

REFERENCE TITLE: process servers; public records; confidentiality

State of Arizona  
Senate  
Fifty-first Legislature  
First Regular Session  
2013

## **SB 1056**

Introduced by  
Senators Murphy, Pancrazi

AN ACT

AMENDING SECTIONS 11-483, 11-484, 16-153 AND 28-454, ARIZONA REVISED  
STATUTES; RELATING TO PROCESS SERVERS.

(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. The position the person currently holds and a description of the  
22 person's duties, except that an eligible person who is protected under an  
23 order of protection or injunction against harassment shall instead attach a  
24 copy of the order of protection or injunction against harassment.

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

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

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

33 C. If an eligible person is also requesting pursuant to section 11-484  
34 that the general public be prohibited from accessing records maintained by  
35 the county assessor and county treasurer, the 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  
42 ~~a multiplicity of~~ MULTIPLE filings, an eligible person who is a peace  
43 officer, public defender, prosecutor, code enforcement officer, corrections  
44 or detention officer, corrections support staff member or law enforcement  
45 support staff member shall deliver the affidavit to the peace officer's

1 commanding officer, or to the head of the prosecuting, public defender, code  
2 enforcement, law enforcement, corrections or detention agency, as applicable,  
3 or that person's designee, who shall file the affidavits at one time. In the  
4 absence of an affidavit that contains a request for immediate action and that  
5 is supported by facts justifying an earlier presentation, the commanding  
6 officer, or the head of the prosecuting, public defender, code enforcement,  
7 law enforcement, corrections or detention agency, as applicable, or that  
8 person's 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 county recorder prohibit access for  
22 five years to the affiant's residential address and telephone number  
23 contained in instruments or writings recorded by the county recorder and made  
24 available on the internet. If the presiding judge of the superior court  
25 concludes that the affiant or another person is in actual danger of physical  
26 harm from a person or persons with whom the affiant has had official dealings  
27 and that action pursuant to this section will reduce a danger to the life or  
28 safety of the affiant or another person, the presiding judge of the superior  
29 court 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 county 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. The county recorder shall send by mail one ~~notification~~  
9 **NOTICE** to either the **CERTIFIED PROCESS SERVER**, peace officer, public  
10 defender, prosecutor, code enforcement officer, corrections or detention  
11 officer, corrections support staff member or law enforcement support staff  
12 member or the employing agency of a peace officer, public defender,  
13 prosecutor, code enforcement officer, corrections or detention officer,  
14 corrections support staff member or law enforcement support staff member who  
15 was granted an order pursuant to this section of the order's expiration date  
16 at least six months before the expiration date. If the notice is sent to the  
17 employing agency, the employing agency shall immediately notify the person  
18 who was granted the order of the upcoming expiration date. The county  
19 recorder may coordinate with the county assessor and county treasurer to  
20 prevent multiple notices from being sent to the same person.

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

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

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

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

37 O. For the purposes of this section:

38 1. **"CERTIFIED PROCESS SERVER" MEANS ANY OFFICER OF THE COURT WHO IS**  
39 **CERTIFIED TO PERFORM SERVICE OF PROCESS.**

40 ~~1.~~ 2. "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 ~~2.~~ 3. "Commissioner" means a commissioner of the superior court.

1           ~~3-~~ 4. "Corrections support staff member" means an adult or juvenile  
2 corrections employee who has direct contact with inmates.

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

12           ~~5-~~ 6. "Indexes" means only those indexes that are maintained by and  
13 located in the office of the county recorder, that are accessed  
14 electronically and that contain information beginning from and after January  
15 1, 1987.

16           ~~6-~~ 7. "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           ~~7-~~ 8. "Justice" means a justice of the United States or Arizona  
21 supreme court or a justice of the peace.

22           ~~8-~~ 9. "Law enforcement support staff member" means a person who  
23 serves in the role of an investigator or prosecutorial assistant in an agency  
24 that investigates or prosecutes crimes, who is integral to the investigation  
25 or prosecution of crimes and whose name or identity will be revealed in the  
26 course of public proceedings.

