

REFERENCE TITLE: identifying information; peace officers; spouses

State of Arizona
House of Representatives
Fifty-first Legislature
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2013

HB 2421

Introduced by
Representatives Borrelli, Thorpe, Townsend: Brophy McGee, Cardenas,
Carter, Fann, Kwasman, Larkin, Lesko, Livingston, Orr, Otondo, Petersen,
Shope, Senator Bradley

AN ACT

AMENDING SECTIONS 11-483, 11-484, 16-153, 28-454, 39-123 AND 39-124, ARIZONA
REVISED STATUTES; RELATING TO SPOUSES OF LAW ENFORCEMENT OFFICERS.

(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, is amended to
3 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 an eligible person may request that the general public be prohibited from
8 accessing the unique identifier and the recording date contained in indexes
9 of recorded instruments maintained by the county recorder and may request the
10 county recorder to prohibit access to that person's residential address and
11 telephone number contained in instruments or writings recorded by the county
12 recorder.
13 B. An eligible person may request this action by filing an affidavit
14 that states all of the following on an application form developed by the
15 administrative office of the courts in agreement with an association of
16 counties, an organization of peace officers and the motor vehicle division of
17 the department of transportation:
18 1. The person's full legal name and residential address.
19 2. The full legal description and parcel number of the person's
20 property.
21 3. UNLESS THE PERSON IS THE SPOUSE OF A PEACE OFFICER, the position
22 the person currently holds and a description of the person's duties, except
23 that an eligible person who is protected under an order of protection or
24 injunction against harassment shall instead attach a copy of the order of
25 protection or injunction against harassment.
26 4. The reasons the person reasonably believes that the person's life
27 or safety or that of another person is in danger and that restricting access
28 pursuant to this section will serve to reduce the danger.
29 5. The document locator number and recording date of each instrument
30 for which the person requests access restriction pursuant to this section.
31 6. A copy of pages from each instrument that includes the document
32 locator number and the person's full legal name and residential address or
33 full legal name and telephone number.
34 C. If an eligible person is also requesting pursuant to section 11-484
35 that the general public be prohibited from accessing records maintained by
36 the county assessor and county treasurer, the eligible person may combine the
37 request pursuant to subsection B of this section with the request pursuant to
38 section 11-484 by filing one affidavit. The affidavit and subsequent action
39 by the appropriate authorities shall meet all of the requirements of this
40 section and section 11-484.
41 D. The affidavit shall be filed with the presiding judge of the
42 superior court in the county in which the affiant resides. To prevent
43 ~~a multiplicity of~~ MULTIPLE filings, an eligible person who is a peace
44 officer, SPOUSE OF A PEACE OFFICER, public defender, prosecutor, code
45 enforcement officer, corrections or detention officer, corrections support

1 staff member or law enforcement support staff member shall deliver the
2 affidavit to the peace officer's commanding officer, or to the head of the
3 prosecuting, public defender, code enforcement, law enforcement, corrections
4 or detention agency, as applicable, or that person's designee, who shall file
5 the affidavits at one time. In the absence of an affidavit that contains a
6 request for immediate action and that is supported by facts justifying an
7 earlier presentation, the commanding officer, or the head of the prosecuting,
8 public defender, code enforcement, law enforcement, corrections or detention
9 agency, as applicable, or that person's designee, shall not file affidavits
10 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 that the county recorder prohibit access for
24 five years to the affiant's residential address and telephone number
25 contained in instruments or writings recorded by the county recorder and made
26 available on the internet. If the presiding judge of the superior court
27 concludes that the affiant or another person is in actual danger of physical
28 harm from a person or persons with whom the affiant has had official dealings
29 and that action pursuant to this section will reduce a danger to the life or
30 safety of the affiant or another person, the presiding judge of the superior
31 court shall order that the general public be prohibited for five years from
32 accessing the unique identifier and the recording date contained in indexes
33 of recorded instruments maintained by the county recorder and identified
34 pursuant to subsection B of this section.

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

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

1 on which the county recorder receives the court order, the county recorder
2 shall restrict access to the information as required by subsection F of this
3 section.

