

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

SENATE BILL 1006

AN ACT

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

(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 **CODE ENFORCEMENT OFFICER**, victim of domestic violence or stalking or person
9 who is protected under an order of protection or injunction against
10 harassment may request that the general public be prohibited from accessing
11 the unique 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 made
15 available on the internet.

16 B. A peace officer, justice, judge, commissioner, public defender,
17 prosecutor, **CODE ENFORCEMENT OFFICER**, victim of domestic violence or stalking
18 or person who is protected under an order of protection or injunction against
19 harassment may request this action by filing an affidavit that states all of
20 the following on an application form developed by the administrative office
21 of the courts in agreement with an association of counties, an organization
22 of peace officers and the motor vehicle division of the department of
23 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 person who is a victim of domestic violence or
29 stalking shall instead state that the person is a victim of domestic violence
30 or stalking and shall attach documentation supporting the claim, including a
31 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, **CODE ENFORCEMENT OFFICER**, victim of domestic violence or stalking
3 or person who is protected under an order of protection or injunction against
4 harassment is also requesting pursuant to section 11-484 that the general
5 public be prohibited from accessing records maintained by the county assessor
6 and county treasurer, the peace officer, justice, judge, commissioner, public
7 defender, prosecutor, **CODE ENFORCEMENT OFFICER**, victim of domestic violence
8 or stalking or person who is protected under an order of protection or
9 injunction against harassment may combine the request pursuant to subsection
10 B of this section with the request pursuant to section 11-484 by filing one
11 affidavit. The affidavit and subsequent action by the appropriate
12 authorities shall meet all of the requirements of this section and section
13 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, a peace officer, public defender, ~~or~~ prosecutor **OR**
17 **CODE ENFORCEMENT OFFICER** shall deliver the affidavit to the peace officer's
18 commanding officer, or to the head of the prosecuting, ~~or~~ public defender **OR**
19 **CODE ENFORCEMENT** agency, as applicable, or that person's designee, who shall
20 file the affidavits at one time. In the absence of an affidavit that
21 contains a request for immediate action and that is supported by facts
22 justifying an earlier presentation, the commanding officer, or the head of
23 the prosecuting, ~~or~~ public defender **OR CODE ENFORCEMENT** agency, as
24 applicable, or that person's designee, shall not file affidavits more often
25 than quarterly.

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

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

1 shall order that the general public be prohibited for five years from
2 accessing the unique identifier and the recording date contained in indexes
3 of recorded instruments maintained by the county recorder and identified
4 pursuant to subsection B of this section.

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

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

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

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

25 K. To include subsequent recordings in the court order, the peace
26 officer, justice, judge, commissioner, public defender, prosecutor, **CODE**
27 **ENFORCEMENT OFFICER**, victim of domestic violence or stalking or person who is
28 protected under an order of protection or injunction against harassment shall
29 present to the county recorder at the time of recordation a certified copy of
30 the court order. The recorder shall ensure that public access shall be
31 restricted pursuant to subsection A of this section.

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

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

39 N. For the purposes of this section:

40 1. **"CODE ENFORCEMENT OFFICER" MEANS A PERSON WHO IS EMPLOYED BY A**
41 **STATE OR LOCAL GOVERNMENT AND WHOSE DUTIES INCLUDE PERFORMING FIELD**
42 **INSPECTIONS OF BUILDINGS, STRUCTURES OR PROPERTY TO ENSURE COMPLIANCE WITH**
43 **AND ENFORCE NATIONAL, STATE AND LOCAL LAWS, ORDINANCES AND CODES.**

44 ~~1.~~ 2. **"Commissioner"** means a commissioner of the superior court.

1 ~~2-~~ 3. "Indexes" means only those indexes that are maintained by and
2 located in the office of the county recorder, that are accessed
3 electronically and that contain information beginning from and after January
4 1, 1987.

5 ~~3-~~ 4. "Judge" means a judge of the United States district court, the
6 United States court of appeals, the United States magistrate court, the
7 United States bankruptcy court, the Arizona court of appeals, the superior
8 court or a municipal court.

9 ~~4-~~ 5. "Justice" means a justice of the United States or Arizona
10 supreme court or a justice of the peace.

11 ~~5-~~ 6. "Peace officer" means any person vested by law, or formerly
12 vested by law, with a duty to maintain public order and make arrests.

13 ~~6-~~ 7. "Prosecutor" means a county attorney, a municipal prosecutor,
14 the attorney general or a United States attorney and includes an assistant or
15 deputy United States attorney, county attorney, municipal prosecutor or
16 attorney general.

