

REFERENCE TITLE: public officials; home addresses; confidentiality

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

# **SB 1061**

Introduced by  
Senator Shope

AN ACT

AMENDING SECTIONS 11-483, 11-484, 13-2401, 16-153, 28-454, 39-123 AND 39-124, ARIZONA REVISED STATUTES; RELATING TO RECORDS CONFIDENTIALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-483, Arizona Revised Statutes, is amended to  
3 read:

4 11-483. Records maintained by county recorder;  
5 confidentiality; definitions

6 A. Notwithstanding any other provision of this article, in any  
7 county an eligible person may request that the general public be  
8 prohibited from accessing the unique identifier and the recording date  
9 contained in indexes of recorded instruments maintained by the county  
10 recorder and may request the county recorder to prohibit access to that  
11 person's identifying information, including any of that person's  
12 documents, instruments or writings recorded by the county recorder.

13 B. An eligible person may request this action by filing an  
14 affidavit that states all of the following on an application form  
15 developed by the administrative office of the courts in agreement with an  
16 association of counties, an organization of peace officers and the motor  
17 vehicle division of the department of transportation:

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

19 2. The full legal description and parcel number of the person's  
20 property.

21 3. Unless the person is the spouse of a peace officer or the spouse  
22 or minor child of a deceased peace officer or the person is a former  
23 public official or former judge, the position the person currently holds  
24 and a description of the person's duties, except that an eligible person  
25 who is protected under an order of protection or injunction against  
26 harassment shall instead attach a copy of the order of protection or  
27 injunction against harassment or an eligible person who is a participant  
28 in the address confidentiality program shall instead attach a copy of the  
29 participant's current and valid address confidentiality program  
30 authorization card issued pursuant to section 41-163 and a statement of  
31 certification provided by the secretary of state's office.

32 4. The reasons the person reasonably believes that the person's  
33 life or safety or that of another person is in danger and that restricting  
34 access pursuant to this section will serve to reduce the danger.

35 5. The document locator number and recording date of each  
36 instrument for which the person requests access restriction pursuant to  
37 this section.

38 6. A copy of pages from each instrument that includes the document  
39 locator number and the person's identifying information, including the  
40 person's full legal name and residential address or full legal name and  
41 telephone number.

42 C. If an eligible person is also requesting pursuant to section  
43 11-484 that the general public be prohibited from accessing records  
44 maintained by the county assessor and county treasurer, the eligible  
45 person may combine the request pursuant to subsection B of this section

1 with the request pursuant to section 11-484 by filing one affidavit. The  
2 affidavit and subsequent action by the appropriate authorities shall meet  
3 all of the requirements of this section and section 11-484.

4 D. The affidavit shall be filed with the presiding judge of the  
5 superior court in the county in which the affiant resides. To prevent  
6 multiple filings, an eligible person who is a peace officer, spouse of a  
7 peace officer, spouse or minor child of a deceased peace officer, public  
8 defender, prosecutor, code enforcement officer, corrections or detention  
9 officer, corrections support staff member or law enforcement support staff  
10 member shall deliver the affidavit to the peace officer's commanding  
11 officer, or to the head of the prosecuting, public defender, code  
12 enforcement, law enforcement, corrections or detention agency, as  
13 applicable, or that person's designee, who shall file the affidavits at  
14 one time. In the absence of an affidavit that contains a request for  
15 immediate action and that is supported by facts justifying an earlier  
16 presentation, the commanding officer, or the head of the prosecuting,  
17 public defender, code enforcement, law enforcement, corrections or  
18 detention agency, as applicable, or that person's designee, shall not file  
19 affidavits more often than quarterly.

