

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HOUSE BILL 2676

AN ACT

AMENDING SECTIONS 11-483, 11-484, 16-153 AND 28-454, 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:
5 confidentiality; definitions

6 A. Notwithstanding any other provision of this article, in any
7 county an eligible person may request that the general public be
8 prohibited from accessing the unique identifier and the recording date
9 contained in indexes of recorded instruments maintained by the county
10 recorder and may request the county recorder to prohibit access to that
11 person's ~~residential address and telephone number contained in~~ IDENTIFYING
12 INFORMATION, INCLUDING ANY OF THAT PERSON'S DOCUMENTS, instruments or
13 writings recorded by the county recorder.

14 B. An eligible person may request this action by filing an
15 affidavit that states all of the following on an application form
16 developed by the administrative office of the courts in agreement with an
17 association of counties, an organization of peace officers and the motor
18 vehicle division of the department of transportation:

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

20 2. The full legal description and parcel number of the person's
21 property.

22 3. Unless the person is the spouse of a peace officer or the spouse
23 or minor child of a deceased peace officer or the person is a former
24 public official or former judge, the position the person currently holds
25 and a description of the person's duties, except that an eligible person
26 who is protected under an order of protection or injunction against
27 harassment shall instead attach a copy of the order of protection or
28 injunction against harassment or an eligible person who is a participant
29 in the address confidentiality program shall instead attach a copy of the
30 participant's current and valid address confidentiality program
31 authorization card issued pursuant to section 41-163 and a statement of
32 certification provided by the secretary of state's office.

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

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

39 6. A copy of pages from each instrument that includes the document
40 locator number and the person's IDENTIFYING INFORMATION, INCLUDING THE
41 PERSON'S full legal name and residential address or full legal name and
42 telephone number.

43 C. If an eligible person is also requesting pursuant to section
44 11-484 that the general public be prohibited from accessing records
45 maintained by the county assessor and county treasurer, the eligible

1 person may combine the request pursuant to subsection B of this section
2 with the request pursuant to section 11-484 by filing one affidavit. The
3 affidavit and subsequent action by the appropriate authorities shall meet
4 all of the requirements of this section and section 11-484.

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

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

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

1 recorded instruments maintained by the county recorder and identified
2 pursuant to subsection B of this section.

3 G. On motion to the court, if the presiding judge of the superior
4 court concludes that an instrument or writing recorded by the county
5 recorder has been redacted or sealed in error, that the original affiant
6 no longer lives at the address listed in the original affidavit, that the
7 cause for the original affidavit no longer exists or that temporary access
8 to the instrument or writing is needed, the presiding judge may
9 temporarily stay or permanently vacate all or part of the court order
10 prohibiting public access to the recorded instrument or writing.

11 H. On entry of the court order, the clerk of the superior court
12 shall file the court order and a copy of the affidavit required by
13 subsection B of this section with the county recorder. ~~no~~ NOT more than
14 ten days after the date on which the county recorder receives the court
15 order, the county recorder shall restrict access to the information as
16 required by subsection F of this section.

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

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

38 K. To include subsequent recordings in the court order, the
39 eligible person shall present to the county recorder at the time of
40 recordation a certified copy of the court order or shall provide to the
41 county recorder the recording number of the court order. The county
42 recorder shall ensure that public access ~~shall be~~ IS restricted pursuant
43 to subsection A of this section.

1 L. This section ~~shall not be interpreted to~~ DOES NOT restrict
2 access to public records for the purposes of perfecting a lien pursuant to
3 title 12, chapter 9, article 2.

4 M. This section does not prohibit access to the records of the
5 county recorder by parties to the instrument, a law enforcement officer
6 performing the officer's official duties pursuant to subsection N of this
7 section, a title insurer, a title insurance agent or an escrow agent
8 licensed by the department of insurance or the department of financial
9 institutions.

