START\_STATUTE39-123.  Information identifying eligible persons; confidentiality; definitions

A.  Nothing in this chapter requires disclosure from a personnel file by a law enforcement agency or employing state or local governmental entity of the home address or home telephone number of eligible persons or the address of a property held in trust by a public official.

B.  The agency or governmental entity may release the information in subsection A of this section only if either:

1.  The person consents in writing to the release.

2.  The custodian of records of the agency or governmental entity determines that release of the information does not create a reasonable risk of physical injury to the person or the person's immediate family or damage to the property of the person or the person's immediate family.

C.  A law enforcement agency may release a photograph of a peace officer if either:

1.  The peace officer has been arrested or has been formally charged by complaint, information or indictment for a misdemeanor or a felony offense.

2.  The photograph is requested by a representative of a newspaper for a specific newsworthy event unless:

(a)  The peace officer is serving in an undercover capacity or is scheduled to be serving in an undercover capacity within sixty days.

(b)  The release of the photograph is not in the best interest of this state after taking into consideration the privacy, confidentiality and safety of the peace officer.

(c)  An order pursuant to section 28‑454 is in effect.

D.  This section does not prohibit the use of a peace officer's photograph that is either:

1.  Used by a law enforcement agency to assist a person who has a complaint against an officer to identify the officer.

2.  Obtained from a source other than the law enforcement agency.

E.  This section does not apply to a certified peace officer or code enforcement officer who is no longer employed as a peace officer or code enforcement officer by a state or local government entity.

F.  For the purposes of this section:

1.  "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.

2.  "Commissioner" means a commissioner of the superior court or municipal court.

3.  "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.

4.  "Election officer" means a state, county or municipal employee who holds an election officer's certificate issued pursuant to section 16‑407.

5.  "Eligible person" means a health professional, election officer, public official, former public official, peace officer, spouse of a peace officer, spouse or minor child of a deceased peace officer, border patrol agent, justice, judge, commissioner, hearing officer, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the commission on appellate court appointments, member of the board of executive clemency, law enforcement support staff member, employee of the department of child safety or employee of adult protective services who has direct contact with families in the course of employment, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment, firefighter who is assigned to the Arizona counter terrorism information center in the department of public safety or victim of domestic violence or stalking who is protected under an order of protection or injunction against harassment.

6.  "Former public official" means a person who was duly elected or appointed to Congress, the legislature or a statewide office, who ceased serving in that capacity and who was the victim of a dangerous offense as defined in section 13‑105 while in office.

7.  "Health professional" means an individual who is licensed pursuant to title 32, chapter 13, 15, 17, 19.1, 25 or 33.

8.  "Hearing officer" means a hearing officer who is appointed pursuant to section 28‑1553.

9.  "Judge" means a judge or former judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the United States immigration court, the Arizona court of appeals, the superior court or a municipal court.

10.  "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.

11.  "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

12.  "Peace officer" has the same meaning prescribed in section 13‑105.

13.  "Prosecutor" means a current or former county attorney, municipal prosecutor, attorney general or United States attorney and includes a current or former assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

14.  "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant or deputy federal public defender, county public defender or county legal defender.

15.  "Public official" means a person who is duly elected or appointed to Congress, the legislature, a statewide office or a county, city or town office. END\_STATUTE