

State of Arizona  
Senate  
Fifty-second Legislature  
First Regular Session  
2015

# SENATE BILL 1073

AN ACT

AMENDING SECTIONS 11-483, 11-484, 16-153, 28-454, 39-123 AND 39-124, ARIZONA  
REVISED STATUTES; RELATING TO PUBLIC RECORDS.

(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 **OR FORMER JUDGE**, the position the person currently holds and a  
24 description of the person's duties, except that an eligible person who is  
25 protected under an order of protection or injunction against harassment shall  
26 instead attach a copy of the order of protection or injunction against  
27 harassment or an eligible person who is a participant in the address  
28 confidentiality program shall instead attach a copy of the participant's  
29 current and valid address confidentiality program authorization card issued  
30 pursuant to section 41-163 and a statement of certification provided by the  
31 secretary of state's office.

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

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

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

40 C. If an eligible person is also requesting pursuant to section 11-484  
41 that the general public be prohibited from accessing records maintained by  
42 the county assessor and county treasurer, the eligible person may combine the  
43 request pursuant to subsection B of this section with the request pursuant to  
44 section 11-484 by filing one affidavit. The affidavit and subsequent action

1 by the appropriate authorities shall meet all of the requirements of this  
2 section and section 11-484.

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

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

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

42 G. On motion to the court, if the presiding judge of the superior  
43 court concludes that an instrument or writing recorded by the county recorder  
44 has been redacted or sealed in error, that the original affiant no longer  
45 lives at the address listed in the original affidavit, that the cause for the

1 original affidavit no longer exists or that temporary access to the  
2 instrument or writing is needed, the presiding judge may temporarily stay or  
3 permanently vacate all or part of the court order prohibiting public access  
4 to the recorded instrument or writing.

5 H. On entry of the court order, the clerk of the superior court shall  
6 file the court order and a copy of the affidavit required by subsection B of  
7 this section with the county recorder. No more than ten days after the date  
8 on which the county recorder receives the court order, the county recorder  
9 shall restrict access to the information as required by subsection F of this  
10 section.

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

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

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

35 L. This section shall not be interpreted to restrict access to public  
36 records for the purposes of perfecting a lien pursuant to title 12, chapter  
37 9, article 2.

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

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

- 1           0. 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, person who is a participant
- 17 in the address confidentiality program pursuant to title 41, chapter 1,
- 18 article 3 or firefighter who is assigned to the Arizona counterterrorism
- 19 center in the department of public safety.
- 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. "Indexes" means only those indexes that are maintained by and
- 25 located in the office of the county recorder, that are accessed
- 26 electronically and that contain information beginning from and after
- 27 January 1, 1987.
- 28           7. "Judge" means a judge OR FORMER JUDGE of the United States district
- 29 court, the United States court of appeals, the United States magistrate
- 30 court, the United States bankruptcy court, THE UNITED STATES IMMIGRATION
- 31 COURT, the Arizona court of appeals, the superior court or a municipal court.
- 32           8. "Justice" means a justice of the United States or Arizona supreme
- 33 court or a justice of the peace.
- 34           9. "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           10. "Peace officer" means any person vested by law, or formerly vested
- 40 by law, with a duty to maintain public order and make arrests.
- 41           11. "Prosecutor" means a county attorney, a municipal prosecutor, the
- 42 attorney general or a United States attorney and includes an assistant or
- 43 deputy United States attorney, county attorney, municipal prosecutor or
- 44 attorney general.

1           12. "Public defender" means a federal public defender, county public  
2 defender, county legal defender or county contract indigent defense counsel  
3 and includes an assistant or deputy federal public defender, county public  
4 defender or county legal defender.

5           Sec. 2. Section 11-484, Arizona Revised Statutes, is amended to read:  
6           11-484. Records maintained by county assessor and county  
7           treasurer; redaction; definitions

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

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 **OR FORMER JUDGE**, the position the person currently holds and a  
24 description of the person's duties, except that an eligible person who is  
25 protected under an order of protection or injunction against harassment shall  
26 attach a copy of the order of protection or injunction against harassment or  
27 an eligible person who is a participant in the address confidentiality  
28 program shall instead attach a copy of the participant's current and valid  
29 address confidentiality program authorization card issued pursuant to section  
30 41-163 and a statement of certification provided by the secretary of state's  
31 office.

32           4. 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 will serve to reduce the danger.

