

REFERENCE TITLE: public safety employees; records; assault

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SCR 1015

Introduced by
Senator Rogers

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING
TO PUBLIC SAFETY EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to public safety employees, is enacted to
5 become valid as a law if approved by the voters and on proclamation of the
6 Governor:

7 AN ACT

8 AMENDING SECTIONS 13-1204, 13-2401, 16-153 AND 28-454, ARIZONA
9 REVISED STATUTES; RELATING TO PUBLIC SAFETY EMPLOYEES.

10 Be it enacted by the Legislature of the State of Arizona:

11 Section 1. Section 13-1204, Arizona Revised Statutes,
12 is amended to read:

13 13-1204. Aggravated assault; classification;
14 definitions

15 A. A person commits aggravated assault if the person
16 commits assault as prescribed by section 13-1203 under any of
17 the following circumstances:

18 1. If the person causes serious physical injury to
19 another.

20 2. If the person uses a deadly weapon or dangerous
21 instrument.

22 3. If the person commits the assault by any means of
23 force that causes temporary but substantial disfigurement,
24 temporary but substantial loss or impairment of any body organ
25 or part or a fracture of any body part.

26 4. If the person commits the assault while the victim
27 is bound or otherwise physically restrained or while the
28 victim's capacity to resist is substantially impaired.

29 5. If the person commits the assault after entering the
30 private home of another with the intent to commit the assault.

31 6. If the person is eighteen years of age or older and
32 commits the assault on a minor under fifteen years of age.

33 7. If the person commits assault as prescribed by
34 section 13-1203, subsection A, paragraph 1 or 3 and the person
35 is in violation of an order of protection issued against the
36 person pursuant to section 13-3602 or 13-3624.

37 8. If the person commits the assault knowing or having
38 reason to know that the victim is any of the following:

39 (a) A peace officer or a person summoned and directed
40 by the officer.

41 (b) A constable or a person summoned and directed by
42 the constable while engaged in the execution of any official
43 duties or if the assault results from the execution of the
44 constable's official duties.

1 (c) A firefighter, fire investigator, fire inspector,
2 emergency medical technician or paramedic engaged in the
3 execution of any official duties or a person summoned and
4 directed by such individual while engaged in the execution of
5 any official duties or if the assault results from the
6 execution of the official duties of the firefighter, fire
7 investigator, fire inspector, emergency medical technician or
8 paramedic.

9 (d) A teacher or other person employed by any school
10 and the teacher or other employee is on the grounds of a
11 school or grounds adjacent to the school or is in any part of
12 a building or vehicle used for school purposes, any teacher or
13 school nurse visiting a private home in the course of the
14 teacher's or nurse's professional duties or any teacher
15 engaged in any authorized and organized classroom activity
16 held on other than school grounds.

17 (e) A health care practitioner who is certified or
18 licensed pursuant to title 32, chapter 13, 15, 17 or 25, or a
19 person summoned and directed by the licensed health care
20 practitioner while engaged in the person's professional
21 duties. This subdivision does not apply if the person who
22 commits the assault is seriously mentally ill, as defined in
23 section 36-550, or is afflicted with alzheimer's disease or
24 related dementia.

25 (f) A prosecutor while engaged in the execution of any
26 official duties or if the assault results from the execution
27 of the prosecutor's official duties.

28 (g) A code enforcement officer as defined in section
29 39-123 while engaged in the execution of any official duties
30 or if the assault results from the execution of the code
31 enforcement officer's official duties.

32 (h) A state or municipal park ranger while engaged in
33 the execution of any official duties or if the assault results
34 from the execution of the park ranger's official duties.

35 (i) A public defender while engaged in the execution of
36 any official duties or if the assault results from the
37 execution of the public defender's official duties.

38 (j) A judicial officer while engaged in the execution
39 of any official duties or if the assault results from the
40 execution of the judicial officer's official duties.