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

27 F. The presiding judge of the superior court shall review the  
28 petition and each attached affidavit to determine whether the action  
29 requested by each affiant should be granted. If the presiding judge of  
30 the superior court concludes that the action requested by the affiant will  
31 reduce a danger to the life or safety of the affiant or another person,  
32 the presiding judge of the superior court shall order that the county  
33 recorder prohibit access for five years to the affiant's identifying  
34 information, including any of that person's documents, instruments or  
35 writings recorded by the county recorder and made available on the  
36 internet. If the presiding judge of the superior court concludes that the  
37 affiant or another person is in actual danger of physical harm from a  
38 person or persons with whom the affiant has had official dealings and that  
39 action pursuant to this section will reduce a danger to the life or safety  
40 of the affiant or another person, the presiding judge of the superior  
41 court shall order that the general public be prohibited for five years  
42 from accessing the unique identifier and the recording date contained in  
43 indexes of recorded instruments maintained by the county recorder and  
44 identified pursuant to subsection B of this section.

1 G. On motion to the court, if the presiding judge of the superior  
2 court concludes that an instrument or writing recorded by the county  
3 recorder has been redacted or sealed in error, that the original affiant  
4 no longer lives at the address listed in the original affidavit, that the  
5 cause for the original affidavit no longer exists or that temporary access  
6 to the instrument or writing is needed, the presiding judge may  
7 temporarily stay or permanently vacate all or part of the court order  
8 prohibiting public access to the recorded instrument or writing.

9 H. On entry of the court order, the clerk of the superior court  
10 shall file the court order and a copy of the affidavit required by  
11 subsection B of this section with the county recorder. Not more than ten  
12 days after the date on which the county recorder receives the court order,  
13 the county recorder shall restrict access to the information as required  
14 by subsection F of this section.

15 I. If the court denies an affiant's request pursuant to this  
16 section, the affiant may request a court hearing. The hearing shall be  
17 conducted by the court in the county where the petition was filed.

18 J. The county recorder shall remove the restrictions on all records  
19 restricted pursuant to this section by January 5 in the year after the  
20 court order expires. The county recorder shall send by mail one notice to  
21 either the PUBLIC OFFICIAL, former public official, peace officer, spouse  
22 of a peace officer, spouse or minor child of a deceased peace officer,  
23 public defender, prosecutor, code enforcement officer, corrections or  
24 detention officer, corrections support staff member, law enforcement  
25 support staff member, employee of the department of child safety or  
26 employee of adult protective services who has direct contact with families  
27 in the course of employment or the employing agency of a peace officer,  
28 public defender, prosecutor, code enforcement officer, corrections or  
29 detention officer, corrections support staff member, law enforcement  
30 support staff member or employee of adult protective services who was  
31 granted an order pursuant to this section of the order's expiration date  
32 at least six months before the expiration date. If the notice is sent to  
33 the employing agency, the employing agency shall immediately notify the  
34 person who was granted the order of the upcoming expiration date. The  
35 county recorder may coordinate with the county assessor and county  
36 treasurer to prevent multiple notices from being sent to the same person.

37 K. To include subsequent recordings in the court order, the  
38 eligible person shall present to the county recorder at the time of  
39 recordation a certified copy of the court order or shall provide to the  
40 county recorder the recording number of the court order. The county  
41 recorder shall ensure that public access is restricted pursuant to  
42 subsection A of this section.

43 L. This section does not restrict access to public records for the  
44 purposes of perfecting a lien pursuant to title 12, chapter 9, article 2.

1 M. This section does not prohibit access to the records of the  
2 county recorder by parties to the instrument, a law enforcement officer  
3 performing the officer's official duties pursuant to subsection N of this  
4 section, a title insurer, a title insurance agent or an escrow agent  
5 licensed by the department of insurance and financial institutions.

6 N. A law enforcement officer is deemed to be performing the  
7 officer's official duties if the officer provides a subpoena, court order  
8 or search warrant for the records.

