOR OR PROSECUTORIAL ASSISTANT IN AN AGENCY THAT
22 INVESTIGATES OR PROSECUTES CRIMES, WHO IS INTEGRAL TO THE INVESTIGATION OR
23 PROSECUTION OF CRIMES AND WHOSE NAME OR IDENTITY WILL BE REVEALED IN THE
24 COURSE OF PUBLIC PROCEEDINGS.

25 ~~5-~~ 8. "Peace officer" means any person vested by law, or formerly
26 vested by law, with a duty to maintain public order and make arrests.

27 ~~6-~~ 9. "Prosecutor" means a county attorney, a municipal prosecutor,
28 the attorney general or a United States attorney and includes an assistant or
29 deputy United States attorney, county attorney, municipal prosecutor or
30 attorney general.

31 ~~7-~~ 10. "Public defender" means a federal public defender, county
32 public defender, county legal defender or county contract indigent defense
33 counsel and includes an assistant or deputy federal public defender, county
34 public defender or county legal defender.

35 ~~8-~~ 11. "Stalking" means the course of conduct prescribed in section
36 13-2923.

37 ~~9-~~ 12. "Victim of domestic violence" means a person who is a victim
38 of an offense defined in section 13-3601.

39 Sec. 2. Section 11-484, Arizona Revised Statutes, as amended by Laws
40 2006, chapter 299, section 4, is amended to read:

41 11-484. Records maintained by county assessor and county
42 treasurer; redaction; definitions

43 A. Notwithstanding any other provision of this article, in any county
44 ~~a peace officer, justice, judge, commissioner, public defender, prosecutor,~~
45 ~~victim of domestic violence or stalking or person who is protected under an~~

1 ~~order of protection or injunction against harassment~~ AN ELIGIBLE PERSON may
2 request that the general public be prohibited from accessing that person's
3 residential address and telephone number that are contained in instruments,
4 writings and information maintained by the county assessor and the county
5 treasurer.

6 B. ~~A peace officer, justice, judge, commissioner, public defender,~~
7 ~~prosecutor, victim of domestic violence or stalking or person who is~~
8 ~~protected under an order of protection or injunction against harassment~~ AN
9 ELIGIBLE PERSON may request this action by filing an affidavit that states
10 all of the following on an application form developed by the administrative
11 office of the courts in agreement with an association of counties, an
12 organization of peace officers and the motor vehicle division of the
13 department of transportation:

- 14 1. The person's full legal name and residential address.
- 15 2. The full legal description and parcel number of the person's
16 property.
- 17 3. The position the person currently holds and a description of the
18 person's duties, except that ~~a~~ AN ELIGIBLE person who is a victim of
19 domestic violence or stalking shall state that the person is a victim of
20 domestic violence or stalking and shall attach documentation supporting the
21 claim, including a true and correct copy of any of the following:
 - 22 (a) Findings from a court of competent jurisdiction.
 - 23 (b) Police reports.
 - 24 (c) Medical records.
 - 25 (d) Child protective services records.
 - 26 (e) Domestic violence shelter records.
 - 27 (f) School records.
- 28 4. The reasons the person reasonably believes that the person's life
29 or safety or that of another person is in danger and that redacting the
30 residential address and telephone number will serve to reduce the danger.

31 C. If ~~a peace officer, justice, judge, commissioner, public defender,~~
32 ~~prosecutor, victim of domestic violence or stalking or person who is~~
33 ~~protected under an order of protection or injunction against harassment~~ AN
34 ELIGIBLE PERSON is also requesting pursuant to section 11-483 that the
35 general public be prohibited from accessing records maintained by the county
36 recorder, the ~~peace officer, justice, judge, commissioner, public defender,~~
37 ~~prosecutor, victim of domestic violence or stalking or person who is~~
38 ~~protected under an order of protection or injunction against harassment~~
39 ELIGIBLE PERSON may combine the request pursuant to subsection B of this
40 section with the request pursuant to section 11-483 by filing one affidavit.
41 The affidavit and subsequent action by the appropriate authorities shall meet
42 all of the requirements of this section and section 11-483.

