

REFERENCE TITLE: emergency interception; technical correction

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2710

Introduced by
Representative Kolodin

AN ACT

AMENDING SECTION 13-3015, ARIZONA REVISED STATUTES; RELATING TO
EAVESDROPPING AND COMMUNICATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3015, Arizona Revised Statutes, is amended to
3 read:

4 13-3015. Emergency interception

5 A. Notwithstanding any other provision of this chapter, if the
6 attorney general or a county attorney or such prosecuting attorneys as
7 they may designate in writing reasonably ~~determines~~ DETERMINE that an
8 emergency situation exists involving immediate danger of death or serious
9 physical injury to any person, and that such death or serious physical
10 injury may be averted by interception of wire, electronic or oral
11 communications before an order authorizing such interception can be
12 obtained, the attorney general or a county attorney or his designee may
13 specially authorize a peace officer or law enforcement agency to intercept
14 such wire, electronic or oral communications.

15 B. The attorney general or county attorney or his designee
16 specially authorizing an emergency interception pursuant to subsection A
17 of this section shall apply for an order authorizing the interception, in
18 accordance with ~~the provisions of~~ section 13-3010. The application shall
19 be made as soon as practicable, and in no event later than forty-eight
20 hours after commencement of the emergency interception. The application
21 shall include an explanation and summary of any interception of
22 communications occurring before the application for authorization.

23 C. If the prosecuting attorney fails to obtain an authorization
24 within forty-eight hours after commencement of the emergency interception,
25 or if authorization to intercept communications is denied, the
26 interception shall immediately terminate and any communications
27 intercepted without judicial authorization may not be used as evidence in
28 any criminal or civil proceeding against any person. In either event, the
29 prosecuting attorney shall furnish to the court an inventory of any
30 communications intercepted, for service pursuant to ~~the provisions of~~
31 section 13-3010, subsection I. ~~The provisions of~~ This subsection ~~do~~ DOES
32 not prohibit the use as evidence of any communications intercepted without
33 judicial authorization against the persons conducting or authorizing the
34 interceptions if such interceptions were not made in good faith reliance
35 on this section.