

REFERENCE TITLE: identifying information; peace officer spouses

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2145

Introduced by
Representatives Borrelli, Cardenas: Fann, Kavanagh, Senator Ward

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 OR THE spouse or
22 minor child of a deceased peace officer or the person is a former public
23 official, the position the person currently holds and a description of the
24 person's duties, except that an eligible person who is protected under an
25 order of protection or injunction against harassment shall instead attach a
26 copy of the order of protection or injunction against harassment.
27 4. The reasons the person reasonably believes that the person's life
28 or safety or that of another person is in danger and that restricting access
29 pursuant to this section will serve to reduce the danger.
30 5. The document locator number and recording date of each instrument
31 for which the person requests access restriction pursuant to this section.
32 6. A copy of pages from each instrument that includes the document
33 locator number and the person's full legal name and residential address or
34 full legal name and telephone number.
35 C. If an eligible person is also requesting pursuant to section 11-484
36 that the general public be prohibited from accessing records maintained by
37 the county assessor and county treasurer, the eligible person may combine the
38 request pursuant to subsection B of this section with the request pursuant to
39 section 11-484 by filing one affidavit. The affidavit and subsequent action
40 by the appropriate authorities shall meet all of the requirements of this
41 section and section 11-484.
42 D. The affidavit shall be filed with the presiding judge of the
43 superior court in the county in which the affiant resides. To prevent
44 multiple filings, an eligible person who is a peace officer, SPOUSE OF A
45 PEACE OFFICER, spouse or minor child of a deceased peace officer, public

1 defender, prosecutor, code enforcement officer, corrections or detention
 2 officer, corrections support staff member or law enforcement support staff
 3 member shall deliver the affidavit to the peace officer's commanding officer,
 4 or to the head of the prosecuting, public defender, code enforcement, law
 5 enforcement, corrections or detention agency, as applicable, or that person's
 6 designee, who shall file the affidavits at one time. In the absence of an
 7 affidavit that contains a request for immediate action and that is supported
 8 by facts justifying an earlier presentation, the commanding officer, or the
 9 head of the prosecuting, public defender, code enforcement, law enforcement,
 10 corrections or detention agency, as applicable, or that person's designee,
 11 shall not file affidavits more often than quarterly.

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

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

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

44 H. On entry of the court order, the clerk of the superior court shall
 45 file the court order and a copy of the affidavit required by subsection B of

1 this section with the county recorder. No more than ten days after the date
2 on which the county recorder receives the court order, the county recorder
3 shall restrict access to the information as required by subsection F of this
4 section.

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

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

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

29 L. This section shall not be interpreted to restrict access to public
30 records for the purposes of perfecting a lien pursuant to title 12, chapter
31 9, article 2.

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

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

40 O. For the purposes of this section:

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

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

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

3 4. "Eligible person" means a former public official, peace officer,
4 **SPOUSE OF A PEACE OFFICER**, spouse or minor child of a deceased 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. "Former public official" means a person who was duly elected or
13 appointed to Congress, the legislature or a statewide office, who ceased
14 serving in that capacity and who was the victim of a dangerous offense as
15 defined in section 13-105 while in office.

16 6. "Indexes" means only those indexes that are maintained by and
17 located in the office of the county recorder, that are accessed
18 electronically and that contain information beginning from and after
19 January 1, 1987.

20 7. "Judge" means a judge of the United States district court, the
21 United States court of appeals, the United States magistrate court, the
22 United States bankruptcy court, the Arizona court of appeals, the superior
23 court or a municipal court.

24 8. "Justice" means a justice of the United States or Arizona supreme
25 court or a justice of the peace.

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

31 10. "Peace officer" means any person vested by law, or formerly vested
32 by law, with a duty to maintain public order and make arrests.

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

37 12. "Public defender" means a federal public defender, county public
38 defender, county legal defender or county contract indigent defense counsel
39 and includes an assistant or deputy federal public defender, county public
40 defender or county legal defender.

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

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

44 A. Notwithstanding any other provision of this article, in any county
45 an eligible person may request that the general public be prohibited from

1 accessing that person's residential address and telephone number that are
2 contained in instruments, writings and information maintained by the county
3 assessor and the county treasurer.

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

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

10 2. The full legal description and parcel number of the person's
11 property.