43 D. The affidavit shall be filed with the presiding judge of the
44 superior court in the county in which the affiant resides. To prevent a
45 multiplicity of filings, AN ELIGIBLE PERSON WHO IS a peace officer, public

1 defender, ~~or~~ prosecutor, CORRECTIONS OR DETENTION OFFICER OR LAW ENFORCEMENT
2 OR COURT SUPPORT STAFF MEMBER shall deliver the affidavit to the peace
3 officer's commanding officer, or to the head of the prosecuting, LAW
4 ENFORCEMENT, CORRECTIONS, DETENTION or public defender agency, as applicable,
5 or that person's designee, who shall file the affidavits at one time. In the
6 absence of an affidavit that contains a request for immediate action and that
7 is supported by facts justifying an earlier presentation, the commanding
8 officer, or the head of the prosecuting, LAW ENFORCEMENT, CORRECTIONS,
9 DETENTION or public defender agency, as applicable, or that person's
10 designee, shall not file affidavits more often than quarterly.

11 E. On receipt of an affidavit or affidavits, the presiding judge of
12 the superior court shall file with the clerk of the superior court a petition
13 on behalf of all requesting affiants. Each affidavit presented shall be
14 attached to the petition. In the absence of an affidavit that contains a
15 request for immediate action and that is supported by facts justifying an
16 earlier consideration, the presiding judge may accumulate affidavits and file
17 a petition at the end of each quarter.

18 F. The presiding judge of the superior court shall review the petition
19 and each attached affidavit to determine whether the action requested by each
20 affiant should be granted. If the presiding judge of the superior court
21 concludes that the action requested by the affiant will reduce a danger to
22 the life or safety of the affiant or another person, the presiding judge of
23 the superior court shall order the redaction of the affiant's residential
24 address and telephone number that are contained in instruments, writings and
25 information maintained by the county assessor and the county treasurer. The
26 redaction shall be in effect for ~~five~~ TEN years.

27 G. On motion to the court, if the presiding judge of the superior
28 court concludes that an instrument or writing maintained by the county
29 assessor or the county treasurer has been redacted or sealed in error, that
30 the original affiant no longer lives at the address listed in the original
31 affidavit, that the cause for the original affidavit no longer exists or that
32 temporary access to the instrument or writing is needed, the presiding judge
33 may temporarily stay or permanently vacate all or part of the court order
34 prohibiting public access to the instrument or writing.

35 H. On entry of the court order, the clerk of the superior court shall
36 file the court order and a copy of the affidavit required by subsection B of
37 this section with the county assessor and the county treasurer. No more than
38 ten days after the date on which the county assessor and the county treasurer
39 receive the court order, the county assessor and the county treasurer shall
40 restrict access to the information as required by subsection F of this
41 section.

42 I. If the court denies an affiant's request pursuant to this section,
43 the affiant may request a court hearing. The hearing shall be conducted by
44 the court in the county where the petition was filed.

1 J. The county assessor and the county treasurer shall remove the
2 restrictions on all records that are redacted pursuant to this section by
3 January 5 in the year after the court order expires.

4 K. For the purposes of this section:

5 1. "Commissioner" means a commissioner of the superior court.

6 2. "CORRECTIONS SUPPORT STAFF MEMBER" MEANS AN ADULT OR JUVENILE
7 CORRECTIONS EMPLOYEE WHO HAS DIRECT CONTACT WITH INMATES.

8 3. "ELIGIBLE PERSON" MEANS A PEACE OFFICER, JUSTICE, JUDGE,
9 COMMISSIONER, PUBLIC DEFENDER, PROSECUTOR, ADULT OR JUVENILE CORRECTIONS
10 OFFICER, CORRECTIONS SUPPORT STAFF MEMBER, LAW ENFORCEMENT SUPPORT STAFF
11 MEMBER, NATIONAL GUARD MEMBER ACTING IN SUPPORT OF A LAW ENFORCEMENT AGENCY,
12 CODE ENFORCEMENT OFFICER, PROBATION OFFICER, MEMBER OF THE BOARD OF EXECUTIVE
13 CLEMENCY, VICTIM OF DOMESTIC VIOLENCE OR STALKING, PERSON WHO IS PROTECTED
14 UNDER AN ORDER OF PROTECTION OR INJUNCTION AGAINST HARASSMENT OR A
15 FIREFIGHTER ASSIGNED TO THE ARIZONA COUNTER TERRORISM CENTER IN THE
16 DEPARTMENT OF PUBLIC SAFETY.

17 ~~2-~~ 4. "Judge" means a judge of the United States district court, the
18 United States court of appeals, the United States magistrate court, the
19 United States bankruptcy court, the Arizona court of appeals, the superior
20 court or a municipal court.

21 ~~3-~~ 5. "Justice" means a justice of the United States or Arizona
22 supreme court or a justice of the peace.

