

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

CHAPTER 164
HOUSE BILL 2145

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
46 defender, prosecutor, code enforcement officer, corrections or detention

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

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

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

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

43 H. On entry of the court order, the clerk of the superior court shall
44 file the court order and a copy of the affidavit required by subsection B of
45 this section with the county recorder. No more than ten days after the date
46 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 notice to either
9 the former public official, peace officer, **SPOUSE OF A PEACE OFFICER**, spouse
10 or minor child of a deceased peace officer, public defender, prosecutor, code
11 enforcement officer, corrections or detention officer, corrections support
12 staff member or law enforcement support staff member or the employing agency
13 of a peace officer, public defender, prosecutor, code enforcement officer,
14 corrections or detention officer, corrections support staff member or law
15 enforcement support staff member who was granted an order pursuant to this
16 section of the order's expiration date at least six months before the
17 expiration date. If the notice is sent to the employing agency, the
18 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 K. To include subsequent recordings in the court order, the eligible
23 person shall present to the county recorder at the time of recordation a
24 certified copy of the court order or shall provide to the county recorder the
25 recording number of the court order. The county recorder shall ensure that
26 public access shall be restricted pursuant to subsection A of this section.

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

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

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

38 O. For the purposes of this section:

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

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

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

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

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

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

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

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

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

31 11. "Prosecutor" means a county attorney, a municipal prosecutor, the
32 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 12. "Public defender" means a federal public defender, county public
36 defender, county legal defender or county contract indigent defense counsel
37 and includes an assistant or deputy federal public defender, county public
38 defender or county legal defender.

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

40 11-484. Records maintained by county assessor and county
41 treasurer; redaction; definitions

42 A. Notwithstanding any other provision of this article, in any county
43 an eligible person may request that the general public be prohibited from
44 accessing that person's residential address and telephone number that are
45 contained in instruments, writings and information maintained by the county
46 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. Unless the person is the **SPOUSE OF A PEACE OFFICER OR THE** spouse or
10 minor child of a deceased peace officer or the person is a former public
11 official, the position the person currently holds and a description of the
12 person's duties, except that an eligible person who is protected under an
13 order of protection or injunction against harassment shall attach a copy of
14 the order of protection or injunction against harassment.

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

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

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

40 E. 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
45 earlier consideration, the presiding judge may accumulate affidavits and file
46 a petition at the end of each quarter.

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

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

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

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

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

- 1 K. For the purposes of this section:
2 1. "Code enforcement officer" means a person who is employed by a
3 state or local government and whose duties include performing field
4 inspections of buildings, structures or property to ensure compliance with
5 and enforce national, state and local laws, ordinances and codes.
6 2. "Commissioner" means a commissioner of the superior court.
7 3. "Corrections support staff member" means an adult or juvenile
8 corrections employee who has direct contact with inmates.
9 4. "Eligible person" means a former public official, peace officer,
10 SPOUSE OF A PEACE OFFICER, spouse or minor child of a deceased peace officer,
11 justice, judge, commissioner, public defender, prosecutor, code enforcement
12 officer, adult or juvenile corrections officer, corrections support staff
13 member, probation officer, member of the board of executive clemency, law
14 enforcement support staff member, national guard member who is acting in
15 support of a law enforcement agency, person who is protected under an order
16 of protection or injunction against harassment or firefighter who is assigned
17 to the Arizona counterterrorism center in the department of public safety.
18 5. "Former public official" means a person who was duly elected or
19 appointed to Congress, the legislature or a statewide office, who ceased
20 serving in that capacity and who was the victim of a dangerous offense as
21 defined in section 13-105 while in office.
22 6. "Judge" means a judge of the United States district court, the
23 United States court of appeals, the United States magistrate court, the
24 United States bankruptcy court, the Arizona court of appeals, the superior
25 court or a municipal court.
26 7. "Justice" means a justice of the United States or Arizona supreme
27 court or a justice of the peace.
28 8. "Law enforcement support staff member" means a person who serves in
29 the role of an investigator or prosecutorial assistant in an agency that
30 investigates or prosecutes crimes, who is integral to the investigation or
31 prosecution of crimes and whose name or identity will be revealed in the
32 course of public proceedings.
33 9. "Peace officer" means any person vested by law, or formerly vested
34 by law, with a duty to maintain public order and make arrests.
35 10. "Prosecutor" means a county attorney, a municipal prosecutor, the
36 attorney general or a United States attorney and includes an assistant or
37 deputy United States attorney, county attorney, municipal prosecutor or
38 attorney general.
39 11. "Public defender" means a federal public defender, county public
40 defender, county legal defender or county contract indigent defense counsel
41 and includes an assistant or deputy federal public defender, county public
42 defender or county legal defender.

