

REFERENCE TITLE: public safety employees; records; assault

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

## **SCR 1030**

Introduced by  
Senator Rogers

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING  
TO PUBLIC SAFETY EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of  
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the Legislature,  
4 the following measure, relating to public safety employees, is enacted to  
5 become valid as a law if approved by the voters and on proclamation of the  
6 Governor:

7 AN ACT

8 AMENDING SECTIONS 13-1204, 13-2401, 16-153 AND 28-454, ARIZONA  
9 REVISED STATUTES; RELATING TO PUBLIC SAFETY EMPLOYEES.

10 Be it enacted by the Legislature of the State of Arizona:

11 Section 1. Section 13-1204, Arizona Revised Statutes,  
12 is amended to read:

13 13-1204. Aggravated assault; classification;  
14 definitions

15 A. A person commits aggravated assault if the person  
16 commits assault as prescribed by section 13-1203 under any of  
17 the following circumstances:

18 1. If the person causes serious physical injury to  
19 another.

20 2. If the person uses a deadly weapon or dangerous  
21 instrument.

22 3. If the person commits the assault by any means of  
23 force that causes temporary but substantial disfigurement,  
24 temporary but substantial loss or impairment of any body organ  
25 or part or a fracture of any body part.

26 4. If the person commits the assault while the victim  
27 is bound or otherwise physically restrained or while the  
28 victim's capacity to resist is substantially impaired.

29 5. If the person commits the assault after entering the  
30 private home of another with the intent to commit the assault.

31 6. If the person is eighteen years of age or older and  
32 commits the assault on a minor under fifteen years of age.

33 7. If the person commits assault as prescribed by  
34 section 13-1203, subsection A, paragraph 1 or 3 and the person  
35 is in violation of an order of protection issued against the  
36 person pursuant to section 13-3602 or 13-3624.

37 8. If the person commits the assault knowing or having  
38 reason to know that the victim is any of the following:

39 (a) A peace officer or a person summoned and directed  
40 by the officer.

41 (b) A constable or a person summoned and directed by  
42 the constable while engaged in the execution of any official  
43 duties or if the assault results from the execution of the  
44 constable's official duties.

1 (c) A firefighter, fire investigator, fire inspector,  
2 emergency medical technician or paramedic engaged in the  
3 execution of any official duties or a person summoned and  
4 directed by such individual while engaged in the execution of  
5 any official duties or if the assault results from the  
6 execution of the official duties of the firefighter, fire  
7 investigator, fire inspector, emergency medical technician or  
8 paramedic.

9 (d) A teacher or other person employed by any school  
10 and the teacher or other employee is on the grounds of a  
11 school or grounds adjacent to the school or is in any part of  
12 a building or vehicle used for school purposes, any teacher or  
13 school nurse visiting a private home in the course of the  
14 teacher's or nurse's professional duties or any teacher  
15 engaged in any authorized and organized classroom activity  
16 held on other than school grounds.

17 (e) A health care practitioner who is certified or  
18 licensed pursuant to title 32, chapter 13, 15, 17 or 25, or a  
19 person summoned and directed by the licensed health care  
20 practitioner while engaged in the person's professional  
21 duties. This subdivision does not apply if the person who  
22 commits the assault is seriously mentally ill, as defined in  
23 section 36-550, or is afflicted with alzheimer's disease or  
24 related dementia.

25 (f) A prosecutor while engaged in the execution of any  
26 official duties or if the assault results from the execution  
27 of the prosecutor's official duties.

28 (g) A code enforcement officer as defined in section  
29 39-123 while engaged in the execution of any official duties  
30 or if the assault results from the execution of the code  
31 enforcement officer's official duties.

32 (h) A state or municipal park ranger while engaged in  
33 the execution of any official duties or if the assault results  
34 from the execution of the park ranger's official duties.

35 (i) A public defender while engaged in the execution of  
36 any official duties or if the assault results from the  
37 execution of the public defender's official duties.

38 (j) A judicial officer while engaged in the execution  
39 of any official duties or if the assault results from the  
40 execution of the judicial officer's official duties.