9 O. For the purposes of this section:

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

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

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

18 4. "Eligible person" means a PUBLIC OFFICIAL, former public  
19 official, peace officer, spouse of a peace officer, spouse or minor child  
20 of a deceased peace officer, justice, judge, commissioner, hearing  
21 officer, public defender, prosecutor, code enforcement officer, adult or  
22 juvenile corrections officer, corrections support staff member, probation  
23 officer, member of the commission on appellate court appointments, member  
24 of the board of executive clemency, law enforcement support staff member,  
25 employee of the department of child safety or employee of adult protective  
26 services who has direct contact with families in the course of employment,  
27 national guard member who is acting in support of a law enforcement  
28 agency, person who is protected under an order of protection or injunction  
29 against harassment, person who is a participant in the address  
30 confidentiality program pursuant to title 41, chapter 1, article 3 or  
31 firefighter who is assigned to the Arizona counter terrorism information  
32 center in the department of public safety.

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

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

39 7. "Indexes" means only those indexes that are maintained by and  
40 located in the office of the county recorder, that are accessed  
41 electronically and that contain information beginning from and after  
42 January 1, 1987.

43 8. "Judge" means a judge or former judge of the United States  
44 district court, the United States court of appeals, the United States  
45 magistrate court, the United States bankruptcy court, the United States

1 immigration court, the Arizona court of appeals, the superior court or a  
2 municipal court.

3 9. "Justice" means a justice of the United States or Arizona  
4 supreme court or a justice of the peace.

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

10 11. "Peace officer":

11 (a) Means any person vested by law, or formerly vested by law, with  
12 a duty to maintain public order and make arrests.

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

16 12. "Prosecutor" means a current or former county attorney,  
17 municipal prosecutor, attorney general or United States attorney and  
18 includes a current or former assistant or deputy United States attorney,  
19 county attorney, municipal prosecutor or attorney general.

20 13. "Public defender" means a federal public defender, county  
21 public defender, county legal defender or county contract indigent defense  
22 counsel and includes an assistant or deputy federal public defender,  
23 county public defender or county legal defender.

24 14. "PUBLIC OFFICIAL" MEANS A PERSON WHO IS DULY ELECTED OR  
25 APPOINTED TO CONGRESS, THE LEGISLATURE OR A STATEWIDE OFFICE.

26 Sec. 2. Section 11-484, Arizona Revised Statutes, is amended to  
27 read:

28 11-484. Records maintained by county assessor and county  
29 treasurer; redaction; definitions

30 A. Notwithstanding any other provision of this article, in any  
31 county an eligible person may request that the general public be  
32 prohibited from accessing that person's identifying information, including  
33 any of that person's documents, instruments, writings and information  
34 maintained by the county assessor and the county treasurer.

35 B. An eligible person may request this action by filing an  
36 affidavit that states all of the following on an application form  
37 developed by the administrative office of the courts in agreement with an  
38 association of counties, an organization of peace officers and the motor  
39 vehicle division of the department of transportation:

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

41 2. The full legal description and parcel number of the person's  
42 property.

43 3. Unless the person is the spouse of a peace officer or the spouse  
44 or minor child of a deceased peace officer or the person is a former  
45 public official or former judge, the position the person currently holds

1 and a description of the person's duties, except that an eligible person  
2 who is protected under an order of protection or injunction against  
3 harassment shall attach a copy of the order of protection or injunction  
4 against harassment or an eligible person who is a participant in the  
5 address confidentiality program shall instead attach a copy of the  
6 participant's current and valid address confidentiality program  
7 authorization card issued pursuant to section 41-163 and a statement of  
8 certification provided by the secretary of state's office.

9 4. The reasons the person reasonably believes that the person's  
10 life or safety or that of another person is in danger and that redacting  
11 the person's identifying information, including the residential address  
12 and telephone number, will serve to reduce the danger.

13 C. If an eligible person is also requesting pursuant to section  
14 11-483 that the general public be prohibited from accessing records  
15 maintained by the county recorder, the eligible person may combine the  
16 request pursuant to subsection B of this section with the request pursuant  
17 to section 11-483 by filing one affidavit. The affidavit and subsequent  
18 action by the appropriate authorities shall meet all of the requirements  
19 of this section and section 11-483.

