

REFERENCE TITLE: adult protective services

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SB 1538

Introduced by
Senator Brophy McGee

AN ACT

AMENDING SECTIONS 11-483, 11-484, 13-2401, 16-153, 28-454, 39-123, 39-124, 41-1959, 46-451 AND 46-454, ARIZONA REVISED STATUTES; AMENDING TITLE 46, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 46-460 AND 46-461; RELATING TO ADULT PROTECTIVE SERVICES.

(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 instruments
12 or writings recorded by the county recorder.

13 B. An eligible person may request this action by filing an
14 affidavit that states all of the following on an application form
15 developed by the administrative office of the courts in agreement with an
16 association of counties, an organization of peace officers and the motor
17 vehicle division of 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
22 or minor child of a deceased peace officer or the person is a former
23 public official or former judge, the position the person currently holds
24 and a description of the person's duties, except that an eligible person
25 who is protected under an order of protection or injunction against
26 harassment shall instead attach a copy of the order of protection or
27 injunction against harassment or an eligible person who is a participant
28 in the address confidentiality program shall instead attach a copy of the
29 participant's current and valid address confidentiality program
30 authorization card issued pursuant to section 41-163 and a statement of
31 certification provided by the secretary of state's office.

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

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

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

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

1 affidavit and subsequent action by the appropriate authorities shall meet
2 all of the requirements of this 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
10 officer, or to the head of the prosecuting, public defender, code
11 enforcement, law enforcement, corrections or detention agency, as
12 applicable, or that person's designee, who shall file the affidavits at
13 one time. In the absence of an affidavit that contains a request for
14 immediate action and that is supported by facts justifying an earlier
15 presentation, the commanding officer, or the head of the prosecuting,
16 public defender, code enforcement, law enforcement, corrections or
17 detention agency, as applicable, or that person's designee, shall not file
18 affidavits more often than quarterly.

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

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

44 G. On motion to the court, if the presiding judge of the superior
45 court concludes that an instrument or writing recorded by the county

1 recorder has been redacted or sealed in error, that the original affiant
2 no longer lives at the address listed in the original affidavit, that the
3 cause for the original affidavit no longer exists or that temporary access
4 to the instrument or writing is needed, the presiding judge may
5 temporarily stay or permanently vacate all or part of the court order
6 prohibiting public access to the recorded instrument or writing.

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

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

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

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

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

44 M. This section does not prohibit access to the records of the
45 county recorder by parties to the instrument, a law enforcement officer

1 performing the officer's official duties pursuant to subsection N of this
2 section, a title insurer, a title insurance agent or an escrow agent
3 licensed by the department of insurance or the department of financial
4 institutions.

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

8 0. 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. "Commissioner" means a commissioner of the superior court.

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

16 4. "Eligible person" means a former public official, peace officer,
17 spouse of a peace officer, spouse or minor child of a deceased peace
18 officer, justice, judge, commissioner, public defender, prosecutor, code
19 enforcement officer, adult or juvenile corrections officer, corrections
20 support staff member, probation officer, member of the board of executive
21 clemency, law enforcement support staff member, employee of the department
22 of child safety **OR EMPLOYEE OF ADULT PROTECTIVE SERVICES** who has direct
23 contact with families in the course of employment, national guard member
24 who is acting in support of a law enforcement agency, person who is
25 protected under an order of protection or injunction against harassment,
26 person who is a participant in the address confidentiality program
27 pursuant to title 41, chapter 1, article 3 or firefighter who is assigned
28 to the Arizona **COUNTERTERRORISM COUNTER TERRORISM INFORMATION** center in
29 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. "Indexes" means only those indexes that are maintained by and
35 located in the office of the county recorder, that are accessed
36 electronically and that contain information beginning from and after
37 January 1, 1987.

38 7. "Judge" means a judge or former judge of the United States
39 district court, the United States court of appeals, the United States
40 magistrate court, the United States bankruptcy court, the United States
41 immigration court, the Arizona court of appeals, the superior court or a
42 municipal court.

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

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

6 10. "Peace officer":

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

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

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

16 12. "Public defender" means a federal public defender, county
17 public defender, county legal defender or county contract indigent defense
18 counsel and includes an assistant or deputy federal public defender,
19 county public defender or county legal defender.

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

22 11-484. Records maintained by county assessor and county
23 treasurer; redaction; definitions

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

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

- 34 1. The person's full legal name and residential address.
- 35 2. The full legal description and parcel number of the person's
36 property.

37 3. Unless the person is the spouse of a peace officer or the spouse
38 or minor child of a deceased peace officer or the person is a former
39 public official or former judge, the position the person currently holds
40 and a description of the person's duties, except that an eligible person
41 who is protected under an order of protection or injunction against
42 harassment shall attach a copy of the order of protection or injunction
43 against harassment or an eligible person who is a participant in the
44 address confidentiality program shall instead attach a copy of the
45 participant's current and valid address confidentiality program

1 authorization card issued pursuant to section 41-163 and a statement of
2 certification provided by the secretary of state's office.

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

7 C. If an eligible person is also requesting pursuant to section
8 11-483 that the general public be prohibited from accessing records
9 maintained by the county recorder, the eligible person may combine the
10 request pursuant to subsection B of this section with the request pursuant
11 to section 11-483 by filing one affidavit. The affidavit and subsequent
12 action by the appropriate authorities shall meet all of the requirements
13 of this section and section 11-483.

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

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

37 F. The presiding judge of the superior court shall review the
38 petition and each attached affidavit to determine whether the action
39 requested by each affiant should be granted. If the presiding judge of
40 the superior court concludes that the action requested by the affiant will
41 reduce a danger to the life or safety of the affiant or another person,
42 the presiding judge of the superior court shall order the redaction of the
43 affiant's residential address and telephone number that are contained in
44 instruments, writings and information maintained by the county assessor

1 and the county treasurer. The redaction shall be in effect for five
2 years.

