

REFERENCE TITLE: public records; response requirements; complaints

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2139

Introduced by
Representatives Way: Lopez

AN ACT

AMENDING SECTIONS 39-121.01, 39-121.02 AND 39-171, 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; requests;
5 copies, printouts, photographs or mailing of
6 public records; index; in-person access; denial
7 of request; responses

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

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

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

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

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

32 D. Subject to section 39-121.03:

33 1. Any person may request to examine or be furnished copies,
34 printouts or photographs of any public record during regular office hours
35 or may request that the custodian mail a copy of any public record THAT IS
36 not otherwise available on the public body's website to the requesting
37 person. The custodian may require any person requesting that the
38 custodian mail a copy of any public record to pay in advance for any
39 copying and postage charges. The custodian of such records shall promptly
40 furnish such copies, printouts or photographs and may charge a REASONABLE
41 fee if the facilities are available, except that public records for
42 purposes listed in section 39-122 or 39-127 shall be furnished without
43 charge. At the time of the request, the requesting person shall affirm
44 that the public record is not for a commercial purpose or, if the public
45 record is for a commercial purpose, that the requesting person will

1 provide a statement that explains the intended use pursuant to section
2 39-121.03, subsection A.

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

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

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

28 F. THE CUSTODIAN OF A PUBLIC RECORD SHALL PROVIDE THE REQUESTING
29 ENTITY WITH A RESPONSE TO THE REQUEST WITHIN FIFTEEN BUSINESS DAYS AFTER
30 RECEIVING THE REQUEST. IF THE REQUEST IS COMPLEX OR INVOLVES MULTIPLE
31 RECORDS, THE CUSTODIAN SHALL PROVIDE A WRITTEN NOTICE TO THE REQUESTOR FOR
32 EACH SUCCESSIVE FIFTEEN BUSINESS-DAY PERIOD THAT A RESPONSE IS NOT
33 PROVIDED. THE WRITTEN NOTICE MUST INCLUDE A TIME FRAME FOR PROVIDING A
34 RESPONSE TO THE PUBLIC RECORDS REQUEST. FOR THE PURPOSES OF THIS
35 SUBSECTION, "RESPONSE" INCLUDES THE DISCLOSURE OF THE PUBLIC RECORDS THAT
36 ARE DISCLOSABLE PURSUANT TO THIS CHAPTER OR A NOTICE OF DENIAL THAT
37 DESCRIBES THE SPECIFIC EXEMPTION FROM DISCLOSURE AND A BRIEF EXPLANATION
38 OF HOW THE EXEMPTION APPLIES TO THE REQUEST.

39 G. THE RESPONSE REQUIREMENT PRESCRIBED IN SUBSECTION F OF THIS
40 SECTION IS TOLLED DURING THE TIME THAT THE CUSTODIAN OF A PUBLIC RECORD
41 MAKES A REQUEST FOR CLARIFICATION PURSUANT TO SECTION 39-171 AND UNTIL THE
42 CUSTODIAN RECEIVES A RESPONSE.

1 3. IF THE REQUEST IS VAGUE OR OVERBROAD, LACKS SUFFICIENT DETAIL OR
2 IS INCOMPLETE, A REQUEST FOR CLARIFICATION.

3 Sec. 4. Requirements for enactment; two-thirds vote

4 Pursuant to article IX, section 22, Constitution of Arizona, this
5 act is effective only on the affirmative vote of at least two-thirds of
6 the members of each house of the legislature and is effective immediately
7 on the signature of the governor or, if the governor vetoes this act, on
8 the subsequent affirmative vote of at least three-fourths of the members
9 of each house of the legislature.