17 ~~7-~~ 8. "Public defender" means a federal public defender, county
18 public defender, county legal defender or county contract indigent defense
19 counsel and includes an assistant or deputy federal public defender, county
20 public defender or county legal defender.

21 ~~8-~~ 9. "Stalking" means the course of conduct prescribed in section
22 13-2923.

23 ~~9-~~ 10. "Victim of domestic violence" means a person who is a victim
24 of an offense defined in section 13-3601.

25 Sec. 2. Section 11-483, Arizona Revised Statutes, as amended by
26 section 1 of this act, is amended to read:

27 11-483. Records maintained by county recorder; confidentiality;
28 definitions

29 A. Notwithstanding any other provision of this article, in any county
30 ~~a peace officer, justice, judge, commissioner, public defender, prosecutor,~~
31 ~~code enforcement officer, victim of domestic violence or stalking or person~~
32 ~~who is protected under an order of protection or injunction against~~
33 ~~harassment~~ AN ELIGIBLE PERSON may request that the general public be
34 prohibited from accessing the unique identifier and the recording date
35 contained in indexes of recorded instruments maintained by the county
36 recorder and may request the recorder to prohibit access to that person's
37 residential address and telephone number contained in instruments or writings
38 recorded by the county recorder ~~and made available on the internet.~~

39 B. ~~A peace officer, justice, judge, commissioner, public defender,~~
40 ~~prosecutor, code enforcement officer, victim of domestic violence or stalking~~
41 ~~or person who is protected under an order of protection or injunction against~~
42 ~~harassment~~ AN ELIGIBLE PERSON may request this action by filing an affidavit
43 that states all of the following on an application form developed by the
44 administrative office of the courts in agreement with an association of

1 counties, an organization of peace officers and the motor vehicle division of
2 the department of transportation:

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

4 2. The full legal description and parcel number of the person's
5 property.

6 3. The position the person currently holds and a description of the
7 person's duties, except that ~~a~~ AN ELIGIBLE person who is ~~a victim of~~
8 ~~domestic violence or stalking~~ PROTECTED UNDER AN ORDER OF PROTECTION OR
9 INJUNCTION AGAINST HARASSMENT shall instead ~~state that the person is a victim~~
10 ~~of domestic violence or stalking and shall~~ attach A COPY OF THE ORDER OF
11 PROTECTION OR INJUNCTION AGAINST HARASSMENT. ~~documentation supporting the~~
12 ~~claim, including a true and correct copy of any of the following:~~

13 ~~(a) Findings from a court of competent jurisdiction.~~

14 ~~(b) Police reports.~~

15 ~~(c) Medical records.~~

16 ~~(d) Child protective services records.~~

17 ~~(e) Domestic violence shelter records.~~

18 ~~(f) School records.~~

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

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

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

27 C. If ~~a peace officer, justice, judge, commissioner, public defender,~~
28 ~~prosecutor, code enforcement officer, victim of domestic violence or stalking~~
29 ~~or person who is protected under an order of protection or injunction against~~
30 ~~harassment~~ AN ELIGIBLE PERSON is also requesting pursuant to section 11-484
31 that the general public be prohibited from accessing records maintained by
32 the county assessor and county treasurer, the ~~peace officer, justice, judge,~~
33 ~~commissioner, public defender, prosecutor, code enforcement officer, victim~~
34 ~~of domestic violence or stalking or person who is protected under an order of~~
35 ~~protection or injunction against harassment~~ ELIGIBLE PERSON may combine the
36 request pursuant to subsection B of this section with the request pursuant to
37 section 11-484 by filing one affidavit. The affidavit and subsequent action
38 by the appropriate authorities shall meet all of the requirements of this
39 section and section 11-484.

40 D. The affidavit shall be filed with the presiding judge of the
41 superior court in the county in which the affiant resides. To prevent a
42 multiplicity of filings, AN ELIGIBLE PERSON WHO IS a peace officer, public
43 defender, prosecutor, ~~or~~ code enforcement officer, CORRECTIONS OR DETENTION
44 OFFICER, CORRECTIONS SUPPORT STAFF MEMBER OR LAW ENFORCEMENT SUPPORT STAFF
45 MEMBER shall deliver the affidavit to the peace officer's commanding officer,

