

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SENATE BILL 1089

AN ACT

AMENDING SECTION 39-121.01, 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 39-121.01, Arizona Revised Statutes, is amended
3 to read:

4 39-121.01. Definitions: maintenance of records; copies,
5 printouts or photographs of public records;
6 examination by mail; index

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

8 1. "Officer" means any person WHO IS elected or appointed to hold
9 any elective or appointive office of any public body and any chief
10 administrative officer, head, director, superintendent or chairman of any
11 public body.

12 2. "Public body" means this state, any county, city, town, school
13 district, political subdivision or tax-supported district in this state,
14 any branch, department, board, bureau, commission, council or committee of
15 the foregoing, and any public organization or agency, THAT IS supported
16 in whole or in part by monies from this state or any political subdivision
17 of this state, or expending THAT SPENDS monies provided by this state or
18 any political subdivision of this state.

19 B. All officers and public bodies shall maintain all records,
20 including records as defined in section 41-151.18, THAT ARE reasonably
21 necessary or appropriate to maintain an accurate knowledge of their
22 official activities and of any of their activities which THAT are
23 supported by monies from this state or any political subdivision of this
24 state.

25 C. Each public body shall be IS responsible for the preservation,
26 maintenance and care of PRESERVING, MAINTAINING AND CARING FOR that body's
27 public records, and each officer shall be IS responsible for the
28 preservation, maintenance and care of PRESERVING, MAINTAINING AND CARING
29 FOR that officer's public records. It shall be the duty of Each such
30 PUBLIC body to SHALL carefully secure, protect and preserve public records
31 from deterioration, mutilation, loss or destruction, unless disposed of
32 pursuant to sections 41-151.15 and 41-151.19.

33 D. Subject to section 39-121.03:

34 1. Any person may request to examine or be furnished copies,
35 printouts or photographs of any public record during regular office hours
36 or may request that the custodian mail a copy of any public record THAT IS
37 not otherwise available on the public body's website to the requesting
38 person. THE CUSTODIAN MAY NOT DISCLOSE A PUBLIC RECORD UNLESS THE
39 REQUESTING PERSON HAS FURNISHED THE PERSON'S NAME, ADDRESS, TELEPHONE
40 NUMBER AND EMAIL ADDRESS, IF ANY, TO THE PUBLIC BODY. The custodian may
41 require any person requesting that the custodian mail a copy of any public
42 record to pay in advance for any copying and postage charges. The
43 custodian of such records shall promptly furnish such THE copies,
44 printouts or photographs and may charge a fee if the facilities are

1 available, except that public records for purposes listed in section
2 39-122 or 39-127 shall be furnished without charge.

3 2. If requested, the custodian of the records of an agency shall
4 also furnish an index of records or categories of records that have been
5 withheld and the reasons the records or categories of records have been
6 withheld from the requesting person. The custodian shall not include in
7 the index information that is expressly made privileged or confidential in
8 statute or a court order. This paragraph shall not be construed by an
9 administrative tribunal or a court of competent jurisdiction to prevent or
10 require an order compelling a public body other than an agency to furnish
11 an index. For the purposes of this paragraph, "agency" has the same
12 meaning prescribed in section 41-1001, but does not include the department
13 of public safety, the department of transportation motor vehicle division,
14 the department of juvenile corrections and the state department of
15 corrections.

16 3. If the custodian of a public record does not have facilities for
17 making copies, printouts or photographs of a public record ~~which~~ THAT a
18 person has a right to inspect, ~~sueh~~ THE person shall be granted access to
19 the public record for the purpose of making copies, printouts or
20 photographs. The copies, printouts or photographs shall be made while the
21 public record is in the possession, custody and control of the custodian
22 of the public record and ~~shall be~~ ARE subject to the supervision of ~~sueh~~
23 THE custodian.

24 E. Access to a public record is deemed denied if a custodian fails
25 to promptly respond to a request for production of a public record or
26 fails to provide to the requesting person an index of any record or
27 categories of records that are withheld from production pursuant to
28 subsection D, paragraph 2 of this section.