35           C. If an eligible person is also requesting pursuant to section 11-483  
36 that the general public be prohibited from accessing records maintained by  
37 the county recorder, the eligible person may combine the request pursuant to  
38 subsection B of this section with the request pursuant to section 11-483 by  
39 filing one affidavit. The affidavit and subsequent action by the appropriate  
40 authorities shall meet all of the requirements of this section and section  
41 11-483.

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 the redaction of the affiant's residential  
25 address and telephone number that are contained in instruments, writings and  
26 information maintained by the county assessor and the county treasurer. The  
27 redaction shall be in effect for five years.

28 G. On motion to the court, if the presiding judge of the superior  
29 court concludes that an instrument or writing maintained by the county  
30 assessor or the county treasurer has been redacted or sealed in error, that  
31 the original affiant no longer lives at the address listed in the original  
32 affidavit, that the cause for the original affidavit no longer exists or that  
33 temporary access to the instrument or writing is needed, the presiding judge  
34 may temporarily stay or permanently vacate all or part of the court order  
35 prohibiting public access to the instrument or writing.

36 H. On entry of the court order, the clerk of the superior court shall  
37 file the court order and a copy of the affidavit required by subsection B of  
38 this section with the county assessor and the county treasurer. No more than  
39 ten days after the date on which the county assessor and the county treasurer  
40 receive the court order, the county assessor and the county treasurer shall  
41 restrict access to the information as required by subsection F of this  
42 section.

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

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

18 K. For the purposes of this section:

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

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

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

26 4. "Eligible person" means a former public official, peace officer,  
27 spouse of a peace officer, spouse or minor child of a deceased peace officer,  
28 justice, judge, commissioner, public defender, prosecutor, code enforcement  
29 officer, adult or juvenile corrections officer, corrections support staff  
30 member, probation officer, member of the board of executive clemency, law  
31 enforcement support staff member, national guard member who is acting in  
32 support of a law enforcement agency, person who is protected under an order  
33 of protection or injunction against harassment, person who is a participant  
34 in the address confidentiality program pursuant to title 41, chapter 1,  
35 article 3, or firefighter who is assigned to the Arizona counterterrorism  
36 center in the department of public safety.

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

41 6. "Judge" means a judge OR FORMER JUDGE of the United States district  
42 court, the United States court of appeals, the United States magistrate  
43 court, the United States bankruptcy court, THE UNITED STATES IMMIGRATION  
44 COURT, the Arizona court of appeals, the superior court or a municipal court.

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

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

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

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

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

18          Sec. 3. Section 16-153, Arizona Revised Statutes, is amended to read:  
19 16-153. Voter registration; confidentiality; definitions

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

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

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

30           2. Unless the person is the spouse of a peace officer or the spouse or  
31 minor child of a deceased peace officer or the person is a former public  
32 official **OR FORMER JUDGE**, the position the person currently holds and a  
33 description of the person's duties, except that an eligible person who is  
34 protected under an order of protection or injunction against harassment shall  
35 instead attach a copy of the order of protection or injunction against  
36 harassment.

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

41          C. The affidavit shall be filed with the presiding judge of the  
42 superior court in the county in which the affiant resides. To prevent  
43 multiple filings, an eligible person who is a peace officer, prosecutor,  
44 public defender, code enforcement officer, corrections or detention officer,  
45 corrections support staff member or law enforcement support staff member

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

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

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

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

40 G. On entry of the court order, the clerk of the superior court shall  
41 file the court order with the county recorder. On receipt of the court order  
42 the county recorder shall seal the voter registration of the persons listed  
43 in the court order no later than one hundred twenty days from the date of  
44 receipt of the court order. To include a subsequent voter registration in  
45 the court order, a person listed in the court order shall present to the

1 county recorder at the time of registration a certified copy of the court  
2 order or shall provide the county recorder the recording number of the court  
3 order. The information in the registration shall not be disclosed and is not  
4 a public record.

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

8 I. On motion to the court, if the presiding judge of the superior  
9 court concludes that a voter registration record has been sealed in error or  
10 that the cause for the original affidavit no longer exists, the presiding  
11 judge may vacate the court order prohibiting public access to the voter  
12 registration record.

13 J. On request by a person who is protected under an order of  
14 protection or injunction against harassment and presentation of an order of  
15 protection issued pursuant to section 13-3602, an injunction against  
16 harassment issued pursuant to section 12-1809 or an order of protection or  
17 injunction against harassment issued by a court in another state or a program  
18 participant in the address confidentiality program pursuant to title 41,  
19 chapter 1, article 3, the county recorder shall seal the voter registration  
20 record of the person who is protected and, on request, any other registered  
21 voter who resides at the residence address of the protected person. The  
22 record shall be sealed no later than one hundred twenty days from the date of  
23 receipt of the court order. The information in the registration shall not be  
24 disclosed and is not a public record.