41 (k) A MEMBER OF THE NATIONAL GUARD WHILE ENGAGED IN THE  
42 EXECUTION OF ANY OFFICIAL DUTIES OR IF THE ASSAULT RESULTS  
43 FROM THE EXECUTION OF THE NATIONAL GUARD MEMBER'S OFFICIAL  
44 DUTIES.

1           (1) A BORDER PATROL AGENT WHILE ENGAGED IN THE  
2 EXECUTION OF ANY OFFICIAL DUTIES OR IF THE ASSAULT RESULTS  
3 FROM THE EXECUTION OF THE BORDER PATROL AGENT'S OFFICIAL  
4 DUTIES.

5           9. If the person knowingly takes or attempts to  
6 exercise control over any of the following:

7           (a) A peace officer's or other officer's firearm and  
8 the person knows or has reason to know that the victim is a  
9 peace officer or other officer employed by one of the agencies  
10 listed in paragraph 10, subdivision (a), item (i), (ii),  
11 (iii), (iv) or (v) of this subsection.

12           (b) Any weapon other than a firearm that is being used  
13 by a peace officer or other officer or that the officer is  
14 attempting to use, and the person knows or has reason to know  
15 that the victim is a peace officer or other officer employed  
16 by one of the agencies listed in paragraph 10, subdivision  
17 (a), item (i), (ii), (iii), (iv) or (v) of this subsection.

18           (c) Any implement that is being used by a peace officer  
19 or other officer or that the officer is attempting to use, and  
20 the person knows or has reason to know that the victim is a  
21 peace officer or other officer employed by one of the agencies  
22 listed in paragraph 10, subdivision (a), item (i), (ii),  
23 (iii), (iv) or (v) of this subsection. For the purposes of  
24 this subdivision, "implement" means an object that is designed  
25 for or that is capable of restraining or injuring an  
26 individual. Implement does not include handcuffs.

27           10. If the person meets both of the following  
28 conditions:

29           (a) Is imprisoned or otherwise subject to the custody  
30 of any of the following:

31           (i) The state department of corrections.

32           (ii) The department of juvenile corrections.

33           (iii) A law enforcement agency.

34           (iv) A county or city jail or an adult or juvenile  
35 detention facility of a city or county.

36           (v) Any other entity that is contracting with the state  
37 department of corrections, the department of juvenile  
38 corrections, a law enforcement agency, another state, any  
39 private correctional facility, a county, a city or the federal  
40 bureau of prisons or other federal agency that has  
41 responsibility for sentenced or unsentenced prisoners.

42           (b) Commits an assault knowing or having reason to know  
43 that the victim is acting in an official capacity as an  
44 employee of any of the entities listed in subdivision (a) of  
45 this paragraph.

1           11. If the person uses a simulated deadly weapon.  
2           B. A person commits aggravated assault if the person  
3 commits assault by either intentionally, knowingly or  
4 recklessly causing any physical injury to another person,  
5 intentionally placing another person in reasonable  
6 apprehension of imminent physical injury or knowingly touching  
7 another person with the intent to injure the person, and both  
8 of the following occur:  
9           1. The person intentionally or knowingly impedes the  
10 normal breathing or circulation of blood of another person by  
11 applying pressure to the throat or neck or by obstructing the  
12 nose and mouth either manually or through the use of an  
13 instrument.  
14           2. Any of the circumstances exists that are set forth  
15 in section 13-3601, subsection A, paragraph 1, 2, 3, 4, 5  
16 or 6.  
17           C. A person who is convicted of intentionally or  
18 knowingly committing aggravated assault on a peace officer  
19 pursuant to subsection A, paragraph 1 or 2 of this section  
20 shall be sentenced to imprisonment for not less than the  
21 presumptive sentence authorized under chapter 7 of this title  
22 and is not eligible for suspension of sentence, commutation or  
23 release on any basis until the sentence imposed is served.  
24           D. It is not a defense to a prosecution for assaulting  
25 a peace officer or a mitigating circumstance that the peace  
26 officer was not on duty or engaged in the execution of any  
27 official duties.  
28           E. Except pursuant to subsections F and G of this  
29 section, aggravated assault pursuant to subsection A,  
30 paragraph 1 or 2, paragraph 9, subdivision (a) or paragraph 11  
31 of this section is a class 3 felony except if the aggravated  
32 assault is a violation of subsection A, paragraph 1 or 2 of  
33 this section and the victim is under fifteen years of age it  
34 is a class 2 felony punishable pursuant to section 13-705.  
35 Aggravated assault pursuant to subsection A, paragraph 3,  
36 PARAGRAPH 8, SUBDIVISION (c), (k) OR (l) OR PARAGRAPH 10 or  
37 subsection B of this section is a class 4 felony. Aggravated  
38 assault pursuant to subsection A, paragraph 9, subdivision (b)  
39 ~~or paragraph 10~~ of this section is a class 5 felony.  
40 Aggravated assault pursuant to subsection A, paragraph 4, 5, 6  
41 OR 7, ~~or~~ PARAGRAPH 8, SUBDIVISION (b), (d), (e), (f), (g),  
42 (h), (i) OR (j) or paragraph 9, subdivision (c) of this  
43 section is a class 6 felony.  
44           F. Aggravated assault pursuant to subsection A,  
45 paragraph 1 or 2 of this section committed on a peace officer

