

Senate Engrossed

health professionals; address; confidentiality

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

SENATE BILL 1176

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 HEALTH PROFESSIONAL, former public official, peace officer,
22 spouse of a peace officer, spouse or minor child of a deceased peace
23 officer, public defender, prosecutor, code enforcement officer,
24 corrections or detention officer, corrections support staff member, law
25 enforcement support staff member, employee of the department of child
26 safety or employee of adult protective services who has direct contact
27 with families in the course of employment or the employing agency of
28 ~~a~~ THE peace officer, public defender, prosecutor, code enforcement
29 officer, corrections or detention officer, corrections support staff
30 member, law enforcement support staff member or employee of adult
31 protective services who was granted an order pursuant to this section of
32 the order's expiration date at least six months before the expiration
33 date. If the notice is sent to the employing agency, the employing agency
34 shall immediately notify the person who was granted the order of the
35 upcoming expiration date. The county recorder may coordinate with the
36 county assessor and county treasurer to prevent multiple notices from
37 being sent to the same person.

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

44 L. This section does not restrict access to public records for the
45 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 HEALTH PROFESSIONAL, 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. "HEALTH PROFESSIONAL" MEANS A CERTIFIED NURSING ASSISTANT OR A
38 REGISTERED NURSE AS DEFINED IN SECTION 32-1601.

39 ~~6.~~ 7. "Hearing officer" means a hearing officer who is appointed
40 pursuant to section 28-1553.

41 ~~7.~~ 8. "Indexes" means only those indexes that are maintained by
42 and 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.~~ 9. "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.~~ 10. "Justice" means a justice of the United States or Arizona
7 supreme court or a justice of the peace.

8 ~~10.~~ 11. "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.~~ 12. "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.~~ 13. "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.~~ 14. "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 Sec. 2. Section 11-484, Arizona Revised Statutes, is amended to
28 read:

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

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

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

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

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

44 3. Unless the person is the spouse of a peace officer or the spouse
45 or minor child of a deceased peace officer or the person is a former

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

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

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

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

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

44 F. The presiding judge of the superior court shall review the
45 petition and each attached affidavit to determine whether the action

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

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

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

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

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

1 county treasurer may coordinate with the county recorder to prevent
2 multiple notices from being sent to the same person.

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 HEALTH PROFESSIONAL, 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, code enforcement officer, adult or
16 juvenile corrections officer, corrections support staff member, probation
17 officer, member of the commission on appellate court appointments, member
18 of the board of executive clemency, law enforcement support staff member,
19 employee of the department of child safety or employee of adult protective
20 services who has direct contact with families in the course of employment,
21 national guard member who is acting in support of a law enforcement
22 agency, person who is protected under an order of protection or injunction
23 against harassment, person who is a participant in the address
24 confidentiality program pursuant to title 41, chapter 1, article 3, or
25 firefighter who is assigned to the Arizona counter terrorism information
26 center in the department of public safety.

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

31 6. "HEALTH PROFESSIONAL" MEANS A CERTIFIED NURSING ASSISTANT OR A
32 REGISTERED NURSE AS DEFINED IN SECTION 32-1601.

33 ~~6.~~ 7. "Hearing officer" means a hearing officer who is appointed
34 pursuant to section 28-1553.

35 ~~7.~~ 8. "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.~~ 9. "Justice" means a justice of the United States or Arizona
41 supreme court or a justice of the peace.

42 ~~9.~~ 10. "Law enforcement support staff member" means a person who
43 serves in the role of an investigator or prosecutorial assistant in an
44 agency 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.~~ 11. "Peace officer":

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

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

9 ~~11.~~ 12. "Prosecutor" means a current or former county attorney,
10 municipal prosecutor, attorney general or United States attorney and
11 includes a current or former assistant or deputy United States attorney,
12 county attorney, municipal prosecutor or attorney general.

13 ~~12.~~ 13. "Public defender" means a federal public defender, county
14 public defender, county legal defender or county contract indigent defense
15 counsel and includes an assistant or deputy federal public defender,
16 county public defender or county legal defender.