23 6. "LAW ENFORCEMENT SUPPORT STAFF MEMBER" MEANS A PERSON WHO SERVES IN
24 THE ROLE OF AN INVESTIGATOR OR PROSECUTORIAL ASSISTANT IN AN AGENCY THAT
25 INVESTIGATES OR PROSECUTES CRIMES, WHO IS INTEGRAL TO THE INVESTIGATION OR
26 PROSECUTION OF CRIMES AND WHOSE NAME OR IDENTITY WILL BE REVEALED IN THE
27 COURSE OF PUBLIC PROCEEDINGS.

28 ~~4-~~ 7. "Peace officer" means any person vested by law, or formerly
29 vested by law, with a duty to maintain public order and make arrests.

30 ~~5-~~ 8. "Prosecutor" means a county attorney, a municipal prosecutor,
31 the attorney general or a United States attorney and includes an assistant or
32 deputy United States attorney, county attorney, municipal prosecutor or
33 attorney general.

34 ~~6-~~ 9. "Public defender" means a federal public defender, county
35 public defender, county legal defender or county contract indigent defense
36 counsel and includes an assistant or deputy federal public defender, county
37 public defender or county legal defender.

38 ~~7-~~ 10. "Stalking" means the course of conduct prescribed in section
39 13-2923.

40 ~~8-~~ 11. "Victim of domestic violence" means a person who is a victim
41 of an offense defined in section 13-3601.

42 Sec. 3. Section 16-153, Arizona Revised Statutes, is amended to read:

43 ~~16-153.~~ Voter registration; confidentiality; definitions

44 A. ~~Justices, judges, commissioners, peace officers, prosecutors,~~
45 ~~public defenders, victims of domestic violence or stalking, persons who are~~

1 ~~protected under an order of protection or injunction against harassment,~~
2 ELIGIBLE PERSONS and any other registered voter who resides at the same
3 residence address as the ~~justice, judge, commissioner, peace officer,~~
4 ~~prosecutor, public defender, victim of domestic violence or stalking or~~
5 ~~protected~~ ELIGIBLE person, may request that the general public be prohibited
6 from accessing the residential address, telephone number and voting precinct
7 number contained in their voter registration record.

8 B. ~~Justices, judges, commissioners, prosecutors, public defenders,~~
9 ~~peace officers or victims of domestic violence or stalking~~ ELIGIBLE PERSONS
10 may request this action by filing an affidavit that states all of the
11 following on an application form developed by the administrative office of
12 the courts in agreement with an association of counties and an organization
13 of peace officers:

14 1. The person's full legal name, residential address and date of
15 birth.

16 2. The position the person currently holds and a description of the
17 person's duties, except that a person who is a victim of domestic violence or
18 stalking shall instead state that the person is a victim of domestic violence
19 or stalking and shall attach documentation supporting the claim, including a
20 true and correct copy of any of the following:

- 21 (a) Findings from a court of competent jurisdiction.
- 22 (b) Police reports.
- 23 (c) Medical records.
- 24 (d) Child protective services records.
- 25 (e) Domestic violence shelter records.
- 26 (f) School records.

27 3. The reasons for reasonably believing that the person's life or
28 safety or that of another person is in danger and that sealing the
29 residential address, telephone number and voting precinct number of the
30 person's voting record will serve to reduce the danger.

31 C. The affidavit shall be filed with the presiding judge of the
32 superior court in the county in which the affiant resides. To prevent a
33 multiplicity of filings, peace officers shall deliver the affidavit to their
34 commanding officer who shall file the affidavits at one time, prosecutors
35 shall deliver the affidavit to the head of the prosecuting agency or that
36 person's designee who shall file the affidavits at one time, and public
37 defenders shall deliver the affidavit to the head of the public defending
38 agency or that person's designee who shall file the affidavits at one
39 time. In the absence of an affidavit that contains a request for immediate
40 action and is supported by facts justifying an earlier presentation, the
41 commanding officer, the head of the prosecuting agency or that person's
42 designee or the head of the public defending agency or that person's designee
43 shall not file affidavits more often than quarterly.

44 D. Upon receipt of an affidavit or affidavits, the presiding judge of
45 the superior court shall file with the clerk of the superior court a petition

1 on behalf of all requesting affiants. The petition shall have attached each
2 affidavit presented. In the absence of an affidavit that contains a request
3 for immediate action and THAT is supported by facts justifying an earlier
4 consideration, the presiding judge may accumulate affidavits and file a
5 petition at the end of each quarter.

