

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

CHAPTER 79
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
45 by the appropriate authorities shall meet all of the requirements of this
46 section and section 11-484.

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

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

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

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

1 permanently vacate all or part of the court order prohibiting public access
2 to the recorded instrument or writing.

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

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

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

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

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

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

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

44 O. For the purposes of this section:

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

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

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

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

6 4. "Eligible person" means a former public official, peace officer,
7 spouse of a peace officer, spouse or minor child of a deceased peace officer,
8 justice, judge, commissioner, public defender, prosecutor, code enforcement
9 officer, adult or juvenile corrections officer, corrections support staff
10 member, probation officer, member of the board of executive clemency, law
11 enforcement support staff member, national guard member who is acting in
12 support of a law enforcement agency, person who is protected under an order
13 of protection or injunction against harassment, person who is a participant
14 in the address confidentiality program pursuant to title 41, chapter 1,
15 article 3 or firefighter who is assigned to the Arizona counterterrorism
16 center in the department of public safety.

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

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

25 7. "Judge" means a judge OR FORMER JUDGE of the United States district
26 court, the United States court of appeals, the United States magistrate
27 court, the United States bankruptcy court, THE UNITED STATES IMMIGRATION
28 COURT, the Arizona court of appeals, the superior court or a municipal court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 K. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

10 16-153. Voter registration; confidentiality; definitions

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

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

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

21 2. Unless the person is the spouse 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.

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

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

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

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

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

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

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

44 I. On motion to the court, if the presiding judge of the superior
45 court concludes that a voter registration record has been sealed in error or
46 that the cause for the original affidavit no longer exists, the presiding

1 judge may vacate the court order prohibiting public access to the voter
2 registration record.

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

15 K. For the purposes of this section:

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

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

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

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

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 OR FORMER JUDGE of the United States district
38 court, the United States court of appeals, the United States magistrate
39 court, the United States bankruptcy court, THE UNITED STATES IMMIGRATION
40 COURT, the Arizona court of appeals, the superior 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. "Prosecutor" means a United States attorney, a county attorney, a
4 municipal prosecutor or the attorney general and includes an assistant or
5 deputy United States attorney, county attorney, municipal prosecutor or
6 attorney general.

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

11 Sec. 4. Section 28-454, Arizona Revised Statutes, is amended to read:
12 28-454. Records maintained by department of transportation;
13 redaction; definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 K. For the purposes of this section:

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

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

3 3. "Eligible person" means a former public official, peace officer,
4 spouse of a peace officer, spouse or minor child of a deceased public
5 officer, justice, judge OR FORMER 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 or
11 firefighter who is assigned to the Arizona counterterrorism center in the
12 department of public safety.

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

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

22 6. "Prosecutor" means a county attorney, a municipal prosecutor or the
23 attorney general and includes an assistant or deputy county attorney,
24 municipal prosecutor or attorney general.

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

26 39-123. Information identifying eligible persons:
27 confidentiality: definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 F. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

11 39-124. Releasing information identifying an eligible person;
12 violations; classification; definitions

13 A. Any person who is employed by a state or local government entity
14 and who, in violation of section 39-123, knowingly releases the home address
15 or home telephone number of an eligible person with the intent to hinder an
16 investigation, cause physical injury to an eligible person or the eligible
17 person's immediate family or cause damage to the property of an eligible
18 person or the eligible person's immediate family is guilty of a class 6
19 felony.

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

26 C. 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. "Commissioner" means a commissioner of the superior court.

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

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

45 5. "Former public official" means a person who was duly elected or
46 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 (EMERGENCY NOT ENACTED BY THE HOUSE)

24 Sec. 7. Emergency

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

APPROVED BY THE GOVERNOR MARCH 30, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2015.