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

7 J. The county recorder shall remove the restrictions on all records
8 restricted pursuant to this section by January 5 in the year after the court
9 order expires. The county recorder shall send by mail one **notification**
10 **NOTICE** to either the peace officer, **SPOUSE OF A PEACE OFFICER**, public
11 defender, prosecutor, code enforcement officer, corrections or detention
12 officer, corrections support staff member or law enforcement support staff
13 member or the employing agency of a peace officer, public defender,
14 prosecutor, code enforcement officer, corrections or detention officer,
15 corrections support staff member or law enforcement support staff member who
16 was granted an order pursuant to this section of the order's expiration date
17 at least six months before the expiration date. If the notice is sent to the
18 employing agency, the employing agency shall immediately notify the person
19 who was granted the order of the upcoming expiration date. The county
20 recorder may coordinate with the county assessor and county treasurer to
21 prevent multiple notices from being sent to the same person.

22 K. To include subsequent recordings in the court order, the eligible
23 person shall present to the county recorder at the time of recordation a
24 certified copy of the court order or shall provide to the county recorder the
25 recording number of the court order. The county recorder shall ensure that
26 public access shall be restricted pursuant to subsection A of this section.

27 L. This section shall not be interpreted to restrict access to public
28 records for the purposes of perfecting a lien pursuant to title 12, chapter
29 9, article 2.

30 M. This section does not prohibit access to the records of the county
31 recorder by parties to the instrument, a law enforcement officer performing
32 the officer's official duties pursuant to subsection N of this section, a
33 title insurer, a title insurance agent or an escrow agent licensed by the
34 department of insurance or the department of financial institutions.

35 N. A law enforcement officer is deemed to be performing the officer's
36 official duties if the officer provides a subpoena, court order or search
37 warrant for the records.

38 O. For the purposes of this section:

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

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

44 3. "Corrections support staff member" means an adult or juvenile
45 corrections employee who has direct contact with inmates.

1 4. "Eligible person" means a peace officer, SPOUSE OF A PEACE OFFICER,
2 justice, judge, commissioner, public defender, prosecutor, code enforcement
3 officer, adult or juvenile corrections officer, corrections support staff
4 member, probation officer, member of the board of executive clemency, law
5 enforcement support staff member, national guard member who is acting in
6 support of a law enforcement agency, person who is protected under an order
7 of protection or injunction against harassment or firefighter who is assigned
8 to the Arizona counterterrorism center in the department of public safety.

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

13 6. "Judge" means a judge of the United States district court, the
14 United States court of appeals, the United States magistrate court, the
15 United States bankruptcy court, the Arizona court of appeals, the superior
16 court or a municipal court.

17 7. "Justice" means a justice of the United States or Arizona supreme
18 court or a justice of the peace.

19 8. "Law enforcement support staff member" means a person who serves in
20 the role of an investigator or prosecutorial assistant in an agency that
21 investigates or prosecutes crimes, who is integral to the investigation or
22 prosecution of crimes and whose name or identity will be revealed in the
23 course of public proceedings.

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

26 10. "Prosecutor" means a county attorney, a municipal prosecutor, the
27 attorney general or a United States attorney and includes an assistant or
28 deputy United States attorney, county attorney, municipal prosecutor or
29 attorney general.

30 11. "Public defender" means a federal public defender, county public
31 defender, county legal defender or county contract indigent defense counsel
32 and includes an assistant or deputy federal public defender, county public
33 defender or county legal defender.

34 Sec. 2. Section 11-484, Arizona Revised Statutes, is amended to read:
35 11-484. Records maintained by county assessor and county
36 treasurer; redaction; definitions

37 A. Notwithstanding any other provision of this article, in any county
38 an eligible person may request that the general public be prohibited from
39 accessing that person's residential address and telephone number that are
40 contained in instruments, writings and information maintained by the county
41 assessor and the county treasurer.

42 B. 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. **UNLESS THE PERSON IS THE SPOUSE OF A PEACE OFFICER**, the position
7 the person currently holds and a description of the person's duties, except
8 that an eligible person who is protected under an order of protection or
9 injunction against harassment shall attach a copy of the order of protection
10 or injunction against harassment.

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

14 C. If an eligible person is also requesting pursuant to section 11-483
15 that the general public be prohibited from accessing records maintained by
16 the county recorder, the eligible person may combine the request pursuant to
17 subsection B of this section with the request pursuant to section 11-483 by
18 filing one affidavit. The affidavit and subsequent action by the appropriate
19 authorities shall meet all of the requirements of this section and section
20 11-483.

