

Senate Engrossed House Bill

~~silent witness; records; nondisclosure; exceptions~~
(now: silent witness; nondisclosure; records; exceptions)

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2388

AN ACT

AMENDING SECTION 12-2312, ARIZONA REVISED STATUTES; RELATING TO SILENT
WITNESS PROGRAM RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-2312, Arizona Revised Statutes, is amended to
3 read:

4 12-2312. Silent witness or crime stopper program records;
5 disclosure prohibited; exception

6 A. A record of a communication between a person ~~submitting~~ WHO
7 SUBMITS a report of criminal activity to a silent witness, crime stopper
8 or operation game thief program administered by a police department, A
9 sheriff's department, A county attorney's office or the ARIZONA game and
10 fish department and the person who accepted the report on behalf of the
11 silent witness program is not a public record.

12 B. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, DISCLOSURE OF
13 INFORMATION THAT MIGHT BE USED TO IDENTIFY AN INDIVIDUAL SUBMITTING A TIP
14 UNDER THIS SECTION IS PROHIBITED IF THE INDIVIDUAL SUBMITTING THE TIP DID
15 SO ANONYMOUSLY. ALL TIPS THAT DO NOT INCLUDE THE FULL NAME OF THE
16 INDIVIDUAL SUBMITTING THE TIP SHALL BE DEEMED SUBMITTED ANONYMOUSLY. THIS
17 SECTION DOES NOT PROHIBIT A PROSECUTOR IN A CRIMINAL CASE FROM DISCLOSING
18 ANY INFORMATION IF THE DISCLOSURE IS REQUIRED BY A CONSTITUTIONAL, LEGAL
19 OR ETHICAL DUTY. IF A PROSECUTOR IN A CRIMINAL CASE POSSESSES INFORMATION
20 THAT MIGHT BE USED TO IDENTIFY AN INDIVIDUAL WHO ANONYMOUSLY SUBMITTED A
21 TIP UNDER THIS SECTION AND DISCLOSURE OF THAT INFORMATION IS NOT REQUIRED
22 BY A CONSTITUTIONAL, LEGAL OR ETHICAL DUTY, THE PROSECUTOR SHALL MAKE
23 REASONABLE EFFORTS TO ENSURE THE INFORMATION IS NOT DISCLOSED.

24 C. NO PORTION OF ANY RECORD MAINTAINED BY A SILENT WITNESS, CRIME
25 STOPPER OR OPERATION GAME THIEF PROGRAM OR ORGANIZATION THAT MIGHT BE USED
26 TO IDENTIFY AN INDIVIDUAL WHO SUBMITTED A TIP ANONYMOUSLY UNDER THIS
27 SECTION SHALL BE SUBJECT TO COMPULSORY PRODUCTION EXCEPT ON A MOTION THAT
28 IS FILED IN THE SUPERIOR COURT WHERE A COMPLAINT CONCERNING THE ALLEGED
29 EVENT HAS BEEN FILED, OR IF NO COMPLAINT HAS BEEN FILED, THE COUNTY WHERE
30 THE ALLEGED EVENT OCCURRED AND THAT ESTABLISHES GOOD CAUSE FOR
31 DISCLOSURE. THE PARTY FILING THE MOTION HAS THE BURDEN TO SHOW GOOD CAUSE
32 FOR THE DISCLOSURE. GOOD CAUSE MAY INCLUDE REASON TO BELIEVE THAT THE TIP
33 WAS MOTIVATED BY BIAS OR ANIMUS OR THAT DISCLOSURE IS REASONABLY NECESSARY
34 TO INVESTIGATE A DEFENSE TO THE ALLEGATION OR THE POTENTIAL SENTENCE IF
35 CONVICTED. THIS SECTION DOES NOT PROHIBIT A PROSECUTOR IN A CRIMINAL CASE
36 FROM DISCLOSING ANY INFORMATION IF THE DISCLOSURE IS REQUIRED BY A
37 CONSTITUTIONAL, LEGAL OR ETHICAL DUTY.

38 D. IF A MOTION TO DISCLOSE THE TIP INFORMATION PURSUANT TO
39 SUBSECTION C OF THIS SECTION IS GRANTED, THE COURT SHALL AUTHORIZE THE
40 GRANT OF A SUBPOENA BY THE MOVING PARTY TO OBTAIN THE INFORMATION. THIS
41 SECTION DOES NOT EXPAND THE SCOPE OF DISCOVERY AVAILABLE UNDER ANY ARIZONA
42 COURT RULES.

1 E. A SILENT WITNESS, CRIME STOPPER OR OPERATION GAME THIEF PROGRAM
2 OR ORGANIZATION SHALL RETAIN TIP MATERIALS SUBMITTED TO THEM IN WRITING BY
3 INDIVIDUALS SUBMITTING A REPORT OF CRIMINAL ACTIVITY UNTIL AT LEAST THE
4 FIRST ANNIVERSARY OF EITHER OF THE FOLLOWING, WHICHEVER OCCURS LAST:
5 1. THE DATE OF EXPIRATION FOR ALL APPEALS AND POSTCONVICTION RELIEF
6 MATTERS IN A CRIMINAL PROCEEDING OR THE EXPIRATION OF THE DEFENDANT'S
7 SENTENCE.
8 2. THE DATE THE PLAINTIFF'S APPEAL RIGHTS ARE EXHAUSTED IN A CIVIL
9 PROCEEDING.