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

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

16 F. The presiding judge of the superior court shall review the petition
17 and each attached affidavit to determine whether the action requested by each
18 affiant should be granted. If the presiding judge of the superior court
19 concludes that the action requested by the affiant will reduce a danger to
20 the life or safety of the affiant or another person, the presiding judge of
21 the superior court shall order that the recorder prohibit access for five
22 years to the affiant's residential address and telephone number contained in
23 instruments or writings recorded by the county recorder and made available on
24 the internet. If the presiding judge of the superior court concludes that
25 the affiant or another person is in actual danger of physical harm from a
26 person or persons with whom the affiant has had official dealings and that
27 action pursuant to this section will reduce a danger to the life or safety of
28 the affiant or another person, the presiding judge of the superior court
29 shall order that the general public be prohibited for five years from
30 accessing the unique identifier and the recording date contained in indexes
31 of recorded instruments maintained by the county recorder and identified
32 pursuant to subsection B of this section.

33 G. On motion to the court, if the presiding judge of the superior
34 court concludes that an instrument or writing recorded by the county recorder
35 has been redacted or sealed in error, that the original affiant no longer
36 lives at the address listed in the original affidavit, that the cause for the
37 original affidavit no longer exists or that temporary access to the
38 instrument or writing is needed, the presiding judge may temporarily stay or
39 permanently vacate all or part of the court order prohibiting public access
40 to the recorded instrument or writing.

41 H. On entry of the court order, the clerk of the superior court shall
42 file the court order and a copy of the affidavit required by subsection B of
43 this section with the county recorder. No more than ten days after the date
44 on which the county recorder receives the court order, the county recorder

1 shall restrict access to the information as required by subsection F of this
2 section.

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

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

9 K. To include subsequent recordings in the court order, the ~~peace~~
10 ~~officer, justice, judge, commissioner, public defender, prosecutor, code~~
11 ~~enforcement officer, victim of domestic violence or stalking or person who is~~
12 ~~protected under an order of protection or injunction against harassment~~
13 ELIGIBLE PERSON shall present to the county recorder at the time of
14 recordation a certified copy of the court order OR SHALL PROVIDE TO THE
15 COUNTY RECORDER THE RECORDING NUMBER OF THE COURT ORDER. The recorder shall
16 ensure that public access shall be restricted pursuant to subsection A of
17 this section.

18 L. This section shall not be interpreted to restrict access to public
19 records for the purposes of perfecting a lien pursuant to title 12, chapter
20 9, article 2.

21 M. This section does not prohibit access to the records of the county
22 recorder by parties to the instrument, a title insurer, a title insurance
23 agent or an escrow agent licensed by the department of insurance or the
24 department of ~~banking~~ FINANCIAL INSTITUTIONS.

25 N. For the purposes of this section:

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

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

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

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

43 ~~3-~~ 5. "Indexes" means only those indexes that are maintained by and
44 located in the office of the county recorder, that are accessed

1 electronically and that contain information beginning from and after January
2 1, 1987.

3 ~~4.~~ 6. "Judge" means a judge of the United States district court, the
4 United States court of appeals, the United States magistrate court, the
5 United States bankruptcy court, the Arizona court of appeals, the superior
6 court or a municipal court.

7 ~~5.~~ 7. "Justice" means a justice of the United States or Arizona
8 supreme court or a justice of the peace.

9 8. "LAW ENFORCEMENT SUPPORT STAFF MEMBER" MEANS A PERSON WHO SERVES IN
10 THE ROLE OF AN INVESTIGATOR OR PROSECUTORIAL ASSISTANT IN AN AGENCY THAT
11 INVESTIGATES OR PROSECUTES CRIMES, WHO IS INTEGRAL TO THE INVESTIGATION OR
12 PROSECUTION OF CRIMES AND WHOSE NAME OR IDENTITY WILL BE REVEALED IN THE
13 COURSE OF PUBLIC PROCEEDINGS.

14 ~~6.~~ 9. "Peace officer" means any person vested by law, or formerly
15 vested by law, with a duty to maintain public order and make arrests.

16 ~~7.~~ 10. "Prosecutor" means a county attorney, a municipal prosecutor,
17 the attorney general or a United States attorney and includes an assistant or
18 deputy United States attorney, county attorney, municipal prosecutor or
19 attorney general.

20 ~~8.~~ 11. "Public defender" means a federal public defender, county
21 public defender, county legal defender or county contract indigent defense
22 counsel and includes an assistant or deputy federal public defender, county
23 public defender or county legal defender.

24 ~~9.~~ 12. "Stalking" means the course of conduct prescribed in section
25 13-2923.

26 ~~10.~~ 13. "Victim of domestic violence" means a person who is a victim
27 of an offense defined in section 13-3601.

