

Senate Engrossed

public officials; home addresses; confidentiality

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

# SENATE BILL 1061

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 **THE FOLLOWING:**

12 1. That person's documents, instruments or writings recorded by the  
13 county recorder.

14 2. **IF THE PERSON IS A PUBLIC OFFICIAL, THE ADDRESS OF A PROPERTY**  
15 **HELD IN TRUST BY THE PUBLIC OFFICIAL.**

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

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

22 2. The full legal description and parcel number of the person's  
23 property.

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

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

38 5. The document locator number and recording date of each  
39 instrument for which the person requests access restriction pursuant to  
40 this section.

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

1 C. If an eligible person is also requesting pursuant to section  
2 11-484 that the general public be prohibited from accessing records  
3 maintained by the county assessor and county treasurer, the eligible  
4 person may combine the request pursuant to subsection B of this section  
5 with the request pursuant to section 11-484 by filing one affidavit. The  
6 affidavit and subsequent action by the appropriate authorities shall meet  
7 all of the requirements of this section and section 11-484.

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

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

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

1 from accessing the unique identifier and the recording date contained in  
2 indexes of recorded instruments maintained by the county recorder and  
3 identified pursuant to subsection B of this section.

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

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

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

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

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

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

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

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

11 O. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

13           11. "Peace officer":

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

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

19           12. "Prosecutor" means a current or former county attorney,  
20 municipal prosecutor, attorney general or United States attorney and  
21 includes a current or former assistant or deputy United States attorney,  
22 county attorney, municipal prosecutor or attorney general.

23           13. "Public defender" means a federal public defender, county  
24 public defender, county legal defender or county contract indigent defense  
25 counsel and includes an assistant or deputy federal public defender,  
26 county public defender or county legal defender.

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

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

31           11-484. Records maintained by county assessor and county  
32 treasurer; redaction; definitions

33           A. Notwithstanding any other provision of this article, in any  
34 county an eligible person may request that the general public be  
35 prohibited from accessing that person's identifying information, including  
36 any of THE FOLLOWING:

37           1. That person's documents, instruments, writings and information  
38 maintained by the county assessor and the county treasurer.

39           2. IF THE PERSON IS A PUBLIC OFFICIAL, THE ADDRESS OF A PROPERTY  
40 HELD IN TRUST BY THE PUBLIC OFFICIAL.

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

- 1           1. The person's full legal name and residential address.
- 2           2. The full legal description and parcel number of the person's
- 3           property.
- 4           3. Unless the person is the spouse of a peace officer or the spouse
- 5           or minor child of a deceased peace officer or the person is a former
- 6           public official or former judge, the position the person currently holds
- 7           and a description of the person's duties, except that an eligible person
- 8           who is protected under an order of protection or injunction against
- 9           harassment shall attach a copy of the order of protection or injunction
- 10          against harassment or an eligible person who is a participant in the
- 11          address confidentiality program shall instead attach a copy of the
- 12          participant's current and valid address confidentiality program
- 13          authorization card issued pursuant to section 41-163 and a statement of
- 14          certification provided by the secretary of state's office.
- 15          4. The reasons the person reasonably believes that the person's
- 16          life or safety or that of another person is in danger and that redacting
- 17          the person's identifying information, including the residential address
- 18          and telephone number, will serve to reduce the danger.
- 19          C. If an eligible person is also requesting pursuant to section
- 20          11-483 that the general public be prohibited from accessing records
- 21          maintained by the county recorder, the eligible person may combine the
- 22          request pursuant to subsection B of this section with the request pursuant
- 23          to section 11-483 by filing one affidavit. The affidavit and subsequent
- 24          action by the appropriate authorities shall meet all of the requirements
- 25          of this section and section 11-483.
- 26          D. The affidavit shall be filed with the presiding judge of the
- 27          superior court in the county in which the affiant resides. To prevent
- 28          multiple filings, an eligible person who is a peace officer, spouse of a
- 29          peace officer, spouse or minor child of a deceased peace officer, public
- 30          defender, prosecutor, code enforcement officer, corrections or detention
- 31          officer, corrections support staff member or law enforcement support staff
- 32          member shall deliver the affidavit to the peace officer's commanding
- 33          officer, or to the head of the prosecuting, public defender, code
- 34          enforcement, law enforcement, corrections or detention agency, as
- 35          applicable, or that person's designee, who shall file the affidavits at
- 36          one time. In the absence of an affidavit that contains a request for
- 37          immediate action and that is supported by facts justifying an earlier
- 38          presentation, the commanding officer, or the head of the prosecuting,
- 39          public defender, code enforcement, law enforcement, corrections or
- 40          detention agency, as applicable, or that person's designee, shall not file
- 41          affidavits more often than quarterly.
- 42          E. On receipt of an affidavit or affidavits, the presiding judge of
- 43          the superior court shall file with the clerk of the superior court a
- 44          petition on behalf of all requesting affiants. Each affidavit presented
- 45          shall be attached to the petition. In the absence of an affidavit that