41 (k) A MEMBER OF THE NATIONAL GUARD WHILE ENGAGED IN THE
42 EXECUTION OF ANY OFFICIAL DUTIES OR IF THE ASSAULT RESULTS
43 FROM THE EXECUTION OF THE NATIONAL GUARD MEMBER'S OFFICIAL
44 DUTIES.

1 (1) A BORDER PATROL AGENT WHILE ENGAGED IN THE
2 EXECUTION OF ANY OFFICIAL DUTIES OR IF THE ASSAULT RESULTS
3 FROM THE EXECUTION OF THE BORDER PATROL AGENT'S OFFICIAL
4 DUTIES.

5 9. If the person knowingly takes or attempts to
6 exercise control over any of the following:

7 (a) A peace officer's or other officer's firearm and
8 the person knows or has reason to know that the victim is a
9 peace officer or other officer employed by one of the agencies
10 listed in paragraph 10, subdivision (a), item (i), (ii),
11 (iii), (iv) or (v) of this subsection.

12 (b) Any weapon other than a firearm that is being used
13 by a peace officer or other officer or that the officer is
14 attempting to use, and the person knows or has reason to know
15 that the victim is a peace officer or other officer employed
16 by one of the agencies listed in paragraph 10, subdivision
17 (a), item (i), (ii), (iii), (iv) or (v) of this subsection.

18 (c) Any implement that is being used by a peace officer
19 or other officer or that the officer is attempting to use, and
20 the person knows or has reason to know that the victim is a
21 peace officer or other officer employed by one of the agencies
22 listed in paragraph 10, subdivision (a), item (i), (ii),
23 (iii), (iv) or (v) of this subsection. For the purposes of
24 this subdivision, "implement" means an object that is designed
25 for or that is capable of restraining or injuring an
26 individual. Implement does not include handcuffs.

27 10. If the person meets both of the following
28 conditions:

29 (a) Is imprisoned or otherwise subject to the custody
30 of any of the following:

31 (i) The state department of corrections.

32 (ii) The department of juvenile corrections.

33 (iii) A law enforcement agency.

34 (iv) A county or city jail or an adult or juvenile
35 detention facility of a city or county.

36 (v) Any other entity that is contracting with the state
37 department of corrections, the department of juvenile
38 corrections, a law enforcement agency, another state, any
39 private correctional facility, a county, a city or the federal
40 bureau of prisons or other federal agency that has
41 responsibility for sentenced or unsentenced prisoners.

42 (b) Commits an assault knowing or having reason to know
43 that the victim is acting in an official capacity as an
44 employee of any of the entities listed in subdivision (a) of
45 this paragraph.

1 11. If the person uses a simulated deadly weapon.
2 B. A person commits aggravated assault if the person
3 commits assault by either intentionally, knowingly or
4 recklessly causing any physical injury to another person,
5 intentionally placing another person in reasonable
6 apprehension of imminent physical injury or knowingly touching
7 another person with the intent to injure the person, and both
8 of the following occur:
9 1. The person intentionally or knowingly impedes the
10 normal breathing or circulation of blood of another person by
11 applying pressure to the throat or neck or by obstructing the
12 nose and mouth either manually or through the use of an
13 instrument.
14 2. Any of the circumstances exists that are set forth
15 in section 13-3601, subsection A, paragraph 1, 2, 3, 4, 5
16 or 6.
17 C. A person who is convicted of intentionally or
18 knowingly committing aggravated assault on a peace officer
19 pursuant to subsection A, paragraph 1 or 2 of this section
20 shall be sentenced to imprisonment for not less than the
21 presumptive sentence authorized under chapter 7 of this title
22 and is not eligible for suspension of sentence, commutation or
23 release on any basis until the sentence imposed is served.
24 D. It is not a defense to a prosecution for assaulting
25 a peace officer or a mitigating circumstance that the peace
26 officer was not on duty or engaged in the execution of any
27 official duties.
28 E. Except pursuant to subsections F and G of this
29 section, aggravated assault pursuant to subsection A,
30 paragraph 1 or 2, paragraph 9, subdivision (a) or paragraph 11
31 of this section is a class 3 felony except if the aggravated
32 assault is a violation of subsection A, paragraph 1 or 2 of
33 this section and the victim is under fifteen years of age it
34 is a class 2 felony punishable pursuant to section 13-705.
35 Aggravated assault pursuant to subsection A, paragraph 3,
36 PARAGRAPH 8, SUBDIVISION (c), (k) OR (l) OR PARAGRAPH 10 or
37 subsection B of this section is a class 4 felony. Aggravated
38 assault pursuant to subsection A, paragraph 9, subdivision (b)
39 ~~or paragraph 10~~ of this section is a class 5 felony.
40 Aggravated assault pursuant to subsection A, paragraph 4, 5, 6
41 OR 7, ~~or~~ PARAGRAPH 8, SUBDIVISION (b), (d), (e), (f), (g),
42 (h), (i) OR (j) or paragraph 9, subdivision (c) of this
43 section is a class 6 felony.

