

REFERENCE TITLE: process servers; public records; confidentiality

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1192

Introduced by
Senator Pancrazi

AN ACT

AMENDING SECTIONS 11-483, 11-484, 16-153, 28-454, 39-123 AND 39-124, 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. Unless the person is the spouse or minor child of a deceased peace
22 officer or the person is a former public official, the position the person
23 currently holds and a description of the person's duties, except that an
24 eligible person who is protected under an order of protection or injunction
25 against harassment shall instead attach a copy of the order of protection or
26 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 or minor
45 child of a deceased peace officer, public defender, prosecutor, code

1 enforcement officer, corrections or detention officer, corrections support
2 staff member or law enforcement support staff member shall deliver the
3 affidavit to the peace officer's commanding officer, or to the head of the
4 prosecuting, public defender, code enforcement, law enforcement, corrections
5 or detention agency, as applicable, or that person's designee, who shall file
6 the affidavits at one time. In the absence of an affidavit that contains a
7 request for immediate action and that is supported by facts justifying an
8 earlier presentation, the commanding officer, or the head of the prosecuting,
9 public defender, code enforcement, law enforcement, corrections or detention
10 agency, as applicable, or that person's designee, shall not file affidavits
11 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 CERTIFIED PROCESS SERVER, former public official, 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. "CERTIFIED PROCESS SERVER" MEANS ANY OFFICER OF THE COURT WHO IS
42 CERTIFIED TO PERFORM SERVICE OF PROCESS.

43 ~~1.~~ 2. "Code enforcement officer" means a person who is employed by a
44 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, former
7 public official, peace officer, spouse or minor child of a deceased peace
8 officer, justice, judge, commissioner, public defender, prosecutor, code
9 enforcement officer, adult or juvenile corrections officer, corrections
10 support staff member, probation officer, member of the board of executive
11 clemency, law enforcement support staff member, national guard member who is
12 acting in support of a law enforcement agency, person who is protected under
13 an order of protection or injunction against harassment or firefighter who is
14 assigned to the Arizona counterterrorism center in the department of public
15 safety.

16 ~~5-~~ 6. "Former public official" means a person who was duly elected or
17 appointed to Congress, the legislature or a statewide office, who ceased
18 serving in that capacity and who was the victim of a dangerous offense as
19 defined in section 13-105 while in office.

20 ~~6-~~ 7. "Indexes" means only those indexes that are maintained by and
21 located in the office of the county recorder, that are accessed
22 electronically and that contain information beginning from and after
23 January 1, 1987.

24 ~~7-~~ 8. "Judge" means a judge of the United States district court, the
25 United States court of appeals, the United States magistrate court, the
26 United States bankruptcy court, the Arizona court of appeals, the superior
27 court or a municipal court.

28 ~~8-~~ 9. "Justice" means a justice of the United States or Arizona
29 supreme court or a justice of the peace.

30 ~~9-~~ 10. "Law enforcement support staff member" means a person who
31 serves in the role of an investigator or prosecutorial assistant in an agency
32 that investigates or prosecutes crimes, who is integral to the investigation
33 or prosecution of crimes and whose name or identity will be revealed in the
34 course of public proceedings.

35 ~~10-~~ 11. "Peace officer" means any person vested by law, or formerly
36 vested by law, with a duty to maintain public order and make arrests.

37 ~~11-~~ 12. "Prosecutor" means a county attorney, a municipal prosecutor,
38 the attorney general or a United States attorney and includes an assistant or
39 deputy United States attorney, county attorney, municipal prosecutor or
40 attorney general.

41 ~~12-~~ 13. "Public defender" means a federal public defender, county
42 public defender, county legal defender or county contract indigent defense
43 counsel and includes an assistant or deputy federal public defender, county
44 public defender or county legal defender.

1 agency, as applicable, or that person's designee, shall not file affidavits
2 more often than quarterly.

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

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

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

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

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

37 J. The county assessor and the county treasurer shall remove the
38 restrictions on all records that are redacted pursuant to this section by
39 January 5 in the year after the court order expires. The county assessor or
40 the county treasurer shall send by mail one notice to either the **CERTIFIED**
41 **PROCESS SERVER**, former public official, peace officer, spouse or minor child
42 of a deceased peace officer, public defender, prosecutor, code enforcement
43 officer, corrections or detention officer, corrections support staff member
44 or law enforcement support staff member or the employing agency of a peace
45 officer, public defender, prosecutor, code enforcement officer, corrections

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

9 K. For the purposes of this section:

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

12 ~~1-~~ 2. "Code enforcement officer" means a person who is employed by a
 13 state or local government and whose duties include performing field
 14 inspections of buildings, structures or property to ensure compliance with
 15 and enforce national, state and local laws, ordinances and codes.