6 E. The presiding judge of the superior court shall review the petition
7 and each attached affidavit to determine whether the action requested by each
8 affiant should be granted. The presiding judge of the superior court shall
9 order the sealing for ~~five~~ TEN years of the information contained in the
10 voter record of the affiant and, on request, any other registered voter who
11 resides at the same residence address if the presiding judge concludes that
12 this action will reduce a danger to the life or safety of the affiant.

13 F. The recorder shall remove the restrictions on all voter records
14 submitted pursuant to subsection E of this section by January 5 in the year
15 after the court order expires.

16 G. Upon entry of the court order, the clerk of the superior court
17 shall file the court order with the county recorder. Upon receipt of the
18 court order the county recorder shall seal the voter registration of the
19 justices, judges, commissioners, prosecutors, public defenders, peace
20 officers and other persons listed in the court order no later than one
21 hundred twenty days from the date of receipt of the court order. The
22 information in the registration shall not be disclosed and is not a public
23 record.

24 H. If the court denies an affiant's requested sealing of the voter
25 registration record, the affiant may request a court hearing. The hearing
26 shall be conducted by the court where the petition was filed.

27 I. On motion to the court, if the presiding judge of the superior
28 court concludes that a voter registration record has been sealed in error or
29 that the cause for the original affidavit no longer exists, the presiding
30 judge may vacate the court order prohibiting public access to the voter
31 registration record.

32 J. Upon request by a person who is protected under an order of
33 protection or injunction against harassment and presentation of an order of
34 protection issued pursuant to section 13-3602, an injunction against
35 harassment issued pursuant to section 12-1809 or an order of protection or
36 injunction against harassment issued by a court in another state, the county
37 recorder shall seal the voter registration record of the person who is
38 protected and, on request, any other registered voter who resides at the
39 residence address of the protected person. The record shall be sealed no
40 later than one hundred twenty days from the date of receipt of the court
41 order. The information in the registration shall not be disclosed and is not
42 a public record.

43 K. For the purposes of this section:

- 44 1. "Commissioner" means a commissioner of the superior court.

1 2. "CORRECTIONS SUPPORT STAFF MEMBER" MEANS AN ADULT OR JUVENILE
2 CORRECTIONS EMPLOYEE WHO HAS DIRECT CONTACT WITH INMATES.

3 ~~2-~~ 3. "Domestic violence" has the same meaning prescribed in section
4 20-448.

5 4. "ELIGIBLE PERSON" MEANS A PEACE OFFICER, JUSTICE, JUDGE,
6 COMMISSIONER, PUBLIC DEFENDER, PROSECUTOR, ADULT OR JUVENILE CORRECTIONS
7 OFFICER, CORRECTIONS SUPPORT STAFF MEMBER, LAW ENFORCEMENT SUPPORT STAFF
8 MEMBER, NATIONAL GUARD MEMBER ACTING IN SUPPORT OF A LAW ENFORCEMENT AGENCY,
9 CODE ENFORCEMENT OFFICER, PROBATION OFFICER, MEMBER OF THE BOARD OF EXECUTIVE
10 CLEMENCY, VICTIM OF DOMESTIC VIOLENCE OR STALKING, PERSON WHO IS PROTECTED
11 UNDER AN ORDER OF PROTECTION OR INJUNCTION AGAINST HARASSMENT OR A
12 FIREFIGHTER ASSIGNED TO THE ARIZONA COUNTER TERRORISM CENTER IN THE
13 DEPARTMENT OF PUBLIC SAFETY.

14 ~~3-~~ 5. "Judge" means a judge of the United States district court, the
15 United States court of appeals, the United States magistrate court, the
16 United States bankruptcy court, the Arizona court of appeals, the superior
17 court or a municipal court.

18 ~~4-~~ 6. "Justice" means a justice of the United States or Arizona
19 supreme court or a justice of the peace.

20 ~~5-~~ 7. "Prosecutor" means a United States attorney, a county attorney,
21 a municipal prosecutor or the attorney general and includes an assistant or
22 deputy United States attorney, county attorney, municipal prosecutor or
23 attorney general.

24 ~~6-~~ 8. "Public defender" means a federal public defender, county
25 public defender, county legal defender or county contract indigent defense
26 counsel and includes an assistant or deputy federal public defender, county
27 public defender or county legal defender.

28 ~~7-~~ 9. "Stalking" means the course of conduct prescribed in section
29 13-2923.

30 ~~8-~~ 10. "Victim of domestic violence" means a person who is a victim
31 of an offense defined in section 13-3601.