27           ~~9-~~ 10. "Peace officer" means any person vested by law, or formerly  
28 vested by law, with a duty to maintain public order and make arrests.

29           ~~10-~~ 11. "Prosecutor" means a county attorney, a municipal prosecutor,  
30 the attorney general or a United States attorney and includes an assistant or  
31 deputy United States attorney, county attorney, municipal prosecutor or  
32 attorney general.

33           ~~11-~~ 12. "Public defender" means a federal public defender, county  
34 public defender, county legal defender or county contract indigent defense  
35 counsel and includes an assistant or deputy federal public defender, county  
36 public defender or county legal defender.

37           Sec. 2. Section 11-484, Arizona Revised Statutes, is amended to read:

38           11-484. Records maintained by county assessor and county  
39           treasurer; redaction; definitions

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

1           B. An eligible person may request this action by filing an affidavit  
2 that states all of the following on an application form developed by the  
3 administrative office of the courts in agreement with an association of  
4 counties, an organization of peace officers and the motor vehicle division of  
5 the department of transportation:

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

7           2. The full legal description and parcel number of the person's  
8 property.

9           3. The position the person currently holds and a description of the  
10 person's duties, except that an eligible person who is protected under an  
11 order of protection or injunction against harassment shall attach a copy of  
12 the order of protection or injunction against harassment.

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

16           C. If an eligible person is also requesting pursuant to section 11-483  
17 that the general public be prohibited from accessing records maintained by  
18 the county recorder, the eligible person may combine the request pursuant to  
19 subsection B of this section with the request pursuant to section 11-483 by  
20 filing one affidavit. The affidavit and subsequent action by the appropriate  
21 authorities shall meet all of the requirements of this section and section  
22 11-483.

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

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

44           F. The presiding judge of the superior court shall review the petition  
45 and each attached affidavit to determine whether the action requested by each

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

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

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

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

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

42 K. For the purposes of this section:

43 1. "CERTIFIED PROCESS SERVER" MEANS ANY OFFICER OF THE COURT WHO IS  
44 CERTIFIED TO PERFORM SERVICE OF PROCESS.

1           ~~1-~~ 2. "Code enforcement officer" means a person who is employed by a  
2 state or local government and whose duties include performing field  
3 inspections of buildings, structures or property to ensure compliance with  
4 and enforce national, state and local laws, ordinances and codes.

5           ~~2-~~ 3. "Commissioner" means a commissioner of the superior court.

6           ~~3-~~ 4. "Corrections support staff member" means an adult or juvenile  
7 corrections employee who has direct contact with inmates.

8           ~~4-~~ 5. "Eligible person" means a **CERTIFIED PROCESS SERVER**, peace  
9 officer, justice, judge, commissioner, public defender, prosecutor, code  
10 enforcement officer, adult or juvenile corrections officer, corrections  
11 support staff member, probation officer, member of the board of executive  
12 clemency, law enforcement support staff member, national guard member who is  
13 acting in support of a law enforcement agency, person who is protected under  
14 an order of protection or injunction against harassment or firefighter who is  
15 assigned to the Arizona counterterrorism center in the department of public  
16 safety.

17           ~~5-~~ 6. "Judge" means a judge of the United States district court, the  
18 United States court of appeals, the United States magistrate court, the  
19 United States bankruptcy court, the Arizona court of appeals, the superior  
20 court or a municipal court.

21           ~~6-~~ 7. "Justice" means a justice of the United States or Arizona  
22 supreme court or a justice of the peace.

23           ~~7-~~ 8. "Law enforcement support staff member" means a person who  
24 serves in the role of an investigator or prosecutorial assistant in an agency  
25 that investigates or prosecutes crimes, who is integral to the investigation  
26 or prosecution of crimes and whose name or identity will be revealed in the  
27 course of public proceedings.

28           ~~8-~~ 9. "Peace officer" means any person vested by law, or formerly  
29 vested by law, with a duty to maintain public order and make arrests.

30           ~~9-~~ 10. "Prosecutor" means a county attorney, a municipal prosecutor,  
31 the attorney general or a United States attorney and includes an assistant or  
32 deputy United States attorney, county attorney, municipal prosecutor or  
33 attorney general.