1 is a class 2 felony. Aggravated assault pursuant to  
2 subsection A, paragraph 3 of this section committed on a peace  
3 officer is a class 3 felony. Aggravated assault pursuant to  
4 subsection A, paragraph 8, subdivision (a) of this section  
5 committed on a peace officer is a ~~class 5 felony unless the~~  
6 ~~assault results in any physical injury to the peace officer,~~  
7 ~~in which case it is a~~ class 4 felony.

8 G. Aggravated assault pursuant to:  
9 1. Subsection A, paragraph 1 or 2 of this section is a  
10 class 2 felony if committed on a prosecutor.  
11 2. Subsection A, paragraph 3 of this section is a class  
12 3 felony if committed on a prosecutor.  
13 3. Subsection A, paragraph 8, subdivision (f) of this  
14 section is a class 5 felony if the assault results in physical  
15 injury to a prosecutor.

16 H. For the purposes of this section:  
17 1. "Judicial officer" means a justice of the supreme  
18 court, judge, justice of the peace or magistrate or a  
19 commissioner or hearing officer of a state, county or  
20 municipal court.  
21 2. "Prosecutor" means a county attorney, a municipal  
22 prosecutor or the attorney general and includes an assistant  
23 or deputy county attorney, municipal prosecutor or attorney  
24 general.

25 Sec. 2. Section 13-2401, Arizona Revised Statutes, is  
26 amended to read:

27 13-2401. Personal information on the internet:  
28 exception; classification; definitions

29 A. It is unlawful for a person to knowingly make  
30 available on the ~~world wide web~~ INTERNET the personal  
31 information of a FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN,  
32 NATIONAL GUARD MEMBER, BORDER PATROL AGENT, CORRECTIONAL  
33 OFFICER, peace officer, justice, judge, commissioner, public  
34 defender, employee of the department of child safety or  
35 employee of adult protective services who has direct contact  
36 with families in the course of employment or prosecutor if the  
37 dissemination of the personal information poses an imminent  
38 and serious threat to the FIREFIGHTER'S, EMERGENCY MEDICAL  
39 TECHNICIAN'S, NATIONAL GUARD MEMBER'S, BORDER PATROL AGENT'S,  
40 CORRECTIONAL OFFICER'S, peace officer's, justice's, judge's,  
41 commissioner's, public defender's, department of child safety  
42 employee's, adult protective services employee's or  
43 prosecutor's safety or the safety of that person's immediate  
44 family and the threat is reasonably apparent to the person

1 making the information available on the ~~world wide web~~  
2 INTERNET to be serious and imminent.

3 B. It is not a violation of this section if an employee  
4 of a county recorder, county treasurer or county assessor  
5 publishes personal information, in good faith, on the website  
6 of the county recorder, county treasurer or county assessor in  
7 the ordinary course of carrying out public functions.