1 F. Aggravated assault pursuant to subsection A,
2 paragraph 1 or 2 of this section committed on a peace officer
3 is a class 2 felony. Aggravated assault pursuant to
4 subsection A, paragraph 3 of this section committed on a peace
5 officer is a class 3 felony. Aggravated assault pursuant to
6 subsection A, paragraph 8, subdivision (a) of this section
7 committed on a peace officer is a ~~class 5 felony unless the~~
8 ~~assault results in any physical injury to the peace officer,~~
9 ~~in which case it is a~~ class 4 felony.

10 G. Aggravated assault pursuant to:

11 1. Subsection A, paragraph 1 or 2 of this section is a
12 class 2 felony if committed on a prosecutor.

13 2. Subsection A, paragraph 3 of this section is a class
14 3 felony if committed on a prosecutor.

15 3. Subsection A, paragraph 8, subdivision (f) of this
16 section is a class 5 felony if the assault results in physical
17 injury to a prosecutor.

18 H. For the purposes of this section:

19 1. "Judicial officer" means a justice of the supreme
20 court, judge, justice of the peace or magistrate or a
21 commissioner or hearing officer of a state, county or
22 municipal court.

23 2. "Prosecutor" means a county attorney, a municipal
24 prosecutor or the attorney general and includes an assistant
25 or deputy county attorney, municipal prosecutor or attorney
26 general.

27 Sec. 2. Section 13-2401, Arizona Revised Statutes, is
28 amended to read:

29 13-2401. Personal information on the internet;
30 exception; classification; definitions

31 A. It is unlawful for a person to knowingly make
32 available on the ~~world wide web~~ INTERNET the personal
33 information of a FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN,
34 NATIONAL GUARD MEMBER, BORDER PATROL AGENT, peace officer,
35 justice, judge, commissioner, hearing officer, public
36 defender, member of the commission on appellate court
37 appointments, employee of the department of child safety or
38 employee of adult protective services who has direct contact
39 with families in the course of employment or prosecutor if the
40 dissemination of the personal information poses an imminent
41 and serious threat to the FIREFIGHTER'S, EMERGENCY MEDICAL
42 TECHNICIAN'S, NATIONAL GUARD MEMBER'S, BORDER PATROL AGENT'S,
43 peace officer's, justice's, judge's, commissioner's, hearing
44 officer's, public defender's, member's, department of child
45 safety employee's, adult protective services employee's or

1 prosecutor's safety or the safety of that person's immediate
2 family and the threat is reasonably apparent to the person
3 making the information available on the internet to be serious
4 and imminent.

5 B. It is not a violation of this section if an employee
6 of a county recorder, county treasurer or county assessor
7 publishes personal information, in good faith, on the website
8 of the county recorder, county treasurer or county assessor in
9 the ordinary course of carrying out public functions.

10 C. A violation of subsection A of this section is a
11 class 5 felony.

12 D. For the purposes of this section:

13 1. "Commissioner" means a commissioner of the superior
14 court or municipal court.