16 ~~2-~~ 3. "Commissioner" means a commissioner of the superior court.

17 ~~3-~~ 4. "Corrections support staff member" means an adult or juvenile
 18 corrections employee who has direct contact with inmates.

19 ~~4-~~ 5. "Eligible person" means a CERTIFIED PROCESS SERVER, former
 20 public official, peace officer, spouse or minor child of a deceased peace
 21 officer, justice, judge, commissioner, public defender, prosecutor, code
 22 enforcement officer, adult or juvenile corrections officer, corrections
 23 support staff member, probation officer, member of the board of executive
 24 clemency, law enforcement support staff member, national guard member who is
 25 acting in support of a law enforcement agency, person who is protected under
 26 an order of protection or injunction against harassment or firefighter who is
 27 assigned to the Arizona counterterrorism center in the department of public
 28 safety.

29 ~~5-~~ 6. "Former public official" means a person who was duly elected or
 30 appointed to Congress, the legislature or a statewide office, who ceased
 31 serving in that capacity and who was the victim of a dangerous offense as
 32 defined in section 13-105 while in office.

33 ~~6-~~ 7. "Judge" means a judge of the United States district court, the
 34 United States court of appeals, the United States magistrate court, the
 35 United States bankruptcy court, the Arizona court of appeals, the superior
 36 court or a municipal court.

37 ~~7-~~ 8. "Justice" means a justice of the United States or Arizona
 38 supreme court or a justice of the peace.

39 ~~8-~~ 9. "Law enforcement support staff member" means a person who
 40 serves in the role of an investigator or prosecutorial assistant in an agency
 41 that investigates or prosecutes crimes, who is integral to the investigation
 42 or prosecution of crimes and whose name or identity will be revealed in the
 43 course of public proceedings.

44 ~~9-~~ 10. "Peace officer" means any person vested by law, or formerly
 45 vested by law, with a duty to maintain public order and make arrests.

1 ~~10-~~ 11. "Prosecutor" means a county attorney, a municipal prosecutor,
2 the attorney general or a United States attorney and includes an assistant or
3 deputy United States attorney, county attorney, municipal prosecutor or
4 attorney general.

5 ~~11-~~ 12. "Public defender" means a federal public defender, county
6 public defender, county legal defender or county contract indigent defense
7 counsel and includes an assistant or deputy federal public defender, county
8 public defender or county legal defender.

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

10 16-153. Voter registration; confidentiality; definitions

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

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

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

21 2. Unless the person is the spouse or minor child of a deceased peace
22 officer or the person is a former public official, the position the person
23 currently holds and a description of the person's duties, except that an
24 eligible person who is protected under an order of protection or injunction
25 against harassment shall instead attach a copy of the order of protection or
26 injunction against harassment.

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

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

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

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

15 F. The recorder shall remove the restrictions on all voter records
16 submitted pursuant to subsection E of this section by January 5 in the year
17 after the court order expires. The county recorder shall send by mail one
18 notice to either the **CERTIFIED PROCESS SERVER**, former public official, peace
19 officer, spouse or minor child of a deceased peace officer, public defender,
20 prosecutor, code enforcement officer, corrections or detention officer,
21 corrections support staff member or law enforcement support staff member or
22 the employing agency of a peace officer, public defender, prosecutor, code
23 enforcement officer, corrections or detention officer, corrections support
24 staff member or law enforcement support staff member who was granted an order
25 pursuant to this section of the order's expiration date at least six months
26 before the expiration date. If the notice is sent to the employing agency,
27 the employing agency shall immediately notify the person who was granted the
28 order of the upcoming expiration date. The county recorder may coordinate
29 with the county assessor and county treasurer to prevent multiple notices
30 from being sent to the same person.

31 G. On entry of the court order, the clerk of the superior court shall
32 file the court order with the county recorder. On receipt of the court order
33 the county recorder shall seal the voter registration of the persons listed
34 in the court order no later than one hundred twenty days from the date of
35 receipt of the court order. To include a subsequent voter registration in
36 the court order, a person listed in the court order shall present to the
37 county recorder at the time of registration a certified copy of the court
38 order or shall provide the county recorder the recording number of the court
39 order. The information in the registration shall not be disclosed and is not
40 a public record.

