

House Engrossed

victims; disclosure requirements; witnesses; names

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

HOUSE BILL 2653

AN ACT

AMENDING SECTIONS 8-413, 13-4434 AND 39-123.01, ARIZONA REVISED STATUTES;
RELATING TO PUBLIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-413, Arizona Revised Statutes, is amended to
3 read:

4 8-413. Victim's right to privacy; redaction of victim's name;
5 exceptions; definitions

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

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

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
23 AGENCIES and 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 8-384 or 13-4403 has
26 consented to the release of the information.

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

28 D. ON THE REQUEST OF A VICTIM, THE VICTIM'S NAME THAT IS OBTAINED,
29 COMPILED OR REPORTED BY A LAW ENFORCEMENT AGENCY OR PROSECUTION AGENCY MAY
30 BE REDACTED BY THE ORIGINATING AGENCY AND PROSECUTION AGENCIES FROM
31 RECORDS THAT PERTAIN TO THE CRIMINAL CASE INVOLVING THE VICTIM AND THAT
32 ARE RELEASED PURSUANT TO A PUBLIC RECORDS REQUEST IF THE AGENCY REASONABLY
33 EXPECTS THAT THE RELEASE OF THE VICTIM'S NAME WILL RESULT IN HARASSMENT OF
34 THE VICTIM, THREATS TO THE VICTIM'S SAFETY OR WITNESS TAMPERING.

35 E. SUBSECTION D OF THIS SECTION DOES NOT APPLY TO ANY OF THE
36 FOLLOWING:

37 1. ANY RECORD THAT IS TRANSMITTED BETWEEN LAW ENFORCEMENT AGENCIES
38 AND PROSECUTION AGENCIES OR A COURT OR THAT IS DISCLOSED TO THE DEFENDANT,
39 THE DEFENDANT'S ATTORNEY OR ANY OF THE ATTORNEY'S STAFF.

40 2. ANY RECORD REGARDING A VICTIM WHO IS DECEASED.

41 3. ANY RECORD IF THE VICTIM OR, IF THE VICTIM IS A MINOR OR
42 VULNERABLE ADULT AS DEFINED IN SECTION 13-3623, THE VICTIM'S
43 REPRESENTATIVE AS DESIGNATED UNDER SECTION 8-384 OR 13-4403 HAS CONSENTED
44 TO THE RELEASE OF THE INFORMATION.

1 4. ANY RECORD THAT A COURT OF COMPETENT JURISDICTION HAS ORDERED TO
2 BE DISCLOSED OR A RULE OF PROCEDURE REQUIRES THE RELEASE OF A RECORD TO A
3 PARTY.

4 5. ANY RECORD IF THE LAW ENFORCEMENT AGENCY OR PROSECUTION AGENCY
5 HAS RECEIVED A NOTICE OF FINAL DISPOSITION IN THE CRIMINAL CASE.

6 ~~D.~~ F. For the purposes of this section:

7 1. "FINAL DISPOSITION" HAS THE SAME MEANING PRESCRIBED IN SECTION
8 13-4401.

9 ~~E.~~ 2. "Identifying information" includes a victim's date of birth,
10 social security number and official state or government issued driver
11 license or identification number.

12 ~~F.~~ 3. "Locating information" includes the victim's address,
13 telephone number, ~~e-mail~~ EMAIL address and place of employment.

14 Sec. 2. Section 13-4434, Arizona Revised Statutes, is amended to
15 read:

16 13-4434. Victim's right to privacy; redaction of victim's
17 name; exceptions; definitions

18 A. The victim has the right at any court proceeding not to testify
19 regarding any identifying or locating information unless the victim
20 consents or the court orders disclosure on finding that a compelling need
21 for the information exists. A court proceeding on the motion shall be in
22 camera.

23 B. A victim's identifying and locating information that is
24 obtained, compiled or reported by a law enforcement agency or prosecution
25 agency shall be redacted by the originating agency and prosecution
26 agencies from records pertaining to the criminal case involving the
27 victim, including discovery disclosed to the defendant, the defendant's
28 attorney or any of the attorney's staff.

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

30 1. The victim's name except, if the victim is a minor, the victim's
31 name may be redacted from public records pertaining to the crime if the
32 countervailing interests of confidentiality, privacy, the rights of the
33 minor or the best interests of this state outweigh the public interest in
34 disclosure.

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

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

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

41 5. The victim's address, if the victim's address appears in any
42 body-worn camera footage, photographs or other visual or audio depictions
43 and there is evidence that the defendant knows the victim's address
44 because of a relationship set forth in section 13-3601, subsection A.

45 D. Notwithstanding subsections A and B of this section, a court may
46 order the victim's identifying and locating information to be disclosed in

1 a specific case if it is necessary to protect the defendant's
2 constitutional rights or when the information is not reasonably able to be
3 redacted because of undue burden or expense. Before the court discloses
4 the information, the victim must be notified and has the right to be heard
5 by the court. If the disclosure is made to the defendant's attorney, the
6 defendant's attorney may not disclose the information to any person other
7 than the attorney's staff and a designated investigator. The defendant's
8 attorney may not provide the disclosed information to the defendant
9 without specific authorization from the court.