28 Sec. 3. Section 11-484, Arizona Revised Statutes, as amended by Laws
29 2006, chapter 299, section 4, is amended to read:

30 ~~11-484.~~ Records maintained by county assessor and county
31 treasurer; redaction; definitions

32 A. Notwithstanding any other provision of this article, in any county
33 a peace officer, justice, judge, commissioner, public defender, prosecutor,
34 **CODE ENFORCEMENT OFFICER**, victim of domestic violence or stalking or person
35 who is protected under an order of protection or injunction against
36 harassment may request that the general public be prohibited from accessing
37 that person's residential address and telephone number that are contained in
38 instruments, writings and information maintained by the county assessor and
39 the county treasurer.

40 B. A peace officer, justice, judge, commissioner, public defender,
41 prosecutor, **CODE ENFORCEMENT OFFICER**, victim of domestic violence or stalking
42 or person who is protected under an order of protection or injunction against
43 harassment may request this action by filing an affidavit that states all of
44 the following on an application form developed by the administrative office
45 of the courts in agreement with an association of counties, an organization

1 of peace officers and the motor vehicle division of the department of
2 transportation:

- 3 1. The person's full legal name and residential address.
- 4 2. The full legal description and parcel number of the person's
5 property.
- 6 3. The position the person currently holds and a description of the
7 person's duties, except that a person who is a victim of domestic violence or
8 stalking shall state that the person is a victim of domestic violence or
9 stalking and shall attach documentation supporting the claim, including a
10 true and correct copy of any of the following:
 - 11 (a) Findings from a court of competent jurisdiction.
 - 12 (b) Police reports.
 - 13 (c) Medical records.
 - 14 (d) Child protective services records.
 - 15 (e) Domestic violence shelter records.
 - 16 (f) School records.

17 4. The reasons the person reasonably believes that the person's life
18 or safety or that of another person is in danger and that redacting the
19 residential address and telephone number will serve to reduce the danger.

20 C. If a peace officer, justice, judge, commissioner, public defender,
21 prosecutor, **CODE ENFORCEMENT OFFICER**, victim of domestic violence or stalking
22 or person who is protected under an order of protection or injunction against
23 harassment is also requesting pursuant to section 11-483 that the general
24 public be prohibited from accessing records maintained by the county
25 recorder, the peace officer, justice, judge, commissioner, public defender,
26 prosecutor, **CODE ENFORCEMENT OFFICER**, victim of domestic violence or stalking
27 or person who is protected under an order of protection or injunction against
28 harassment may combine the request pursuant to subsection B of this section
29 with the request pursuant to section 11-483 by filing one affidavit. The
30 affidavit and subsequent action by the appropriate authorities shall meet all
31 of the requirements of this section and section 11-483.

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

44 E. On 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. Each affidavit presented shall be
2 attached to the petition. In the absence of an affidavit that contains a
3 request for immediate action and that is supported by facts justifying an
4 earlier consideration, the presiding judge may accumulate affidavits and file
5 a petition at the end of each quarter.

6 F. 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. If the presiding judge of the superior court
9 concludes that the action requested by the affiant will reduce a danger to
10 the life or safety of the affiant or another person, the presiding judge of
11 the superior court shall order the redaction of the affiant's residential
12 address and telephone number that are contained in instruments, writings and
13 information maintained by the county assessor and the county treasurer. The
14 redaction shall be in effect for five years.

15 G. On motion to the court, if the presiding judge of the superior
16 court concludes that an instrument or writing maintained by the county
17 assessor or the county treasurer has been redacted or sealed in error, that
18 the original affiant no longer lives at the address listed in the original
19 affidavit, that the cause for the original affidavit no longer exists or that
20 temporary access to the instrument or writing is needed, the presiding judge
21 may temporarily stay or permanently vacate all or part of the court order
22 prohibiting public access to the instrument or writing.

23 H. On entry of the court order, the clerk of the superior court shall
24 file the court order and a copy of the affidavit required by subsection B of
25 this section with the county assessor and the county treasurer. No more than
26 ten days after the date on which the county assessor and the county treasurer
27 receive the court order, the county assessor and the county treasurer shall
28 restrict access to the information as required by subsection F of this
29 section.

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

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

36 K. For the purposes of this section:

37 1. "CODE ENFORCEMENT OFFICER" MEANS A PERSON WHO IS EMPLOYED BY A
38 STATE OR LOCAL GOVERNMENT AND WHOSE DUTIES INCLUDE PERFORMING FIELD
39 INSPECTIONS OF BUILDINGS, STRUCTURES OR PROPERTY TO ENSURE COMPLIANCE WITH
40 AND ENFORCE NATIONAL, STATE AND LOCAL LAWS, ORDINANCES AND CODES.