20 D. The affidavit shall be filed with the presiding judge of the  
21 superior court in the county in which the affiant resides. To prevent  
22 multiple filings, an eligible person who is a peace officer, spouse of a  
23 peace officer, spouse or minor child of a deceased peace officer, public  
24 defender, prosecutor, code enforcement officer, corrections or detention  
25 officer, corrections support staff member or law enforcement support staff  
26 member shall deliver the affidavit to the peace officer's commanding  
27 officer, or to the head of the prosecuting, public defender, code  
28 enforcement, law enforcement, corrections or detention agency, as  
29 applicable, or that person's designee, who shall file the affidavits at  
30 one time. In the absence of an affidavit that contains a request for  
31 immediate action and that is supported by facts justifying an earlier  
32 presentation, the commanding officer, or the head of the prosecuting,  
33 public defender, code enforcement, law enforcement, corrections or  
34 detention agency, as applicable, or that person's designee, shall not file  
35 affidavits more often than quarterly.

36 E. On receipt of an affidavit or affidavits, the presiding judge of  
37 the superior court shall file with the clerk of the superior court a  
38 petition on behalf of all requesting affiants. Each affidavit presented  
39 shall be attached to the petition. In the absence of an affidavit that  
40 contains a request for immediate action and that is supported by facts  
41 justifying an earlier consideration, the presiding judge may accumulate  
42 affidavits and file a petition at the end of each quarter.

43 F. The presiding judge of the superior court shall review the  
44 petition and each attached affidavit to determine whether the action  
45 requested by each affiant should be granted. If the presiding judge of

1 the superior court concludes that the action requested by the affiant will  
2 reduce a danger to the life or safety of the affiant or another person,  
3 the presiding judge of the superior court shall order the redaction of the  
4 affiant's identifying information, including any of that person's  
5 documents, instruments, writings and information maintained by the county  
6 assessor and the county treasurer. The redaction shall be in effect for  
7 five years.

8 G. On motion to the court, if the presiding judge of the superior  
9 court concludes that an instrument or writing maintained by the county  
10 assessor or the county treasurer has been redacted or sealed in error,  
11 that the original affiant no longer lives at the address listed in the  
12 original affidavit, that the cause for the original affidavit no longer  
13 exists or that temporary access to the instrument or writing is needed,  
14 the presiding judge may temporarily stay or permanently vacate all or part  
15 of the court order prohibiting public access to the instrument or writing.

16 H. On entry of the court order, the clerk of the superior court  
17 shall file the court order and a copy of the affidavit required by  
18 subsection B of this section with the county assessor and the county  
19 treasurer. Not more than ten days after the date on which the county  
20 assessor and the county treasurer receive the court order, the county  
21 assessor and the county treasurer shall restrict access to the information  
22 as required by subsection F of this section.

23 I. If the court denies an affiant's request pursuant to this  
24 section, the affiant may request a court hearing. The hearing shall be  
25 conducted by the court in the county where the petition was filed.

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



1 K. For the purposes of this section:

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

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

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

10 4. "Eligible person" means a PUBLIC OFFICIAL, former public  
11 official, peace officer, spouse of a peace officer, spouse or minor child  
12 of a deceased peace officer, justice, judge, commissioner, hearing  
13 officer, public defender, prosecutor, code enforcement officer, adult or  
14 juvenile corrections officer, corrections support staff member, probation  
15 officer, member of the commission on appellate court appointments, member  
16 of the board of executive clemency, law enforcement support staff member,  
17 employee of the department of child safety or employee of adult protective  
18 services who has direct contact with families in the course of employment,  
19 national guard member who is acting in support of a law enforcement  
20 agency, person who is protected under an order of protection or injunction  
21 against harassment, person who is a participant in the address  
22 confidentiality program pursuant to title 41, chapter 1, article 3, or  
23 firefighter who is assigned to the Arizona counter terrorism information  
24 center in the department of public safety.