3 G. On motion to the court, if the presiding judge of the superior
4 court concludes that an instrument or writing maintained by the county
5 assessor or the county treasurer has been redacted or sealed in error,
6 that the original affiant no longer lives at the address listed in the
7 original affidavit, that the cause for the original affidavit no longer
8 exists or that temporary access to the instrument or writing is needed,
9 the presiding judge may temporarily stay or permanently vacate all or part
10 of the court order prohibiting public access to the 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 assessor and the county
14 treasurer. No more than ten days after the date on which the county
15 assessor and the county treasurer receive the court order, the county
16 assessor and the county treasurer shall restrict access to the information
17 as required by subsection F of this section.

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

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

41 K. For the purposes of this section:

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

1 2. "Commissioner" means a commissioner of the superior court.
2 3. "Corrections support staff member" means an adult or juvenile
3 corrections employee who has direct contact with inmates.

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

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

22 6. "Judge" means a judge or former judge of the United States
23 district court, the United States court of appeals, the United States
24 magistrate court, the United States bankruptcy court, the United States
25 immigration court, the Arizona court of appeals, the superior court or a
26 municipal court.

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

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

34 9. "Peace officer":

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

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

40 10. "Prosecutor" means a county attorney, a municipal prosecutor,
41 the attorney general or a United States attorney and includes an assistant
42 or deputy United States attorney, county attorney, municipal prosecutor or
43 attorney general.

44 11. "Public defender" means a federal public defender, county
45 public defender, county legal defender or county contract indigent defense

1 counsel and includes an assistant or deputy federal public defender,
2 county public defender or county legal defender.

3 Sec. 3. Section 13-2401, Arizona Revised Statutes, is amended to
4 read:

5 13-2401. Personal information on the world wide web;
6 exception; classification; definitions

7 A. It is unlawful for a person to knowingly make available on the
8 world wide web the personal information of a peace officer, justice,
9 judge, commissioner, public defender, employee of the department of child
10 safety **OR EMPLOYEE OF ADULT PROTECTIVE SERVICES** who has direct contact
11 with families in the course of employment or prosecutor if the
12 dissemination of the personal information poses an imminent and serious
13 threat to the peace officer's, justice's, judge's, commissioner's, public
14 defender's, department of child safety employee's, **ADULT PROTECTIVE**
15 **SERVICES EMPLOYEE'S** or prosecutor's safety or the safety of that person's
16 immediate family and the threat is reasonably apparent to the person
17 making the information available on the world wide web to be serious and
18 imminent.

19 B. It is not a violation of this section if an employee of a county
20 recorder, county treasurer or county assessor publishes personal
21 information, in good faith, on the website of the county recorder, county
22 treasurer or county assessor in the ordinary course of carrying out public
23 functions.

24 C. A violation of subsection A **OF THIS SECTION** is a class 5 felony.

25 D. For the purposes of this section:

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

27 2. "Immediate family" means a peace officer's, justice's, judge's,
28 commissioner's, public defender's or prosecutor's spouse, child or parent
29 and any other adult who lives in the same residence as the person.

30 3. "Judge" means a judge of the United States district court, the
31 United States court of appeals, the United States magistrate court, the
32 United States bankruptcy court, the Arizona court of appeals, the superior
33 court or a municipal court.

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

36 5. "Personal information" means a peace officer's, justice's,
37 judge's, commissioner's, public defender's or prosecutor's home address,
38 home telephone number, pager number, personal photograph, directions to
39 the person's home or photographs of the person's home or vehicle.

40 6. "Prosecutor" means a county attorney, a municipal prosecutor,
41 the attorney general or a United States attorney and includes an assistant
42 or deputy United States attorney, county attorney, municipal prosecutor or
43 attorney general.

44 7. "Public defender" means a federal public defender, county public
45 defender, county legal defender or county contract indigent defense

1 counsel and includes an assistant or deputy federal public defender,
2 county public defender or county legal defender.

3 Sec. 4. Section 16-153, Arizona Revised Statutes, is amended to
4 read:

5 **16-153. Voter registration; confidentiality; definitions**

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

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

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

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

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

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

43 D. On receipt of an affidavit or affidavits, the presiding judge of
44 the superior court shall file with the clerk of the superior court a
45 petition on behalf of all requesting affiants. The petition shall have

1 attached each affidavit presented. In the absence of an affidavit that
2 contains a request for immediate action and that is supported by facts
3 justifying an earlier consideration, the presiding judge may accumulate
4 affidavits and file a petition at the end of each quarter.

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

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

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

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

1 I. On motion to the court, if the presiding judge of the superior
2 court concludes that a voter registration record has been sealed in error
3 or that the cause for the original affidavit no longer exists, the
4 presiding judge may vacate the court order prohibiting public access to
5 the voter registration record.

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

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
28 officer, justice, judge, commissioner, public defender, prosecutor, code
29 enforcement officer, adult or juvenile corrections officer, corrections
30 support staff member, probation officer, member of the board of executive
31 clemency, law enforcement support staff member, employee of the department
32 of child safety **OR EMPLOYEE OF ADULT PROTECTIVE SERVICES** who has direct
33 contact with families in the course of employment, national guard member
34 who is acting in support of a law enforcement agency, person who is
35 protected under an order of protection or injunction against harassment or
36 firefighter who is assigned to the Arizona **COUNTERTERRORISM COUNTER**
37 **TERRORISM INFORMATION** center in the department of public safety.