41 ~~1-~~ 2. "Commissioner" means a commissioner of the superior court.

42 ~~2-~~ 3. "Judge" means a judge of the United States district court, the
43 United States court of appeals, the United States magistrate court, the
44 United States bankruptcy court, the Arizona court of appeals, the superior
45 court or a municipal court.

1 ~~3-~~ 4. "Justice" means a justice of the United States or Arizona
2 supreme court or a justice of the peace.

3 ~~4-~~ 5. "Peace officer" means any person vested by law, or formerly
4 vested by law, with a duty to maintain public order and make arrests.

5 ~~5-~~ 6. "Prosecutor" means a county attorney, a municipal prosecutor,
6 the attorney general or a United States attorney and includes an assistant or
7 deputy United States attorney, county attorney, municipal prosecutor or
8 attorney general.

9 ~~6-~~ 7. "Public defender" means a federal public defender, county
10 public defender, county legal defender or county contract indigent defense
11 counsel and includes an assistant or deputy federal public defender, county
12 public defender or county legal defender.

13 ~~7-~~ 8. "Stalking" means the course of conduct prescribed in section
14 13-2923.

15 ~~8-~~ 9. "Victim of domestic violence" means a person who is a victim of
16 an offense defined in section 13-3601.

17 Sec. 4. Section 11-484, Arizona Revised Statutes, as amended by
18 section 3 of this act, is amended to read:

19 11-484. Records maintained by county assessor and county
20 treasurer; redaction; definitions

21 A. Notwithstanding any other provision of this article, in any county
22 ~~a peace officer, justice, judge, commissioner, public defender, prosecutor,~~
23 ~~code enforcement officer, victim of domestic violence or stalking or person~~
24 ~~who is protected under an order of protection or injunction against~~
25 ~~harassment~~ AN ELIGIBLE PERSON may request that the general public be
26 prohibited from accessing that person's residential address and telephone
27 number that are contained in instruments, writings and information maintained
28 by the county assessor and the county treasurer.

29 B. ~~A peace officer, justice, judge, commissioner, public defender,~~
30 ~~prosecutor, code enforcement officer, victim of domestic violence or stalking~~
31 ~~or person who is protected under an order of protection or injunction against~~
32 ~~harassment~~ AN ELIGIBLE PERSON may request this action by filing an affidavit
33 that states all of the following on an application form developed by the
34 administrative office of the courts in agreement with an association of
35 counties, an organization of peace officers and the motor vehicle division of
36 the department of transportation:

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

38 2. The full legal description and parcel number of the person's
39 property.

40 3. The position the person currently holds and a description of the
41 person's duties, except that ~~a~~ AN ELIGIBLE person who is ~~a victim of~~
42 ~~domestic violence or stalking~~ PROTECTED UNDER AN ORDER OF PROTECTION OR
43 INJUNCTION AGAINST HARASSMENT shall ~~state that the person is a victim of~~
44 ~~domestic violence or stalking and shall~~ attach A COPY OF THE ORDER OF

1 PROTECTION OR INJUNCTION AGAINST HARASSMENT. ~~documentation supporting the~~
2 ~~claim, including a true and correct copy of any of the following:~~

- 3 ~~(a) Findings from a court of competent jurisdiction.~~
- 4 ~~(b) Police reports.~~
- 5 ~~(c) Medical records.~~
- 6 ~~(d) Child protective services records.~~
- 7 ~~(e) Domestic violence shelter records.~~
- 8 ~~(f) School records.~~

9 4. The reasons the person reasonably believes that the person's life
10 or safety or that of another person is in danger and that redacting the
11 residential address and telephone number will serve to reduce the danger.

12 C. ~~If a peace officer, justice, judge, commissioner, public defender,~~
13 ~~prosecutor, code enforcement officer, victim of domestic violence or stalking~~
14 ~~or person who is protected under an order of protection or injunction against~~
15 ~~harassment~~ AN ELIGIBLE PERSON is also requesting pursuant to section 11-483
16 that the general public be prohibited from accessing records maintained by
17 the county recorder, the ~~peace officer, justice, judge, commissioner, public~~
18 ~~defender, prosecutor, code enforcement officer, victim of domestic violence~~
19 ~~or stalking or person who is protected under an order of protection or~~
20 ~~injunction against harassment~~ ELIGIBLE PERSON may combine the request
21 pursuant to subsection B of this section with the request pursuant to section
22 11-483 by filing one affidavit. The affidavit and subsequent action by the
23 appropriate authorities shall meet all of the requirements of this section
24 and section 11-483.

