

House Engrossed

law enforcement activity; recording prohibition

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2319

AN ACT

AMENDING TITLE 13, CHAPTER 37, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3732; RELATING TO LAW ENFORCEMENT ACTIVITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 13, chapter 37, Arizona Revised Statutes, is
3 amended by adding section 13-3732, to read:
4 13-3732. Unlawful video recording of law enforcement
5 activity; classification; definition
6 A. IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY MAKE A VIDEO RECORDING
7 OF LAW ENFORCEMENT ACTIVITY IF THE PERSON MAKING THE VIDEO RECORDING DOES
8 NOT HAVE THE PERMISSION OF A LAW ENFORCEMENT OFFICER AND IS WITHIN EIGHT
9 FEET OF WHERE THE LAW ENFORCEMENT ACTIVITY IS OCCURRING. IF THE LAW
10 ENFORCEMENT ACTIVITY IS OCCURRING IN AN ENCLOSED STRUCTURE THAT IS ON
11 PRIVATE PROPERTY, A PERSON WHO IS AUTHORIZED TO BE ON THE PRIVATE PROPERTY
12 MAY MAKE A VIDEO RECORDING OF THE ACTIVITY FROM AN ADJACENT ROOM OR AREA
13 THAT IS LESS THAN EIGHT FEET AWAY FROM WHERE THE ACTIVITY IS OCCURRING,
14 UNLESS A LAW ENFORCEMENT OFFICER DETERMINES THAT THE PERSON IS INTERFERING
15 IN THE LAW ENFORCEMENT ACTIVITY OR THAT IT IS NOT SAFE TO BE IN THE AREA
16 AND ORDERS THE PERSON TO STOP RECORDING OR TO LEAVE THE AREA.
17 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A PERSON WHO IS
18 THE SUBJECT OF POLICE CONTACT MAY RECORD THE ENCOUNTER IF THE PERSON IS
19 NOT INTERFERING WITH LAWFUL POLICE ACTIONS, INCLUDING SEARCHING,
20 HANDCUFFING OR ADMINISTERING A FIELD SOBRIETY TEST. THE OCCUPANT OF A
21 VEHICLE WHO IS THE SUBJECT OF A POLICE STOP MAY RECORD THE ENCOUNTER IF
22 THE OCCUPANT IS NOT INTERFERING WITH LAWFUL POLICE ACTIONS.
23 C. THIS SECTION DOES NOT ESTABLISH A RIGHT OR AUTHORIZE ANY PERSON
24 TO MAKE A VIDEO RECORDING OF LAW ENFORCEMENT ACTIVITY.
25 D. A VIOLATION OF THIS SECTION IS A PETTY OFFENSE, EXCEPT THAT IF
26 THE PERSON FAILS TO COMPLY WITH A VERBAL WARNING OF A VIOLATION OF THIS
27 SECTION OR HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF THIS SECTION,
28 IT IS A CLASS 3 MISDEMEANOR.
29 E. FOR THE PURPOSES OF THIS SECTION, "LAW ENFORCEMENT ACTIVITY"
30 MEANS ANY OF THE FOLLOWING:
31 1. QUESTIONING A SUSPICIOUS PERSON.
32 2. CONDUCTING AN ARREST, ISSUING A SUMMONS OR ENFORCING THE LAW.
33 3. HANDLING AN EMOTIONALLY DISTURBED OR DISORDERLY PERSON WHO IS
34 EXHIBITING ABNORMAL BEHAVIOR.