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

42 6. "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 7. "Justice" means a justice of the United States or Arizona
4 supreme court or a justice of the peace.

5 8. "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 9. "Peace officer":

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

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

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

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

23 Sec. 5. Section 28-454, Arizona Revised Statutes, is amended to
24 read:

25 28-454. Records maintained by department of transportation;
26 redaction; definitions

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

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

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

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

44 3. The reasons the person reasonably believes that the person's
45 life or safety or that of another person is in danger and that redacting

1 the residential address and telephone number from the department's public
2 records will serve to reduce the danger.

3 C. 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,
7 prosecutor, code enforcement officer, corrections or detention officer,
8 corrections support staff member or law enforcement support staff member
9 shall deliver the affidavit to the peace officer's commanding officer, or
10 to the head of the prosecuting, code enforcement, law enforcement,
11 corrections or detention agency, as applicable, or that person's designee,
12 who shall file the affidavits at one time. In the absence of an affidavit
13 that contains a request for immediate action and that is supported by
14 facts justifying an earlier presentation, the commanding officer, or the
15 head of the prosecuting, code enforcement, law enforcement, corrections or
16 detention agency, as applicable, or that person's designee, shall not file
17 affidavits more often than quarterly.

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

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

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

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

42 H. On motion to the court, if the presiding judge of the superior
43 court concludes that a residential address or telephone number has been
44 sealed in error or that the cause for the original affidavit no longer

1 exists, the presiding judge may vacate the court order prohibiting public
2 access to the residential address or telephone number.

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

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

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

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

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

20 3. "Eligible person" means a former public official, peace officer,
21 spouse of a peace officer, spouse or minor child of a deceased public
22 officer, justice, judge or former judge, commissioner, public defender,
23 prosecutor, code enforcement officer, adult or juvenile corrections
24 officer, corrections support staff member, probation officer, member of
25 the board of executive clemency, law enforcement support staff member,
26 employee of the department of child safety **OR EMPLOYEE OF ADULT PROTECTIVE**
27 **SERVICES** who has direct contact with families in the course of employment,
28 national guard member who is acting in support of a law enforcement
29 agency, person who is protected under an order of protection or injunction
30 against harassment or firefighter who is assigned to the Arizona
31 **COUNTERTERRORISM COUNTER TERRORISM INFORMATION** center in the department of
32 public safety.

33 4. "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 5. "Law enforcement support staff member" means a person who serves
38 in the role of an investigator or prosecutorial assistant in an agency
39 that investigates or prosecutes crimes, who is integral to the
40 investigation or prosecution of crimes and whose name or identity will be
41 revealed in the course of public proceedings.

42 6. "Peace officer":

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

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

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

7 Sec. 6. Section 39-123, Arizona Revised Statutes, is amended to
8 read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 F. 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

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
8 officer, border patrol agent, justice, judge, commissioner, public
9 defender, prosecutor, code enforcement officer, adult or juvenile
10 corrections officer, corrections support staff member, probation officer,
11 member of the board of executive clemency, law enforcement support staff
12 member, employee of the department of child safety **OR EMPLOYEE OF ADULT**
13 **PROTECTIVE SERVICES** who has direct contact with families in the course of
14 employment, national guard member who is acting in support of a law
15 enforcement agency, person who is protected under an order of protection
16 or injunction against harassment, firefighter who is assigned to the
17 Arizona **COUNTERTERRORISM COUNTER TERRORISM INFORMATION** center in the
18 department of public safety or victim of domestic violence or stalking who
19 is protected under an order of protection or injunction against
20 harassment.

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

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

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

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

37 9. "Peace officer" has the same meaning prescribed in section
38 13-105.

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

43 11. "Public defender" means a federal public defender, county
44 public defender, county legal defender or county contract indigent defense

1 counsel and includes an assistant or deputy federal public defender,
2 county public defender or county legal defender.

3 Sec. 7. Section 39-124, Arizona Revised Statutes, is amended to
4 read:

5 **39-124. [Releasing information identifying an eligible person;](#)**
6 **violations; classification; definitions**

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

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

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

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

28 4. "Eligible person" means a former public official, peace officer,
29 spouse of a peace officer, spouse or minor child of a deceased peace
30 officer, border patrol agent, justice, judge, commissioner, public
31 defender, prosecutor, code enforcement officer, adult or juvenile
32 corrections officer, corrections support staff member, probation officer,
33 member of the board of executive clemency, law enforcement support staff
34 member, employee of the department of child safety **OR EMPLOYEE OF ADULT**
35 **PROTECTIVE SERVICES** who has direct contact with families in the course of
36 employment, national guard member who is acting in support of a law
37 enforcement agency, person who is protected under an order of protection
38 or injunction against harassment, firefighter who is assigned to the
39 Arizona **COUNTER TERRORISM INFORMATION** center in the
40 department of public safety or victim of domestic violence or stalking who
41 is protected under an order of protection or injunction against
42 harassment.

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" has the same meaning prescribed in section
16 13-105.

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

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

25 Sec. 8. Section 41-1959, Arizona Revised Statutes, is amended to
26 read:

27 41-1959. Confidential information; permissible disclosure;
28 rules; violation; classification

29 A. Unless otherwise provided by law, all personally identifiable
30 information concerning any applicant, claimant, recipient, employer or
31 client ~~or concerning any person involved in an adult protective services~~
~~action, other than a perpetrator against whom an allegation of abuse,~~
~~neglect or exploitation has been substantiated pursuant to section 46-458,~~
32 is confidential and shall not be released unless ordered by a superior
33 court judge or provided for by rule of court except as provided in
34 subsections B, C and D of this section. Department records and files that
35 contain information related to investigations conducted by child
36 protective services or the department of child safety are confidential.
37 The department shall release this information only as prescribed by
38 section 8-807.