1 contains a request for immediate action and that is supported by facts  
2 justifying an earlier consideration, the presiding judge may accumulate  
3 affidavits and file a petition at the end of each quarter.

4 F. The presiding judge of the superior court shall review the  
5 petition and each attached affidavit to determine whether the action  
6 requested by each affiant should be granted. If the presiding judge of  
7 the superior court concludes that the action requested by the affiant will  
8 reduce a danger to the life or safety of the affiant or another person,  
9 the presiding judge of the superior court shall order the redaction of the  
10 affiant's identifying information, including any of that person's  
11 documents, instruments, writings and information maintained by the county  
12 assessor and the county treasurer. The redaction shall be in effect for  
13 five years.

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

22 H. On entry of the court order, the clerk of the superior court  
23 shall file the court order and a copy of the affidavit required by  
24 subsection B of this section with the county assessor and the county  
25 treasurer. Not more than ten days after the date on which the county  
26 assessor and the county treasurer receive the court order, the county  
27 assessor and the county treasurer shall restrict access to the information  
28 as required by subsection F of this section.

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

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



1 this section of the order's expiration date at least six months before the  
2 expiration date. If the notice is sent to the employing agency, the  
3 employing agency shall immediately notify the person who was granted the  
4 order of the upcoming expiration date. The county assessor or county  
5 treasurer may coordinate with the county recorder to prevent multiple  
6 notices from being sent to the same person.

7 K. For the purposes of this section:

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

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

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

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

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

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

37 7. "Judge" means a judge or former judge of the United States  
38 district court, the United States court of appeals, the United States  
39 magistrate court, the United States bankruptcy court, the United States  
40 immigration court, the Arizona court of appeals, the superior court or a  
41 municipal court.

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

44 9. "Law enforcement support staff member" means a person who serves  
45 in the role of an investigator or prosecutorial assistant in an agency

1 that investigates or prosecutes crimes, who is integral to the  
2 investigation or prosecution of crimes and whose name or identity will be  
3 revealed in the course of public proceedings.

4 10. "Peace officer":

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

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

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

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

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

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

22 13-2401. Personal information on the internet; exception;  
23 classification; definitions

24 A. It is unlawful for a person to knowingly make available on the  
25 ~~world wide web~~ INTERNET the personal information of a PUBLIC OFFICIAL,  
26 peace officer, justice, judge, commissioner, hearing officer, public  
27 defender, member of the commission on appellate court appointments,  
28 employee of the department of child safety or employee of adult protective  
29 services who has direct contact with families in the course of employment  
30 or prosecutor if the dissemination of the personal information poses an  
31 imminent and serious threat to the PUBLIC OFFICIAL'S, peace officer's,  
32 justice's, judge's, commissioner's, hearing officer's, public defender's,  
33 member's, department of child safety employee's, adult protective services  
34 employee's or prosecutor's safety or the safety of that person's immediate  
35 family and the threat is reasonably apparent to the person making the  
36 information available on the internet to be serious and imminent. FOR THE  
37 PURPOSES OF THIS SUBSECTION, "PERSONAL INFORMATION" INCLUDES THE ADDRESS  
38 OF A PROPERTY HELD IN TRUST BY A PUBLIC OFFICIAL.