34           ~~10-~~ 11. "Public defender" means a federal public defender, county  
35 public defender, county legal defender or county contract indigent defense  
36 counsel and includes an assistant or deputy federal public defender, county  
37 public defender or county legal defender.

38           Sec. 3. Section 16-153, Arizona Revised Statutes, is amended to read:  
39           16-153. Voter registration; confidentiality; definitions

40           A. Eligible persons, and any other registered voter who resides at the  
41 same residence address as the eligible person, may request that the general  
42 public be prohibited from accessing the residential address, telephone number  
43 and voting precinct number contained in their voter registration record.

44           B. Eligible persons may request this action by filing an affidavit  
45 that states all of the following on an application form developed by the

1 administrative office of the courts in agreement with an association of  
2 counties and an organization of peace officers:

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

5 2. The position the person currently holds and a description of the  
6 person's duties, except that an eligible person who is protected under an  
7 order of protection or injunction against harassment shall instead attach a  
8 copy of the order of protection or injunction against harassment.

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

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

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

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

41 F. The recorder shall remove the restrictions on all voter records  
42 submitted pursuant to subsection E of this section by January 5 in the year  
43 after the court order expires. The county recorder shall send by mail one  
44 ~~notification~~ NOTICE to either the CERTIFIED PROCESS SERVER, peace officer,  
45 public defender, prosecutor, code enforcement officer, corrections or

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

12 G. ~~Upon~~ ON entry of the court order, the clerk of the superior court  
13 shall file the court order with the county recorder. ~~Upon~~ ON receipt of the  
14 court order the county recorder shall seal the voter registration of the  
15 persons listed in the court order no later than one hundred twenty days from  
16 the date of receipt of the court order. To include a subsequent voter  
17 registration in the court order, a person listed in the court order shall  
18 present to the county recorder at the time of registration a certified copy  
19 of the court order or shall provide the county recorder the recording number  
20 of the court order. The information in the registration shall not be  
21 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~~ ON 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. "CERTIFIED PROCESS SERVER" MEANS ANY OFFICER OF THE COURT WHO IS  
43 CERTIFIED TO PERFORM SERVICE OF PROCESS.

44 ~~1.~~ 2. "Code enforcement officer" means a person who is employed by a  
45 state or local government and whose duties include performing field

1 inspections of buildings, structures or property to ensure compliance with  
2 and enforce national, state and local laws, ordinances and codes.

3 ~~2-~~ 3. "Commissioner" means a commissioner of the superior court.

4 ~~3-~~ 4. "Corrections support staff member" means an adult or juvenile  
5 corrections employee who has direct contact with inmates.

6 ~~4-~~ 5. "Eligible person" means a CERTIFIED PROCESS SERVER, peace  
7 officer, border patrol agent, justice, judge, commissioner, public defender,  
8 prosecutor, code enforcement officer, adult or juvenile corrections officer,  
9 corrections support staff member, probation officer, member of the board of  
10 executive clemency, law enforcement support staff member, national guard  
11 member who is acting in support of a law enforcement agency, person who is  
12 protected under an order of protection or injunction against harassment or  
13 firefighter who is assigned to the Arizona counterterrorism center in the  
14 department of public safety.

15 ~~5-~~ 6. "Judge" means a judge of the United States district court, the  
16 United States court of appeals, the United States magistrate court, the  
17 United States bankruptcy court, the Arizona court of appeals, the superior  
18 court or a municipal court.

19 ~~6-~~ 7. "Justice" means a justice of the United States or Arizona  
20 supreme court or a justice of the peace.

21 ~~7-~~ 8. "Law enforcement support staff member" means a person who  
22 serves in the role of an investigator or prosecutorial assistant in an agency  
23 that investigates or prosecutes crimes, who is integral to the investigation  
24 or prosecution of crimes and whose name or identity will be revealed in the  
25 course of public proceedings.

26 ~~8-~~ 9. "Prosecutor" means a United States attorney, a county attorney,  
27 a municipal prosecutor or the attorney general and includes an assistant or  
28 deputy United States attorney, county attorney, municipal prosecutor or  
29 attorney general.