15 2. "Hearing officer" means a hearing officer who is
16 appointed pursuant to section 28-1553.

17 3. "Immediate family" means a **FIREFIGHTER'S, EMERGENCY**
18 **MEDICAL TECHNICIAN'S, NATIONAL GUARD MEMBER'S, BORDER PATROL**
19 **AGENT'S**, peace officer's, justice's, judge's, commissioner's,
20 public defender's or prosecutor's spouse, child or parent and
21 any other adult who lives in the same residence as the person.

22 4. "Judge" means a judge of the United States district
23 court, the United States court of appeals, the United States
24 magistrate court, the United States bankruptcy court, the
25 Arizona court of appeals, the superior court or a municipal
26 court.

27 5. "Justice" means a justice of the United States or
28 Arizona supreme court or a justice of the peace.

29 6. "Personal information" means a **FIREFIGHTER'S,**
30 **EMERGENCY MEDICAL TECHNICIAN'S, NATIONAL GUARD MEMBER'S,**
31 **BORDER PATROL AGENT'S**, peace officer's, justice's, judge's,
32 commissioner's, hearing officer's, public defender's,
33 commission on appellate court appointments member's or
34 prosecutor's home address, home telephone number, pager
35 number, personal photograph, directions to the person's home
36 or photographs of the person's home or vehicle.

37 7. "Prosecutor" means a current or former county
38 attorney, municipal prosecutor, attorney general or United
39 States attorney and includes a current or former assistant or
40 deputy United States attorney, county attorney, municipal
41 prosecutor or attorney general.

42 8. "Public defender" means a federal public defender,
43 county public defender, county legal defender or county
44 contract indigent defense counsel and includes an assistant or

1 deputy federal public defender, county public defender or
2 county legal defender.

3 Sec. 3. Section 16-153, Arizona Revised Statutes, is
4 amended to read:

5 16-153. Voter registration; confidentiality;
6 definitions

7 A. Eligible persons, and any other registered voter who
8 resides at the same residence address as the eligible person,
9 may request that the general public be prohibited from
10 accessing the eligible person's identifying information,
11 including any of that person's documents and voting precinct
12 number contained in that person's voter registration record.

13 B. Eligible persons may request this action by filing
14 an affidavit that states all of the following on an
15 application form developed by the administrative office of the
16 courts in agreement with an association of counties and an
17 organization of peace officers:

18 1. The person's full legal name, residential address
19 and date of birth.

20 2. Unless the person is the spouse of a peace officer
21 or the spouse or minor child of a deceased peace officer or
22 the person is a former public official or former judge, the
23 position the person currently holds and a description of the
24 person's duties, except that an eligible person who is
25 protected under an order of protection or injunction against
26 harassment shall instead attach a copy of the order of
27 protection or injunction against harassment.

28 3. The reasons for reasonably believing that the
29 person's life or safety or that of another person is in danger
30 and that sealing the identifying information and voting
31 precinct number of the person's voting record will serve to
32 reduce the danger.

33 C. The affidavit shall be filed with the presiding
34 judge of the superior court in the county in which the affiant
35 resides. To prevent multiple filings, an eligible person who
36 is a peace officer, prosecutor, public defender, code
37 enforcement officer, corrections or detention officer,
38 corrections support staff member or law enforcement support
39 staff member shall deliver the affidavit to the peace
40 officer's commanding officer, or to the head of the
41 prosecuting, public defender, code enforcement, law
42 enforcement, corrections or detention agency, as applicable,
43 or that person's designee, who shall file the affidavits at
44 one time. In the absence of an affidavit that contains a
45 request for immediate action and is supported by facts

1 justifying an earlier presentation, the commanding officer, or
2 the head of the prosecuting, public defender, code
3 enforcement, law enforcement, corrections or detention agency,
4 as applicable, or that person's designee, shall not file
5 affidavits more often than quarterly.