21 D. The affidavit shall be filed with the presiding judge of the
22 superior court in the county in which the affiant resides. To prevent
23 ~~a multiplicity of~~ **MULTIPLE** filings, an eligible person who is a peace
24 officer, **SPOUSE OF A PEACE OFFICER**, public defender, prosecutor, code
25 enforcement officer, corrections or detention officer, corrections support
26 staff member or law enforcement support staff member shall deliver the
27 affidavit to the peace officer's commanding officer, or to the head of the
28 prosecuting, public defender, code enforcement, law enforcement, corrections
29 or detention agency, as applicable, or that person's designee, who shall file
30 the affidavits at one time. In the absence of an affidavit that contains a
31 request for immediate action and that is supported by facts justifying an
32 earlier presentation, the commanding officer, or the head of the prosecuting,
33 public defender, code enforcement, law enforcement, corrections or detention
34 agency, as applicable, or that person's designee, shall not file affidavits
35 more often than quarterly.

36 E. On receipt of an affidavit or affidavits, the presiding judge of
37 the superior court shall file with the clerk of the superior court a petition
38 on behalf of all requesting 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 F. 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 affiant should be granted. If the presiding judge of the superior court

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

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

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

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

25 J. The county assessor and the county treasurer shall remove the
26 restrictions on all records that are redacted pursuant to this section by
27 January 5 in the year after the court order expires. The county assessor or
28 the county treasurer shall send by mail one ~~notification~~ NOTICE to either the
29 peace officer, SPOUSE OF A PEACE OFFICER, public defender, prosecutor, code
30 enforcement officer, corrections or detention officer, corrections support
31 staff member or law enforcement support staff member or the employing agency
32 of a peace officer, public defender, prosecutor, code enforcement officer,
33 corrections or detention officer, corrections support staff member or law
34 enforcement support staff member who was granted an order pursuant to this
35 section of the order's expiration date at least six months before the
36 expiration date. If the notice is sent to the employing agency, the
37 employing agency shall immediately notify the person who was granted the
38 order of the upcoming expiration date. The county assessor or county
39 treasurer may coordinate with the county recorder to prevent multiple notices
40 from being sent to the same person.

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 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 4. "Eligible person" means a peace officer, [SPOUSE OF A PEACE OFFICER](#),
5 justice, judge, commissioner, public defender, prosecutor, code enforcement
6 officer, adult or juvenile corrections officer, corrections support staff
7 member, probation officer, member of the board of executive clemency, law
8 enforcement support staff member, national guard member who is acting in
9 support of a law enforcement agency, person who is protected under an order
10 of protection or injunction against harassment or firefighter who is assigned
11 to the Arizona counterterrorism center in the department of public safety.
12 5. "Judge" means a judge of the United States district court, the
13 United States court of appeals, the United States magistrate court, the
14 United States bankruptcy court, the Arizona court of appeals, the superior
15 court or a municipal court.
16 6. "Justice" means a justice of the United States or Arizona supreme
17 court or a justice of the peace.
18 7. "Law enforcement support staff member" means a person who serves in
19 the role of an investigator or prosecutorial assistant in an agency that
20 investigates or prosecutes crimes, who is integral to the investigation or
21 prosecution of crimes and whose name or identity will be revealed in the
22 course of public proceedings.
23 8. "Peace officer" means any person vested by law, or formerly vested
24 by law, with a duty to maintain public order and make arrests.
25 9. "Prosecutor" means a county attorney, a municipal prosecutor, the
26 attorney general or a United States attorney and includes an assistant or
27 deputy United States attorney, county attorney, municipal prosecutor or
28 attorney general.
29 10. "Public defender" means a federal public defender, county public
30 defender, county legal defender or county contract indigent defense counsel
31 and includes an assistant or deputy federal public defender, county public
32 defender or county legal defender.
33 Sec. 3. Section 16-153, Arizona Revised Statutes, is amended to read:
34 16-153. [Voter registration; confidentiality; definitions](#)
35 A. Eligible persons, and any other registered voter who resides at the
36 same residence address as the eligible person, may request that the general
37 public be prohibited from accessing the residential address, telephone number
38 and voting precinct number contained in their voter registration record.
39 B. Eligible persons may request this action by filing an affidavit
40 that states all of the following on an application form developed by the
41 administrative office of the courts in agreement with an association of
42 counties and an organization of peace officers:
43 1. The person's full legal name, residential address and date of
44 birth.