10 E. ON THE REQUEST OF A VICTIM, THE VICTIM'S NAME THAT IS OBTAINED,
11 COMPILED OR REPORTED BY A LAW ENFORCEMENT AGENCY OR PROSECUTION AGENCY MAY
12 BE REDACTED BY THE ORIGINATING AGENCY AND PROSECUTION AGENCIES FROM
13 RECORDS THAT PERTAIN TO THE CRIMINAL CASE INVOLVING THE VICTIM AND THAT
14 ARE RELEASED PURSUANT TO A PUBLIC RECORDS REQUEST IF THE AGENCY REASONABLY
15 EXPECTS THAT THE RELEASE OF THE VICTIM'S NAME WILL RESULT IN HARASSMENT OF
16 THE VICTIM, THREATS TO THE VICTIM'S SAFETY OR WITNESS TAMPERING.

17 F. SUBSECTION E OF THIS SECTION DOES NOT APPLY TO ANY OF THE
18 FOLLOWING:

19 1. ANY RECORD THAT IS TRANSMITTED BETWEEN LAW ENFORCEMENT AGENCIES
20 AND PROSECUTION AGENCIES OR A COURT OR THAT IS DISCLOSED TO THE DEFENDANT,
21 THE DEFENDANT'S ATTORNEY OR ANY OF THE ATTORNEY'S STAFF.

22 2. ANY RECORD REGARDING A VICTIM WHO IS DECEASED.

23 3. ANY RECORD IF THE VICTIM OR, IF THE VICTIM IS A MINOR OR
24 VULNERABLE ADULT AS DEFINED IN SECTION 13-3623, THE VICTIM'S
25 REPRESENTATIVE AS DESIGNATED UNDER SECTION 8-384 OR 13-4403, HAS CONSENTED
26 TO THE RELEASE OF THE INFORMATION.

27 4. ANY RECORD THAT A COURT OF COMPETENT JURISDICTION HAS ORDERED TO
28 BE DISCLOSED OR A RULE OF PROCEDURE REQUIRES THE RELEASE OF A RECORD TO A
29 PARTY.

30 5. ANY RECORD IF THE LAW ENFORCEMENT AGENCY OR PROSECUTION AGENCY
31 HAS RECEIVED A NOTICE OF FINAL DISPOSITION IN THE CRIMINAL CASE.

32 ~~E.~~ G. For the purposes of this section:

33 1. "Identifying information" includes a victim's date of birth,
34 social security number and official state or government issued driver
35 license or identification number.

36 2. "Locating information" includes the victim's address, telephone
37 number, email address and place of employment.

38 Sec. 3. Section 39-123.01, Arizona Revised Statutes, is amended to
39 read:

40 39-123.01. Personal identifying information of crime
41 witnesses; redaction of crime witness's name;
42 exceptions; confidentiality; definitions

43 A. The personal identifying information of a witness to a crime
44 contained in a record that is created or received by a law enforcement or
45 prosecution agency and that is related to a criminal investigation or

1 prosecution may not be disclosed by a public body pursuant to this article
2 unless any of the following applies:

- 3 1. The witness consents in writing to the disclosure.
- 4 2. A court of competent jurisdiction orders the disclosure.
- 5 3. The witness's address is the location where the crime occurred.

6 B. THE NAME OF A WITNESS TO A CRIME CONTAINED IN A RECORD THAT IS
7 CREATED OR RECEIVED BY A LAW ENFORCEMENT AGENCY OR PROSECUTION AGENCY AND
8 THAT IS RELATED TO A CRIMINAL INVESTIGATION OR PROSECUTION MAY BE REDACTED
9 IN A PUBLIC RECORD BY THE PUBLIC BODY IF THE WITNESS REQUESTS ANONYMITY
10 AND A LAW ENFORCEMENT AGENCY OR PROSECUTION AGENCY REASONABLY EXPECTS THAT
11 RELEASING THE WITNESS'S NAME WILL RESULT IN HARASSMENT OF THE WITNESS,
12 THREATS TO THE WITNESS'S SAFETY OR WITNESS TAMPERING.

13 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, A PUBLIC BODY MAY
14 DISCLOSE THE NAME OF A WITNESS TO A CRIME IN A PUBLIC RECORD IF ANY OF THE
15 FOLLOWING APPLIES:

- 16 1. THE WITNESS CONSENTS IN WRITING TO THE DISCLOSURE.
- 17 2. A COURT OF COMPETENT JURISDICTION ORDERS THE DISCLOSURE OR A
18 RULE OF PROCEDURE REQUIRES THE RELEASE OF A RECORD TO A PARTY.
- 19 3. THE PUBLIC BODY HAS RECEIVED A NOTICE OF FINAL DISPOSITION IN
20 THE CRIMINAL CASE.

21 ~~B.~~ D. This section does not affect any records that are
22 transmitted between law enforcement and prosecution agencies, a court or a
23 clerk of the court or any provision of law that governs the discovery
24 process or the conduct of trials.

25 ~~C.~~ E. For the purposes of this section: ~~;~~

26 1. "FINAL DISPOSITION" HAS THE SAME MEANING PRESCRIBED IN SECTION
27 13-4401.

28 2. "Personal identifying information" includes a witness's date of
29 birth, social security number, personal telephone number, home address,
30 personal ~~e-mail~~ EMAIL address and official state or government-issued
31 driver license or identification number.