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

39 E. On receipt of an affidavit or affidavits, the presiding judge of
40 the superior court shall file with the clerk of the superior court a petition
41 on behalf of all requesting affiants. Each affidavit presented shall be
42 attached to the petition. In the absence of an affidavit that contains a
43 request for immediate action and that is supported by facts justifying an
44 earlier consideration, the presiding judge may accumulate affidavits and file
45 a petition at the end of each quarter.

1 F. The presiding judge of the superior court shall review the petition
2 and each attached affidavit to determine whether the action requested by each
3 affiant should be granted. If the presiding judge of the superior court
4 concludes that the action requested by the affiant will reduce a danger to
5 the life or safety of the affiant or another person, the presiding judge of
6 the superior court shall order the redaction of the affiant's residential
7 address and telephone number that are contained in instruments, writings and
8 information maintained by the county assessor and the county treasurer. The
9 redaction shall be in effect for five years.

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

18 H. On entry of the court order, the clerk of the superior court shall
19 file the court order and a copy of the affidavit required by subsection B of
20 this section with the county assessor and the county treasurer. No more than
21 ten days after the date on which the county assessor and the county treasurer
22 receive the court order, the county assessor and the county treasurer shall
23 restrict access to the information as required by subsection F of this
24 section.

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

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

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

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

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

1 COUNTERTERRORISM CENTER IN THE DEPARTMENT OF PUBLIC SAFETY OR VICTIM OF
2 DOMESTIC VIOLENCE OR STALKING WHO IS PROTECTED UNDER AN ORDER OF PROTECTION
3 OR INJUNCTION AGAINST HARASSMENT.

4 ~~3-~~ 5. "Judge" means a judge of the United States district court, the
5 United States court of appeals, the United States magistrate court, the
6 United States bankruptcy court, the Arizona court of appeals, the superior
7 court or a municipal court.

8 ~~4-~~ 6. "Justice" means a justice of the United States or Arizona
9 supreme court or a justice of the peace.

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

15 ~~5-~~ 8. "Peace officer" means any person vested by law, or formerly
16 vested by law, with a duty to maintain public order and make arrests.

17 ~~6-~~ 9. "Prosecutor" means a county attorney, a municipal prosecutor,
18 the attorney general or a United States attorney and includes an assistant or
19 deputy United States attorney, county attorney, municipal prosecutor or
20 attorney general.

21 ~~7-~~ 10. "Public defender" means a federal public defender, county
22 public defender, county legal defender or county contract indigent defense
23 counsel and includes an assistant or deputy federal public defender, county
24 public defender or county legal defender.

25 ~~8-~~ 11. "Stalking" means the course of conduct prescribed in section
26 13-2923.

27 ~~9-~~ 12. "Victim of domestic violence" means a person who is a victim
28 of an offense defined in section 13-3601.

29 Sec. 5. Section 16-153, Arizona Revised Statutes, is amended to read:

30 16-153. Voter registration; confidentiality; definitions

31 A. ~~Justices, judges, commissioners, peace officers, prosecutors,~~
32 ~~public defenders, victims of domestic violence or stalking, persons who are~~
33 ~~protected under an order of protection or injunction against harassment~~
34 ELIGIBLE PERSONS, and any other registered voter who resides at the same
35 residence address as the ~~justice, judge, commissioner, peace officer,~~
36 ~~prosecutor, public defender, victim of domestic violence or stalking or~~
37 ~~protected~~ ELIGIBLE person, may request that the general public be prohibited
38 from accessing the residential address, telephone number and voting precinct
39 number contained in their voter registration record.

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

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

3 2. The position the person currently holds and a description of the
4 person's duties, except that ~~a~~ AN ELIGIBLE person who is ~~a victim of~~
5 ~~domestic violence or stalking~~ PROTECTED UNDER AN ORDER OF PROTECTION OR
6 INJUNCTION AGAINST HARASSMENT shall instead ~~state that the person is a victim~~
7 ~~of domestic violence or stalking and shall~~ attach A COPY OF THE ORDER OF
8 PROTECTION OR INJUNCTION AGAINST HARASSMENT. ~~documentation supporting the~~
9 ~~claim, including a true and correct copy of any 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 for reasonably believing that the person's life or
17 safety or that of another person is in danger and that sealing the
18 residential address, telephone number and voting precinct number of the
19 person's voting record will serve to reduce the danger.

