**ARIZONA STATE SENATE**  
*Fifty-Fifth Legislature, Second Regular Session*

FACT SHEET FOR H.B. 2319

**law enforcement activity; recording prohibition**

**Purpose**

Prohibits a person from making a video recording of a law enforcement activity within eight feet of the law enforcement activity, with certain exceptions.

**Background**

A person commits obstructing governmental operations if, by using or threatening to use violence or physical force, the person knowingly obstructs, impairs or hinders: 1) the performance of a governmental function by a public servant acting under color of the public servant's official authority; or 2) the enforcement of the penal law or the preservation of the peace by a peace officer acting under color of the peace officer's official authority. Obstructing government operations is a class 1 misdemeanor (*A.R.S. § 13-2402*).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

**Provisions**

1. Prohibits a person from knowingly making a video recording of a law enforcement activity within eight feet of where the law enforcement activity is occurring without permission from a law enforcement officer.

2. Allows a person, if a law enforcement activity occurs in an enclosed structure, to record the law enforcement activity from within eight feet in an adjacent room or area, unless a law enforcement officer determines that:
   a) the person is interfering with the law enforcement activity; or
   b) it is not safe to be in the area and orders the person to stop recording or leave the area.

3. Allows a person who is the subject of police contact to record the encounter if the person is not interfering with lawful police actions, including searching, handcuffing or administering a field sobriety test.

4. Allows the occupant of the vehicle who is subject to a police stop to record the encounter if the occupant is not interfering with lawful police actions.

5. Classifies *unlawful video recording of law enforcement activity* as a petty offense, unless a person fails to comply with a verbal warning of a violation or has been previously convicted of a violation in which case an offense is a class 3 misdemeanor.
6. States that this legislation does not establish a right, or authorize any person, to make a video recording of a law enforcement officer.

7. Defines *law enforcement activity* as:
   a) questioning a suspicious person;
   b) conducting an arrest, issuing a summons or enforcing the law; or
   c) handling an emotionally disturbed or disorderly person who is exhibiting abnormal behavior.

8. Becomes effective on the general effective date.

**House Action**

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Prepared by Senate Research
March 15, 2022
ZD/sr