8 C. A violation of subsection A of this section is a  
9 class 5 felony.

10 D. For the purposes of this section:

11 1. "Commissioner" means a commissioner of the superior  
12 court.

13 2. "Immediate family" means a FIREFIGHTER'S, EMERGENCY  
14 MEDICAL TECHNICIAN'S, NATIONAL GUARD MEMBER'S, BORDER PATROL  
15 AGENT'S, CORRECTIONAL OFFICER'S, peace officer's, justice's,  
16 judge's, commissioner's, public defender's or prosecutor's  
17 spouse, child or parent and any other adult who lives in the  
18 same residence as the person.

19 3. "Judge" means a judge of the United States district  
20 court, the United States court of appeals, the United States  
21 magistrate court, the United States bankruptcy court, the  
22 Arizona court of appeals, the superior court or a municipal  
23 court.

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

26 5. "Personal information" means a FIREFIGHTER'S,  
27 EMERGENCY MEDICAL TECHNICIAN'S, NATIONAL GUARD MEMBER'S,  
28 BORDER PATROL AGENT'S, CORRECTIONAL OFFICER'S, peace  
29 officer's, justice's, judge's, commissioner's, public  
30 defender's or prosecutor's home address, home telephone  
31 number, pager number, personal photograph, directions to the  
32 person's home or photographs of the person's home or vehicle.

33 6. "Prosecutor" means a county attorney, a municipal  
34 prosecutor, the attorney general or a United States attorney  
35 and includes an assistant or deputy United States attorney,  
36 county attorney, municipal prosecutor or attorney general.

37 7. "Public defender" means a federal public defender,  
38 county public defender, county legal defender or county  
39 contract indigent defense counsel and includes an assistant or  
40 deputy federal public defender, county public defender or  
41 county legal defender.

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

3           16-153. Voter registration; confidentiality;  
4           definitions

5           A. Eligible persons, and any other registered voter who  
6 resides at the same residence address as the eligible person,  
7 may request that the general public be prohibited from  
8 accessing the eligible person's identifying information,  
9 including any of that person's documents and voting precinct  
10 number contained in ~~their~~ THE PERSON'S voter registration  
11 record.

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

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

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

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

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



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

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

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

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

1           G. On entry of the court order, the clerk of the  
2 superior court shall file the court order with the county  
3 recorder. On receipt of the court order the county recorder  
4 shall seal the voter registration of the persons listed in the  
5 court order no later than one hundred twenty days from the  
6 date of receipt of the court order. To include a subsequent  
7 voter registration in the court order, a person listed in the  
8 court order shall present to the county recorder at the time  
9 of registration a certified copy of the court order or shall  
10 provide the county recorder the recording number of the court  
11 order. The information in the registration shall not be  
12 disclosed and is not a public record.

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

17           I. On motion to the court, if the presiding judge of  
18 the superior court concludes that a voter registration record  
19 has been sealed in error or that the cause for the original  
20 affidavit no longer exists, the presiding judge may vacate the  
21 court order prohibiting public access to the voter  
22 registration record.

23           J. On request by a person who is protected under an  
24 order of protection or injunction against harassment and  
25 presentation of an order of protection issued pursuant to  
26 section 13-3602, an injunction against harassment issued  
27 pursuant to section 12-1809 or an order of protection or  
28 injunction against harassment issued by a court in another  
29 state or a program participant in the address confidentiality  
30 program pursuant to title 41, chapter 1, article 3, the county  
31 recorder shall seal the voter registration record of the  
32 person who is protected and, on request, any other registered  
33 voter who resides at the residence address of the protected  
34 person. The record shall be sealed no later than one hundred  
35 twenty days from the date of receipt of the court order. The  
36 information in the registration shall not be disclosed and is  
37 not a public record.

38           K. For the purposes of this section:

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

44           2. "Commissioner" means a commissioner of the superior  
45 court.

