

Senate Engrossed
public records; format; fees

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1437

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; requests for
5 copies, printouts, photographs or mailing of
6 public records; index; denial of requests

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

8 1. "Officer" means any person WHO IS elected or appointed to hold
9 any elective or appointive office of any public body and any chief
10 administrative officer, head, director, superintendent or ~~chairman~~
11 CHAIRPERSON of any 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, ~~THAT IS~~ supported
16 in whole or in part by monies from this state or any political subdivision
17 of this state, ~~or expending~~ THAT SPENDS monies provided by this state or
18 any political subdivision of this state.

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

24 C. Each public body ~~shall be~~ IS responsible for ~~the preservation,~~
25 ~~maintenance and care of~~ PRESERVING, MAINTAINING AND CARING FOR that body's
26 public records, and each officer ~~shall be~~ IS responsible for ~~the~~
27 ~~preservation, maintenance and care of~~ PRESERVING, MAINTAINING AND CARING
28 FOR that officer's public records. It ~~shall be~~ IS the duty of each such
29 body to carefully secure, protect and preserve public records from
30 deterioration, mutilation, loss or destruction, unless THE PUBLIC RECORD
31 IS disposed of 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 fee if the
41 facilities are available, except that public records for purposes listed
42 in section 39-122 or 39-127 shall be furnished without charge. At the
43 time of the request, the requesting person shall affirm that the public
44 record is not for a commercial purpose or, if the public record is for a
45 commercial purpose, that the requesting person will provide a statement

1 that explains the intended use pursuant to section 39-121.03,
2 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 ANY information that is expressly made privileged or
8 confidential in statute or a court order. This paragraph shall not be
9 construed by an administrative tribunal or a court of competent
10 jurisdiction to prevent or require an order compelling a public body other
11 than an agency to furnish an index. For the purposes of this paragraph,
12 "agency" has the same meaning prescribed in section 41-1001 but does not
13 include the department of public safety, the department of transportation
14 motor vehicle division, the department of juvenile corrections and the
15 state department of 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 4. ON REQUEST, COPIES OF A PUBLIC RECORD SHALL BE PROVIDED IN THE
24 LEAST EXPENSIVE MANNER POSSIBLE AND WITH A PREFERENCE FOR PROVIDING
25 ELECTRONIC COPIES. EXCEPT FOR A PUBLIC RECORD REQUEST INVOLVING A VIDEO
26 RECORDING FROM A LAW ENFORCEMENT AGENCY PURSUANT TO SECTION 39-129 OR A
27 PUBLIC RECORD FOR A COMMERCIAL PURPOSE PURSUANT TO SECTION 39-121.03, THE
28 FEE FOR A PUBLIC RECORD SHALL BE BASED ON MATERIAL COSTS ONLY.

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