43 Sec. 3. Section 16-153, Arizona Revised Statutes, is amended to read:
44 16-153. Voter registration; confidentiality; definitions

45 A. Eligible persons, and any other registered voter who resides at the
46 same residence address as the eligible person, may request that the general

1 public be prohibited from accessing the residential address, telephone number
2 and voting precinct number contained in their voter registration record.

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

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

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

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

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

33 D. On receipt of an affidavit or affidavits, the presiding judge of
34 the superior court shall file with the clerk of the superior court a petition
35 on behalf of all requesting affiants. The petition shall have attached each
36 affidavit presented. In the absence of an affidavit that contains a request
37 for immediate action and that is supported by facts justifying an earlier
38 consideration, the presiding judge may accumulate affidavits and file a
39 petition at the end of each quarter.

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

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

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

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

30 I. On motion to the court, if the presiding judge of the superior
31 court concludes that a voter registration record has been sealed in error or
32 that the cause for the original affidavit no longer exists, the presiding
33 judge may vacate the court order prohibiting public access to the voter
34 registration record.

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

46 K. For the purposes of this section:

1 residential address and telephone number contained in any record maintained
2 by the department.

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

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

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

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

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

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

40 E. The presiding judge of the superior court shall review the petition
41 and each attached affidavit to determine whether the action requested by each
42 affiant should be granted. The presiding judge of the superior court shall
43 order the redaction of the residence address and telephone number from the
44 public records maintained by the department if the judge concludes that this
45 action will reduce a danger to the life or safety of the affiant or another
46 person.

1 F. On entry of the court order, the clerk of the superior court shall
2 file the court order with the department. No more than one hundred fifty
3 days after the date the department receives the court order, the department
4 shall redact the residence addresses and telephone numbers of the affiants
5 listed in the court order from the public records of the department. The
6 residence addresses and telephone numbers shall not be disclosed and are not
7 part of a public record.

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

11 H. On motion to the court, if the presiding judge of the superior
12 court concludes that a residential address or telephone number has been
13 sealed in error or that the cause for the original affidavit no longer
14 exists, the presiding judge may vacate the court order prohibiting public
15 access to the residential address or telephone number.

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

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

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

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

26 K. For the purposes of this section:

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

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

33 3. "Eligible person" means a former public official, peace officer,
34 SPOUSE OF A PEACE OFFICER, spouse or minor child of a deceased public
35 officer, justice, judge, commissioner, public defender, prosecutor, code
36 enforcement officer, adult or juvenile corrections officer, corrections
37 support staff member, probation officer, member of the board of executive
38 clemency, law enforcement support staff member, national guard member who is
39 acting in support of a law enforcement agency, person who is protected under
40 an order of protection or injunction against harassment or firefighter who is
41 assigned to the Arizona counterterrorism center in the department of public
42 safety.

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

1 F. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

45 39-124. Releasing information identifying an eligible person;
46 violations; classification; definitions

1 A. Any person who is employed by a state or local government entity
2 and who, in violation of section 39-123, knowingly releases the home address
3 or home telephone number of an eligible person with the intent to hinder an
4 investigation, cause physical injury to an eligible person or the eligible
5 person's immediate family or cause damage to the property of an eligible
6 person or the eligible person's immediate family is guilty of a class 6
7 felony.

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

14 C. For the purposes of this section:

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

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

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

22 4. "Eligible person" means a former public official, peace officer,
23 **SPOUSE OF A PEACE OFFICER**, spouse or minor child of a deceased peace officer,
24 border patrol agent, justice, judge, commissioner, public defender,
25 prosecutor, code enforcement officer, adult or juvenile corrections officer,
26 corrections support staff member, probation officer, member of the board of
27 executive clemency, law enforcement support staff member, national guard
28 member who is acting in support of a law enforcement agency, person who is
29 protected under an order of protection or injunction against harassment,
30 firefighter who is assigned to the Arizona counterterrorism center in the
31 department of public safety or victim of domestic violence or stalking who is
32 protected under an order of protection or injunction against harassment.

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

37 6. "Judge" means a judge of the United States district court, the
38 United States court of appeals, the United States magistrate court, the
39 United States bankruptcy court, the Arizona court of appeals, the superior
40 court or a municipal court.

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

43 8. "Law enforcement support staff member" means a person who serves in
44 the role of an investigator or prosecutorial assistant in an agency that
45 investigates or prosecutes crimes, who is integral to the investigation or

1 prosecution of crimes and whose name or identity will be revealed in the
2 course of public proceedings.

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

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

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

12 Sec. 7. Emergency

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

APPROVED BY THE GOVERNOR APRIL 23, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2014.