

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 194
HOUSE BILL 2383

AN ACT

AMENDING TITLE 39, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING
SECTIONS 39-121.04 AND 39-123.01; 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. Title 39, chapter 1, article 2, Arizona Revised Statutes,
3 is amended by adding sections 39-121.04 and 39-123.01, to read:

4 39-121.04. Public access to law enforcement records depicting
5 certain witnesses or crime victims: victim rights

6 A. IN A SPECIAL ACTION BROUGHT PURSUANT TO THIS ARTICLE FOR THE
7 RELEASE OF ANY RECORD CREATED OR RECEIVED BY OR IN THE POSSESSION OF A LAW
8 ENFORCEMENT OR PROSECUTION AGENCY THAT RELATES TO A CRIMINAL INVESTIGATION OR
9 PROSECUTION AND THAT VISUALLY DEPICTS THE IMAGE OF A WITNESS UNDER EIGHTEEN
10 YEARS OF AGE OR A VICTIM AS DEFINED IN SECTION 13-4401, THE PETITIONER SHALL
11 ESTABLISH THAT THE PUBLIC'S INTEREST IN DISCLOSURE OUTWEIGHS THE WITNESS'S OR
12 VICTIM'S RIGHT TO PRIVACY.

13 B. A VICTIM WHOSE IMAGE IS DEPICTED IN A RECORD DESCRIBED IN
14 SUBSECTION A OF THIS SECTION HAS THE RIGHT TO BE PRESENT AT AND TO BE HEARD
15 IN ANY ACTION BROUGHT PURSUANT TO THIS ARTICLE FOR THE RELEASE OF RECORDS
16 DESCRIBED IN SUBSECTION A OF THIS SECTION.

17 39-123.01. Personal identifying information of crime witnesses;
18 confidentiality; definition

19 A. THE PERSONAL IDENTIFYING INFORMATION OF A WITNESS TO A CRIME
20 CONTAINED IN A RECORD THAT IS CREATED OR RECEIVED BY A LAW ENFORCEMENT OR
21 PROSECUTION AGENCY AND THAT IS RELATED TO A CRIMINAL INVESTIGATION OR
22 PROSECUTION MAY NOT BE DISCLOSED BY A PUBLIC BODY PURSUANT TO THIS ARTICLE
23 UNLESS ANY OF THE FOLLOWING APPLIES:

24 1. THE WITNESS CONSENTS IN WRITING TO THE DISCLOSURE.

25 2. A COURT OF COMPETENT JURISDICTION ORDERS THE DISCLOSURE.

26 3. THE WITNESS'S ADDRESS IS THE LOCATION WHERE THE CRIME OCCURRED.

27 B. THIS SECTION DOES NOT AFFECT ANY RECORDS THAT ARE TRANSMITTED
28 BETWEEN LAW ENFORCEMENT AND PROSECUTION AGENCIES, A COURT OR A CLERK OF THE
29 COURT OR ANY PROVISION OF LAW THAT GOVERNS THE DISCOVERY PROCESS OR THE
30 CONDUCT OF TRIALS.

31 C. FOR THE PURPOSES OF THIS SECTION, "PERSONAL IDENTIFYING
32 INFORMATION" INCLUDES A WITNESS'S DATE OF BIRTH, SOCIAL SECURITY NUMBER,
33 PERSONAL TELEPHONE NUMBER, HOME ADDRESS, PERSONAL E-MAIL ADDRESS AND OFFICIAL
34 STATE OR GOVERNMENT-ISSUED DRIVER LICENSE OR IDENTIFICATION NUMBER.

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.