

REFERENCE TITLE: victims' rights; audio recordings; appeal

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1220

Introduced by
Senator Bolick

AN ACT

AMENDING SECTIONS 8-386, 13-4405, 39-121.02 AND 39-127, 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 8-386, Arizona Revised Statutes, is amended to
3 read:

4 8-386. Information provided to victim by law enforcement
5 agencies

6 A. As soon after the detection of an offense as the victim may be
7 contacted without interfering with an investigation or arrest, the law
8 enforcement agency responsible for investigating the offense shall provide
9 electronic forms, pamphlets, information cards or other materials to the
10 victim:

11 1. That allows the victim to request or waive applicable rights to
12 which the victim is entitled, on request, under this article.

13 2. That provides the victim a method to designate a lawful
14 representative if the victim so chooses pursuant to section 8-384,
15 subsection A or section 8-385.

16 3. That provides notice to the victim of all of the following
17 information:

18 (a) The victim's right under the victims' bill of rights, article
19 II, section 2.1, Constitution of Arizona, to be treated with fairness,
20 respect and dignity and to be free of intimidation, harassment or abuse
21 throughout the criminal or juvenile justice process.

22 (b) The availability, if any, of crisis intervention services and
23 emergency and medical services and, if applicable, that medical expenses
24 arising out of the need to secure evidence may be reimbursed pursuant to
25 section 13-1414.

26 (c) In cases involving domestic violence, the procedures and
27 resources available ~~for the protection of~~ TO PROTECT the victim pursuant
28 to section 13-3601.

29 (d) The names and telephone numbers of public and private victim
30 assistance programs, including the county victim compensation program and
31 programs that provide counseling, treatment and other support services.

32 (e) The police report number, if available, other identifying case
33 information and the following statement:

34 If within thirty days you are not notified of an arrest in
35 your case, you may call (the law enforcement agency's
36 telephone number) for the status of the case.

37 (f) Whether the suspect is an adult or juvenile, the victim will be
38 notified by the law enforcement agency at the earliest opportunity after
39 the arrest of a suspect.

40 (g) If the suspect is a juvenile and the officer requests that the
41 accused be detained, a statement of the victim's right, on request, to be
42 informed if the juvenile will be released or will be detained pending the
43 detention hearing and of the victim's right to be present and heard at the
44 detention hearing and that, to exercise these rights, the victim must

1 contact the detention screening section of the juvenile probation
2 department immediately to request notice of all of the following:

3 (i) The juvenile's release.

4 (ii) The date, time and place of the detention hearing and any
5 changes to that schedule.

6 (iii) If the victim chooses to exercise the right to be heard
7 through a written statement, how that statement may be submitted to the
8 court.

9 (h) That the victim or the immediate family member of the victim,
10 if the victim is killed or incapacitated, has the right to receive one
11 copy of the police report, including any supplements to the report, **AUDIO**
12 **RECORDINGS AND VIDEO RECORDINGS** from the investigating law enforcement
13 agency at no charge pursuant to section 39-127.

14 B. If at the time of contact with a law enforcement agency the
15 victim is physically or emotionally unable to request or waive applicable
16 rights, the law enforcement agency shall designate this in a format that
17 is authorized by subsection A of this section and the entities that may be
18 subsequently affected shall presume that the victim invoked the victim's
19 right to request applicable rights to which the victim is entitled, on
20 request, unless the victim later waives those rights.

21 C. The law enforcement agency shall submit one copy of the victim's
22 request or waiver of predisposition rights form to the detention center,
23 if the arresting officer is requesting that the accused be detained, at
24 the time the juvenile is taken to detention. If detention is not
25 requested, the form copies shall be submitted to the juvenile probation
26 intake section at the time the case is otherwise referred to court. The
27 probation intake section shall submit a copy of the victim's request or
28 waiver of predisposition rights form to the prosecutor and the departments
29 or governmental agencies, as applicable, that are mandated by this article
30 to provide victims' rights services on request.

31 D. If the accused juvenile is cited and released by an Arizona
32 traffic ticket and complaint form pursuant to section 8-323, the law
33 enforcement agency shall inform the victim how to obtain additional
34 information about subsequent proceedings.

35 E. Law enforcement agencies within a county may establish different
36 procedures designed to efficiently and effectively provide notice of the
37 victim's rights pursuant to this article and notice to affected entities
38 of victim request or waiver information. If different procedures are
39 established, the procedures shall:

40 1. Be reported to the entities within a county affected by the
41 procedures and reported to the attorney general.

42 2. Be designed so that detention centers within a county receive
43 notice of the victim's request or waiver of the victim's predisposition
44 rights at the same time that an accused juvenile is detained.