32 Sec. 4. Section 28-454, Arizona Revised Statutes, is amended to read:

33 ~~28-454.~~ Records maintained by department of transportation;
34 redaction; definitions

35 A. Notwithstanding sections 28-447 and 28-455, ~~a peace officer,~~
36 ~~prosecutor or code enforcement officer~~ AN ELIGIBLE PERSON may request that
37 persons be prohibited from accessing the ~~peace officer's, prosecutor's or~~
38 ~~code enforcement officer's~~ PERSON'S residential address and telephone number
39 contained in any record maintained by the department.

40 B. ~~A peace officer, prosecutor or code enforcement officer~~ AN ELIGIBLE
41 PERSON may request this action by filing an affidavit that states all of the
42 following on an application form developed by the administrative office of
43 the courts in agreement with an association of counties, an organization of
44 peace officers and the department:

1 1. The ~~peace officer's, prosecutor's or code enforcement officer's~~
2 PERSON'S full legal name and residential address.

3 2. The position the ~~peace officer, prosecutor or code enforcement~~
4 ~~officer~~ PERSON currently holds and a description of the ~~peace officer's,~~
5 ~~prosecutor's or code enforcement officer's~~ PERSON'S duties, EXCEPT THAT AN
6 ELIGIBLE PERSON WHO IS A VICTIM OF DOMESTIC VIOLENCE OR STALKING SHALL STATE
7 THAT THE PERSON IS A VICTIM OF DOMESTIC VIOLENCE OR STALKING AND SHALL ATTACH
8 DOCUMENTATION SUPPORTING THE CLAIM, INCLUDING A TRUE AND CORRECT COPY OF ANY
9 OF THE FOLLOWING:

- 10 (a) FINDINGS FROM A COURT OF COMPETENT JURISDICTION.
- 11 (b) POLICE REPORTS.
- 12 (c) MEDICAL RECORDS.
- 13 (d) CHILD PROTECTIVE SERVICES RECORDS.
- 14 (e) DOMESTIC VIOLENCE SHELTER RECORDS.
- 15 (f) SCHOOL RECORDS.

16 3. The reasons the ~~peace officer, prosecutor or code enforcement~~
17 ~~officer~~ PERSON reasonably believes that the ~~peace officer's, prosecutor's or~~
18 ~~code enforcement officer's~~ PERSON'S life or safety or that of another person
19 is in danger and that redacting the residential address and telephone number
20 from the department's public records will serve to reduce the danger.

21 C. The affidavit shall be filed with the presiding judge of the
22 superior court in the county in which the affiant resides. To prevent a
23 multiplicity of filings, AN ELIGIBLE PERSON WHO IS a peace officer,
24 prosecutor, ~~or~~ code enforcement officer, ADULT OR JUVENILE CORRECTIONS OR
25 DETENTION OFFICER OR LAW ENFORCEMENT OR COURT SUPPORT STAFF MEMBER shall
26 deliver the affidavit to the peace officer's commanding officer, or to the
27 head of the prosecuting LAW ENFORCEMENT, CORRECTIONS, DETENTION or code
28 enforcement agency, as applicable, or that person's designee, who shall file
29 the affidavits at one time. In the absence of an affidavit that contains a
30 request for immediate action and that is supported by facts justifying an
31 earlier presentation, the commanding officer, or the head of the prosecuting,
32 LAW ENFORCEMENT, CORRECTIONS, DETENTION or code enforcement agency, as
33 applicable, or that person's designee, shall not file affidavits more often
34 than quarterly.

35 D. On receipt of an affidavit or affidavits, the presiding judge of
36 the superior court shall cause to be filed with the clerk of the superior
37 court a petition on behalf of all requesting ~~peace officers, prosecutors and~~
38 ~~code enforcement officers~~ AFFIANTS. Each affidavit presented shall be
39 attached to the petition. In the absence of an affidavit that contains a
40 request for immediate action and that is supported by facts justifying an
41 earlier consideration, the presiding judge may accumulate affidavits and file
42 a petition at the end of each quarter.

43 E. The presiding judge of the superior court shall review the petition
44 and each attached affidavit to determine whether the action requested by each
45 ~~peace officer, prosecutor and code enforcement officer~~ AFFIANT should be

1 granted. The presiding judge of the superior court shall order the redaction
2 of the residence address and telephone number from the public records
3 maintained by the department if the judge concludes that this action will
4 reduce a danger to the life or safety of the affiant or another person.

5 F. On entry of the court order, the clerk of the superior court shall
6 file the court order with the department. No more than one hundred fifty
7 days after the date the department receives the court order, the department
8 shall redact the residence addresses and telephone numbers of the ~~peace~~
9 ~~officers, prosecutors and code enforcement officers~~ AFFIANTS listed in the
10 court order from the public records of the department. The residence
11 addresses and telephone numbers shall not be disclosed and are not part of a
12 public record.