12 3. Unless the person is the **SPOUSE OF A PEACE OFFICER OR THE** spouse or
13 minor child of a deceased peace officer or the person is a former public
14 official, the position the person currently holds and a description of the
15 person's duties, except that an eligible person who is protected under an
16 order of protection or injunction against harassment shall attach a copy of
17 the order of protection or injunction against harassment.

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

21 C. If an eligible person is also requesting pursuant to section 11-483
22 that the general public be prohibited from accessing records maintained by
23 the county recorder, the eligible person may combine the request pursuant to
24 subsection B of this section with the request pursuant to section 11-483 by
25 filing one affidavit. The affidavit and subsequent action by the appropriate
26 authorities shall meet all of the requirements of this section and section
27 11-483.

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

43 E. On receipt of an affidavit or affidavits, the presiding judge of
44 the superior court shall file with the clerk of the superior court a petition
45 on behalf of all requesting affiants. Each affidavit presented shall be

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

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

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

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

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

32 J. The county assessor and the county treasurer shall remove the
33 restrictions on all records that are redacted pursuant to this section by
34 January 5 in the year after the court order expires. The county assessor or
35 the county treasurer shall send by mail one notice to either the former
36 public official, peace officer, SPOUSE OF A PEACE OFFICER, spouse or minor
37 child of a deceased peace officer, public defender, prosecutor, code
38 enforcement officer, corrections or detention officer, corrections support
39 staff member or law enforcement support staff member or the employing agency
40 of a peace officer, public defender, prosecutor, code enforcement officer,
41 corrections or detention officer, corrections support staff member or law
42 enforcement support staff member who was granted an order pursuant to this
43 section of the order's expiration date at least six months before the
44 expiration date. If the notice is sent to the employing agency, the
45 employing agency shall immediately notify the person who was granted the

1 order of the upcoming expiration date. The county assessor or county
2 treasurer may coordinate with the county recorder to prevent multiple notices
3 from being sent to the same person.

4 K. For the purposes of this section:

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

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

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

12 4. "Eligible person" means a former public official, peace officer,
13 **SPOUSE OF A PEACE OFFICER**, spouse or minor child of a deceased peace officer,
14 justice, judge, commissioner, public defender, prosecutor, code enforcement
15 officer, adult or juvenile corrections officer, corrections support staff
16 member, probation officer, member of the board of executive clemency, law
17 enforcement support staff member, national guard member who is acting in
18 support of a law enforcement agency, person who is protected under an order
19 of protection or injunction against harassment or firefighter who is assigned
20 to the Arizona counterterrorism center in the department of public safety.

21 5. "Former public official" means a person who was duly elected or
22 appointed to Congress, the legislature or a statewide office, who ceased
23 serving in that capacity and who was the victim of a dangerous offense as
24 defined in section 13-105 while in office.

25 6. "Judge" means a judge of the United States district court, the
26 United States court of appeals, the United States magistrate court, the
27 United States bankruptcy court, the Arizona court of appeals, the superior
28 court or a municipal court.

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

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

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

38 10. "Prosecutor" means a county attorney, a municipal prosecutor, the
39 attorney general or a United States attorney and includes an assistant or
40 deputy United States attorney, county attorney, municipal prosecutor or
41 attorney general.

42 11. "Public defender" means a federal public defender, county public
43 defender, county legal defender or county contract indigent defense counsel
44 and includes an assistant or deputy federal public defender, county public
45 defender or county legal defender.

1 Sec. 3. Section 16-153, Arizona Revised Statutes, is amended to read:
2 16-153. Voter registration; confidentiality; definitions

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

7 B. Eligible persons may request this action by filing an affidavit
8 that states all of the following on an application form developed by the
9 administrative office of the courts in agreement with an association of
10 counties and an organization of peace officers:

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

13 2. Unless the person is the SPOUSE OF A PEACE OFFICER OR THE spouse or
14 minor child of a deceased peace officer or the person is a former public
15 official, the position the person currently holds and a description of the
16 person's duties, except that an eligible person who is protected under an
17 order of protection or injunction against harassment shall instead attach a
18 copy of the order of protection or injunction against harassment.

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

23 C. 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 multiple filings, an eligible person who is a peace officer, prosecutor,
26 public defender, code enforcement officer, corrections or detention officer,
27 corrections support staff member or law enforcement support staff member
28 shall deliver the affidavit to the peace officer's commanding officer, or to
29 the head of the prosecuting, public defender, code enforcement, law
30 enforcement, corrections or detention agency, as applicable, or that person's
31 designee, who shall file the affidavits at one time. In the absence of an
32 affidavit that contains a request for immediate action and is supported by
33 facts justifying an earlier presentation, the commanding officer, or the head
34 of the prosecuting, public defender, code enforcement, law enforcement,
35 corrections or detention agency, as applicable, or that person's designee,
36 shall not file affidavits more often than quarterly.