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

19 13-2401. Personal information on the internet; exception;
20 classification; definitions

21 A. It is unlawful for a person to knowingly make available on the
22 ~~world wide web~~ INTERNET the personal information of a HEALTH PROFESSIONAL,
23 peace officer, justice, judge, commissioner, hearing officer, public
24 defender, member of the commission on appellate court appointments,
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 or prosecutor if the dissemination of the personal information poses an
28 imminent and serious threat to the HEALTH PROFESSIONAL'S, peace officer's,
29 justice's, judge's, commissioner's, hearing officer's, public defender's,
30 member's, department of child safety employee's, adult protective services
31 employee's or prosecutor's safety or the safety of that person's immediate
32 family and the threat is reasonably apparent to the person making the
33 information available on the internet to be serious and imminent.

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

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

40 D. For the purposes of this section:

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

43 2. "HEALTH PROFESSIONAL" MEANS A CERTIFIED NURSING ASSISTANT OR A
44 REGISTERED NURSE AS DEFINED IN SECTION 32-1601.

1 ~~2.~~ 3. "Hearing officer" means a hearing officer who is appointed
2 pursuant to section 28-1553.

3 ~~3.~~ 4. "Immediate family" means a HEALTH PROFESSIONAL'S, peace
4 officer's, justice's, judge's, commissioner's, public defender's or
5 prosecutor's spouse, child or parent and any other adult who lives in the
6 same residence as the person.

7 ~~4.~~ 5. "Judge" means a judge of the United States district court,
8 the United States court of appeals, the United States magistrate court,
9 the United States bankruptcy court, the Arizona court of appeals, the
10 superior court or a municipal court.

11 ~~5.~~ 6. "Justice" means a justice of the United States or Arizona
12 supreme court or a justice of the peace.

13 ~~6.~~ 7. "Personal information" means a HEALTH PROFESSIONAL'S, peace
14 officer's, justice's, judge's, commissioner's, hearing officer's, public
15 defender's, commission on appellate court appointments member's or
16 prosecutor's home address, home telephone number, pager number, ~~OR~~
17 personal photograph, directions to the person's home or photographs of the
18 person's home or vehicle.

19 ~~7.~~ 8. "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 ~~8.~~ 9. "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 Sec. 4. Section 16-153, Arizona Revised Statutes, is amended to
28 read:

29 16-153. Voter registration; confidentiality; definitions

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

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

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

42 2. Unless the person is the spouse of a peace officer or the spouse
43 or minor child of a deceased peace officer or the person is a former
44 public official or former judge, the position the person currently holds
45 and a description of the person's duties, except that an eligible person

1 who is protected under an order of protection or injunction against
2 harassment shall instead attach a copy of the order of protection or
3 injunction against harassment.

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

8 C. 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, prosecutor,
11 public defender, code enforcement officer, corrections or detention
12 officer, corrections support staff member or law enforcement support staff
13 member shall deliver the affidavit to the peace officer's commanding
14 officer, or to the head of the prosecuting, public defender, code
15 enforcement, law enforcement, corrections or detention agency, as
16 applicable, or that person's designee, who shall file the affidavits at
17 one time. In the absence of an affidavit that contains a request for
18 immediate action and is supported by facts justifying an earlier
19 presentation, the commanding officer, or the head of the prosecuting,
20 public defender, code enforcement, law enforcement, corrections or
21 detention agency, as applicable, or that person's designee, shall not file
22 affidavits more often than quarterly.

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

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

38 F. The recorder shall remove the restrictions on all voter records
39 submitted pursuant to subsection E of this section by January 5 in the
40 year after the court order expires. The county recorder shall send by
41 mail one notice to either the **HEALTH PROFESSIONAL**, former public official,
42 peace officer, spouse of a peace officer, spouse or minor child of a
43 deceased peace officer, public defender, prosecutor, code enforcement
44 officer, corrections or detention officer, corrections support staff
45 member, law enforcement support staff member, employee of the department

1 of child safety or employee of adult protective services who has direct
2 contact with families in the course of employment or the employing agency
3 of ~~a~~ THE peace officer, public defender, prosecutor, code enforcement
4 officer, corrections or detention officer, corrections support staff
5 member or law enforcement support staff member who was granted an order
6 pursuant to this section of the order's expiration date at least six
7 months before the January 5 removal date. If the notice is sent to the
8 employing agency, the employing agency shall immediately notify the person
9 who was granted the order of the upcoming expiration date. The county
10 recorder may coordinate with the county assessor and county treasurer to
11 prevent multiple notices from being sent to the same person.