39 B. Employees of the department of economic security, the department
40 of law and the court may obtain the information described in subsection A
41 of this section in the performance of their duties as authorized by rules
42 adopted by the director.

1 C. Employees of the department of economic security, the department
2 of law and the court may release any information that is otherwise held
3 confidential under this section under any of the following circumstances:

4 1. To the applicant, claimant, recipient, employer or client if a
5 request is made in writing by any of such persons specifically requesting
6 information that directly relates to the person requesting such
7 information.

8 2. To the extent necessary to make claims on behalf of a client for
9 public or private assistance, insurance or health or medical assistance
10 pursuant to title 11, chapter 2, article 7 or title 36, chapter 29 to
11 which the client may be entitled.

12 3. In oral and written communications involving the provision of
13 services or the referral to services between employees of, persons under
14 contract with, or persons holding a general employment relationship with
15 the department of economic security, the department of law or the juvenile
16 court.

17 4. If the disclosure of otherwise confidential information is
18 necessary to protect against a clear and substantial risk of imminent
19 serious injury to a client.

20 5. To agencies of the federal government, ~~this~~ A state, ~~or~~^{any} A
21 political subdivision of ~~this~~ ANY state OR A TRIBAL GOVERNMENT for
22 official purposes. All information received by a governmental agency
23 pursuant to this paragraph shall be maintained as confidential, except
24 where pertinent to a criminal prosecution.

25 6. To foster parents and persons certified to adopt if necessary to
26 assist in the placement with or care of a child by such persons.

27 7. In any judicial or administrative proceeding involving an adult
28 protective services client if the director of the department considers the
29 information pertinent to the proceeding.

30 8. To the entities as specified in section 23-722.04, subsections A
31 and E for the development of a state workforce evaluation data system and
32 program performance purposes and other program and research purposes as
33 defined in a data sharing agreement but not including information
34 regarding adult or child protection actions.

35 D. Notwithstanding section 46-135, a standing committee of the
36 legislature or a committee appointed by the president of the senate or the
37 speaker of the house of representatives may obtain the information
38 described in subsection A of this section on written notification to the
39 director. Information obtained pursuant to this subsection may be used
40 only for purposes of conducting investigations related to legislative
41 oversight of the department. Information that is personally identifiable
42 shall not be further disclosed.

43 E. Any violation of this section is a class 2 misdemeanor.

1 F. The department shall establish safeguards against the
2 unauthorized use or disclosure of confidential information in title IV-D
3 cases.

4 Sec. 9. Section 46-451, Arizona Revised Statutes, is amended to
5 read:

6 46-451. Definitions; program goals

7 A. In this chapter, unless the context otherwise requires:

8 1. "Abuse" means:

9 (a) Intentional infliction of physical harm.

10 (b) Injury caused by negligent acts or omissions.

11 (c) Unreasonable confinement.

12 (d) Sexual abuse or sexual assault.

13 2. "**ADULT PROTECTIVE SERVICES CENTRAL INTAKE UNIT**" MEANS A UNIT OF
14 SPECIALIZED STAFF WITHIN ADULT PROTECTIVE SERVICES THAT IS RESPONSIBLE FOR
15 RECEIVING AND SCREENING REPORTS OF ALLEGED ABUSE, NEGLECT OR EXPLOITATION
16 OF VULNERABLE ADULTS AND MAKING THE NECESSARY REFERRALS.

17 ~~2.~~ 3. "De facto conservator" means any person who takes possession
18 of the estate of a vulnerable adult, without right or lawful authority. A
19 de facto conservator is subject to all of the responsibilities that attach
20 to a legally appointed conservator or trustee.

21 ~~3.~~ 4. "De facto guardian" means any person who takes possession of
22 the person of a vulnerable adult, without right or lawful authority. A de
23 facto guardian is subject to all of the responsibilities that attach to a
24 legally appointed guardian.

25 ~~4.~~ 5. "Exploitation" means the illegal or improper use of a
26 vulnerable adult or ~~his~~ THE VULNERABLE ADULT'S resources for another's
27 profit or advantage.

28 ~~5.~~ 6. "Informed consent" means any of the following:

29 (a) A written expression by the person that the person fully
30 understands the potential risks and benefits of the withdrawal of food,
31 water, medication, medical services, shelter, cooling, heating or other
32 services necessary to maintain minimum physical or mental health and that
33 the person desires that the services be withdrawn. A written expression
34 is valid only if the person is of sound mind and if the consent is
35 witnessed by at least two individuals who do not benefit by the withdrawal
36 of services.

37 (b) Consent to withdraw food, water, medication, medical services,
38 shelter, cooling, heating or other services necessary to maintain minimum
39 physical or mental health as permitted by an order of a court of competent
40 jurisdiction.

41 (c) A declaration made pursuant to title 36, chapter 32.

42 (d) Consent by another person under a durable power of attorney
43 relating to health care services to withdraw food, water, medication,
44 medical services, shelter, cooling, heating or other services necessary to
45 maintain minimum physical or mental health.

1 ~~6.~~ 7. "Neglect" means a pattern of conduct without the person's
2 informed consent resulting in deprivation of food, water, medication,
3 medical services, shelter, cooling, heating or other services necessary to
4 maintain minimum physical or mental health.

5 ~~7.~~ 8. "Protective services" means a program of identifiable and
6 specialized social services that may offer social services appropriate to
7 resolve problems of abuse, exploitation or neglect of a vulnerable adult.

8 ~~8.~~ 9. "Protective services worker" means a person who has been
9 selected by and trained under the requirements prescribed by the
10 department to provide protective services.