37 D. 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. The petition shall have attached each
40 affidavit presented. In the absence of an affidavit that contains a request
41 for immediate action and that is supported by facts justifying an earlier
42 consideration, the presiding judge may accumulate affidavits and file a
43 petition at the end of each quarter.

44 E. 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. The presiding judge of the superior court shall
2 order the sealing for five years of the information contained in the voter
3 record of the affiant and, on request, any other registered voter who resides
4 at the same residence address if the presiding judge concludes that this
5 action will reduce a danger to the life or safety of the affiant.

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

22 G. On entry of the court order, the clerk of the superior court shall
23 file the court order with the county recorder. On receipt of the court order
24 the county recorder shall seal the voter registration of the persons listed
25 in the court order no later than one hundred twenty days from the date of
26 receipt of the court order. To include a subsequent voter registration in
27 the court order, a person listed in the court order shall present to the
28 county recorder at the time of registration a certified copy of the court
29 order or shall provide the county recorder the recording number of the court
30 order. The information in the registration shall not be disclosed and is not
31 a public record.

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

35 I. On motion to the court, if the presiding judge of the superior
36 court concludes that a voter registration record has been sealed in error or
37 that the cause for the original affidavit no longer exists, the presiding
38 judge may vacate the court order prohibiting public access to the voter
39 registration record.

40 J. On request by a person who is protected under an order of
41 protection or injunction against harassment and presentation of an order of
42 protection issued pursuant to section 13-3602, an injunction against
43 harassment issued pursuant to section 12-1809 or an order of protection or
44 injunction against harassment issued by a court in another state, the county
45 recorder shall seal the voter registration record of the person who is

1 protected and, on request, any other registered voter who resides at the
2 residence address of the protected person. The record shall be sealed no
3 later than one hundred twenty days from the date of receipt of the court
4 order. The information in the registration shall not be disclosed and is not
5 a public record.

6 K. For the purposes of this section:

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

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

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

14 4. "Eligible person" means a former public official, peace officer,
15 SPOUSE OF A PEACE OFFICER, spouse or minor child of a deceased peace officer,
16 border patrol agent, justice, judge, commissioner, public defender,
17 prosecutor, code enforcement officer, adult or juvenile corrections officer,
18 corrections support staff member, probation officer, member of the board of
19 executive clemency, law enforcement support staff member, national guard
20 member who is acting in support of a law enforcement agency, person who is
21 protected under an order of protection or injunction against harassment or
22 firefighter who is assigned to the Arizona counterterrorism center in the
23 department of public safety.

24 5. "Former public official" means a person who was duly elected or
25 appointed to congress, the legislature or a statewide office, who ceased
26 serving in that capacity and who was the victim of a dangerous offense as
27 defined in section 13-105 while in office.

28 6. "Judge" means a judge of the United States district court, the
29 United States court of appeals, the United States magistrate court, the
30 United States bankruptcy court, the Arizona court of appeals, the superior
31 court or a municipal court.

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

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

39 9. "Prosecutor" means a United States attorney, a county attorney, a
40 municipal prosecutor or the attorney general and includes an assistant or
41 deputy United States attorney, county attorney, municipal prosecutor or
42 attorney general.

43 10. "Public defender" means a federal public defender, county public
44 defender, county legal defender or county contract indigent defense counsel

1 and includes an assistant or deputy federal public defender, county public
2 defender or county legal defender.

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

4 28-454. Records maintained by department of transportation;
5 redaction; definitions

6 A. Notwithstanding sections 28-447 and 28-455, an eligible person may
7 request that persons be prohibited from accessing the eligible person's
8 residential address and telephone number contained in any record maintained
9 by the department.

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

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

15 2. Unless the person is the **SPOUSE OF A PEACE OFFICER OR THE** spouse or
16 minor child of a deceased peace officer or the person is a former public
17 official, the position the person currently holds and a description of the
18 person's duties, except that an eligible person who is protected under an
19 order of protection or injunction against harassment shall attach a copy of
20 the order of protection or injunction against harassment.

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

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

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

1 earlier consideration, the presiding judge may accumulate affidavits and file
2 a petition at the end of each quarter.