13 G. If the court denies an affiant's request pursuant to this section,
14 the affiant may request a court hearing. The hearing shall be conducted by
15 the court in the county where the petition was filed.

16 H. On motion to the court, if the presiding judge of the superior
17 court concludes that a residential address or telephone number has been
18 sealed in error or that the cause for the original affidavit no longer
19 exists, the presiding judge may vacate the court order prohibiting public
20 access to the residential address or telephone number.

21 I. Notwithstanding sections 28-447 and 28-455, the department shall
22 not release a photograph of a peace officer if the peace officer has made a
23 request as prescribed in this section that persons be prohibited from
24 accessing the peace officer's residential address and telephone number in any
25 record maintained by the department.

26 J. This section does not prohibit the use of a peace officer's
27 photograph that is either:

- 28 1. Used by a law enforcement agency to assist a person who has a
29 complaint against an officer to identify the officer.
- 30 2. Obtained from a source other than the department.

31 K. For the purposes of this section:

32 1. "Code enforcement officer" means a person who is employed by a
33 state or local government and whose duties include performing field
34 inspections of buildings, structures or property to ensure compliance with
35 and enforce national, state and local laws, ordinances and codes.

36 2. "CORRECTIONS SUPPORT STAFF MEMBER" MEANS AN ADULT OR JUVENILE
37 CORRECTIONS EMPLOYEE WHO HAS DIRECT CONTACT WITH INMATES.

38 3. "ELIGIBLE PERSON" MEANS A PEACE OFFICER, JUSTICE, JUDGE,
39 COMMISSIONER, PUBLIC DEFENDER, PROSECUTOR, ADULT OR JUVENILE CORRECTIONS
40 OFFICER, CORRECTIONS SUPPORT STAFF MEMBER, LAW ENFORCEMENT SUPPORT STAFF
41 MEMBER, NATIONAL GUARD MEMBER ACTING IN SUPPORT OF A LAW ENFORCEMENT AGENCY,
42 CODE ENFORCEMENT OFFICER, PROBATION OFFICER, MEMBER OF THE BOARD OF EXECUTIVE
43 CLEMENCY, VICTIM OF DOMESTIC VIOLENCE OR STALKING, OR PERSON WHO IS PROTECTED
44 UNDER AN ORDER OF PROTECTION OR INJUNCTION AGAINST HARASSMENT OR A

1 FIREFIGHTER ASSIGNED TO THE ARIZONA COUNTER TERRORISM CENTER IN THE
2 DEPARTMENT OF PUBLIC SAFETY.

3 4. "LAW ENFORCEMENT SUPPORT STAFF MEMBER" MEANS A PERSON WHO SERVES IN
4 THE ROLE OF AN INVESTIGATOR OR PROSECUTORIAL ASSISTANT IN AN AGENCY THAT
5 INVESTIGATES OR PROSECUTES CRIMES, WHO IS INTEGRAL TO THE INVESTIGATION OR
6 PROSECUTION OF CRIMES AND WHOSE NAME OR IDENTITY WILL BE REVEALED IN THE
7 COURSE OF PUBLIC PROCEEDINGS.

8 ~~2-~~ 5. "Prosecutor" means a county attorney, a municipal prosecutor or
9 the attorney general and includes an assistant or deputy county attorney,
10 municipal prosecutor or attorney general.

11 6. "STALKING" MEANS THE COURSE OF CONDUCT PRESCRIBED IN SECTION
12 13-2923.

13 7. "VICTIM OF DOMESTIC VIOLENCE" MEANS A PERSON WHO IS A VICTIM OF AN
14 OFFENSE DEFINED IN SECTION 13-3601.

15 Sec. 5. Section 39-123, Arizona Revised Statutes, is amended to read:

16 ~~39-123.~~ Information identifying eligible persons;
17 confidentiality; definitions

18 A. Nothing in this chapter requires disclosure from a personnel file
19 by a law enforcement agency or employing state or local governmental entity
20 of the home address or home telephone number of ~~a peace officer as defined in~~
21 ~~section 13-105, a justice, a judge, a commissioner, a public defender, a~~
22 ~~prosecutor or a code enforcement officer~~ ELIGIBLE PERSONS.

23 B. The agency or governmental entity may release the information in
24 subsection A of this section only if either:

25 1. The person consents in writing to the release.

26 2. The custodian of records of the agency or governmental entity
27 determines that release of the information does not create a reasonable risk
28 of physical injury to the person or the person's immediate family or damage
29 to the property of the person or the person's immediate family.