39 B. It is not a violation of this section if an employee of a county  
40 recorder, county treasurer or county assessor publishes personal  
41 information, in good faith, on the website of the county recorder, county  
42 treasurer or county assessor in the ordinary course of carrying out public  
43 functions.

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

1 D. For the purposes of this section:

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

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

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

9 4. "Judge" means a judge of the United States district court, the  
10 United States court of appeals, the United States magistrate court, the  
11 United States bankruptcy court, the Arizona court of appeals, the superior  
12 court or a municipal court.

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

15 6. "Personal information" means a PUBLIC OFFICIAL'S, peace  
16 officer's, justice's, judge's, commissioner's, hearing officer's, public  
17 defender's, commission on appellate court appointments member's or  
18 prosecutor's home address, home telephone number, pager number, personal  
19 photograph, directions to the person's home or photographs of the person's  
20 home or vehicle.

21 7. "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 8. "Public defender" means a federal public defender, county public  
26 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 9. "PUBLIC OFFICIAL" MEANS A PERSON WHO IS DULY ELECTED OR  
30 APPOINTED TO CONGRESS, THE LEGISLATURE OR A STATEWIDE OFFICE.

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

33 16-153. Voter registration; confidentiality; definitions

34 A. Eligible persons, and any other registered voter who resides at  
35 the same residence address as the eligible person, may request that the  
36 general public be prohibited from accessing the eligible person's  
37 identifying information, including any of THE FOLLOWING:

38 1. That person's documents and voting precinct number contained in  
39 that person's voter registration record.

40 2. IF THE PERSON IS A PUBLIC OFFICIAL, THE ADDRESS OF A PROPERTY  
41 HELD IN TRUST BY THE PUBLIC OFFICIAL.

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

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

3           2. Unless the person is the spouse of a peace officer or the spouse  
4 or minor child of a deceased peace officer or the person is a former  
5 public official or former judge, the position the person currently holds  
6 and a description of the person's duties, except that an eligible person  
7 who is protected under an order of protection or injunction against  
8 harassment shall instead attach a copy of the order of protection or  
9 injunction against harassment.

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

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

29          D. On receipt of an affidavit or affidavits, the presiding judge of  
30 the superior court shall file with the clerk of the superior court a  
31 petition on behalf of all requesting affiants. The petition shall have  
32 attached each affidavit presented. In the absence of an affidavit that  
33 contains a request for immediate action and that is supported by facts  
34 justifying an earlier consideration, the presiding judge may accumulate  
35 affidavits and file a petition at the end of each quarter.

36          E. The presiding judge of the superior court shall review the  
37 petition and each attached affidavit to determine whether the action  
38 requested by each affiant should be granted. The presiding judge of the  
39 superior court shall order the sealing for five years of the information  
40 contained in the voter record of the affiant and, on request, any other  
41 registered voter who resides at the same residence address if the  
42 presiding judge concludes that this action will reduce a danger to the  
43 life or safety of the affiant.

44          F. The recorder shall remove the restrictions on all voter records  
45 submitted pursuant to subsection E of this section by January 5 in the

1 year after the court order expires. The county recorder shall send by  
2 mail one notice to either the PUBLIC OFFICIAL, former public official,  
3 peace officer, spouse of a peace officer, spouse or minor child of a  
4 deceased peace officer, public defender, prosecutor, code enforcement  
5 officer, corrections or detention officer, corrections support staff  
6 member, law enforcement support staff member, employee of the department  
7 of child safety or employee of adult protective services who has direct  
8 contact with families in the course of employment or the employing agency  
9 of a peace officer, public defender, prosecutor, code enforcement officer,  
10 corrections or detention officer, corrections support staff member or law  
11 enforcement support staff member who was granted an order pursuant to this  
12 section of the order's expiration date at least six months before the  
13 January 5 removal date. If the notice is sent to the employing agency,  
14 the employing agency shall immediately notify the person who was granted  
15 the order of the upcoming expiration date. The county recorder may  
16 coordinate with the county assessor and county treasurer to prevent  
17 multiple notices from being sent to the same person.