3 E. The presiding judge of the superior court shall review the petition
4 and each attached affidavit to determine whether the action requested by each
5 affiant should be granted. The presiding judge of the superior court shall
6 order the redaction of the residence address and telephone number from the
7 public records maintained by the department if the judge concludes that this
8 action will reduce a danger to the life or safety of the affiant or another
9 person.

10 F. On entry of the court order, the clerk of the superior court shall
11 file the court order with the department. No more than one hundred fifty
12 days after the date the department receives the court order, the department
13 shall redact the residence addresses and telephone numbers of the affiants
14 listed in the court order from the public records of the department. The
15 residence addresses and telephone numbers shall not be disclosed and are not
16 part of a public record.

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

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

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

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

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

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

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

42 3. "Eligible person" means a former public official, peace officer,
43 SPOUSE OF A PEACE OFFICER, spouse or minor child of a deceased public
44 officer, justice, judge, commissioner, public defender, prosecutor, code
45 enforcement officer, adult or juvenile corrections officer, corrections

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

7 4. "Former public official" means a person who was duly elected or
8 appointed to Congress, the legislature or a statewide office, who ceased
9 serving in that capacity and who was the victim of a dangerous offense as
10 defined in section 13-105 while in office.

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

16 6. "Prosecutor" means a county attorney, a municipal prosecutor or the
17 attorney general and includes an assistant or deputy county attorney,
18 municipal prosecutor or attorney general.

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

20 39-123. Information identifying eligible persons;
21 confidentiality; definitions

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

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

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

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

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

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

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

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

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

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

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

- 1 1. Used by a law enforcement agency to assist a person who has a
2 complaint against an officer to identify the officer.
- 3 2. Obtained from a source other than the law enforcement agency.
- 4 E. This section does not apply to a certified peace officer or code
5 enforcement officer who is no longer employed as a peace officer or code
6 enforcement officer by a state or local government entity.
- 7 F. For the purposes of this section:
 - 8 1. "Code enforcement officer" means a person who is employed by a
9 state or local government and whose duties include performing field
10 inspections of buildings, structures or property to ensure compliance with
11 and enforce national, state and local laws, ordinances and codes.
 - 12 2. "Commissioner" means a commissioner of the superior court.
 - 13 3. "Corrections support staff member" means an adult or juvenile
14 corrections employee who has direct contact with inmates.
 - 15 4. "Eligible person" means a former public official, peace officer,
16 **SPOUSE OF A PEACE OFFICER**, spouse or minor child of a deceased peace officer,
17 border patrol agent, justice, judge, commissioner, public defender,
18 prosecutor, code enforcement officer, adult or juvenile corrections officer,
19 corrections support staff member, probation officer, member of the board of
20 executive clemency, law enforcement support staff member, national guard
21 member who is acting in support of a law enforcement agency, person who is
22 protected under an order of protection or injunction against harassment,
23 firefighter who is assigned to the Arizona counterterrorism center in the
24 department of public safety or victim of domestic violence or stalking who is
25 protected under an order of protection or injunction against harassment.
 - 26 5. "Former public official" means a person who was duly elected or
27 appointed to Congress, the legislature or a statewide office, who ceased
28 serving in that capacity and who was the victim of a dangerous offense as
29 defined in section 13-105 while in office.
 - 30 6. "Judge" means a judge of the United States district court, the
31 United States court of appeals, the United States magistrate court, the
32 United States bankruptcy court, the Arizona court of appeals, the superior
33 court or a municipal court.
 - 34 7. "Justice" means a justice of the United States or Arizona supreme
35 court or a justice of the peace.
 - 36 8. "Law enforcement support staff member" means a person who serves in
37 the role of an investigator or prosecutorial assistant in an agency that
38 investigates or prosecutes crimes, who is integral to the investigation or
39 prosecution of crimes and whose name or identity will be revealed in the
40 course of public proceedings.
 - 41 9. "Peace officer" has the same meaning prescribed in section 13-105.
 - 42 10. "Prosecutor" means a county attorney, a municipal prosecutor, the
43 attorney general or a United States attorney and includes an assistant or
44 deputy United States attorney, county attorney, municipal prosecutor or
45 attorney general.

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

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

5 8. "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 9. "Peace officer" has the same meaning prescribed in section 13-105.

11 10. "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 11. "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. 7. Emergency

20 This act is an emergency measure that is necessary to preserve the
21 public peace, health or safety and is operative immediately as provided by
22 law.