6 D. On receipt of an affidavit or affidavits, the
7 presiding judge of the superior court shall file with the
8 clerk of the superior court a petition on behalf of all
9 requesting affiants. The petition shall have attached each
10 affidavit presented. In the absence of an affidavit that
11 contains a request for immediate action and that is supported
12 by facts justifying an earlier consideration, the presiding
13 judge may accumulate affidavits and file a petition at the end
14 of each quarter.

15 E. The presiding judge of the superior court shall
16 review the petition and each attached affidavit to determine
17 whether the action requested by each affiant should be
18 granted. The presiding judge of the superior court shall
19 order the sealing for five years of the information contained
20 in the voter record of the affiant and, on request, any other
21 registered voter who resides at the same residence address if
22 the presiding judge concludes that this action will reduce a
23 danger to the life or safety of the affiant.

24 F. The recorder shall remove the restrictions on all
25 voter records submitted pursuant to subsection E of this
26 section by January 5 in the year after the court order
27 expires. The county recorder shall send by mail one notice to
28 either the former public official, peace officer, spouse of a
29 peace officer, spouse or minor child of a deceased peace
30 officer, public defender, prosecutor, code enforcement
31 officer, corrections or detention officer, corrections support
32 staff member, law enforcement support staff member, employee
33 of the department of child safety or employee of adult
34 protective services who has direct contact with families in
35 the course of employment or the employing agency of a peace
36 officer, public defender, prosecutor, code enforcement
37 officer, corrections or detention officer, corrections support
38 staff member or law enforcement support staff member who was
39 granted an order pursuant to this section of the order's
40 expiration date at least six months before the expiration
41 date. If the notice is sent to the employing agency, the
42 employing agency shall immediately notify the person who was
43 granted the order of the upcoming expiration date. The county
44 recorder may coordinate with the county assessor and county

1 treasurer to prevent multiple notices from being sent to the
2 same person.

3 G. On entry of the court order, the clerk of the
4 superior court shall file the court order with the county
5 recorder. On receipt of the court order the county recorder
6 shall seal the voter registration of the persons listed in the
7 court order no later than one hundred twenty days from the
8 date of receipt of the court order. To include a subsequent
9 voter registration in the court order, a person listed in the
10 court order shall present to the county recorder at the time
11 of registration a certified copy of the court order or shall
12 provide the county recorder the recording number of the court
13 order. The information in the registration shall not be
14 disclosed and is not a public record.

15 H. If the court denies an affiant's requested sealing
16 of the voter registration record, the affiant may request a
17 court hearing. The hearing shall be conducted by the court
18 where the petition was filed.

19 I. On motion to the court, if the presiding judge of
20 the superior court concludes that a voter registration record
21 has been sealed in error or that the cause for the original
22 affidavit no longer exists, the presiding judge may vacate the
23 court order prohibiting public access to the voter
24 registration record.

25 J. On request by a person who is protected under an
26 order of protection or injunction against harassment and
27 presentation of an order of protection issued pursuant to
28 section 13-3602, an injunction against harassment issued
29 pursuant to section 12-1809 or an order of protection or
30 injunction against harassment issued by a court in another
31 state or a program participant in the address confidentiality
32 program pursuant to title 41, chapter 1, article 3, the county
33 recorder shall seal the voter registration record of the
34 person who is protected and, on request, any other registered
35 voter who resides at the residence address of the protected
36 person. The record shall be sealed no later than one hundred
37 twenty days from the date of receipt of the court order. The
38 information in the registration shall not be disclosed and is
39 not a public record.