18 G. On entry of the court order, the clerk of the superior court  
19 shall file the court order with the county recorder. On receipt of the  
20 court order the county recorder shall seal the voter registration of the  
21 persons listed in the court order no later than one hundred twenty days  
22 from the date of receipt of the court order. To include a subsequent  
23 voter registration in the court order, a person listed in the court order  
24 shall present to the county recorder at the time of registration a  
25 certified copy of the court order or shall provide the county recorder the  
26 recording number of the court order. The information in the registration  
27 shall not be disclosed and is not a public record.

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

31 I. On motion to the court, if the presiding judge of the superior  
32 court concludes that a voter registration record has been sealed in error  
33 or that the cause for the original affidavit no longer exists, the  
34 presiding judge may vacate the court order prohibiting public access to  
35 the voter registration record.

36 J. On request by a person who is protected under an order of  
37 protection or injunction against harassment and presentation of an order  
38 of protection issued pursuant to section 13-3602, an injunction against  
39 harassment issued pursuant to section 12-1809 or an order of protection or  
40 injunction against harassment issued by a court in another state or a  
41 program participant in the address confidentiality program pursuant to  
42 title 41, chapter 1, article 3, the county recorder shall seal the voter  
43 registration record of the person who is protected and, on request, any  
44 other registered voter who resides at the residence address of the  
45 protected person. The record shall be sealed no later than one hundred

1 twenty days from the date of receipt of the court order. The information  
2 in the registration shall not be disclosed and is not a public record.

3 K. For the purposes of this section:

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

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

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

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

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

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

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

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

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

44 10. "Peace officer":

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

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 United States attorney,  
5 county attorney, municipal prosecutor or attorney general and includes a  
6 current or former assistant or deputy United States attorney, county  
7 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. 5. Section 28-454, Arizona Revised Statutes, is amended to  
15 read:

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

18 A. Notwithstanding sections 28-447 and 28-455, an eligible person  
19 may request that persons be prohibited from accessing the eligible  
20 person's identifying information, including any of **THE FOLLOWING:**

21 1. That person's documents, contained in any record maintained by  
22 the department.

23 2. **IF THE PERSON IS A PUBLIC OFFICIAL, THE ADDRESS OF A PROPERTY**  
24 **HELD IN TRUST BY THE PUBLIC OFFICIAL.**

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

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

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

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

42 C. The affidavit shall be filed with the presiding judge of the  
43 superior court in the county in which the affiant resides. To prevent  
44 multiple filings, an eligible person who is a peace officer, spouse of a  
45 peace officer, spouse or minor child of a deceased peace officer,

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

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

19 E. The presiding judge of the superior court shall review the  
20 petition and each attached affidavit to determine whether the action  
21 requested by each affiant should be granted. The presiding judge of the  
22 superior court shall order the redaction of the residence address and  
23 telephone number from the public records maintained by the department if  
24 the judge concludes that this action will reduce a danger to the life or  
25 safety of the affiant or another person.

26 F. On entry of the court order, the clerk of the superior court  
27 shall file the court order with the department. Not more than one hundred  
28 fifty days after the date the department receives the court order, the  
29 department shall redact the identifying information of the affiants listed  
30 in the court order from the public records of the department. The  
31 identifying information shall not be disclosed and is not part of a public  
32 record.

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

36 H. On motion to the court, if the presiding judge of the superior  
37 court concludes that identifying information has been sealed in error or  
38 that the cause for the original affidavit no longer exists, the presiding  
39 judge may vacate the court order prohibiting public access to the  
40 identifying information.