1 2. **UNLESS THE PERSON IS THE SPOUSE OF A PEACE OFFICER**, the position
2 the person currently holds and a description of the person's duties, except
3 that an eligible person who is protected under an order of protection or
4 injunction against harassment shall instead attach a copy of the order of
5 protection or injunction against harassment.

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

10 C. The affidavit shall be filed with the presiding judge of the
11 superior court in the county in which the affiant resides. To prevent ~~a-~~
12 ~~multiplicity of~~ **MULTIPLE** filings, an eligible person who is a peace officer,
13 prosecutor, public defender, code enforcement officer, corrections or
14 detention officer, corrections support staff member or law enforcement
15 support staff member shall deliver the affidavit to the peace officer's
16 commanding officer, or to the head of the prosecuting, public defender, code
17 enforcement, law enforcement, corrections or detention agency, as applicable,
18 or that person's designee, who shall file the affidavits at one time. In the
19 absence of an affidavit that contains a request for immediate action and is
20 supported by facts justifying an earlier presentation, the commanding
21 officer, or the head of the prosecuting, public defender, code enforcement,
22 law enforcement, corrections or detention agency, as applicable, or that
23 person's designee, shall not file affidavits more often than quarterly.

24 D. ~~Upon~~ **ON** receipt of an affidavit or affidavits, the presiding judge
25 of the superior court shall file with the clerk of the superior court a
26 petition on behalf of all requesting affiants. The petition shall have
27 attached each affidavit presented. In the absence of an affidavit that
28 contains a request for immediate action and that is supported by facts
29 justifying an earlier consideration, the presiding judge may accumulate
30 affidavits and file a petition at the end of each quarter.

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

38 F. The recorder shall remove the restrictions on all voter records
39 submitted pursuant to subsection E of this section by January 5 in the year
40 after the court order expires. The county recorder shall send by mail one
41 ~~notification~~ **NOTICE** to either the peace officer, **SPOUSE OF A PEACE OFFICER**,
42 public defender, prosecutor, code enforcement officer, corrections or
43 detention officer, corrections support staff member or law enforcement
44 support staff member or the employing agency of a peace officer, public
45 defender, prosecutor, code enforcement officer, corrections or detention

1 officer, corrections support staff member or law enforcement support staff
2 member who was granted an order pursuant to this section of the order's
3 expiration date at least six months before the expiration date. If the
4 notice is sent to the employing agency, the employing agency shall
5 immediately notify the person who was granted the order of the upcoming
6 expiration date. The county recorder may coordinate with the county assessor
7 and county treasurer to prevent multiple notices from being sent to the same
8 person.

9 G. ~~Upon~~ ON entry of the court order, the clerk of the superior court
10 shall file the court order with the county recorder. ~~Upon~~ ON receipt of the
11 court order the county recorder shall seal the voter registration of the
12 persons listed in the court order no later than one hundred twenty days from
13 the date of receipt of the court order. To include a subsequent voter
14 registration in the court order, a person listed in the court order shall
15 present to the county recorder at the time of registration a certified copy
16 of the court order or shall provide the county recorder the recording number
17 of the court order. The information in the registration shall not be
18 disclosed and is not a public record.

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

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

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

38 K. For the purposes of this section:

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

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

44 3. "Corrections support staff member" means an adult or juvenile
45 corrections employee who has direct contact with inmates.

1 4. "Eligible person" means a peace officer, SPOUSE OF A PEACE OFFICER,
2 border patrol agent, justice, judge, commissioner, public defender,
3 prosecutor, code enforcement officer, adult or juvenile corrections officer,
4 corrections support staff member, probation officer, member of the board of
5 executive clemency, law enforcement support staff member, national guard
6 member who is acting in support of a law enforcement agency, person who is
7 protected under an order of protection or injunction against harassment or
8 firefighter who is assigned to the Arizona counterterrorism center in the
9 department of public safety.

10 5. "Judge" means a judge of the United States district court, the
11 United States court of appeals, the United States magistrate court, the
12 United States bankruptcy court, the Arizona court of appeals, the superior
13 court or a municipal court.

14 6. "Justice" means a justice of the United States or Arizona supreme
15 court or a justice of the peace.

16 7. "Law enforcement support staff member" means a person who serves in
17 the role of an investigator or prosecutorial assistant in an agency that
18 investigates or prosecutes crimes, who is integral to the investigation or
19 prosecution of crimes and whose name or identity will be revealed in the
20 course of public proceedings.