40 K. For the purposes of this section:

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

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

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

6 4. "Eligible person" means a former public official,
7 peace officer, spouse of a peace officer, spouse or minor
8 child of a deceased peace officer, justice, judge,
9 commissioner, hearing officer, public defender, prosecutor,
10 member of the commission on appellate court appointments, code
11 enforcement officer, adult or juvenile corrections officer,
12 corrections support staff member, probation officer, member of
13 the board of executive clemency, law enforcement support staff
14 member, employee of the department of child safety or employee
15 of adult protective services who has direct contact with
16 families in the course of employment, national guard member OR
17 BORDER PATROL AGENT who is acting in support of a law
18 enforcement agency, person who is protected under an order of
19 protection or injunction against harassment or firefighter OR
20 EMERGENCY MEDICAL TECHNICIAN who is assigned to the Arizona
21 counter terrorism information center in the department of
22 public safety.

23 5. "Former public official" means a person who was duly
24 elected or appointed to Congress, the legislature or a
25 statewide office, who ceased serving in that capacity and who
26 was the victim of a dangerous offense as defined in section
27 13-105 while in office.

28 6. "Hearing officer" means a hearing officer who is
29 appointed pursuant to section 28-1553.

30 7. "Judge" means a judge or former judge of the United
31 States district court, the United States court of appeals, the
32 United States magistrate court, the United States bankruptcy
33 court, the United States immigration court, the Arizona court
34 of appeals, the superior court or a municipal court.

35 8. "Justice" means a justice of the United States or
36 Arizona supreme court or a justice of the peace.

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

43 10. "Peace officer":

44 (a) Has the same meaning prescribed in section 1-215.

1 (b) Includes a federal law enforcement officer or agent
2 who resides in this state and who has the power to make
3 arrests pursuant to federal law.

4 11. "Prosecutor" means a current or former United
5 States attorney, county attorney, municipal prosecutor or
6 attorney general and includes a current or former assistant or
7 deputy United States attorney, county attorney, municipal
8 prosecutor or attorney general.

9 12. "Public defender" means a federal public defender,
10 county public defender, county legal defender or county
11 contract indigent defense counsel and includes an assistant or
12 deputy federal public defender, county public defender or
13 county legal defender.

14 Sec. 4. Section 28-454, Arizona Revised Statutes, is
15 amended to read:

16 28-454. Records maintained by department of
17 transportation; redaction;
18 definitions

19 A. Notwithstanding sections 28-447 and 28-455, an
20 eligible person may request that persons be prohibited from
21 accessing the eligible person's identifying information,
22 including any of that person's documents, contained in any
23 record maintained by the department.

24 B. An eligible person may request this action by filing
25 an affidavit that states all of the following on an
26 application form developed by the administrative office of the
27 courts in agreement with an association of counties, an
28 organization of peace officers and the department:

29 1. The person's full legal name and residential
30 address.

31 2. Unless the person is the spouse of a peace officer
32 or the spouse or minor child of a deceased peace officer or
33 the person is a former public official or former judge, the
34 position the person currently holds and a description of the
35 person's duties, except that an eligible person who is
36 protected under an order of protection or injunction against
37 harassment shall attach a copy of the order of protection or
38 injunction against harassment.

39 3. The reasons the person reasonably believes that the
40 person's life or safety or that of another person is in danger
41 and that redacting the identifying information from the
42 department's public records will serve to reduce the danger.

43 C. The affidavit shall be filed with the presiding
44 judge of the superior court in the county in which the affiant
45 resides. To prevent multiple filings, an eligible person who

1 is a peace officer, spouse of a peace officer, spouse or minor
2 child of a deceased peace officer, prosecutor, code
3 enforcement officer, corrections or detention officer,
4 corrections support staff member or law enforcement support
5 staff member shall deliver the affidavit to the peace
6 officer's commanding officer, or to the head of the
7 prosecuting, code enforcement, law enforcement, corrections or
8 detention agency, as applicable, or that person's designee,
9 who shall file the affidavits at one time. In the absence of
10 an affidavit that contains a request for immediate action and
11 that is supported by facts justifying an earlier presentation,
12 the commanding officer, or the head of the prosecuting, code
13 enforcement, law enforcement, corrections or detention agency,
14 as applicable, or that person's designee, shall not file
15 affidavits more often than quarterly.