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

13 O. 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
23 officer, justice, judge, commissioner, public defender, prosecutor, code
24 enforcement officer, adult or juvenile corrections officer, corrections
25 support staff member, probation officer, member of the board of executive
26 clemency, law enforcement support staff member, employee of the department
27 of child safety who has direct contact with families in the course of
28 employment, national guard member who is acting in support of a law
29 enforcement agency, person who is protected under an order of protection
30 or injunction against harassment, person who is a participant in the
31 address confidentiality program pursuant to title 41, chapter 1, article 3
32 or firefighter who is assigned to the Arizona ~~counterterrorism~~ COUNTER
33 TERRORISM INFORMATION center in the department of public safety.

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

38 6. "Indexes" means only those indexes that are maintained by and
39 located in the office of the county recorder, that are accessed
40 electronically and that contain information beginning from and after
41 January 1, 1987.

42 7. "Judge" means a judge or former judge of the United States
43 district court, the United States court of appeals, the United States
44 magistrate court, the United States bankruptcy court, the United States

1 immigration court, the Arizona court of appeals, the superior court or a
2 municipal court.

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

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

10 10. "Peace officer":

11 (a) Means any person vested by law, or formerly vested by law, with
12 a duty to maintain public order and make arrests.

13 (b) Includes a federal law enforcement officer or agent who resides
14 in this state and who has the power to make arrests pursuant to federal
15 law.

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

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

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

26 11-484. Records maintained by county assessor and county
27 treasurer; redaction; definitions

28 A. Notwithstanding any other provision of this article, in any
29 county an eligible person may request that the general public be
30 prohibited from accessing that person's ~~residential address and telephone~~
31 ~~number that are contained in~~ IDENTIFYING INFORMATION, INCLUDING ANY OF
32 THAT PERSON'S DOCUMENTS, instruments, writings and information maintained
33 by the county assessor and the county treasurer.

34 B. An eligible person may request this action by filing an
35 affidavit that states all of the following on an application form
36 developed by the administrative office of the courts in agreement with an
37 association of counties, an organization of peace officers and the motor
38 vehicle division of the department of transportation:

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

40 2. The full legal description and parcel number of the person's
41 property.

42 3. Unless the person is the spouse of a peace officer or the spouse
43 or minor child of a deceased peace officer or the person is a former
44 public official or former judge, the position the person currently holds
45 and a description of the person's duties, except that an eligible person

1 who is protected under an order of protection or injunction against
2 harassment shall attach a copy of the order of protection or injunction
3 against harassment or an eligible person who is a participant in the
4 address confidentiality program shall instead attach a copy of the
5 participant's current and valid address confidentiality program
6 authorization card issued pursuant to section 41-163 and a statement of
7 certification provided by the secretary of state's office.

8 4. The reasons the person reasonably believes that the person's
9 life or safety or that of another person is in danger and that redacting
10 the PERSON'S IDENTIFYING INFORMATION, INCLUDING THE residential address
11 and telephone number will serve to reduce the danger.

12 C. If an eligible person is also requesting pursuant to section
13 11-483 that the general public be prohibited from accessing records
14 maintained by the county recorder, the eligible person may combine the
15 request pursuant to subsection B of this section with the request pursuant
16 to section 11-483 by filing one affidavit. The affidavit and subsequent
17 action by the appropriate authorities shall meet all of the requirements
18 of this section and section 11-483.

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

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

42 F. The presiding judge of the superior court shall review the
43 petition and each attached affidavit to determine whether the action
44 requested by each affiant should be granted. If the presiding judge of
45 the superior court concludes that the action requested by the affiant will

1 reduce a danger to the life or safety of the affiant or another person,
2 the presiding judge of the superior court shall order the redaction of the
3 affiant's ~~residential address and telephone number that are contained in~~
4 IDENTIFYING INFORMATION, INCLUDING ANY OF THAT PERSON'S DOCUMENTS,
5 instruments, writings and information maintained by the county assessor
6 and the county treasurer. The redaction shall be in effect for five
7 years.