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

4           4. "Eligible person" means a former public official,  
5 peace officer, spouse of a peace officer, spouse or minor  
6 child of a deceased peace officer, justice, judge,  
7 commissioner, public defender, prosecutor, code enforcement  
8 officer, adult or juvenile corrections officer, corrections  
9 support staff member, probation officer, member of the board  
10 of executive clemency, law enforcement support staff member,  
11 employee of the department of child safety or employee of  
12 adult protective services who has direct contact with families  
13 in the course of employment, national guard member OR BORDER  
14 PATROL AGENT who is acting in support of a law enforcement  
15 agency, person who is protected under an order of protection  
16 or injunction against harassment or firefighter OR EMERGENCY  
17 MEDICAL TECHNICIAN who is assigned to the Arizona counter  
18 terrorism information center in the department of public  
19 safety.

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

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

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

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

38           9. "Peace officer":

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

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

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

1 attorney, county attorney, municipal prosecutor or attorney  
2 general.

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

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

10 28-454. Records maintained by department of  
11 transportation; redaction; definitions

12 A. Notwithstanding sections 28-447 and 28-455, an  
13 eligible person may request that persons be prohibited from  
14 accessing the eligible person's identifying information,  
15 including any of that person's documents, contained in any  
16 record maintained by the department.

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

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

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

32 3. The reasons the person reasonably believes that the  
33 person's life or safety or that of another person is in danger  
34 and that redacting the identifying information from the  
35 department's public records will serve to reduce the danger.

36 C. The affidavit shall be filed with the presiding  
37 judge of the superior court in the county in which the affiant  
38 resides. To prevent multiple filings, an eligible person who  
39 is a peace officer, spouse of a peace officer, spouse or minor  
40 child of a deceased peace officer, prosecutor, code  
41 enforcement officer, corrections or detention officer,  
42 corrections support staff member or law enforcement support  
43 staff member shall deliver the affidavit to the peace  
44 officer's commanding officer, or to the head of the  
45 prosecuting, code enforcement, law enforcement, corrections or

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

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

18 E. The presiding judge of the superior court shall  
19 review the petition and each attached affidavit to determine  
20 whether the action requested by each affiant should be  
21 granted. The presiding judge of the superior court shall  
22 order the redaction of the residence address and telephone  
23 number from the public records maintained by the department if  
24 the judge concludes that this action will reduce a danger to  
25 the life or safety of the affiant or another person.

26 F. On entry of the court order, the clerk of the  
27 superior court shall file the court order with the  
28 department. ~~NO~~ NOT more than one hundred fifty days after the  
29 date the department receives the court order, the department  
30 shall redact the identifying information of the affiants  
31 listed in the court order from the public records of the  
32 department. The identifying information shall not be  
33 disclosed and ~~are~~ IS not part of a public record.

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

38 H. On motion to the court, if the presiding judge of  
39 the superior court concludes that identifying information has  
40 been sealed in error or that the cause for the original  
41 affidavit no longer exists, the presiding judge may vacate the  
42 court order prohibiting public access to the identifying  
43 information.

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

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

9 1. Used by a law enforcement agency to assist a person  
10 who has a complaint against an officer to identify the  
11 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  
15 employed by a state or local government and whose duties  
16 include performing field inspections of buildings, structures  
17 or property to ensure compliance with and enforce national,  
18 state and local laws, ordinances and codes.

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

22 3. "Eligible person" means a former public official,  
23 peace officer, spouse of a peace officer, spouse or minor  
24 child of a deceased public officer, justice, judge or former  
25 judge, commissioner, public defender, prosecutor, code  
26 enforcement officer, adult or juvenile corrections officer,  
27 corrections support staff member, probation officer, member of  
28 the board of executive clemency, law enforcement support staff  
29 member, employee of the department of child safety or employee  
30 of adult protective services who has direct contact with  
31 families in the course of employment, national guard member **OR**  
32 **BORDER PATROL AGENT** who is acting in support of a law  
33 enforcement agency, person who is protected under an order of  
34 protection or injunction against harassment or firefighter **OR**  
35 **EMERGENCY MEDICAL TECHNICIAN** who is assigned to the Arizona  
36 counter terrorism information center in the department of  
37 public safety.

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

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

7           6. "Peace officer":

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

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

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

16           2. The Secretary of State shall submit this proposition to the  
17 voters at the next general election as provided by article IV, part 1,  
18 section 1, Constitution of Arizona.