20 C. The affidavit shall be filed with the presiding judge of the
21 superior court in the county in which the affiant resides. To prevent a
22 multiplicity of filings, ~~peace officers~~ AN ELIGIBLE PERSON WHO IS A PEACE
23 OFFICER, PROSECUTOR, PUBLIC DEFENDER, CODE ENFORCEMENT OFFICER, CORRECTIONS
24 OR DETENTION OFFICER, CORRECTIONS SUPPORT STAFF MEMBER OR LAW ENFORCEMENT
25 SUPPORT STAFF MEMBER shall deliver the affidavit to ~~their~~ THE PEACE OFFICER'S
26 commanding officer, ~~who shall file the affidavits at one time, prosecutors~~
27 ~~shall deliver the affidavit to~~ OR TO the head of the prosecuting, PUBLIC
28 DEFENDER, CODE ENFORCEMENT, LAW ENFORCEMENT, CORRECTIONS OR DETENTION agency,
29 AS APPLICABLE, or that person's designee, who shall file the affidavits at
30 one time. ~~, and public defenders shall deliver the affidavit to the head of~~
31 ~~the public defending agency or that person's designee who shall file the~~
32 ~~affidavits at one time.~~ In the absence of an affidavit that contains a
33 request for immediate action and is supported by facts justifying an earlier
34 presentation, the commanding officer, OR the head of the prosecuting, PUBLIC
35 DEFENDER, CODE ENFORCEMENT, LAW ENFORCEMENT, CORRECTIONS OR DETENTION agency,
36 AS APPLICABLE, or that person's designee, ~~or the head of the public defending~~
37 ~~agency or that person's designee~~ shall not file affidavits more often than
38 quarterly.

39 D. Upon receipt of an affidavit or affidavits, the presiding judge of
40 the superior court shall file with the clerk of the superior court a petition
41 on behalf of all requesting affiants. The petition shall have attached each
42 affidavit presented. In the absence of an affidavit that contains a request
43 for immediate action and THAT is supported by facts justifying an earlier
44 consideration, the presiding judge may accumulate affidavits and file a
45 petition at the end of each quarter.

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

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

11 G. Upon entry of the court order, the clerk of the superior court
12 shall file the court order with the county recorder. Upon receipt of the
13 court order the county recorder shall seal the voter registration of the
14 ~~justices, judges, commissioners, prosecutors, public defenders, peace~~
15 ~~officers and other~~ persons listed in the court order no later than one
16 hundred twenty days from the date of receipt of the court order. **TO INCLUDE**
17 **A SUBSEQUENT VOTER REGISTRATION IN THE COURT ORDER, A PERSON LISTED IN THE**
18 **COURT ORDER SHALL PRESENT TO THE COUNTY RECORDER AT THE TIME OF REGISTRATION**
19 **A CERTIFIED COPY OF THE COURT ORDER OR SHALL PROVIDE THE COUNTY RECORDER THE**
20 **RECORDING NUMBER OF THE COURT ORDER.** The information in the registration
21 shall not be disclosed and is not a public record.

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

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

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

41 K. For the purposes of this section:

42 1. **"CODE ENFORCEMENT OFFICER" MEANS A PERSON WHO IS EMPLOYED BY A**
43 **STATE OR LOCAL GOVERNMENT AND WHOSE DUTIES INCLUDE PERFORMING FIELD**
44 **INSPECTIONS OF BUILDINGS, STRUCTURES OR PROPERTY TO ENSURE COMPLIANCE WITH**
45 **AND ENFORCE NATIONAL, STATE AND LOCAL LAWS, ORDINANCES AND CODES.**

1 ~~1-~~ 2. "Commissioner" means a commissioner of the superior court.

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

4 ~~2-~~ 4. "Domestic violence" has the same meaning prescribed in section
5 20-448.

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

16 ~~3-~~ 6. "Judge" means a judge of the United States district court, the
17 United States court of appeals, the United States magistrate court, the
18 United States bankruptcy court, the Arizona court of appeals, the superior
19 court or a municipal court.

20 ~~4-~~ 7. "Justice" means a justice of the United States or Arizona
21 supreme court or a justice of the peace.

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

27 ~~5-~~ 9. "Prosecutor" means a United States attorney, a county attorney,
28 a municipal prosecutor or the attorney general and includes an assistant or
29 deputy United States attorney, county attorney, municipal prosecutor or
30 attorney general.

31 ~~6-~~ 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 ~~7-~~ 11. "Stalking" means the course of conduct prescribed in section
36 13-2923.