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

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

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

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

1 K. For the purposes of this section:

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

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

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

9 4. "Eligible person" means a former public official, peace officer,
10 spouse of a peace officer, spouse or minor child of a deceased peace
11 officer, justice, judge, commissioner, public defender, prosecutor, code
12 enforcement officer, adult or juvenile corrections officer, corrections
13 support staff member, probation officer, member of the board of executive
14 clemency, law enforcement support staff member, employee of the department
15 of child safety who has direct contact with families in the course of
16 employment, national guard member who is acting in support of a law
17 enforcement agency, person who is protected under an order of protection
18 or injunction against harassment, person who is a participant in the
19 address confidentiality program pursuant to title 41, chapter 1, article
20 3, or firefighter who is assigned to the Arizona ~~counterterrorism~~ COUNTER
21 TERRORISM INFORMATION center in the department of public safety.

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

26 6. "Judge" means a judge or former judge of the United States
27 district court, the United States court of appeals, the United States
28 magistrate court, the United States bankruptcy court, the United States
29 immigration court, the Arizona court of appeals, the superior court or a
30 municipal court.

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

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

38 9. "Peace officer":

39 (a) Means any person vested by law, or formerly vested by law, with
40 a duty to maintain public order and make arrests.

41 (b) Includes a federal law enforcement officer or agent who resides
42 in this state and who has the power to make arrests pursuant to federal
43 law.

44 10. "Prosecutor" means a county attorney, a municipal prosecutor,
45 the attorney general or a United States attorney and includes an assistant

1 or deputy United States attorney, county attorney, municipal prosecutor or
2 attorney general.

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

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

9 16-153. Voter registration; confidentiality; definitions

10 A. Eligible persons, and any other registered voter who resides at
11 the same residence address as the eligible person, may request that the
12 general public be prohibited from accessing the ~~residential address,~~
13 ~~telephone number~~ ELIGIBLE PERSON'S IDENTIFYING INFORMATION, INCLUDING ANY
14 OF THAT PERSON'S DOCUMENTS and voting precinct number contained in their
15 voter registration record.

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

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

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

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

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

1 public defender, code enforcement, law enforcement, corrections or
2 detention agency, as applicable, or that person's designee, shall not file
3 affidavits more often than quarterly.

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

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

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

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

1 recording number of the court order. The information in the registration
2 shall not be disclosed and is not a public record.

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

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

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

23 K. For the purposes of this section:

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

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

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

31 4. "Eligible person" means a former public official, peace officer,
32 spouse of a peace officer, spouse or minor child of a deceased peace
33 officer, justice, judge, commissioner, public defender, prosecutor, code
34 enforcement officer, adult or juvenile corrections officer, corrections
35 support staff member, probation officer, member of the board of executive
36 clemency, law enforcement support staff member, employee of the department
37 of child safety who has direct contact with families in the course of
38 employment, national guard member who is acting in support of a law
39 enforcement agency, person who is protected under an order of protection
40 or injunction against harassment or firefighter who is assigned to the
41 Arizona ~~counterterrorism~~ COUNTER TERRORISM INFORMATION 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
4 district court, the United States court of appeals, the United States
5 magistrate court, the United States bankruptcy court, the United States
6 immigration court, the Arizona court of appeals, the superior court or a
7 municipal court.

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

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

15 9. "Peace officer":

16 (a) Has the same meaning prescribed in section 1-215.

17 (b) Includes a federal law enforcement officer or agent who resides
18 in this state and who has the power to make arrests pursuant to federal
19 law.

20 10. "Prosecutor" means a United States attorney, a county attorney,
21 a municipal prosecutor or the attorney general and includes an assistant
22 or deputy United States attorney, county attorney, municipal prosecutor or
23 attorney general.

24 11. "Public defender" means a federal public defender, county
25 public defender, county legal defender or county contract indigent defense
26 counsel and includes an assistant or deputy federal public defender,
27 county public defender or county legal defender.