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

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

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

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

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

43 10. "Peace officer":

44 (a) Means any person vested by law, or formerly vested by law, with  
45 a duty to maintain public order and make arrests.

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

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

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

12 13. "PUBLIC OFFICIAL" MEANS A PERSON WHO IS DULY ELECTED OR  
13 APPOINTED TO CONGRESS, THE LEGISLATURE OR A STATEWIDE OFFICE.

14 Sec. 3. Section 13-2401, Arizona Revised Statutes, is amended to  
15 read:

16 13-2401. Personal information on the internet; exception;  
17 classification; definitions

18 A. It is unlawful for a person to knowingly make available on the  
19 ~~world wide web~~ INTERNET the personal information of a PUBLIC OFFICIAL,  
20 peace officer, justice, judge, commissioner, hearing officer, public  
21 defender, member of the commission on appellate court appointments,  
22 employee of the department of child safety or employee of adult protective  
23 services who has direct contact with families in the course of employment  
24 or prosecutor if the dissemination of the personal information poses an  
25 imminent and serious threat to the PUBLIC OFFICIAL'S, peace officer's,  
26 justice's, judge's, commissioner's, hearing officer's, public defender's,  
27 member's, department of child safety employee's, adult protective services  
28 employee's or prosecutor's safety or the safety of that person's immediate  
29 family and the threat is reasonably apparent to the person making the  
30 information available on the internet to be serious and imminent.

31 B. It is not a violation of this section if an employee of a county  
32 recorder, county treasurer or county assessor publishes personal  
33 information, in good faith, on the website of the county recorder, county  
34 treasurer or county assessor in the ordinary course of carrying out public  
35 functions.

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

37 D. For the purposes of this section:

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

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

42 3. "Immediate family" means a peace officer's, justice's, judge's,  
43 commissioner's, public defender's or prosecutor's spouse, child or parent  
44 and any other adult who lives in the same residence as the person.

1           4. "Judge" means a judge of the United States district court, the  
2 United States court of appeals, the United States magistrate court, the  
3 United States bankruptcy court, the Arizona court of appeals, the superior  
4 court or a municipal court.

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

7           6. "Personal information" means a **PUBLIC OFFICIAL'S**, peace  
8 officer's, justice's, judge's, commissioner's, hearing officer's, public  
9 defender's, commission on appellate court appointments member's or  
10 prosecutor's home address, home telephone number, pager number, personal  
11 photograph, directions to the person's home or photographs of the person's  
12 home or vehicle.

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

17           8. "Public defender" means a federal public defender, county public  
18 defender, county legal defender or county contract indigent defense  
19 counsel and includes an assistant or deputy federal public defender,  
20 county public defender or county legal defender.

21           9. **"PUBLIC OFFICIAL" MEANS A PERSON WHO IS DULY ELECTED OR**  
22 **APPOINTED TO CONGRESS, THE LEGISLATURE OR A STATEWIDE OFFICE.**

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

25           16-153. Voter registration; confidentiality; definitions

26           A. Eligible persons, and any other registered voter who resides at  
27 the same residence address as the eligible person, may request that the  
28 general public be prohibited from accessing the eligible person's  
29 identifying information, including any of that person's documents and  
30 voting precinct number contained in that person's voter registration  
31 record.

32           B. Eligible persons may request this action by filing an affidavit  
33 that states all of the following on an application form developed by the  
34 administrative office of the courts in agreement with an association of  
35 counties and an organization of peace officers:

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

38           2. Unless the person is the spouse of a peace officer or the spouse  
39 or minor child of a deceased peace officer or the person is a former  
40 public official or former judge, the position the person currently holds  
41 and a description of the person's duties, except that an eligible person  
42 who is protected under an order of protection or injunction against  
43 harassment shall instead attach a copy of the order of protection or  
44 injunction against harassment.

