

REFERENCE TITLE: **silent witness; records; nondisclosure; exceptions.**

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

HB 2711

Introduced by
Representative Blackman

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. Admissibility of silent witness or crime stopper
5 program records

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. A RECORD OF A COMMUNICATION DESCRIBED IN SUBSECTION A OF THIS
13 SECTION MAY NOT BE DISCLOSED AND IS NOT SUBJECT TO COMPULSORY PRODUCTION
14 EXCEPT WHEN EITHER OF THE FOLLOWING OCCURS:

15 1. A MOTION IS FILED IN A CRIMINAL TRIAL BY A DEFENDANT WHO ASSERTS
16 THAT THE RECORD OF A COMMUNICATION CONTAINS INFORMATION THAT IS MATERIAL
17 TO THE DEFENDANT'S GUILT OR PUNISHMENT.

18 2. A MOTION IS FILED IN A CIVIL ACTION BY A PLAINTIFF WHO ASSERTS
19 THAT WITHHOLDING ACCESS TO THE RECORD OF A COMMUNICATION NULLIFIES PART OF
20 A VALID COMMON LAW CAUSE OF ACTION IF ALL OF THE FOLLOWING APPLY:

21 (a) THE PLAINTIFF WAS CHARGED WITH OR CONVICTED OF A CRIMINAL
22 OFFENSE THAT WAS BASED IN PART ON THE RECORD OF A COMMUNICATION.

23 (b) THE CHARGES WERE DISMISSED, THE PLAINTIFF WAS ACQUITTED OR THE
24 CONVICTION WAS OVERTURNED.

25 (c) THE PLAINTIFF DEMONSTRATES PRIMA FACIE EVIDENCE THAT THE
26 NULLIFIED CLAIM RESULTED FROM INJURY RELATED TO THE CRIMINAL CHARGE OR
27 CONVICTION DUE TO WRONGFUL ACTS BY ANOTHER PERSON IN CONNECTION TO THE
28 RECORD OF A COMMUNICATION.

29 C. ON RECEIPT OF A MOTION THAT IS FILED PURSUANT TO SUBSECTION B OF
30 THIS SECTION, THE COURT MAY ISSUE A SUBPOENA FOR THE RELEVANT RECORDS AND
31 CONDUCT AN IN CAMERA REVIEW OF THE MATERIALS PRODUCED TO ASSESS WHETHER
32 THE MATERIALS INCLUDE INFORMATION THAT IS MATERIAL TO THE DEFENDANT'S
33 GUILT OR PUNISHMENT OR THAT IS NECESSARY TO THE PLAINTIFF. IF DISCLOSED,
34 THE INFORMATION IS DEEMED TO BE PRIVILEGED AND CONFIDENTIAL.

35 D. THE COURT SHALL RETURN ALL UNDISCLOSED MATERIALS TO THE POLICE
36 DEPARTMENT, SHERIFF'S DEPARTMENT, COUNTY ATTORNEY'S OFFICE OR ARIZONA GAME
37 AND FISH DEPARTMENT. THE UNDISCLOSED MATERIALS SHALL BE RETAINED UNTIL ONE
38 YEAR FOLLOWING THE DATE OF EXPIRATION FOR ALL DIRECT APPEALS IN A CRIMINAL
39 PROCEEDING OR THE DATE THE PLAINTIFF'S APPEAL RIGHTS ARE EXHAUSTED IN A
40 CIVIL PROCEEDING.