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

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

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

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

43 K. For the purposes of this section:

44 1. "Code enforcement officer" means a person who is employed by a
45 state or local government and whose duties include performing field

1 inspections of buildings, structures or property to ensure compliance with
2 and enforce national, state and local laws, ordinances and codes.

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

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

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

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

25 6. **"HEALTH PROFESSIONAL" MEANS A CERTIFIED NURSING ASSISTANT OR A**
26 **REGISTERED NURSE AS DEFINED IN SECTION 32-1601.**

27 ~~6.~~ 7. "Hearing officer" means a hearing officer who is appointed
28 pursuant to section 28-1553.

29 ~~7.~~ 8. "Judge" means a judge or former judge of the United States
30 district court, the United States court of appeals, the United States
31 magistrate court, the United States bankruptcy court, the United States
32 immigration court, the Arizona court of appeals, the superior court or a
33 municipal court.

34 ~~8.~~ 9. "Justice" means a justice of the United States or Arizona
35 supreme court or a justice of the peace.

36 ~~9.~~ 10. "Law enforcement support staff member" means a person who
37 serves in the role of an investigator or prosecutorial assistant in an
38 agency that investigates or prosecutes crimes, who is integral to the
39 investigation or prosecution of crimes and whose name or identity will be
40 revealed in the course of public proceedings.

41 ~~10.~~ 11. "Peace officer":

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

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

1 that contains a request for immediate action and that is supported by
2 facts justifying an earlier presentation, the commanding officer, or the
3 head of the prosecuting, code enforcement, law enforcement, corrections or
4 detention agency, as applicable, or that person's designee, shall not file
5 affidavits more often than quarterly.

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

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

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

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

30 H. On motion to the court, if the presiding judge of the superior
31 court concludes that identifying information has been sealed in error or
32 that the cause for the original affidavit no longer exists, the presiding
33 judge may vacate the court order prohibiting public access to the
34 identifying information.

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

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

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

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

45 K. For the purposes of this section:

- 1 1. "Code enforcement officer" means a person who is employed by a
2 state or local government and whose duties include performing field
3 inspections of buildings, structures or property to ensure compliance with
4 and enforce national, state and local laws, ordinances and codes.
- 5 2. "Commissioner" means a commissioner of the superior court or
6 municipal court.
- 7 3. "Corrections support staff member" means an adult or juvenile
8 corrections employee who has direct contact with inmates.
- 9 4. "Eligible person" means a **HEALTH PROFESSIONAL**, former public
10 official, peace officer, spouse of a peace officer, spouse or minor child
11 of a deceased public officer, justice, judge or former judge,
12 commissioner, hearing officer, public defender, prosecutor, code
13 enforcement officer, adult or juvenile corrections officer, corrections
14 support staff member, probation officer, member of the commission on
15 appellate court appointments, member of the board of executive clemency,
16 law enforcement support staff member, employee of the department of child
17 safety or employee of adult protective services who has direct contact
18 with families in the course of employment, national guard member who is
19 acting in support of a law enforcement agency, person who is protected
20 under an order of protection or injunction against harassment or
21 firefighter who is assigned to the Arizona counter terrorism information
22 center in the department of public safety.
- 23 5. "Former public official" means a person who was duly elected or
24 appointed to Congress, the legislature or a statewide office, who ceased
25 serving in that capacity and who was the victim of a dangerous offense as
26 defined in section 13-105 while in office.
- 27 6. **"HEALTH PROFESSIONAL" MEANS A CERTIFIED NURSING ASSISTANT OR A**
28 **REGISTERED NURSE AS DEFINED IN SECTION 32-1601.**
- 29 ~~6-~~ 7. "Hearing officer" means a hearing officer who is appointed
30 pursuant to section 28-1553.
- 31 ~~7-~~ 8. "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-~~ 9. "Justice" means a justice of the United States supreme court
37 or the Arizona supreme court or a justice of the peace.
- 38 ~~9-~~ 10. "Law enforcement support staff member" means a person who
39 serves in the role of an investigator or prosecutorial assistant in an
40 agency 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-~~ 11. "Peace officer":
44 (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.~~ 12. "Prosecutor" means a current or former United States
5 attorney, county attorney, municipal prosecutor or attorney general and
6 includes a current or former assistant or deputy United States attorney,
7 county attorney, municipal prosecutor or attorney general.