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

5           C. The affidavit shall be filed with the presiding judge of the  
6 superior court in the county in which the affiant resides. To prevent  
7 multiple filings, an eligible person who is a peace officer, prosecutor,  
8 public defender, code enforcement officer, corrections or detention  
9 officer, corrections support staff member or law enforcement support staff  
10 member shall deliver the affidavit to the peace officer's commanding  
11 officer, or to the head of the prosecuting, public defender, code  
12 enforcement, law enforcement, corrections or detention agency, as  
13 applicable, or that person's designee, who shall file the affidavits at  
14 one time. In the absence of an affidavit that contains a request for  
15 immediate action and is supported by facts justifying an earlier  
16 presentation, the commanding officer, or the head of the prosecuting,  
17 public defender, code enforcement, law enforcement, corrections or  
18 detention agency, as applicable, or that person's designee, shall not file  
19 affidavits more often than quarterly.

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

27           E. The presiding judge of the superior court shall review the  
28 petition and each attached affidavit to determine whether the action  
29 requested by each affiant should be granted. The presiding judge of the  
30 superior court shall order the sealing for five years of the information  
31 contained in the voter record of the affiant and, on request, any other  
32 registered voter who resides at the same residence address if the  
33 presiding judge concludes that this action will reduce a danger to the  
34 life or safety of the affiant.

35           F. The recorder shall remove the restrictions on all voter records  
36 submitted pursuant to subsection E of this section by January 5 in the  
37 year after the court order expires. The county recorder shall send by  
38 mail one notice to either the PUBLIC OFFICIAL, former public official,  
39 peace officer, spouse of a peace officer, spouse or minor child of a  
40 deceased peace officer, public defender, prosecutor, code enforcement  
41 officer, corrections or detention officer, corrections support staff  
42 member, law enforcement support staff member, employee of the department  
43 of child safety or employee of adult protective services who has direct  
44 contact with families in the course of employment or the employing agency  
45 of a peace officer, public defender, prosecutor, code enforcement officer,

1 corrections or detention officer, corrections support staff member or law  
2 enforcement support staff member who was granted an order pursuant to this  
3 section of the order's expiration date at least six months before the  
4 January 5 removal date. If the notice is sent to the employing agency,  
5 the employing agency shall immediately notify the person who was granted  
6 the order of the upcoming expiration date. The county recorder may  
7 coordinate with the county assessor and county treasurer to prevent  
8 multiple notices from being sent to the same person.

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

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

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

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

39 K. For the purposes of this section:

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

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

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

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

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

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

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

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

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

35           10. "Peace officer":

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

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

40           11. "Prosecutor" means a current or former United States attorney,  
41 county attorney, municipal prosecutor or attorney general and includes a  
42 current or former assistant or deputy United States attorney, county  
43 attorney, municipal prosecutor or attorney general.

44           12. "Public defender" means a federal public defender, county  
45 public defender, county legal defender or county contract indigent defense

1 counsel and includes an assistant or deputy federal public defender,  
2 county public defender or county legal defender.

3 13. "Public official" means a person who is duly elected or  
4 appointed to Congress, the legislature or a statewide office.

5 Sec. 5. Section 28-454, Arizona Revised Statutes, is amended to  
6 read:

7 28-454. Records maintained by department of transportation;  
8 redaction; definitions

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

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

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

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

26 3. The reasons the person reasonably believes that the person's  
27 life or safety or that of another person is in danger and that redacting  
28 the identifying information from the department's public records will  
29 serve to reduce the danger.

30 C. The affidavit shall be filed with the presiding judge of the  
31 superior court in the county in which the affiant resides. To prevent  
32 multiple filings, an eligible person who is a peace officer, spouse of a  
33 peace officer, spouse or minor child of a deceased peace officer,  
34 prosecutor, code enforcement officer, corrections or detention officer,  
35 corrections support staff member or law enforcement support staff member  
36 shall deliver the affidavit to the peace officer's commanding officer, or  
37 to the head of the prosecuting, code enforcement, law enforcement,  
38 corrections or detention agency, as applicable, or that person's designee,  
39 who shall file the affidavits at one time. In the absence of an affidavit  
40 that contains a request for immediate action and that is supported by  
41 facts justifying an earlier presentation, the commanding officer, or the  
42 head of the prosecuting, code enforcement, law enforcement, corrections or  
43 detention agency, as applicable, or that person's designee, shall not file  
44 affidavits more often than quarterly.