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

44 I. On motion to the court, if the presiding judge of the superior
45 court concludes that a voter registration record has been sealed in error or

1 that the cause for the original affidavit no longer exists, the presiding
2 judge may vacate the court order prohibiting public access to the voter
3 registration record.

4 J. On request by a person who is protected under an order of
5 protection or injunction against harassment and presentation of an order of
6 protection issued pursuant to section 13-3602, an injunction against
7 harassment issued pursuant to section 12-1809 or an order of protection or
8 injunction against harassment issued by a court in another state, the county
9 recorder shall seal the voter registration record of the person who is
10 protected and, on request, any other registered voter who resides at the
11 residence address of the protected person. The record shall be sealed no
12 later than one hundred twenty days from the date of receipt of the court
13 order. The information in the registration shall not be disclosed and is not
14 a public record.

15 K. For the purposes of this section:

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

18 ~~1.~~ 2. "Code enforcement officer" means a person who is employed by a
19 state or local government and whose duties include performing field
20 inspections of buildings, structures or property to ensure compliance with
21 and enforce national, state and local laws, ordinances and codes.

22 ~~2.~~ 3. "Commissioner" means a commissioner of the superior court.

23 ~~3.~~ 4. "Corrections support staff member" means an adult or juvenile
24 corrections employee who has direct contact with inmates.

25 ~~4.~~ 5. "Eligible person" means a CERTIFIED PROCESS SERVER, former
26 public official, peace officer, spouse or minor child of a deceased peace
27 officer, border patrol agent, justice, judge, commissioner, public defender,
28 prosecutor, code enforcement officer, adult or juvenile corrections officer,
29 corrections support staff member, probation officer, member of the board of
30 executive clemency, law enforcement support staff member, national guard
31 member who is acting in support of a law enforcement agency, person who is
32 protected under an order of protection or injunction against harassment or
33 firefighter who is assigned to the Arizona counterterrorism center in the
34 department of public safety.

35 ~~5.~~ 6. "Former public official" means a person who was duly elected or
36 appointed to congress, the legislature or a statewide office, who ceased
37 serving in that capacity and who was the victim of a dangerous offense as
38 defined in section 13-105 while in office.

39 ~~6.~~ 7. "Judge" means a judge of the United States district court, the
40 United States court of appeals, the United States magistrate court, the
41 United States bankruptcy court, the Arizona court of appeals, the superior
42 court or a municipal court.

43 ~~7.~~ 8. "Justice" means a justice of the United States or Arizona
44 supreme court or a justice of the peace.

1 ~~8-~~ 9. "Law enforcement support staff member" means a person who
2 serves in the role of an investigator or prosecutorial assistant in an agency
3 that investigates or prosecutes crimes, who is integral to the investigation
4 or prosecution of crimes and whose name or identity will be revealed in the
5 course of public proceedings.

6 ~~9-~~ 10. "Prosecutor" means a United States attorney, a county
7 attorney, a municipal prosecutor or the attorney general and includes an
8 assistant or deputy United States attorney, county attorney, municipal
9 prosecutor or attorney general.

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

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

15 28-454. Records maintained by department of transportation;
16 redaction; definitions

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

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

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

26 2. Unless the person is the spouse or minor child of a deceased peace
27 officer or the person is a former public official, the position the person
28 currently holds and a description of the person's duties, except that an
29 eligible person who is protected under an order of protection or injunction
30 against harassment shall attach a copy of the order of protection or
31 injunction against harassment.

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

36 C. The affidavit shall be filed with the presiding judge of the
37 superior court in the county in which the affiant resides. To prevent
38 multiple filings, an eligible person who is a peace officer, spouse or minor
39 child of a deceased peace officer, prosecutor, code enforcement officer,
40 corrections or detention officer, corrections support staff member or law
41 enforcement support staff member shall deliver the affidavit to the peace
42 officer's commanding officer, or to the head of the prosecuting, code
43 enforcement, law enforcement, corrections or detention agency, as applicable,
44 or that person's designee, who shall file the affidavits at one time. In the
45 absence of an affidavit that contains a request for immediate action and that

1 is supported by facts justifying an earlier presentation, the commanding
2 officer, or the head of the prosecuting, code enforcement, law enforcement,
3 corrections or detention agency, as applicable, or that person's designee,
4 shall not file affidavits more often than quarterly.

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

12 E. The presiding judge of the superior court shall review the petition
13 and each attached affidavit to determine whether the action requested by each
14 affiant should be granted. The presiding judge of the superior court shall
15 order the redaction of the residence address and telephone number from the
16 public records maintained by the department if the judge concludes that this
17 action will reduce a danger to the life or safety of the affiant or another
18 person.