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

10 39-123. Information identifying eligible persons:
11 confidentiality; definitions

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

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

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

18 2. The custodian of records of the agency or governmental entity
19 determines that release of the information does not create a reasonable
20 risk of physical injury to the person or the person's immediate family or
21 damage to the property of the person or the person's immediate family.

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

24 1. The peace officer has been arrested or has been formally charged
25 by complaint, information or indictment for a misdemeanor or a felony
26 offense.

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

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

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

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

35 D. 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 law enforcement agency.

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

43 F. For the purposes of this section:

44 1. "Code enforcement officer" means a person who is employed by a
45 state or local government and whose duties include performing field

1 inspections of buildings, structures or property to ensure compliance with
2 and enforce national, state and local laws, ordinances and codes.

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

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

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

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

27 6. **"HEALTH PROFESSIONAL" MEANS A CERTIFIED NURSING ASSISTANT OR A**
28 **REGISTERED NURSE AS DEFINED IN SECTION 32-1601.**

29 ~~6.~~ 7. "Hearing officer" means a hearing officer who is appointed
30 pursuant to section 28-1553.

31 ~~7.~~ 8. "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.~~ 9. "Justice" means a justice of the United States or Arizona
37 supreme court or a justice of the peace.

38 ~~9.~~ 10. "Law enforcement support staff member" means a person who
39 serves in the role of an investigator or prosecutorial assistant in an
40 agency 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.~~ 11. "Peace officer" has the same meaning prescribed in section
44 13-105.

1 ~~11.~~ 12. "Prosecutor" means a current or former county attorney,
2 municipal prosecutor, attorney general or United States attorney and
3 includes a current or former assistant or deputy United States attorney,
4 county attorney, municipal prosecutor or attorney general.

5 ~~12.~~ 13. "Public defender" means a federal public defender, county
6 public defender, county legal defender or county contract indigent defense
7 counsel and includes an assistant or deputy federal public defender,
8 county public defender or county legal defender.

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

11 39-124. Releasing information identifying an eligible person;
12 violations; classification; definitions

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

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

26 C. For the purposes of this section:

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

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

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

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

1 firefighter who is assigned to the Arizona counter terrorism information
2 center in the department of public safety or victim of domestic violence
3 or stalking who is protected under an order of protection or injunction
4 against harassment.

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

9 6. "HEALTH PROFESSIONAL" MEANS A CERTIFIED NURSING ASSISTANT OR A
10 REGISTERED NURSE AS DEFINED IN SECTION 32-1601.

11 ~~6.~~ 7. "Hearing officer" means a hearing officer who is appointed
12 pursuant to section 28-1553.

13 ~~7.~~ 8. "Judge" means a judge or former judge of the United States
14 district court, the United States court of appeals, the United States
15 magistrate court, the United States bankruptcy court, the United States
16 immigration court, the Arizona court of appeals, the superior court or a
17 municipal court.

18 ~~8.~~ 9. "Justice" means a justice of the United States or Arizona
19 supreme court or a justice of the peace.

20 ~~9.~~ 10. "Law enforcement support staff member" means a person who
21 serves in the role of an investigator or prosecutorial assistant in an
22 agency that investigates or prosecutes crimes, who is integral to the
23 investigation or prosecution of crimes and whose name or identity will be
24 revealed in the course of public proceedings.

25 ~~10.~~ 11. "Peace officer" has the same meaning prescribed in section
26 13-105.

27 ~~11.~~ 12. "Prosecutor" means a current or former county attorney,
28 municipal prosecutor, attorney general or United States attorney and
29 includes a current or former assistant or deputy United States attorney,
30 county attorney, municipal prosecutor or attorney general.

31 ~~12.~~ 13. "Public defender" means a federal public defender, county
32 public defender, county legal defender or county contract indigent defense
33 counsel and includes an assistant or deputy federal public defender,
34 county public defender or county legal defender.