11 ~~9.~~ 10. "Vulnerable adult" means an individual who is eighteen
12 years of age or older and who is unable to protect himself from abuse,
13 neglect or exploitation by others because of a physical or mental
14 impairment. Vulnerable adult includes an incapacitated person as defined
15 in section 14-5101.

16 B. Protective services programs shall seek to maintain the adult in
17 ~~this~~ THE ADULT'S familiar environment by strengthening ~~this~~ THE ADULT'S
18 capacity for self-maintenance or by providing supportive services.

19 C. Nothing in this section ~~shall be construed to mean~~ MEANS that an
20 adult is abused, neglected or in need of protective services for the sole
21 reason that ~~he~~ THE ADULT relies on treatment from a recognized religious
22 method of healing in lieu of medical treatment.

23 D. For the purposes of this section, a person is not exploited by a
24 transfer of assets if the transfer is to obtain or maintain eligibility
25 for benefits under title 36, chapter 29 or benefits for supplemental
26 security income, medicare or veterans' administration programs and the
27 transfer of assets is between the person and any of the following:

28 1. The person's spouse.

29 2. The person's child with a disability.

30 3. A trust for the benefit of the person's spouse or child with a
31 disability.

32 E. A transfer of assets for the purpose of obtaining or maintaining
33 eligibility for benefits under title 36, chapter 29 shall comply with 42
34 United States Code section 1396p and sections 36-2934 and 36-2934.01.

35 Sec. 10. Section 46-454, Arizona Revised Statutes, is amended to
36 read:

37 46-454. Duty to report abuse, neglect and exploitation of
38 vulnerable adults; duty to make medical records
39 available; violation; classification

40 A. A physician, PHYSICIAN ASSISTANT, registered nurse practitioner,
41 LICENSED PRACTICAL OR REGISTERED NURSE, CERTIFIED NURSING ASSISTANT,
42 EMERGENCY MEDICAL TECHNICIAN, HOME HEALTH PROVIDER, hospital intern or
43 resident, surgeon, dentist, PSYCHIATRIST, psychologist, PHARMACIST,
44 SPEECH, PHYSICAL OR OCCUPATIONAL THERAPIST, LONG-TERM CARE PROVIDER,
45 social worker, peace officer, MEDICAL EXAMINER, GUARDIAN, CONSERVATOR,

1 FIRE PROTECTION PERSONNEL, DEVELOPMENTAL DISABILITIES PROVIDER, EMPLOYEE
2 OF THE DEPARTMENT OF ECONOMIC SECURITY or other person who has
3 responsibility for the care of a vulnerable adult and who has a reasonable
4 basis to believe that abuse, ~~or~~ neglect OR EXPLOITATION of the adult has
5 occurred ~~or that exploitation of the adult's property has occurred~~ shall
6 immediately report or cause reports to be made of such reasonable basis to
7 a peace officer or to ~~a~~ THE ADULT protective services ~~worker~~ CENTRAL
8 INTAKE UNIT. The guardian or conservator of a vulnerable adult shall
9 immediately report or cause reports to be made of such reasonable basis to
10 the superior court AND THE ADULT PROTECTIVE SERVICES CENTRAL INTAKE UNIT.
11 All of the above reports shall be made immediately ~~in person or~~ by
12 telephone ~~and shall be followed by a written report mailed or delivered~~
13 ~~within forty-eight hours or on the next working day if the forty-eight~~
14 ~~hours expire on a weekend or holiday OR ONLINE.~~

15 B. An attorney, accountant, trustee, guardian, conservator or other
16 person who has responsibility for preparing the tax records of a
17 vulnerable adult or a person who has responsibility for any other action
18 concerning the use or preservation of the vulnerable adult's property and
19 who, in the course of fulfilling that responsibility, discovers a
20 reasonable basis to believe that ABUSE, NEGLECT OR exploitation of the
21 ~~adult's property~~ ADULT has occurred ~~or that abuse or neglect of the adult~~
22 ~~has occurred~~ shall immediately report or cause reports to be made of such
23 reasonable basis to a peace officer, ~~OR to a~~ THE ADULT protective
24 services ~~worker or to the public fiduciary of the county in which the~~
25 ~~vulnerable adult resides. If the public fiduciary is unable to~~
26 ~~investigate the contents of a report, the public fiduciary shall~~
27 ~~immediately forward the report to a protective services worker. If a~~
28 ~~public fiduciary investigates a report and determines that the matter is~~
29 ~~outside the scope of action of a public fiduciary, then the report shall~~
30 ~~be immediately forwarded to a protective services worker~~ CENTRAL INTAKE
31 UNIT. All of the above reports shall be made immediately ~~in person or~~ by
32 telephone ~~and shall be followed by a written report mailed or delivered~~
33 ~~within forty-eight hours or on the next working day if the forty-eight~~
34 ~~hours expire on a weekend or holiday OR ONLINE.~~

35 C. Reports pursuant to subsections A and B OF THIS SECTION shall
36 contain:

- 37 1. The names and addresses of the adult and any persons having
38 control or custody of the adult, if known.
- 39 2. The adult's age and the nature and extent of the adult's
40 vulnerability.
- 41 3. The nature and extent of the adult's injuries or physical
42 neglect or of the exploitation of the adult's property.
- 43 4. Any other information that the person reporting believes might
44 be helpful in establishing the cause of the adult's injuries or physical
45 neglect or of the exploitation of the adult's property.