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

30 28-454. Records maintained by department of transportation;
31 redaction; definitions

32 A. Notwithstanding sections 28-447 and 28-455, an eligible person
33 may request that persons be prohibited from accessing the eligible
34 person's ~~residential address and telephone number~~ IDENTIFYING INFORMATION,
35 INCLUDING ANY OF THAT PERSON'S DOCUMENTS, contained in any record
36 maintained by the department.

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

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

43 2. Unless the person is the spouse of a peace officer or the spouse
44 or minor child of a deceased peace officer or the person is a former
45 public official or former judge, the position the person currently holds

1 and a description of the person's duties, except that an eligible person
2 who is protected under an order of protection or injunction against
3 harassment shall attach a copy of the order of protection or injunction
4 against harassment.

5 3. The reasons the person reasonably believes that the person's
6 life or safety or that of another person is in danger and that redacting
7 the ~~residential address and telephone number~~ IDENTIFYING INFORMATION from
8 the department's public records will serve to reduce the danger.

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

24 D. On receipt of an affidavit or affidavits, the presiding judge of
25 the superior court shall file with the clerk of the superior court a
26 petition on behalf of all requesting affiants. Each affidavit presented
27 shall be attached to the petition. In the absence of an affidavit that
28 contains a request for immediate action and that is supported by facts
29 justifying an earlier consideration, the presiding judge may accumulate
30 affidavits and file a petition at the end of each quarter.

31 E. The presiding judge of the superior court shall review the
32 petition and each attached affidavit to determine whether the action
33 requested by each affiant should be granted. The presiding judge of the
34 superior court shall order the redaction of the residence address and
35 telephone number from the public records maintained by the department if
36 the judge concludes that this action will reduce a danger to the life or
37 safety of the affiant or another person.

38 F. On entry of the court order, the clerk of the superior court
39 shall file the court order with the department. No more than one hundred
40 fifty days after the date the department receives the court order, the
41 department shall redact the ~~residence addresses and telephone numbers~~
42 IDENTIFYING INFORMATION of the affiants listed in the court order from the
43 public records of the department. The ~~residence addresses and telephone~~
44 ~~numbers~~ IDENTIFYING INFORMATION shall not be disclosed and are not part of
45 a public record.

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

4 H. On motion to the court, if the presiding judge of the superior
5 court concludes that ~~a residential address or telephone number~~ IDENTIFYING
6 INFORMATION has been sealed in error or that the cause for the original
7 affidavit no longer exists, the presiding judge may vacate the court order
8 prohibiting public access to the ~~residential address or telephone number~~
9 IDENTIFYING INFORMATION.

10 I. Notwithstanding sections 28-447 and 28-455, the department shall
11 not release a photograph of a peace officer if the peace officer has made
12 a request as prescribed in this section that persons be prohibited from
13 accessing the peace officer's ~~residential address and telephone number~~
14 IDENTIFYING INFORMATION in any record maintained by the department.

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

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

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

20 K. For the purposes of this section:

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

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

27 3. "Eligible person" means a former public official, peace officer,
28 spouse of a peace officer, spouse or minor child of a deceased public
29 officer, justice, judge or former judge, commissioner, public defender,
30 prosecutor, code enforcement officer, adult or juvenile corrections
31 officer, corrections support staff member, probation officer, member of
32 the board of executive clemency, law enforcement support staff member,
33 employee of the department of child safety who has direct contact with
34 families in the course of employment, national guard member who is acting
35 in support of a law enforcement agency, person who is protected under an
36 order of protection or injunction against harassment or firefighter who is
37 assigned to the Arizona ~~counterterrorism~~ COUNTER TERRORISM INFORMATION
38 center in the department of public safety.

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

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

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

3 6. "Peace officer":

4 (a) Has the same meaning prescribed in section 1-215.

5 (b) Includes a federal law enforcement officer or agent who resides
6 in this state and who has the power to make arrests pursuant to federal
7 law.

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