30 C. A law enforcement agency may release a photograph of a peace
31 officer if either:

32 1. The peace officer has been arrested or has been formally charged by
33 complaint, information or indictment for a misdemeanor or a felony offense.

34 2. The photograph is requested by a representative of a newspaper for
35 a specific newsworthy event unless:

36 (a) The peace officer is serving in an undercover capacity or is
37 scheduled to be serving in an undercover capacity within sixty days.

38 (b) The release of the photograph is not in the best interest of this
39 state after taking into consideration the privacy, confidentiality and safety
40 of the peace officer.

41 (c) An order pursuant to section 28-454 is in effect.

42 D. This section does not prohibit the use of a peace officer's
43 photograph that is either:

1 1. Used by a law enforcement agency to assist a person who has a
2 complaint against an officer to identify the officer.

3 2. Obtained from a source other than the law enforcement agency.

4 E. This section does not apply to a certified peace officer or code
5 enforcement officer who is no longer employed as a peace officer or code
6 enforcement officer by a state or local government entity.

7 F. For the purposes of this section:

8 1. "Code enforcement officer" means a person who is employed by a
9 state or local government and whose duties include performing field
10 inspections of buildings, structures or property to ensure compliance with
11 and enforce national, state and local laws, ordinances and codes.

12 2. "Commissioner" means a commissioner of the superior court.

13 3. "CORRECTIONS SUPPORT STAFF MEMBER" MEANS AN ADULT OR JUVENILE
14 CORRECTIONS EMPLOYEE WHO HAS DIRECT CONTACT WITH INMATES.

15 4. "ELIGIBLE PERSON" MEANS A PEACE OFFICER, JUSTICE, JUDGE,
16 COMMISSIONER, PUBLIC DEFENDER, PROSECUTOR, ADULT OR JUVENILE CORRECTIONS
17 OFFICER, CORRECTIONS SUPPORT STAFF MEMBER, LAW ENFORCEMENT SUPPORT STAFF
18 MEMBER, NATIONAL GUARD MEMBER ACTING IN SUPPORT OF A LAW ENFORCEMENT AGENCY,
19 CODE ENFORCEMENT OFFICER, PROBATION OFFICER, MEMBER OF THE BOARD OF EXECUTIVE
20 CLEMENCY, VICTIM OF DOMESTIC VIOLENCE OR STALKING, PERSON WHO IS PROTECTED
21 UNDER AN ORDER OF PROTECTION OR INJUNCTION AGAINST HARASSMENT OR A
22 FIREFIGHTER ASSIGNED TO THE ARIZONA COUNTER TERRORISM CENTER IN THE
23 DEPARTMENT OF PUBLIC SAFETY.

24 ~~3-~~ 5. "Judge" means a judge of the United States district court, the
25 United States court of appeals, the United States magistrate court, the
26 United States bankruptcy court, the Arizona court of appeals, the superior
27 court or a municipal court.

28 ~~4-~~ 6. "Justice" means a justice of the United States or Arizona
29 supreme court or a justice of the peace.

30 7. "LAW ENFORCEMENT SUPPORT STAFF MEMBER" MEANS A PERSON WHO SERVES IN
31 THE ROLE OF AN INVESTIGATOR OR PROSECUTORIAL ASSISTANT IN AN AGENCY THAT
32 INVESTIGATES OR PROSECUTES CRIMES, WHO IS INTEGRAL TO THE INVESTIGATION OR
33 PROSECUTION OF CRIMES AND WHOSE NAME OR IDENTITY WILL BE REVEALED IN THE
34 COURSE OF PUBLIC PROCEEDINGS.

35 8. "PEACE OFFICER" HAS THE SAME MEANING AS DEFINED IN SECTION 13-105.

36 ~~5-~~ 9. "Prosecutor" means a county attorney, a municipal prosecutor,
37 the attorney general or a United States attorney and includes an assistant or
38 deputy United States attorney, county attorney, municipal prosecutor or
39 attorney general.

40 ~~6-~~ 10. "Public defender" means a federal public defender, county
41 public defender, county legal defender or county contract indigent defense
42 counsel and includes an assistant or deputy federal public defender, county
43 public defender or county legal defender.