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



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

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

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

6 K. For the purposes of this section:

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

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

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

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

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

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

35 7. "Judge" means a judge or former judge of the United States  
36 district court, the United States court of appeals, the United States  
37 magistrate court, the United States bankruptcy court, the United States  
38 immigration court, the Arizona court of appeals, the superior court or a  
39 municipal court.

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

42 9. "Law enforcement support staff member" means a person who serves  
43 in the role of an investigator or prosecutorial assistant in an agency  
44 that investigates or prosecutes crimes, who is integral to the

1 investigation or prosecution of crimes and whose name or identity will be  
2 revealed in the course of public proceedings.

3 10. "Peace officer":

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

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

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

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

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

16 39-123. Information identifying eligible persons;  
17 confidentiality; definitions

18 A. Nothing in this chapter requires disclosure from a personnel  
19 file by a law enforcement agency or employing state or local governmental  
20 entity of the home address or home telephone number of eligible persons OR  
21 THE ADDRESS OF A PROPERTY HELD IN TRUST BY A PUBLIC OFFICIAL.

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

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

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

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

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

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

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

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

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

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

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

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

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

5           F. For the purposes of this section:

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

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

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

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

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

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

36          7. "Judge" means a judge or former judge of the United States  
37 district court, the United States court of appeals, the United States  
38 magistrate court, the United States bankruptcy court, the United States  
39 immigration court, the Arizona court of appeals, the superior court or a  
40 municipal court.

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

43          9. "Law enforcement support staff member" means a person who serves  
44 in the role of an investigator or prosecutorial assistant in an agency  
45 that investigates or prosecutes crimes, who is integral to the

1 investigation or prosecution of crimes and whose name or identity will be  
2 revealed in the course of public proceedings.

3 10. "Peace officer" has the same meaning prescribed in section  
4 13-105.

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

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

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

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

17 39-124. Releasing information identifying an eligible person;  
18 violations; classification; definitions

19 A. Any person who is employed by a state or local government entity  
20 and who, in violation of section 39-123, knowingly releases the home  
21 address or home telephone number of an eligible person OR THE ADDRESS OF A  
22 PROPERTY HELD IN TRUST BY A PUBLIC OFFICIAL with the intent to hinder an  
23 investigation, cause physical injury to an eligible person or the eligible  
24 person's immediate family or cause damage to the property of an eligible  
25 person or the eligible person's immediate family is guilty of a class 6  
26 felony.

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

33 C. For the purposes of this section:

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

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

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

42 4. "Eligible person" means a PUBLIC OFFICIAL, former public  
43 official, peace officer, spouse of a peace officer, spouse or minor child  
44 of a deceased peace officer, border patrol agent, justice, judge,  
45 commissioner, hearing officer, public defender, prosecutor, code

1 enforcement officer, adult or juvenile corrections officer, corrections  
2 support staff member, probation officer, member of the board of executive  
3 clemency, law enforcement support staff member, employee of the department  
4 of child safety or employee of adult protective services who has direct  
5 contact with families in the course of employment, national guard member  
6 who is acting in support of a law enforcement agency, person who is  
7 protected under an order of protection or injunction against harassment,  
8 firefighter who is assigned to the Arizona counter terrorism information  
9 center in the department of public safety or victim of domestic violence  
10 or stalking who is protected under an order of protection or injunction  
11 against harassment.

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

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

18 7. "Judge" means a judge or former judge of the United States  
19 district court, the United States court of appeals, the United States  
20 magistrate court, the United States bankruptcy court, the United States  
21 immigration court, the Arizona court of appeals, the superior court or a  
22 municipal court.

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

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

30 10. "Peace officer" has the same meaning prescribed in section  
31 13-105.

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

36 12. "Public defender" means a federal public defender, county  
37 public defender, county legal defender or county contract indigent defense  
38 counsel and includes an assistant or deputy federal public defender,  
39 county public defender or county legal defender.

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