1 D. On receipt of an affidavit or affidavits, the presiding judge of  
2 the superior court shall file with the clerk of the superior court a  
3 petition on behalf of all requesting affiants. Each affidavit presented  
4 shall be attached to the petition. In the absence of an affidavit that  
5 contains a request for immediate action and that is supported by facts  
6 justifying an earlier consideration, the presiding judge may accumulate  
7 affidavits and file a petition at the end of each quarter.

8 E. The presiding judge of the superior court shall review the  
9 petition and each attached affidavit to determine whether the action  
10 requested by each affiant should be granted. The presiding judge of the  
11 superior court shall order the redaction of the residence address and  
12 telephone number from the public records maintained by the department if  
13 the judge concludes that this action will reduce a danger to the life or  
14 safety of the affiant or another person.

15 F. On entry of the court order, the clerk of the superior court  
16 shall file the court order with the department. Not more than one hundred  
17 fifty days after the date the department receives the court order, the  
18 department shall redact the identifying information of the affiants listed  
19 in the court order from the public records of the department. The  
20 identifying information shall not be disclosed and is not part of a public  
21 record.

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

25 H. On motion to the court, if the presiding judge of the superior  
26 court concludes that identifying information has been sealed in error or  
27 that the cause for the original affidavit no longer exists, the presiding  
28 judge may vacate the court order prohibiting public access to the  
29 identifying information.

30 I. Notwithstanding sections 28-447 and 28-455, the department shall  
31 not release a photograph of a peace officer if the peace officer has made  
32 a request as prescribed in this section that persons be prohibited from  
33 accessing the peace officer's identifying information in any record  
34 maintained by the department.

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

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

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

40 K. For the purposes of this section:

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



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

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

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

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

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

25           7. "Judge" means a judge or former judge of the United States  
26 district court, the United States court of appeals, the United States  
27 magistrate court, the United States bankruptcy court, the United States  
28 immigration court, the Arizona court of appeals, the superior court or a  
29 municipal court.

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

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

37           10. "Peace officer":

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

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

42           11. "Prosecutor" means a current or former United States attorney,  
43 county attorney, municipal prosecutor or attorney general and includes a  
44 current or former assistant or deputy United States attorney, county  
45 attorney, municipal prosecutor or attorney general.

1           12. "PUBLIC OFFICIAL" MEANS A PERSON WHO IS DULY ELECTED OR  
2 APPOINTED TO CONGRESS, THE LEGISLATURE OR A STATEWIDE OFFICE.

3           Sec. 6. Section 39-123, Arizona Revised Statutes, is amended to  
4 read:

5           39-123. Information identifying eligible persons;  
6                           confidentiality; definitions

7           A. Nothing in this chapter requires disclosure from a personnel  
8 file by a law enforcement agency or employing state or local governmental  
9 entity of the home address or home telephone number of eligible persons.

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

12           1. The person consents in writing to the release.

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

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

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

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

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

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

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

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

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

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

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

38          F. For the purposes of this section:

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

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

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

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

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

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

25           7. "Judge" means a judge or former judge of the United States  
26 district court, the United States court of appeals, the United States  
27 magistrate court, the United States bankruptcy court, the United States  
28 immigration court, the Arizona court of appeals, the superior court or a  
29 municipal court.

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

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

37           10. "Peace officer" has the same meaning prescribed in section  
38 13-105.

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

43           12. "Public defender" means a federal public defender, county  
44 public defender, county legal defender or county contract indigent defense

1 counsel and includes an assistant or deputy federal public defender,  
2 county public defender or county legal defender.

