

House Engrossed Senate Bill

public records; notification; commercial purpose

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

SENATE BILL 1372

AN ACT

AMENDING SECTION 39-121.01, 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 39-121.01, Arizona Revised Statutes, is amended
3 to read:

4 39-121.01. Definitions; maintenance of records; copies,
5 printouts or photographs of public records;
6 examination by mail; index

7 A. In this article, unless the context otherwise requires:

8 1. "Officer" means any person elected or appointed to hold any
9 elective or appointive office of any public body and any chief
10 administrative officer, head, director, superintendent or chairman of any
11 public body.

12 2. "Public body" means this state, any county, city, town, school
13 district, political subdivision or tax-supported district in this state,
14 any branch, department, board, bureau, commission, council or committee of
15 the foregoing, and any public organization or agency, supported in whole
16 or in part by monies from this state or any political subdivision of this
17 state, or expending monies provided by this state or any political
18 subdivision of this state.

19 B. All officers and public bodies shall maintain all records,
20 including records as defined in section 41-151, reasonably necessary or
21 appropriate to maintain an accurate knowledge of their official activities
22 and of any of their activities that are supported by monies from this
23 state or any political subdivision of this state.

24 C. Each public body shall be responsible for the preservation,
25 maintenance and care of that body's public records, and each officer shall
26 be responsible for the preservation, maintenance and care of that
27 officer's public records. It shall be the duty of each such body to
28 carefully secure, protect and preserve public records from deterioration,
29 mutilation, loss or destruction, unless disposed of pursuant to sections
30 41-151.15 and 41-151.19.

31 D. Subject to section 39-121.03:

32 1. Any person may request to examine or be furnished copies,
33 printouts or photographs of any public record during regular office hours
34 or may request that the custodian mail a copy of any public record not
35 otherwise available on the public body's website to the requesting person.
36 The custodian may require any person requesting that the custodian mail a
37 copy of any public record to pay in advance for any copying and postage
38 charges. The custodian of such records shall promptly furnish such
39 copies, printouts or photographs and may charge a fee if the facilities
40 are available, except that public records for purposes listed in section
41 39-122 or 39-127 shall be furnished without charge. AT THE TIME OF THE
42 REQUEST, THE REQUESTING PERSON SHALL AFFIRM THAT THE PUBLIC RECORD IS NOT
43 FOR A COMMERCIAL PURPOSE OR, IF THE PUBLIC RECORD IS FOR A COMMERCIAL
44 PURPOSE, THAT THE REQUESTING PERSON WILL PROVIDE A STATEMENT THAT EXPLAINS
45 THE INTENDED USE PURSUANT TO SECTION 39-121.03, SUBSECTION A.

1 2. If requested, the custodian of the records of an agency shall
2 also furnish an index of records or categories of records that have been
3 withheld and the reasons the records or categories of records have been
4 withheld from the requesting person. The custodian shall not include in
5 the index information that is expressly made privileged or confidential in
6 statute or a court order. This paragraph shall not be construed by an
7 administrative tribunal or a court of competent jurisdiction to prevent or
8 require an order compelling a public body other than an agency to furnish
9 an index. For the purposes of this paragraph, "agency" has the same
10 meaning prescribed in section 41-1001 but does not include the department
11 of public safety, the department of transportation motor vehicle division,
12 the department of juvenile corrections and the state department of
13 corrections.

14 3. If the custodian of a public record does not have facilities for
15 making copies, printouts or photographs of a public record that a person
16 has a right to inspect, the person shall be granted access to the public
17 record for the purpose of making copies, printouts or photographs. The
18 copies, printouts or photographs shall be made while the public record is
19 in the possession, custody and control of the custodian of the public
20 record and shall be subject to the supervision of the custodian.

21 E. Access to a public record is deemed denied if a custodian fails
22 to promptly respond to a request for production of a public record or
23 fails to provide to the requesting person an index of any record or
24 categories of records that are withheld from production pursuant to
25 subsection D, paragraph 2 of this section.