37 ~~8-~~ 12. "Victim of domestic violence" means a person who is a victim
38 of an offense defined in section 13-3601.

39 Sec. 6. Section 28-454, Arizona Revised Statutes, is amended to read:

40 ~~28-454.~~ Records maintained by department of transportation;
41 redaction; definitions

42 A. Notwithstanding sections 28-447 and 28-455, ~~a peace officer,~~
43 ~~prosecutor or code enforcement officer~~ AN ELIGIBLE PERSON may request that
44 persons be prohibited from accessing the ~~peace officer's, prosecutor's or~~

1 ~~code enforcement officer's~~ PERSON'S residential address and telephone number
2 contained in any record maintained by the department.

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

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

10 2. The position the ~~peace officer, prosecutor or code enforcement~~
11 ~~officer~~ PERSON currently holds and a description of the ~~peace officer's,~~
12 ~~prosecutor's or code enforcement officer's~~ PERSON'S duties, EXCEPT THAT AN
13 ELIGIBLE PERSON WHO IS PROTECTED UNDER AN ORDER OF PROTECTION OR INJUNCTION
14 AGAINST HARASSMENT SHALL ATTACH A COPY OF THE ORDER OF PROTECTION OR
15 INJUNCTION AGAINST HARASSMENT.

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, CORRECTIONS OR DETENTION OFFICER,
25 CORRECTIONS SUPPORT STAFF MEMBER OR LAW ENFORCEMENT SUPPORT STAFF MEMBER
26 shall deliver the affidavit to the peace officer's commanding officer, or to
27 the head of the prosecuting, ~~or~~ code enforcement, LAW ENFORCEMENT,
28 CORRECTIONS OR DETENTION agency, as applicable, or that person's designee,
29 who shall file the affidavits at one time. In the absence of an affidavit
30 that contains a request for immediate action and that is supported by facts
31 justifying an earlier presentation, the commanding officer, or the head of
32 the prosecuting, ~~or~~ code enforcement, LAW ENFORCEMENT, CORRECTIONS OR
33 DETENTION agency, as applicable, or that person's designee, shall not file
34 affidavits more often 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, CODE ENFORCEMENT OFFICER, ADULT OR
40 JUVENILE CORRECTIONS OFFICER, CORRECTIONS SUPPORT STAFF MEMBER, PROBATION
41 OFFICER, MEMBER OF THE BOARD OF EXECUTIVE CLEMENCY, LAW ENFORCEMENT SUPPORT
42 STAFF MEMBER, NATIONAL GUARD MEMBER WHO IS ACTING IN SUPPORT OF A LAW
43 ENFORCEMENT AGENCY, PERSON WHO IS PROTECTED UNDER AN ORDER OF PROTECTION OR
44 INJUNCTION AGAINST HARASSMENT, FIREFIGHTER WHO IS ASSIGNED TO THE ARIZONA
45 COUNTERTERRORISM CENTER IN THE DEPARTMENT OF PUBLIC SAFETY OR VICTIM OF

1 DOMESTIC VIOLENCE OR STALKING WHO IS PROTECTED UNDER AN ORDER OF PROTECTION
2 OR INJUNCTION AGAINST HARASSMENT.

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. 7. 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:

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

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

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

5 F. For the purposes of this section:

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

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

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

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

23 ~~3.~~ 5. "Judge" means a judge of the United States district court, the
24 United States court of appeals, the United States magistrate court, the
25 United States bankruptcy court, the Arizona court of appeals, the superior
26 court or a municipal court.

27 ~~4.~~ 6. "Justice" means a justice of the United States or Arizona
28 supreme court or a justice of the peace.

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

34 8. "PEACE OFFICER" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-105.

35 ~~5.~~ 9. "Prosecutor" means a county attorney, a municipal prosecutor,
36 the attorney general or a United States attorney and includes an assistant or
37 deputy United States attorney, county attorney, municipal prosecutor or
38 attorney general.

39 ~~6.~~ 10. "Public defender" means a federal public defender, county
40 public defender, county legal defender or county contract indigent defense
41 counsel and includes an assistant or deputy federal public defender, county
42 public defender or county legal defender.

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2 supreme court or a justice of the peace.

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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.

17 Sec. 9. Retroactivity

18 Section 11-483, Arizona Revised Statutes, as amended by Laws 2006,
19 chapter 299, section 2 and section 1 of this act, and section 11-484, Arizona
20 Revised Statutes, as amended by Laws 2006, chapter 299, section 4 and section
21 3 of this act, apply retroactively to September 21, 2006.