16 D. On receipt of an affidavit or affidavits, the
17 presiding judge of the superior court shall file with the
18 clerk of the superior court a petition on behalf of all
19 requesting affiants. Each affidavit presented shall be
20 attached to the petition. In the absence of an affidavit that
21 contains a request for immediate action and that is supported
22 by facts justifying an earlier consideration, the presiding
23 judge may accumulate affidavits and file a petition at the end
24 of each quarter.

25 E. The presiding judge of the superior court shall
26 review the petition and each attached affidavit to determine
27 whether the action requested by each affiant should be
28 granted. The presiding judge of the superior court shall
29 order the redaction of the residence address and telephone
30 number from the public records maintained by the department if
31 the judge concludes that this action will reduce a danger to
32 the life or safety of the affiant or another person.

33 F. On entry of the court order, the clerk of the
34 superior court shall file the court order with the department.
35 Not more than one hundred fifty days after the date the
36 department receives the court order, the department shall
37 redact the identifying information of the affiants listed in
38 the court order from the public records of the department.
39 The identifying information shall not be disclosed and is not
40 part of a public record.

41 G. If the court denies an affiant's request pursuant to
42 this section, the affiant may request a court hearing. The
43 hearing shall be conducted by the court in the county where
44 the petition was filed.

1 H. On motion to the court, if the presiding judge of
2 the superior court concludes that identifying information has
3 been sealed in error or that the cause for the original
4 affidavit no longer exists, the presiding judge may vacate the
5 court order prohibiting public access to the identifying
6 information.

7 I. Notwithstanding sections 28-447 and 28-455, the
8 department shall not release a photograph of a peace officer
9 if the peace officer has made a request as prescribed in this
10 section that persons be prohibited from accessing the peace
11 officer's identifying information in any record maintained by
12 the department.

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

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

18 2. Obtained from a source other than the department.

19 K. For the purposes of this section:

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

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

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

30 4. "Eligible person" means a former public official,
31 peace officer, spouse of a peace officer, spouse or minor
32 child of a deceased public officer, justice, judge or former
33 judge, commissioner, hearing officer, public defender,
34 prosecutor, code enforcement officer, adult or juvenile
35 corrections officer, corrections support staff member,
36 probation officer, member of the commission on appellate court
37 appointments, member of the board of executive clemency, law
38 enforcement support staff member, employee of the department
39 of child safety or employee of adult protective services who
40 has direct contact with families in the course of employment,
41 national guard member OR BORDER PATROL AGENT who is acting in
42 support of a law enforcement agency, person who is protected
43 under an order of protection or injunction against harassment
44 or firefighter OR EMERGENCY MEDICAL TECHNICIAN who is assigned

1 to the Arizona counter terrorism information center in the
2 department of public safety.

3 5. "Former public official" means a person who was duly
4 elected or appointed to Congress, the legislature or a
5 statewide office, who ceased serving in that capacity and who
6 was the victim of a dangerous offense as defined in section
7 13-105 while in office.

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

10 7. "Judge" means a judge or former judge of the United
11 States district court, the United States court of appeals, the
12 United States magistrate court, the United States bankruptcy
13 court, the United States immigration court, the Arizona court
14 of appeals, the superior court or a municipal court.

15 8. "Justice" means a justice of the United States
16 supreme court or the Arizona supreme court or a justice of the
17 peace.

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

24 10. "Peace officer":

25 (a) Has the same meaning prescribed in section 1-215.

26 (b) Includes a federal law enforcement officer or agent
27 who resides in this state and who has the power to make
28 arrests pursuant to federal law.

29 11. "Prosecutor" means a current or former United
30 States attorney, county attorney, municipal prosecutor or
31 attorney general and includes a current or former assistant or
32 deputy United States attorney, county attorney, municipal
33 prosecutor or attorney general.

34 2. The Secretary of State shall submit this proposition to the
35 voters at the next general election as provided by article IV, part 1,
36 section 1, Constitution of Arizona.