

REFERENCE TITLE: public records; review standard

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

SB 1078

Introduced by
Senator Kavanagh

AN ACT

AMENDING SECTION 39-121.02, 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 39-121.02, Arizona Revised Statutes, is amended
3 to read:

4 39-121.02. Action on denial of access; costs and attorney
5 fees; damages; de novo review

6 A. Any person who has requested to examine or copy public records
7 pursuant to this article and who has been denied access to or the right to
8 copy such records may appeal the denial through a special action in the
9 superior court pursuant to the rules of procedure for special actions
10 against the officer or public body. If ~~a victim~~ THE PERSON is A VICTIM
11 WHO IS denied access to a public record pursuant to this article in the
12 course of a criminal case in superior court, the victim may appeal the
13 denial through a special action within the criminal case.

14 B. The court may award attorney fees and other legal costs that are
15 reasonably incurred in any action under this article if the person seeking
16 public records has substantially prevailed. This subsection does not
17 limit the rights of any party to recover attorney fees, expenses and
18 double damages pursuant to section 12-349.

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

22 D. THE STANDARD OF REVIEW FOR A QUESTION OF LAW THAT ARISES UNDER
23 THIS CHAPTER, INCLUDING WHETHER ANY EXCEPTION TO DISCLOSURE APPLIES, IS DE
24 NOVO.