21 8. "Prosecutor" means a United States attorney, a county attorney, a
22 municipal prosecutor or the attorney general and includes an assistant or
23 deputy United States attorney, county attorney, municipal prosecutor or
24 attorney general.

25 9. "Public defender" means a federal public defender, county public
26 defender, county legal defender or county contract indigent defense counsel
27 and includes an assistant or deputy federal public defender, county public
28 defender or county legal defender.

29 Sec. 4. Section 28-454, Arizona Revised Statutes, is amended to read:
30 28-454. Records maintained by department of transportation;
31 redaction; definitions

32 A. Notwithstanding sections 28-447 and 28-455, an eligible person may
33 request that persons be prohibited from accessing the ELIGIBLE person's
34 residential address and telephone number contained in any record maintained
35 by the department.

36 B. An eligible person may request this action by filing an affidavit
37 that states all of the following on an application form developed by the
38 administrative office of the courts in agreement with an association of
39 counties, an organization of peace officers and the department:

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

41 2. UNLESS THE PERSON IS THE SPOUSE OF A PEACE OFFICER, the position
42 the person currently holds and a description of the person's duties, except
43 that an eligible person who is protected under an order of protection or
44 injunction against harassment shall attach a copy of the order of protection
45 or injunction against harassment.

1 3. The reasons the person reasonably believes that the person's life
2 or safety or that of another person is in danger and that redacting the
3 residential address and telephone number from the department's public records
4 will serve to reduce the danger.

5 C. The affidavit shall be filed with the presiding judge of the
6 superior court in the county in which the affiant resides. To prevent
7 ~~a multiplicity of~~ MULTIPLE filings, an eligible person who is a peace
8 officer, SPOUSE OF A PEACE OFFICER, prosecutor, code enforcement officer,
9 corrections or detention officer, corrections support staff member or law
10 enforcement support staff member shall deliver the affidavit to the peace
11 officer's commanding officer, or to the head of the prosecuting, code
12 enforcement, law enforcement, corrections or detention agency, as applicable,
13 or that person's designee, who shall file the affidavits at one time. In the
14 absence of an affidavit that contains a request for immediate action and that
15 is supported by facts justifying an earlier presentation, the commanding
16 officer, or the head of the prosecuting, code enforcement, law enforcement,
17 corrections or detention agency, as applicable, or that person's designee,
18 shall not file affidavits more often than quarterly.

19 D. On receipt of an affidavit or affidavits, the presiding judge of
20 the superior court shall ~~cause to be filed~~ FILE with the clerk of the
21 superior court a petition on behalf of all requesting affiants. Each
22 affidavit presented shall be attached to the petition. In the absence of an
23 affidavit that contains a request for immediate action and that is supported
24 by facts justifying an earlier consideration, the presiding judge may
25 accumulate affidavits and file a petition at the end of each quarter.

26 E. The presiding judge of the superior court shall review the petition
27 and each attached affidavit to determine whether the action requested by each
28 affiant should be granted. The presiding judge of the superior court shall
29 order the redaction of the residence address and telephone number from the
30 public records maintained by the department if the judge concludes that this
31 action will reduce a danger to the life or safety of the affiant or another
32 person.

33 F. On entry of the court order, the clerk of the superior court shall
34 file the court order with the department. No more than one hundred fifty
35 days after the date the department receives the court order, the department
36 shall redact the residence addresses and telephone numbers of the affiants
37 listed in the court order from the public records of the department. The
38 residence addresses and telephone numbers shall not be disclosed and are not
39 part of a public record.

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

43 H. On motion to the court, if the presiding judge of the superior
44 court concludes that a residential address or telephone number has been
45 sealed in error or that the cause for the original affidavit no longer

1 exists, the presiding judge may vacate the court order prohibiting public
2 access to the residential address or telephone number.

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

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

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

12 2. Obtained from a source other than the department.

13 K. For the purposes of this section:

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

18 2. "Corrections support staff member" means an adult or juvenile
19 corrections employee who has direct contact with inmates.

20 3. "Eligible person" means a peace officer, SPOUSE OF A PEACE OFFICER,
21 justice, judge, commissioner, public defender, prosecutor, code enforcement
22 officer, adult or juvenile corrections officer, corrections support staff
23 member, probation officer, member of the board of executive clemency, law
24 enforcement support staff member, national guard member who is acting in
25 support of a law enforcement agency, person who is protected under an order
26 of protection or injunction against harassment or firefighter who is assigned
27 to the Arizona counterterrorism center in the department of public safety.

