

REFERENCE TITLE: **victim's right to privacy; exception**

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2709

Introduced by
Representative Blackman

AN ACT

AMENDING SECTION 13-4434, ARIZONA REVISED STATUTES; RELATING TO CRIME VICTIMS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-4434, Arizona Revised Statutes, is amended to
3 read:

4 13-4434. Victim's right to privacy; exception; definitions

5 A. The victim has the right at any court proceeding not to testify
6 regarding any identifying or locating information unless the victim
7 consents or the court orders disclosure on finding that a compelling need
8 for the information exists. A court proceeding on the motion shall be in
9 camera.

10 B. A victim's identifying and locating information that is
11 obtained, compiled or reported by a law enforcement agency or prosecution
12 agency shall be redacted by the originating agency and prosecution
13 agencies from records pertaining to the criminal case involving the
14 victim, including discovery disclosed to the defendant, the defendant's
15 attorney or any of the attorney's staff.

16 C. Subsection B of this section does not apply to:

17 1. The victim's name except, if the victim is a minor, the victim's
18 name may be redacted from public records pertaining to the crime if the
19 countervailing interests of confidentiality, privacy, the rights of the
20 minor or the best interests of this state outweigh the public interest in
21 disclosure.

22 2. Any records that are transmitted between law enforcement and
23 prosecution agencies or a court.

24 3. Any records if the victim or, if the victim is a minor, the
25 victim's representative as designated under section 13-4403 has consented
26 to the release of the information.

27 4. The general location at which the reported crime occurred.

28 5. THE VICTIM'S ADDRESS, IF THE VICTIM'S ADDRESS APPEARS IN ANY
29 BODY-WORN CAMERA FOOTAGE, PHOTOGRAPHS OR OTHER VISUAL OR AUDIO DEPICTIONS
30 AND THERE IS EVIDENCE THAT THE DEFENDANT KNOWS THE VICTIM'S ADDRESS
31 BECAUSE OF A RELATIONSHIP SET FORTH IN SECTION 13-3601, SUBSECTION A.

32 D. NOTWITHSTANDING SUBSECTIONS A AND B OF THIS SECTION, A COURT MAY
33 ORDER THE VICTIM'S IDENTIFYING AND LOCATING INFORMATION TO BE DISCLOSED IN
34 A SPECIFIC CASE IF IT IS NECESSARY TO PROTECT THE DEFENDANT'S
35 CONSTITUTIONAL RIGHTS OR WHEN THE INFORMATION IS NOT REASONABLY ABLE TO BE
36 REDACTED BECAUSE OF UNDUE BURDEN OR EXPENSE. BEFORE THE COURT DISCLOSES
37 THE INFORMATION, THE VICTIM MUST BE NOTIFIED AND HAS THE RIGHT TO BE HEARD
38 BY THE COURT. IF THE DISCLOSURE IS MADE TO THE DEFENDANT'S ATTORNEY, THE
39 DEFENDANT'S ATTORNEY MAY NOT DISCLOSE THE INFORMATION TO ANY PERSON OTHER
40 THAN THE ATTORNEY'S STAFF AND A DESIGNATED INVESTIGATOR. THE DEFENDANT'S
41 ATTORNEY MAY NOT PROVIDE THE DISCLOSED INFORMATION TO THE DEFENDANT
42 WITHOUT SPECIFIC AUTHORIZATION FROM THE COURT.

- 1 ~~D.~~ E. For the purposes of this section:
2 1. "Identifying information" includes a victim's date of birth,
3 social security number and official state or government issued driver
4 license or identification number.
5 2. "Locating information" includes the victim's address, telephone
6 number, ~~e-mail~~ EMAIL address and place of employment.