1 D. Any person other than one required to report or cause reports to
2 be made in subsection A **OR B OF THIS SECTION** who has a reasonable basis to
3 believe that abuse, **or** neglect **OR EXPLOITATION** of a vulnerable adult has
4 occurred may report the information to a peace officer or to **a THE ADULT**
5 protective services **worker CENTRAL INTAKE UNIT.**

6 E. A person having custody or control of medical or financial
7 records of a vulnerable adult for whom a report is required or authorized
8 under this section shall make **sueh THOSE** records, or a copy of **sueh THOSE**
9 records, available to a peace officer or adult protective services worker
10 investigating the vulnerable adult's **ABUSE**, neglect, **OR** exploitation **or**
11 **abuse** on written request for the records signed by the peace officer or
12 adult protective services worker. Records disclosed pursuant to this
13 subsection are confidential and may be used only in a judicial or
14 administrative proceeding or investigation resulting from a report
15 required or authorized under this section.

16 F. If reports pursuant to this section are received by a peace
17 officer, the peace officer shall notify the adult protective services **or**
18 **the department of economic security CENTRAL INTAKE UNIT** as soon as
19 possible and make **sueh THAT** information available to them.

20 G. A person required to receive reports pursuant to subsection A, B
21 or D **OF THIS SECTION** may take or cause to be taken photographs of the
22 abused adult and the vicinity involved. Medical examinations, including
23 radiological examinations of the involved adult, may be performed.
24 Accounts, inventories or audits of the exploited adult's property may be
25 performed. The person, department, agency or court that initiates **sueh**
26 **THE** photographs, examinations, accounts, inventories or audits shall pay
27 the associated costs in accordance with existing statutes and rules. If
28 any person is found to be responsible for the abuse, neglect or
29 exploitation of a vulnerable adult in a criminal or civil action, the
30 court may order the person to make restitution as the court deems
31 appropriate.

32 H. If psychiatric records are requested pursuant to subsection E **OF**
33 **THIS SECTION**, the custodian of the records shall notify the attending
34 psychiatrist, who may excise from the records, before they are made
35 available:

36 1. Personal information about individuals other than the patient.
37 2. Information regarding specific diagnosis or treatment of a
38 psychiatric condition, if the attending psychiatrist certifies in writing
39 that release of the information would be detrimental to the patient's
40 health or treatment.

41 I. If any portion of a psychiatric record is excised pursuant to
42 subsection H **OF THIS SECTION**, a court, **upon ON** application of a peace
43 officer or adult protective services worker, may order that the entire
44 record or any portion of **sueh THE** record containing information relevant

1 to the reported abuse or neglect be made available to the peace officer or
2 adult protective services worker investigating the abuse or neglect.

3 J. A licensing agency shall not find that a reported incidence of
4 abuse at a care facility by itself is sufficient grounds to ~~permit~~ ALLOW
5 the agency to close the facility or to find that all residents are in
6 imminent danger.

7 K. RETALIATION AGAINST A PERSON WHO IN GOOD FAITH REPORTS ABUSE,
8 NEGLECT OR EXPLOITATION IS PROHIBITED. RETALIATION AGAINST A VULNERABLE
9 ADULT WHO IS THE SUBJECT OF A REPORT IS PROHIBITED. ANY ADVERSE ACTION
10 TAKEN AGAINST A PERSON WHO REPORTS ABUSE, NEGLECT OR EXPLOITATION OR A
11 VULNERABLE ADULT WHO IS THE SUBJECT OF THE REPORT WITHIN NINETY DAYS AFTER
12 THE REPORT IS FILED IS PRESUMED TO BE RETALIATION.

13 L. A person who violates ~~any provision of~~ this section is
14 guilty of a class 1 misdemeanor.

15 Sec. 11. Title 46, chapter 4, article 1, Arizona Revised Statutes,
16 is amended by adding sections 46-460 and 46-461, to read:

17 46-460. Adult protective services information;
18 confidentiality; allowed disclosures; violation;
19 classification

20 A. UNLESS OTHERWISE PROVIDED BY LAW, ALL PERSONALLY IDENTIFYING
21 INFORMATION CONCERNING ANY PERSON WHO IS INVOLVED IN AN ADULT PROTECTIVE
22 SERVICES PROGRAM, INCLUDING THE REPORTING SOURCE'S IDENTITY, OTHER THAN A
23 PERPETRATOR AGAINST WHOM AN ALLEGATION OF ABUSE, NEGLECT OR EXPLOITATION
24 HAS BEEN SUBSTANTIATED PURSUANT TO SECTION 46-458, AND ALL INFORMATION
25 THAT IS GATHERED OR CREATED BY ADULT PROTECTIVE SERVICES AND THAT IS
26 CONTAINED IN ADULT PROTECTIVE SERVICES RECORDS IS CONFIDENTIAL AND MAY NOT
27 BE RELEASED EXCEPT AS PROVIDED IN SUBSECTIONS B, C AND D OF THIS SECTION.

28 B. EMPLOYEES OF THE DEPARTMENT OF ECONOMIC SECURITY, THE DEPARTMENT
29 OF LAW AND THE COURT MAY OBTAIN THE INFORMATION DESCRIBED IN SUBSECTION A
30 OF THIS SECTION IN THE PERFORMANCE OF THEIR DUTIES AS AUTHORIZED BY RULES
31 ADOPTED BY THE DIRECTOR OF THE DEPARTMENT TO ECONOMIC SECURITY.

32 C. EMPLOYEES OF THE DEPARTMENT OF ECONOMIC SECURITY MAY RELEASE ANY
33 INFORMATION THAT IS OTHERWISE HELD CONFIDENTIAL UNDER THIS SECTION,
34 INCLUDING THE IDENTITY OF THE PERSON WHO MAKES A REPORT OF SUSPECTED
35 ABUSE, NEGLECT OR EXPLOITATION, TO THE FOLLOWING OR UNDER ANY OF THE
36 FOLLOWING CIRCUMSTANCES:

37 1. PURSUANT TO A SUPERIOR COURT ORDER.
38 2. TO LAW ENFORCEMENT TO BE USED ONLY FOR PURPOSES OF CONDUCTING
39 INVESTIGATIONS.

