

House Engrossed Senate Bill
law enforcement; video recordings; fee

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

SENATE BILL 1148

AN ACT

AMENDING SECTIONS 13-4405 AND 39-127, ARIZONA REVISED STATUTES; AMENDING TITLE 39, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 39-129; RELATING TO PUBLIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-4405, Arizona Revised Statutes, is amended to
3 read:

4 13-4405. Information provided to victim by law enforcement
5 agencies

6 A. As soon after the detection of a criminal offense as the victim
7 may be contacted without interfering with an investigation or arrest, the
8 law enforcement agency that has responsibility for investigating the
9 criminal offense shall provide electronic forms, pamphlets, information
10 cards or other materials to the victim:

11 1. That ~~allows~~ ALLOW the victim to request or waive applicable
12 rights to which the victim is entitled, on request, under this article.

13 2. That ~~provides~~ PROVIDE the victim a method to designate a lawful
14 representative if the victim chooses pursuant to section 13-4403,
15 subsection A or section 13-4404.

16 3. That ~~provides~~ PROVIDE notice to the victim of all of the
17 following information:

18 (a) The victim's right under the victims' bill of rights, article
19 II, section 2.1, Constitution of Arizona, to be treated with fairness,
20 respect and dignity and to be free of intimidation, harassment or abuse
21 throughout the criminal or juvenile justice process.

22 (b) The availability, if any, of crisis intervention services and
23 emergency and medical services and, where applicable, that medical
24 expenses arising out of the need to secure evidence may be reimbursed
25 pursuant to section 13-1414.

26 (c) In cases of domestic violence, the procedures and resources
27 available ~~for the protection of~~ TO PROTECT the victim pursuant to section
28 13-3601.

29 (d) The names and telephone numbers of public and private victim
30 assistance programs, including the county victim compensation program and
31 programs that provide counseling, treatment and other support services.

32 (e) The police report number, if available, other identifying case
33 information and the following statement:

34 If within thirty days you are not notified of an arrest in
35 your case, you may call (the law enforcement agency's
36 telephone number) for the status of the case.

37 (f) Whether the suspect is an adult or juvenile, a statement that
38 the victim will be notified by the law enforcement agency at the earliest
39 opportunity after the arrest of a suspect.

40 (g) If the suspect is an adult and has been arrested, the victim's
41 right, on request, to be informed of the suspect's release, of the next
42 regularly scheduled time, place and date for initial appearances in the
43 jurisdiction and of the victim's right to be heard at the initial
44 appearance and that, to exercise these rights, the victim is advised to
45 contact the custodial agency regarding the suspect's release and to

1 contact the court regarding any changes to the initial appearance
2 schedule.

3 (h) If the victim chooses to exercise the right to be heard through
4 a written statement, how that statement may be submitted to the court.

5 (i) That the victim or the immediate family member of the victim,
6 if the victim is killed or incapacitated, has the right to receive one
7 copy of the police report, including any supplements to the report, **AND**
8 **VIDEO RECORDINGS** from the investigating law enforcement agency at no
9 charge pursuant to ~~section~~ **SECTIONS 39-127 AND 39-129**.

10 B. If at the time of contact with a law enforcement agency the
11 victim is physically or emotionally unable to request or waive applicable
12 rights, the law enforcement agency shall designate this in the format that
13 is authorized by subsection A of this section and the entities that may be
14 subsequently affected shall presume that the victim invoked the victim's
15 right to request applicable rights to which the victim is entitled, on
16 request, unless the victim later waives those rights.

17 C. The law enforcement agency shall submit a copy of the victim's
18 request or waiver of preconviction rights form to the custodial agency and
19 a copy to the prosecutor if a suspect is arrested, at the time the suspect
20 is taken into custody. If there is no arrest, the form copies shall be
21 submitted to the prosecutor at the time the case is otherwise presented to
22 the prosecutor for review. The prosecutor shall submit a copy of the
23 victim's request or waiver of preconviction rights form to the departments
24 or sections of the prosecutor's office, if applicable, that are mandated
25 by this article to provide victims' rights services on request.

26 D. If the suspected offender is cited and released, the law
27 enforcement agency responsible for investigating the offense shall inform
28 the victim of the court date and how to obtain additional information
29 about the subsequent criminal proceedings.

30 E. Law enforcement agencies within a county may establish different
31 procedures designed to efficiently and effectively provide notice of the
32 victim's rights pursuant to this section and notice to affected entities
33 of the victim request or waiver information. If different procedures are
34 established, the procedures shall:

35 1. Be reported to the entities within a county affected by the
36 procedures and reported to the attorney general.