25 K. For the purposes of this section:

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

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

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

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

43 5. "Former public official" means a person who was duly elected or  
44 appointed to congress, the legislature or a statewide office, who ceased

1 serving in that capacity and who was the victim of a dangerous offense as  
2 defined in section 13-105 while in office.

3 6. "Judge" means a judge OR FORMER JUDGE of the United States district  
4 court, the United States court of appeals, the United States magistrate  
5 court, the United States bankruptcy court, THE UNITED STATES IMMIGRATION  
6 COURT, the Arizona court of appeals, the superior court or a municipal court.

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

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

14 9. "Prosecutor" means a United States attorney, a county attorney, a  
15 municipal prosecutor or the attorney general and includes an assistant or  
16 deputy United States attorney, county attorney, municipal prosecutor or  
17 attorney general.

18 10. "Public defender" means a federal public defender, county public  
19 defender, county legal defender or county contract indigent defense counsel  
20 and includes an assistant or deputy federal public defender, county public  
21 defender or county legal defender.

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

23 28-454. Records maintained by department of transportation;  
24 redaction; definitions

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

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

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

34 2. Unless the person is the spouse of a peace officer or the spouse or  
35 minor child of a deceased peace officer or the person is a former public  
36 official OR FORMER JUDGE, the position the person currently holds and a  
37 description of the person's duties, except that an eligible person who is  
38 protected under an order of protection or injunction against harassment shall  
39 attach a copy of the order of protection or injunction against harassment.

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

44 C. The affidavit shall be filed with the presiding judge of the  
45 superior court in the county in which the affiant resides. To prevent

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

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

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

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

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

38 H. On motion to the court, if the presiding judge of the superior  
39 court concludes that a residential address or telephone number has been  
40 sealed in error or that the cause for the original affidavit no longer  
41 exists, the presiding judge may vacate the court order prohibiting public  
42 access to the residential address or telephone number.

43 I. Notwithstanding sections 28-447 and 28-455, the department shall  
44 not release a photograph of a peace officer if the peace officer has made a  
45 request as prescribed in this section that persons be prohibited from

1 accessing the peace officer's residential address and telephone number in any  
2 record maintained by the department.

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

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

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

8 K. For the purposes of this section:

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

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

15 3. "Eligible person" means a former public official, peace officer,  
16 spouse of a peace officer, spouse or minor child of a deceased public  
17 officer, justice, judge OR FORMER 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 or  
23 firefighter who is assigned to the Arizona counterterrorism center in the  
24 department of public safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25           F. For the purposes of this section:

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

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

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

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

44           5. "Former public official" means a person who was duly elected or  
45 appointed to Congress, the legislature or a statewide office, who ceased

1 serving in that capacity and who was the victim of a dangerous offense as  
2 defined in section 13-105 while in office.

3 6. "Judge" means a judge OR FORMER JUDGE of the United States district  
4 court, the United States court of appeals, the United States magistrate  
5 court, the United States bankruptcy court, THE UNITED STATES IMMIGRATION  
6 COURT, the Arizona court of appeals, the superior court or a municipal court.

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

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

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

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

19 11. "Public defender" means a federal public defender, county public  
20 defender, county legal defender or county contract indigent defense counsel  
21 and includes an assistant or deputy federal public defender, county public  
22 defender or county legal defender.

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

24 39-124. Releasing information identifying an eligible person;  
25 violations; classification; definitions

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

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

39 C. For the purposes of this section:

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

44 2. "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 border patrol agent, justice, judge, commissioner, public defender,  
6 prosecutor, code enforcement officer, adult or juvenile corrections officer,  
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. "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. "Judge" means a judge **OR FORMER JUDGE** of the United States district  
19 court, the United States court of appeals, the United States magistrate  
20 court, the United States bankruptcy court, **THE UNITED STATES IMMIGRATION**  
21 **COURT**, the Arizona court of appeals, the superior court or a municipal court.

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

24           8. "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           9. "Peace officer" has the same meaning prescribed in section 13-105.

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

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

38           (EMERGENCY NOT ENACTED BY THE HOUSE)

39           Sec. 7. Emergency

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