19 F. On entry of the court order, the clerk of the superior court shall
20 file the court order with the department. No more than one hundred fifty
21 days after the date the department receives the court order, the department
22 shall redact the residence addresses and telephone numbers of the affiants
23 listed in the court order from the public records of the department. The
24 residence addresses and telephone numbers shall not be disclosed and are not
25 part of a public record.

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

29 H. On motion to the court, if the presiding judge of the superior
30 court concludes that a residential address or telephone number has been
31 sealed in error or that the cause for the original affidavit no longer
32 exists, the presiding judge may vacate the court order prohibiting public
33 access to the residential address or telephone number.

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

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

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

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

1 K. For the purposes of this section:

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

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

8 ~~2-~~ 3. "Corrections support staff member" means an adult or juvenile
9 corrections employee who has direct contact with inmates.

10 ~~3-~~ 4. "Eligible person" means a CERTIFIED PROCESS SERVER, former
11 public official, peace officer, spouse or minor child of a deceased public
12 officer, justice, judge, commissioner, public defender, prosecutor, code
13 enforcement officer, adult or juvenile corrections officer, corrections
14 support staff member, probation officer, member of the board of executive
15 clemency, law enforcement support staff member, national guard member who is
16 acting in support of a law enforcement agency, person who is protected under
17 an order of protection or injunction against harassment or firefighter who is
18 assigned to the Arizona counterterrorism center in the department of public
19 safety.

20 ~~4-~~ 5. "Former public official" means a person who was duly elected or
21 appointed to Congress, the legislature or a statewide office, who ceased
22 serving in that capacity and who was the victim of a dangerous offense as
23 defined in section 13-105 while in office.

24 ~~5-~~ 6. "Law enforcement support staff member" means a person who
25 serves in the role of an investigator or prosecutorial assistant in an agency
26 that investigates or prosecutes crimes, who is integral to the investigation
27 or prosecution of crimes and whose name or identity will be revealed in the
28 course of public proceedings.

29 ~~6-~~ 7. "Prosecutor" means a county attorney, a municipal prosecutor or
30 the attorney general and includes an assistant or deputy county attorney,
31 municipal prosecutor or attorney general.

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

33 39-123. Information identifying eligible persons;
34 confidentiality; definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 F. For the purposes of this section:

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

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

28 ~~2-~~ 3. "Commissioner" means a commissioner of the superior court.

29 ~~3-~~ 4. "Corrections support staff member" means an adult or juvenile
30 corrections employee who has direct contact with inmates.

31 ~~4-~~ 5. "Eligible person" means a CERTIFIED PROCESS SERVER, former
32 public official, peace officer, spouse or minor child of a deceased peace
33 officer, border patrol agent, justice, judge, commissioner, public defender,
34 prosecutor, code enforcement officer, adult or juvenile corrections officer,
35 corrections support staff member, probation officer, member of the board of
36 executive clemency, law enforcement support staff member, national guard
37 member who is acting in support of a law enforcement agency, person who is
38 protected under an order of protection or injunction against harassment,
39 firefighter who is assigned to the Arizona counterterrorism center in the
40 department of public safety or victim of domestic violence or stalking who is
41 protected under an order of protection or injunction against harassment.

42 ~~5-~~ 6. "Former public official" means a person who was duly elected or
43 appointed to Congress, the legislature or a statewide office, who ceased
44 serving in that capacity and who was the victim of a dangerous offense as
45 defined in section 13-105 while in office.

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7 corrections support staff member, probation officer, member of the board of
8 executive clemency, law enforcement support staff member, national guard
9 member who is acting in support of a law enforcement agency, person who is
10 protected under an order of protection or injunction against harassment,
11 firefighter who is assigned to the Arizona counterterrorism center in the
12 department of public safety or victim of domestic violence or stalking who is
13 protected under an order of protection or injunction against harassment.

14 ~~5-~~ 6. "Former public official" means a person who was duly elected or
15 appointed to Congress, the legislature or a statewide office, who ceased
16 serving in that capacity and who was the victim of a dangerous offense as
17 defined in section 13-105 while in office.

18 ~~6-~~ 7. "Judge" means a judge of the United States district court, the
19 United States court of appeals, the United States magistrate court, the
20 United States bankruptcy court, the Arizona court of appeals, the superior
21 court or a municipal court.

22 ~~7-~~ 8. "Justice" means a justice of the United States or Arizona
23 supreme court or a justice of the peace.

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

29 ~~9-~~ 10. "Peace officer" has the same meaning prescribed in section
30 13-105.

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

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