40 3. TO AGENCIES THAT ARE RESPONSIBLE FOR INVESTIGATING A REPORT OF
41 ABUSE, NEGLECT OR EXPLOITATION WHEN THE INVESTIGATION IS AUTHORIZED BY
42 STATUTE OR BY AN AGREEMENT WITH THE DEPARTMENT.

43 4. IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING INVOLVING AN ADULT
44 PROTECTIVE SERVICES CLIENT IF THE DIRECTOR CONSIDERS THE INFORMATION
45 PERTINENT TO THE PROCEEDING.

1 5. TO AGENCIES OF THE FEDERAL GOVERNMENT, ANY STATE, ANY POLITICAL
2 SUBDIVISION OF ANY STATE FOR OFFICIAL PURPOSES OR ANY TRIBAL GOVERNMENT.
3 ALL INFORMATION RECEIVED BY A GOVERNMENTAL AGENCY PURSUANT TO THIS
4 PARAGRAPH SHALL BE MAINTAINED AS CONFIDENTIAL, EXCEPT WHERE PERTINENT TO A
5 CRIMINAL PROSECUTION.

6 D. EMPLOYEES OF THE DEPARTMENT OF ECONOMIC SECURITY MAY RELEASE ANY
7 INFORMATION THAT IS OTHERWISE HELD CONFIDENTIAL UNDER THIS SECTION, EXCEPT
8 THE REPORTING SOURCE'S IDENTITY, TO THE FOLLOWING OR UNDER ANY OF THE
9 FOLLOWING CIRCUMSTANCES:

10 1. THE CLIENT IF A REQUEST IS MADE IN WRITING SPECIFICALLY
11 REQUESTING INFORMATION THAT DIRECTLY RELATES TO THE PERSON REQUESTING THE
12 INFORMATION.

13 2. WHEN NECESSARY FOR PURPOSES THAT ARE DIRECTLY CONNECTED WITH THE
14 ADMINISTRATION OF ADULT PROTECTIVE SERVICES, INCLUDING:

15 (a) TO PROTECT AGAINST A CLEAR AND SUBSTANTIAL RISK OF IMMINENT
16 SERIOUS INJURY TO A CLIENT OR TO OTHERS.

17 (b) IN ORAL AND WRITTEN COMMUNICATIONS WITH THE MINIMAL NECESSARY
18 RELEASE OF INFORMATION NEEDED TO CONDUCT AN INVESTIGATION OF ALLEGATIONS
19 OF MALTREATMENT.

20 (c) IN ORAL AND WRITTEN COMMUNICATIONS TO ARRANGE SPECIFIC SERVICES
21 FOR A VULNERABLE ADULT.

22 (d) TO A PERSON THAT HAS THE LEGAL RESPONSIBILITY OR AUTHORIZATION
23 TO CARE FOR, EVALUATE, TREAT OR SUPERVISE A VULNERABLE ADULT.

24 (e) TO THE EXTENT NECESSARY TO MAKE CLAIMS ON BEHALF OF A CLIENT
25 FOR PUBLIC OR PRIVATE ASSISTANCE, INSURANCE OR HEALTH OR MEDICAL
26 ASSISTANCE PURSUANT TO TITLE 11, CHAPTER 2, ARTICLE 7 OR TITLE 36, CHAPTER
27 29 TO WHICH THE CLIENT MAY BE ENTITLED.

28 3. PURSUANT TO THE CONSENT OF THE CLIENT WHO IS RECEIVING ADULT
29 PROTECTIVE SERVICES.

30 4. PERSONS IDENTIFIED BY THE CLIENT PURSUANT TO ONE OF THE
31 FOLLOWING:

32 (a) IF THE CLIENT IS PRESENT OR OTHERWISE AVAILABLE AND HAS THE
33 CAPACITY TO MAKE DECISIONS, AN ADULT PROTECTIVE SERVICES WORKER MAY
34 DISCLOSE THE INFORMATION IF ONE OF THE FOLLOWING APPLIES:

35 (i) THE CLIENT AGREES ORALLY OR IN WRITING BY SIGNING A CONSENT
36 FORM THAT AUTHORIZES DISCLOSURE.

37 (ii) THE CLIENT IS GIVEN AN OPPORTUNITY TO OBJECT AND DOES NOT
38 EXPRESS AN OBJECTION.

39 (b) IF THE CLIENT IS NOT PRESENT OR THE OPPORTUNITY TO AGREE OR
40 OBJECT TO THE DISCLOSURE OF INFORMATION CANNOT PRACTICABLY BE PROVIDED
41 BECAUSE OF THE CLIENT'S INCAPACITY OR AN EMERGENCY CIRCUMSTANCE, THE ADULT
42 PROTECTIVE SERVICES WORKER MAY DISCLOSE THE INFORMATION IF THE DISCLOSURE
43 OF THE INFORMATION IS IN THE BEST INTERESTS OF THE CLIENT.

1 5. ANY STATUTORILY CREATED TEAM THAT IS MANDATED TO REVIEW ADULT
2 PROTECTIVE SERVICES AND THE CLIENTS SERVED IN THE COMPLETION OF THE
3 OFFICIAL DUTIES.

4 6. TO DISCLOSE STATISTICS OR OTHER SUMMARY INFORMATION IF
5 PERSONALLY IDENTIFIABLE INFORMATION IS NOT REVEALED BY THE DISCLOSURE.