37 2. Be designed so that custodial agencies and prosecutors within a
38 county receive notice of the victim's request or waiver of the victim's
39 preconviction rights at the same time that an adult suspect is arrested.

40 3. Be designed so that prosecutors within a county receive notice
41 of the victim's request or waiver of the victim's preconviction rights, if
42 there is no arrest, at the same time that the case is otherwise presented
43 to the prosecutor for review.

44 4. Provide that the notice to affected entities of a victim's
45 request or waiver of the victim's preconviction rights includes

1 information that affords the affected entity the ability to contact the
2 victim.

3 5. Be supported by use of electronic forms, brochures or other
4 written materials that are developed by the law enforcement agencies
5 within a county and reviewed by the attorney general pursuant to section
6 13-4417, subsection B.

7 F. If a suspect has not been arrested at the time of contact with
8 the victim pursuant to subsection A of this section, the law enforcement
9 agency that is responsible for investigating the offense shall notify the
10 victim of the arrest of a suspect at the earliest opportunity after the
11 arrest and of the time, place and date for the initial appearance.

12 Sec. 2. Section 39-127, Arizona Revised Statutes, is amended to
13 read:

14 39-127. Free copies of police reports, video recordings and
15 transcripts for crime victims; definition

16 A. A victim of a criminal offense that is a part I crime under the
17 statewide uniform crime reporting program, the victim's attorney on behalf
18 of the victim or an immediate family member of the victim if the victim is
19 killed or incapacitated has the right to receive one copy of the police
20 report AND VIDEO RECORDINGS from the investigating law enforcement agency
21 at no charge and, on request of the victim, the court or the clerk of the
22 court shall provide, at no charge, the minute entry or portion of the
23 record of any proceeding in the case that arises out of the offense
24 committed against the victim and that is reasonably necessary for the
25 purpose of pursuing a claimed victim's right. For the purposes of this
26 subsection, "criminal offense", "immediate family" and "victim" have the
27 same meanings prescribed in section 13-4401.

28 B. A victim of a delinquent act that is a part I crime under the
29 statewide uniform crime reporting program, the victim's attorney on behalf
30 of the victim or an immediate family member of the victim if the victim is
31 killed or incapacitated has the right to receive one copy of the police
32 report AND VIDEO RECORDINGS from the investigating law enforcement agency
33 at no charge and, on request of the victim, the court or the clerk of the
34 court shall provide, at no charge, the minute entry or portion of the
35 record of any proceeding in the case that arises out of the offense
36 committed against the victim and that is reasonably necessary for the
37 purpose of pursuing a claimed victim's right. For the purposes of this
38 subsection, "delinquent act", "immediate family" and "victim" have the
39 same meanings prescribed in section 8-382.

40 C. For the purposes of this section, "attorney" means any person
41 who is a member in good standing of the bar of the highest court of any
42 state, possession, territory, commonwealth or district of the United
43 States and who is not under any order of any court suspending, enjoining,
44 restraining, disbaring or otherwise restricting the person in the
45 practice of law.

1 Sec. 3. Title 39, chapter 1, article 2, Arizona Revised Statutes,
2 is amended by adding section 39-129, to read:

3 39-129. Local law enforcement; video recordings; fee

4 EXCEPT AS PROVIDED IN SECTION 39-127, A COUNTY, A CITY, A TOWN OR
5 ANY POLITICAL SUBDIVISION OF THIS STATE MAY ESTABLISH A ONETIME FEE PER
6 COPY, NOT TO EXCEED \$46 PER VIDEO-HOUR REVIEWED, THAT IS CHARGED TO A
7 PERSON WHO SUBMITS A PUBLIC RECORDS REQUEST TO A LOCAL LAW ENFORCEMENT
8 AGENCY FOR A COPY OF A VIDEO RECORDING. A COUNTY, A CITY, A TOWN OR ANY
9 POLITICAL SUBDIVISION OF THIS STATE MAY TAKE INTO CONSIDERATION THE
10 FOLLOWING INFORMATION WHEN DETERMINING THE AMOUNT OF THE ONETIME FEE PER
11 COPY:

12 1. THE REASONABLE COST OF REVIEWING, TRANSMITTING, MAKING A COPY OF
13 AND, AS NECESSARY, REDACTING THE VIDEO RECORDING.

14 2. ANY OTHER RELEVANT INFORMATION.