28 4. "Law enforcement support staff member" means a person who serves in
29 the role of an investigator or prosecutorial assistant in an agency that
30 investigates or prosecutes crimes, who is integral to the investigation or
31 prosecution of crimes and whose name or identity will be revealed in the
32 course of public proceedings.

33 5. "Prosecutor" means a county attorney, a municipal prosecutor or the
34 attorney general and includes an assistant or deputy county attorney,
35 municipal prosecutor or attorney general.

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

37 39-123. Information identifying eligible persons;
38 confidentiality; definitions

39 A. Nothing in this chapter requires disclosure from a personnel file
40 by a law enforcement agency or employing state or local governmental entity
41 of the home address or home telephone number of eligible persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 F. 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, SPOUSE OF A PEACE OFFICER,
34 border patrol agent, justice, judge, commissioner, public defender,
35 prosecutor, code enforcement officer, adult or juvenile corrections officer,
36 corrections support staff member, probation officer, member of the board of
37 executive clemency, law enforcement support staff member, national guard
38 member who is acting in support of a law enforcement agency, person who is
39 protected under an order of protection or injunction against harassment,
40 firefighter who is assigned to the Arizona counterterrorism center in the
41 department of public safety or victim of domestic violence or stalking who is
42 protected under an order of protection or injunction against harassment.

43 5. "Judge" means a judge of the United States district court, the
44 United States court of appeals, the United States magistrate court, the

1 United States bankruptcy court, the Arizona court of appeals, the superior
2 court or a municipal court.

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

5 7. "Law enforcement support staff member" means a person who serves in
6 the role of an investigator or prosecutorial assistant in an agency that
7 investigates or prosecutes crimes, who is integral to the investigation or
8 prosecution of crimes and whose name or identity will be revealed in the
9 course of public proceedings.

10 8. "Peace officer" has the same meaning prescribed in section 13-105.

11 9. "Prosecutor" means a county attorney, a municipal prosecutor, the
12 attorney general or a United States attorney and includes an assistant or
13 deputy United States attorney, county attorney, municipal prosecutor or
14 attorney general.

15 10. "Public defender" means a federal public defender, county public
16 defender, county legal defender or county contract indigent defense counsel
17 and includes an assistant or deputy federal public defender, county public
18 defender or county legal defender.

19 Sec. 6. Section 39-124, Arizona Revised Statutes, is amended to read:

20 39-124. Releasing information identifying an eligible person;
21 violations; classification; definitions

22 A. Any person who is employed by a state or local government entity
23 and who, in violation of section 39-123, knowingly releases the home address
24 or home telephone number of an eligible person with the intent to hinder an
25 investigation, cause physical injury to an eligible person or the eligible
26 person's immediate family or cause damage to the property of an eligible
27 person or the eligible person's immediate family is guilty of a class 6
28 felony.

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

35 C. For the purposes of this section:

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

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

41 3. "Corrections support staff member" means an adult or juvenile
42 corrections employee who has direct contact with inmates.

43 4. "Eligible person" means a peace officer, SPOUSE OF A PEACE OFFICER,
44 border patrol agent, justice, judge, commissioner, public defender,
45 prosecutor, code enforcement officer, adult or juvenile corrections officer,

1 corrections support staff member, probation officer, member of the board of
2 executive clemency, law enforcement support staff member, national guard
3 member who is acting in support of a law enforcement agency, person who is
4 protected under an order of protection or injunction against harassment,
5 firefighter who is assigned to the Arizona counterterrorism center in the
6 department of public safety or victim of domestic violence or stalking who is
7 protected under an order of protection or injunction against harassment.

8 5. "Judge" means a judge of the United States district court, the
9 United States court of appeals, the United States magistrate court, the
10 United States bankruptcy court, the Arizona court of appeals, the superior
11 court or a municipal court.

12 6. "Justice" means a justice of the United States or Arizona supreme
13 court or a justice of the peace.

14 7. "Law enforcement support staff member" means a person who serves in
15 the role of an investigator or prosecutorial assistant in an agency that
16 investigates or prosecutes crimes, who is integral to the investigation or
17 prosecution of crimes and whose name or identity will be revealed in the
18 course of public proceedings.

19 8. "Peace officer" has the same meaning prescribed in section 13-105.

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

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