1 Sec. 6. Section 39-124, Arizona Revised Statutes, is amended to read:
2 39-124. Releasing information identifying an eligible person:
3 violations; classification; definitions

4 A. Any person who is employed by a state or local government entity
5 and who, in violation of section 39-123, knowingly releases the home address
6 or home telephone number of ~~a peace officer as defined in section 13-105, a~~
7 ~~justice, a judge, a commissioner, a public defender, a prosecutor or a code~~
8 ~~enforcement officer with the intent to hinder an investigation, cause~~
9 ~~physical injury to a peace officer, justice, judge, commissioner, public~~
10 ~~defender, prosecutor or code enforcement officer or the peace officer's,~~
11 ~~justice's, judge's, commissioner's, public defender's, prosecutor's or code~~
12 ~~enforcement officer's~~ AN ELIGIBLE PERSON OR THE ELIGIBLE PERSON'S immediate
13 family or cause damage to the property of ~~a peace officer, justice, judge,~~
14 ~~commissioner, public defender, prosecutor or code enforcement officer or the~~
15 ~~peace officer's, justice's, judge's, commissioner's, public defender's,~~
16 ~~prosecutor's or code enforcement officer's~~ AN ELIGIBLE PERSON OR THE ELIGIBLE
17 PERSON'S immediate family is guilty of a class 6 felony.

18 B. Any person who is employed by a state or local government entity
19 and who, in violation of section 39-123, knowingly releases a photograph of a
20 peace officer with the intent to hinder an investigation, cause physical
21 injury to a peace officer or the peace officer's immediate family or cause
22 damage to the property of a peace officer or the peace officer's immediate
23 family is guilty of a class 6 felony.

24 C. For the purposes of this section:

25 1. "Code enforcement officer" means a person who is employed by a
26 state or local government and whose duties include performing field
27 inspections of buildings, structures or property to ensure compliance with
28 and enforce national, state and local laws, ordinances and codes.

29 2. "Commissioner" means a commissioner of the superior court.

30 3. "CORRECTIONS SUPPORT STAFF MEMBER" MEANS AN ADULT OR JUVENILE
31 CORRECTIONS EMPLOYEE WHO HAS DIRECT CONTACT WITH INMATES.

32 4. "ELIGIBLE PERSON" MEANS A PEACE OFFICER, JUSTICE, JUDGE,
33 COMMISSIONER, PUBLIC DEFENDER, PROSECUTOR, ADULT OR JUVENILE CORRECTIONS
34 OFFICER, CORRECTIONS SUPPORT STAFF MEMBER, LAW ENFORCEMENT SUPPORT STAFF
35 MEMBER, NATIONAL GUARD MEMBER ACTING IN SUPPORT OF A LAW ENFORCEMENT AGENCY,
36 CODE ENFORCEMENT OFFICER, PROBATION OFFICER, MEMBER OF THE BOARD OF EXECUTIVE
37 CLEMENCY, VICTIM OF DOMESTIC VIOLENCE OR STALKING, PERSON WHO IS PROTECTED
38 UNDER AN ORDER OF PROTECTION OR INJUNCTION AGAINST HARASSMENT OR A
39 FIREFIGHTER ASSIGNED TO THE ARIZONA COUNTER TERRORISM CENTER IN THE
40 DEPARTMENT OF PUBLIC SAFETY.

41 ~~3-~~ 5. "Judge" means a judge of the United States district court, the
42 United States court of appeals, the United States magistrate court, the
43 United States bankruptcy court, the Arizona court of appeals, the superior
44 court or a municipal court.

1 ~~4.~~ 6. "Justice" means a justice of the United States or Arizona
2 supreme court or a justice of the peace.
3 7. "LAW ENFORCEMENT SUPPORT STAFF MEMBER" MEANS A PERSON WHO SERVES IN
4 THE ROLE OF AN INVESTIGATOR OR PROSECUTORIAL ASSISTANT IN AN AGENCY THAT
5 INVESTIGATES OR PROSECUTES CRIMES, WHO IS INTEGRAL TO THE INVESTIGATION OR
6 PROSECUTION OF CRIMES AND WHOSE NAME OR IDENTITY WILL BE REVEALED IN THE
7 COURSE OF PUBLIC PROCEEDINGS.
8 8. "PEACE OFFICER" HAS THE SAME MEANING AS DEFINED IN SECTION 13-105.
9 ~~5.~~ 9. "Prosecutor" means a county attorney, a municipal prosecutor,
10 the attorney general or a United States attorney and includes an assistant or
11 deputy United States attorney, county attorney, municipal prosecutor or
12 attorney general.
13 ~~6.~~ 10. "Public defender" means a federal public defender, county
14 public defender, county legal defender or county contract indigent defense
15 counsel and includes an assistant or deputy federal public defender, county
16 public defender or county legal defender.