3 13. "PUBLIC OFFICIAL" MEANS A PERSON WHO IS DULY ELECTED OR  
4 APPOINTED TO CONGRESS, THE LEGISLATURE OR A STATEWIDE OFFICE.

5 Sec. 7. Section 39-124, Arizona Revised Statutes, is amended to  
6 read:

7 39-124. Releasing information identifying an eligible person;  
8 violations; classification; definitions

9 A. Any person who is employed by a state or local government entity  
10 and who, in violation of section 39-123, knowingly releases the home  
11 address or home telephone number of an eligible person with the intent to  
12 hinder an investigation, cause physical injury to an eligible person or  
13 the eligible person's immediate family or cause damage to the property of  
14 an eligible person or the eligible person's immediate family is guilty of  
15 a class 6 felony.

16 B. Any person who is employed by a state or local government entity  
17 and who, in violation of section 39-123, knowingly releases a photograph  
18 of a peace officer with the intent to hinder an investigation, cause  
19 physical injury to a peace officer or the peace officer's immediate family  
20 or cause damage to the property of a peace officer or the peace officer's  
21 immediate family is guilty of a class 6 felony.

22 C. For the purposes of this section:

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

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

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

31 4. "Eligible person" means a PUBLIC OFFICIAL, former public  
32 official, peace officer, spouse of a peace officer, spouse or minor child  
33 of a deceased peace officer, border patrol agent, justice, judge,  
34 commissioner, hearing officer, public defender, prosecutor, code  
35 enforcement officer, adult or juvenile corrections officer, corrections  
36 support staff member, probation officer, member of the board of executive  
37 clemency, law enforcement support staff member, employee of the department  
38 of child safety or employee of adult protective services who has direct  
39 contact with families in the course of employment, national guard member  
40 who is acting in support of a law enforcement agency, person who is  
41 protected under an order of protection or injunction against harassment,  
42 firefighter who is assigned to the Arizona counter terrorism information  
43 center in the department of public safety or victim of domestic violence  
44 or stalking who is protected under an order of protection or injunction  
45 against harassment.

- 1           5. "Former public official" means a person who was duly elected or  
2 appointed to Congress, the legislature or a statewide office, who ceased  
3 serving in that capacity and who was the victim of a dangerous offense as  
4 defined in section 13-105 while in office.
- 5           6. "Hearing officer" means a hearing officer who is appointed  
6 pursuant to section 28-1553.
- 7           7. "Judge" means a judge or former judge of the United States  
8 district court, the United States court of appeals, the United States  
9 magistrate court, the United States bankruptcy court, the United States  
10 immigration court, the Arizona court of appeals, the superior court or a  
11 municipal court.
- 12          8. "Justice" means a justice of the United States or Arizona  
13 supreme court or a justice of the peace.
- 14          9. "Law enforcement support staff member" means a person who serves  
15 in the role of an investigator or prosecutorial assistant in an agency  
16 that investigates or prosecutes crimes, who is integral to the  
17 investigation or prosecution of crimes and whose name or identity will be  
18 revealed in the course of public proceedings.
- 19          10. "Peace officer" has the same meaning prescribed in section  
20 13-105.
- 21          11. "Prosecutor" means a current or former county attorney,  
22 municipal prosecutor, attorney general or United States attorney and  
23 includes a current or former assistant or deputy United States attorney,  
24 county attorney, municipal prosecutor or attorney general.
- 25          12. "Public defender" means a federal public defender, county  
26 public defender, county legal defender or county contract indigent defense  
27 counsel and includes an assistant or deputy federal public defender,  
28 county public defender or county legal defender.
- 29          13. "PUBLIC OFFICIAL" MEANS A PERSON WHO IS DULY ELECTED OR  
30 APPOINTED TO CONGRESS, THE LEGISLATURE OR A STATEWIDE OFFICE.