1 3. Be designed so that the juvenile probation intake section of the
2 county receives notice of the victim's request or waiver of the victim's
3 predisposition rights at the same time that the case is referred to court.

4 4. Provide that the notice to affected entities of a victim's
5 request or waiver of the victim's predisposition rights includes
6 information that allows the affected entity to contact the victim.

7 5. Be supported by the use of electronic forms, brochures or other
8 written materials developed by the law enforcement agencies within a
9 county and reviewed by the attorney general pursuant to section 8-398,
10 subsection B.

11 Sec. 2. Section 13-4405, Arizona Revised Statutes, is amended to
12 read:

13 13-4405. Information provided to victim by law enforcement
14 agencies

15 A. As soon after the detection of a criminal offense as the victim
16 may be contacted without interfering with an investigation or arrest, the
17 law enforcement agency that has responsibility for investigating the
18 criminal offense shall provide electronic forms, pamphlets, information
19 cards or other materials to the victim:

20 1. That allow the victim to request or waive applicable rights to
21 which the victim is entitled, on request, under this article.

22 2. That provide the victim a method to designate a lawful
23 representative if the victim chooses pursuant to section 13-4403,
24 subsection A or section 13-4404.

25 3. That provide notice to the victim of all of the following
26 information:

27 (a) The victim's right under the victims' bill of rights, article
28 II, section 2.1, Constitution of Arizona, to be treated with fairness,
29 respect and dignity and to be free of intimidation, harassment or abuse
30 throughout the criminal or juvenile justice process.

31 (b) The availability, if any, of crisis intervention services and
32 emergency and medical services and, where applicable, that medical
33 expenses arising out of the need to secure evidence may be reimbursed
34 pursuant to section 13-1414.

35 (c) In cases of domestic violence, the procedures and resources
36 available to protect the victim pursuant to section 13-3601.

37 (d) The names and telephone numbers of public and private victim
38 assistance programs, including the county victim compensation program and
39 programs that provide counseling, treatment and other support services.

40 (e) The police report number, if available, other identifying case
41 information and the following statement:

42 If within thirty days you are not notified of an arrest in
43 your case, you may call (the law enforcement agency's
44 telephone number) for the status of the case.

(f) Whether the suspect is an adult or juvenile, a statement that the victim will be notified by the law enforcement agency at the earliest opportunity after the arrest of a suspect.

(g) If the suspect is an adult and has been arrested, the victim's right, on request, to be informed of the suspect's release, of the next regularly scheduled time, place and date for initial appearances in the jurisdiction and of the victim's right to be heard at the initial appearance and that, to exercise these rights, the victim is advised to contact the custodial agency regarding the suspect's release and to contact the court regarding any changes to the initial appearance schedule.

(h) If the victim chooses to exercise the right to be heard through a written statement, how that statement may be submitted to the court.

(i) That the victim or the immediate family member of the victim, if the victim is killed or incapacitated, has the right to receive one copy of the police report, including any supplements to the report, **AUDIO RECORDINGS** and video recordings from the investigating law enforcement agency at no charge pursuant to ~~sections~~ **SECTION** 39-127 ~~and 39-129~~.

B. If at the time of contact with a law enforcement agency the victim is physically or emotionally unable to request or waive applicable rights, the law enforcement agency shall designate this in the format that is authorized by subsection A of this section and the entities that may be subsequently affected shall presume that the victim invoked the victim's right to request applicable rights to which the victim is entitled, on request, unless the victim later waives those rights.

C. The law enforcement agency shall submit a copy of the victim's request or waiver of preconviction rights form to the custodial agency and a copy to the prosecutor if a suspect is arrested, at the time the suspect is taken into custody. If there is no arrest, the form copies shall be submitted to the prosecutor at the time the case is otherwise presented to the prosecutor for review. The prosecutor shall submit a copy of the victim's request or waiver of preconviction rights form to the departments or sections of the prosecutor's office, if applicable, that are mandated by this article to provide victims' rights services on request.

D. If the suspected offender is cited and released, the law enforcement agency responsible for investigating the offense shall inform the victim of the court date and how to obtain additional information about the subsequent criminal proceedings.

E. Law enforcement agencies within a county may establish different procedures designed to efficiently and effectively provide notice of the victim's rights pursuant to this section and notice to affected entities of the victim request or waiver information. If different procedures are established, the procedures shall:

1. Be reported to the entities within a county affected by the procedures and reported to the attorney general.

2. Be designed so that custodial agencies and prosecutors within a county receive notice of the victim's request or waiver of the victim's preconviction rights at the same time that an adult suspect is arrested.

3. Be designed so that prosecutors within a county receive notice of the victim's request or waiver of the victim's preconviction rights, if there is no arrest, at the same time that the case is otherwise presented to the prosecutor for review.