30 ~~9-~~ 10. "Public defender" means a federal public defender, county  
31 public defender, county legal defender or county contract indigent defense  
32 counsel and includes an assistant or deputy federal public defender, county  
33 public defender or county legal defender.

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

35 ~~28-454.~~ Records maintained by department of transportation;  
36 redaction; definitions

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

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

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

2           2. The position the person currently holds and a description of the  
3 person's duties, except that an eligible person who is protected under an  
4 order of protection or injunction against harassment shall attach a copy of  
5 the order of protection or injunction against harassment.

6           3. The reasons the person reasonably believes that the person's life  
7 or safety or that of another person is in danger and that redacting the  
8 residential address and telephone number from the department's public records  
9 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  
12 ~~a multiplicity of~~ MULTIPLE filings, an eligible person who is a peace  
13 officer, prosecutor, code enforcement officer, corrections or detention  
14 officer, corrections support staff member or law enforcement support staff  
15 member shall deliver the affidavit to the peace officer's commanding officer,  
16 or to the head of the prosecuting, code enforcement, law enforcement,  
17 corrections or detention agency, as applicable, or that person's designee,  
18 who shall file the affidavits at one time. In the absence of an affidavit  
19 that contains a request for immediate action and that is supported by facts  
20 justifying an earlier presentation, the commanding officer, or the head of  
21 the prosecuting, code enforcement, law enforcement, corrections or detention  
22 agency, as applicable, or that person's designee, shall not file affidavits  
23 more often than quarterly.

24           D. On receipt of an affidavit or affidavits, the presiding judge of  
25 the superior court shall ~~cause to be filed~~ FILE with the clerk of the  
26 superior court a petition on behalf of all requesting affiants. Each  
27 affidavit presented shall be attached to the petition. In the absence of an  
28 affidavit that contains a request for immediate action and that is supported  
29 by facts justifying an earlier consideration, the presiding judge may  
30 accumulate 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 redaction of the residence address and telephone number from the  
35 public records maintained by the department if the judge concludes that this  
36 action will reduce a danger to the life or safety of the affiant or another  
37 person.

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

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

4 H. On motion to the court, if the presiding judge of the superior  
5 court concludes that a residential address or telephone number has been  
6 sealed in error or that the cause for the original affidavit no longer  
7 exists, the presiding judge may vacate the court order prohibiting public  
8 access to the residential address or telephone number.

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

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

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

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

19 K. For the purposes of this section:

20 1. "CERTIFIED PROCESS SERVER" MEANS ANY OFFICER OF THE COURT WHO IS  
21 CERTIFIED TO PERFORM SERVICE OF PROCESS.

22 ~~1-~~ 2. "Code enforcement officer" means a person who is employed by a  
23 state or local government and whose duties include performing field  
24 inspections of buildings, structures or property to ensure compliance with  
25 and enforce national, state and local laws, ordinances and codes.

26 ~~2-~~ 3. "Corrections support staff member" means an adult or juvenile  
27 corrections employee who has direct contact with inmates.

28 ~~3-~~ 4. "Eligible person" means a CERTIFIED PROCESS SERVER, peace  
29 officer, justice, judge, commissioner, public defender, prosecutor, code  
30 enforcement officer, adult or juvenile corrections officer, corrections  
31 support staff member, probation officer, member of the board of executive  
32 clemency, law enforcement support staff member, national guard member who is  
33 acting in support of a law enforcement agency, person who is protected under  
34 an order of protection or injunction against harassment or firefighter who is  
35 assigned to the Arizona counterterrorism center in the department of public  
36 safety.

37 ~~4-~~ 5. "Law enforcement support staff member" means a person who  
38 serves in the role of an investigator or prosecutorial assistant in an agency  
39 that investigates or prosecutes crimes, who is integral to the investigation  
40 or prosecution of crimes and whose name or identity will be revealed in the  
41 course of public proceedings.

42 ~~5-~~ 6. "Prosecutor" means a county attorney, a municipal prosecutor or  
43 the attorney general and includes an assistant or deputy county attorney,  
44 municipal prosecutor or attorney general.