



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR H.B. 2319

law enforcement activity; recording prohibition

Purpose

Prohibits a person from knowingly 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 if:
 - a) the person knows or reasonably should know where the law enforcement activity is occurring; and
 - b) the person receives or has received a verbal warning from a law enforcement officer that the person is prohibited from making such a video recording.
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 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 occupants of the vehicle that is the subject of a police stop to record the encounter if the occupants are not interfering with lawful police actions.
5. Classifies *unlawful video recording of law enforcement activity* as 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.

Amendments Adopted by Committee of the Whole

1. Modifies the elements necessary to commit *knowingly making a video recording of a law enforcement activity within eight feet of the activity* by specifying:
 - a) that the person making the recording must know or reasonably should know where the activity is occurring; and
 - b) that the person must continue recording within 8 feet after receiving a verbal warning from an officer that the person is prohibited from making the recording, rather than not have the officer's permission to make the recording.
2. Removes the petty offense classification for a first violation, classifying any violation of the recording prohibition as a class 3 misdemeanor.
3. Makes technical changes.

House Action

MAPS 2/15/22 W/D
APPROP 2/21/22 DPA 7-5-0-1
3rd Read 2/23/22 31-28-1

Senate Action

JUD 3/17/22 DP 5-3-0

Prepared by Senate Research

June 15, 2022

ZD/sr