4. Provide that the notice to affected entities of a victim's request or waiver of the victim's preconviction rights includes information that affords the affected entity the ability to contact the victim.

5. Be supported by use of electronic forms, brochures or other written materials that are developed by the law enforcement agencies within a county and reviewed by the attorney general pursuant to section 13-4417, subsection B.

F. If a suspect has not been arrested at the time of contact with the victim pursuant to subsection A of this section, the law enforcement agency that is responsible for investigating the offense shall notify the victim of the arrest of a suspect at the earliest opportunity after the arrest and of the time, place and date for the initial appearance.

Sec. 3. Section 39-121.02, Arizona Revised Statutes, is amended to read:

39-121.02. Action on denial of access: costs and attorney fees; damages

A. Any person who has requested to examine or copy public records pursuant to this article, ~~and~~ and who has been denied access to or the right to copy such records, ~~may~~ may appeal the denial through a special action in the superior court, ~~pursuant to the rules of procedure for special actions against the officer or public body.~~ IF A VICTIM IS DENIED ACCESS TO A PUBLIC RECORD PURSUANT TO THIS ARTICLE IN THE COURSE OF A CRIMINAL CASE IN SUPERIOR COURT, THE VICTIM MAY APPEAL THE DENIAL THROUGH A SPECIAL ACTION WITHIN THE CRIMINAL CASE.

B. The court may award attorney fees and other legal costs that are reasonably incurred in any action under this article if the person seeking public records has substantially prevailed. ~~Nothing in~~ This subsection ~~shall~~ DOES NOT limit the rights of any party to recover attorney fees, expenses and double damages pursuant to section 12-349.

C. Any person who is wrongfully denied access to public records pursuant to this article has a cause of action against the officer or public body for any damages resulting from the denial.

1 Sec. 4. Section 39-127, Arizona Revised Statutes, is amended to
2 read:

3 39-127. Free copies of police reports, audio recordings and
4 video recordings and transcripts for crime victims;
5 definitions

6 A. A victim of a criminal offense that is a part I crime under the
7 statewide uniform crime reporting program, the victim's attorney on behalf
8 of the victim or an immediate family member of the victim if the victim is
9 killed or incapacitated has the right to receive one copy of the police
10 report, **AUDIO RECORDINGS** and video recordings from the investigating law
11 enforcement agency at no charge and, on request of the victim, the court
12 or the clerk of the court shall provide, at no charge, the minute entry or
13 portion of the record of any proceeding in the case that arises out of the
14 offense committed against the victim and that is reasonably necessary to
15 pursue a claimed victim's right. For the purposes of this subsection,
16 "criminal offense", "immediate family" and "victim" have the same meanings
17 prescribed in section 13-4401.

18 B. A victim of a delinquent act that is a part I crime under the
19 statewide uniform crime reporting program, the victim's attorney on behalf
20 of the victim or an immediate family member of the victim if the victim is
21 killed or incapacitated has the right to receive one copy of the police
22 report, **AUDIO RECORDINGS** and video recordings from the investigating law
23 enforcement agency at no charge and, on request of the victim, the court
24 or the clerk of the court shall provide, at no charge, the minute entry or
25 portion of the record of any proceeding in the case that arises out of the
26 offense committed against the victim and that is reasonably necessary to
27 pursue a claimed victim's right. For the purposes of this subsection,
28 "delinquent act", "immediate family" and "victim" have the same meanings
29 prescribed in section 8-382.

30 C. Notwithstanding subsection A or B of this section, if ~~the~~ **A**
31 police report involves a domestic violence offense or a sexual offense,
32 the victim or the victim's attorney on behalf of the victim has the right
33 to receive one copy of the police report, **AUDIO RECORDINGS** and video
34 recordings from the investigating law enforcement agency at no charge and,
35 on request of the victim, the court or the clerk of the court shall
36 provide, at no charge, the minute entry or portion of the record of any
37 proceeding in the case that arises out of the offense committed against
38 the victim and that is reasonably necessary to pursue a claimed victim's
39 right.

40 D. A law enforcement agency shall prioritize the processing and
41 providing of each police report that is requested pursuant to this
42 section.

43 E. For the purposes of this section:

44 1. "Attorney" means any person who is a member in good standing of
45 the bar of the highest court of any state, possession, territory,

1 commonwealth or district of the United States and who is not under any
2 order of any court suspending, enjoining, restraining, disbaring or
3 otherwise restricting the person in the practice of law.

4 2. "DOMESTIC VIOLENCE OFFENSE" MEANS AN OFFENSE INVOLVING DOMESTIC
5 VIOLENCE AS DEFINED IN SECTION 13-3601.

6 ~~2.~~ 3. "Sexual offense" means an offense included in title 13,
7 chapter 14 or 35.1.