6 7. TO CONFIRM, CLARIFY, CORRECT OR SUPPLEMENT INFORMATION
7 CONCERNING AN ALLEGATION OR ACTUAL INSTANCE OF VULNERABLE ADULT ABUSE,
8 NEGLECT OR EXPLOITATION THAT HAS BEEN MADE PUBLIC BY A SOURCE OR SOURCES
9 OUTSIDE THE DEPARTMENT.

10 8. ANY PERSON WHO IS ENGAGED IN BONA FIDE RESEARCH, IF NO
11 PERSONALLY IDENTIFYING INFORMATION IS MADE AVAILABLE, UNLESS IT IS
12 ESSENTIAL TO THE RESEARCH AND THE DIRECTOR OR THE DIRECTOR'S DESIGNEE
13 GIVES PRIOR APPROVAL. IF THE RESEARCHER WANTS TO CONTACT A SUBJECT OF A
14 RECORD, THE SUBJECT'S CONSENT MUST BE OBTAINED BY THE DEPARTMENT BEFORE
15 THE CONTACT.

16 E. THE DEPARTMENT MAY ADOPT RULES TO IMPLEMENT THE PURPOSES OF THE
17 DEPARTMENT AND THE DUTIES AND POWERS OF THE DIRECTOR UNDER THIS CHAPTER.

18 F. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2
19 MISDEMEANOR.

20 46-461. Multidisciplinary adult protection team; duties;
21 confidentiality; definition

22 A. ADULT PROTECTIVE SERVICES MAY ESTABLISH A MULTIDISCIPLINARY
23 ADULT PROTECTION TEAM CONSISTING OF EMPLOYEES OF THE ADULT PROTECTIVE
24 SERVICES PROGRAM, THE COUNTY ATTORNEY OR THE COUNTY ATTORNEY'S DESIGNEES,
25 THE COUNTY SHERIFF OR THE COUNTY SHERIFF'S DESIGNEES AND REPRESENTATIVES
26 OF BEHAVIORAL HEALTH, DOMESTIC VIOLENCE AND SEXUAL ASSAULT OR OTHER
27 APPROPRIATE HUMAN SERVICE AGENCIES. REPRESENTATIVES FROM LOCAL TRIBAL
28 GOVERNMENTS AND ADULT DISABILITY AND ADVOCATE GROUPS MAY BE ADDED TO THE
29 MULTIDISCIPLINARY ADULT PROTECTION TEAM.

30 B. THE MULTIDISCIPLINARY ADULT PROTECTION TEAM MAY PROVIDE PUBLIC
31 AND PROFESSIONAL EDUCATION AND DEVELOP RESOURCES FOR PREVENTION,
32 INTERVENTION AND TREATMENT TO BETTER ENABLE THE DEPARTMENT TO CARRY OUT
33 ITS ADULT PROTECTION FUNCTIONS AND TO MEET THE COMMUNITY'S NEEDS FOR ADULT
34 PROTECTION SERVICES.

35 C. ADULT PROTECTIVE SERVICES MAY MAKE AVAILABLE TO MEMBERS OF THE
36 MULTIDISCIPLINARY ADULT PROTECTION TEAM ALL INFORMATION OR RECORDS THAT
37 ARE NECESSARY FOR THE OFFICIAL DUTIES WITHOUT THE DESIGNATION OF THE
38 CLIENT'S NAME UNLESS THE CLIENT'S NAME IS REQUIRED FOR THE OFFICIAL
39 PURPOSES. THE CASE INFORMATION RECEIVED BY MEMBERS OF THE
40 MULTIDISCIPLINARY ADULT PROTECTION TEAM SHALL BE MAINTAINED AS
41 CONFIDENTIAL UNLESS A CONSENT TO RELEASE HAS BEEN GIVEN PURSUANT TO THIS
42 SECTION OR PURSUANT TO A COURT ORDER IN THIS STATE OR ANOTHER STATE. ANY
43 MEMBER OF THE MULTIDISCIPLINARY ADULT PROTECTION TEAM MAY SHARE
44 INFORMATION THAT IS ACQUIRED IN THE TEAM MEMBER'S PROFESSIONAL CAPACITY

1 WITH OTHER MEMBERS OF THE MULTIDISCIPLINARY ADULT PROTECTION TEAM TO
2 ASSIST THE MULTIDISCIPLINARY ADULT PROTECTION TEAM IN ITS FUNCTION.

3 D. CASE CONSULTATION MAY BE PERFORMED BY A COMMITTEE OF THE TEAM
4 COMPOSED OF THE TEAM MEMBERS REPRESENTING SOCIAL SERVICES, LAW
5 ENFORCEMENT, THE COUNTY ATTORNEY, HEALTH CARE AND PERSONS DIRECTLY
6 INVOLVED IN AN INDIVIDUAL CASE AS DETERMINED BY THE CASE CONSULTATION
7 COMMITTEE.

8 E. A PERSON TO WHOM INFORMATION IS RELEASED PURSUANT TO THIS
9 SECTION IS PROHIBITED FROM USING OR RELEASING THE INFORMATION EXCEPT IN
10 THE PROPER PERFORMANCE OF THE PERSON'S OFFICIAL DUTIES UNLESS A CONSENT TO
11 RELEASE HAS BEEN GIVEN PURSUANT TO THIS SECTION OR PURSUANT TO A COURT
12 ORDER OR A GRAND JURY SUBPOENA.

13 F. FOR THE PURPOSES OF THIS SECTION, "CASE CONSULTATION" MEANS A
14 CASE REVIEW PROCESS THAT RESULTS IN RECOMMENDATIONS ABOUT SERVICES TO BE
15 PROVIDED TO AN IDENTIFIED ADULT AND FAMILY.