

PROPOSED

SENATE AMENDMENTS TO S.B. 1588

(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 13-4434, Arizona Revised Statutes, is amended to  
3 read:

4 13-4434. Victim's right to privacy; exception; definitions

5 A. The victim has the right at any court proceeding not to testify  
6 regarding any identifying or locating information unless the victim  
7 consents or the court orders disclosure on finding that a compelling need  
8 for the information exists. A court proceeding on the motion shall be in  
9 camera.

10 B. A victim's identifying and locating information that is obtained,  
11 compiled or reported by a law enforcement agency or prosecution agency  
12 shall be redacted by the originating agency and prosecution agencies from  
13 records pertaining to the criminal case involving the victim, including  
14 discovery disclosed to the defendant, the defendant's attorney or any of  
15 the attorney's staff.

16 C. Subsection B of this section does not apply to:

17 1. The victim's name except, if the victim is a minor, the victim's  
18 name may be redacted from public records pertaining to the crime if the  
19 countervailing interests of confidentiality, privacy, the rights of the  
20 minor or the best interests of this state outweigh the public interest in  
21 disclosure.

1           2. Any records that are transmitted between law enforcement and  
2 prosecution agencies or a court.

3           3. Any records if the victim or, if the victim is a minor, the  
4 victim's representative as designated under section 13-4403 has consented  
5 to the release of the information.

6           4. The general location at which the reported crime occurred.

7           5. The victim's address, if the victim's address appears in any  
8 body-worn camera footage, photographs or other visual or audio depictions  
9 and there is evidence that the defendant knows the victim's address because  
10 of a relationship set forth in section 13-3601, subsection A.

11           6. ANY DATA THAT IS SHARED UNDER THE REPORTING REQUIREMENTS  
12 PRESCRIBED IN SECTION 41-2414.

13           D. Notwithstanding subsections A and B of this section, a court may  
14 order the victim's identifying and locating information to be disclosed in  
15 a specific case if it is necessary to protect the defendant's  
16 constitutional rights or when the information is not reasonably able to be  
17 redacted because of undue burden or expense. Before the court discloses  
18 the information, the victim must be notified and has the right to be heard  
19 by the court. If the disclosure is made to the defendant's attorney, the  
20 defendant's attorney may not disclose the information to any person other  
21 than the attorney's staff and a designated investigator. The defendant's  
22 attorney may not provide the disclosed information to the defendant without  
23 specific authorization from the court.

24           E. For the purposes of this section:

25           1. "Identifying information" includes a victim's date of birth,  
26 social security number and official state or government issued driver  
27 license or identification number.

28           2. "Locating information" includes the victim's address, telephone  
29 number, email address and place of employment."

30 Renumber to conform

1 Page 1, line 5, strike "definition" insert "definitions"

2 Line 16, strike "full"

3 Between lines 20 and 21, insert:

4 "D. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL NOT RELEASE ANY  
5 DISAGGREGATED PERSONALLY IDENTIFYING INFORMATION, LOCATING INFORMATION,  
6 PHOTOGRAPH OR MUGSHOT OF ANY INDIVIDUAL."

7 Reletter to conform

8 Line 21, strike the comma insert ":

9 1."

10 Between lines 22 and 23, insert:

11 "2. "IDENTIFYING INFORMATION" INCLUDES A PERSON'S NAME, DATE OF  
12 BIRTH, SOCIAL SECURITY NUMBER AND OFFICIAL STATE OR GOVERNMENT ISSUED  
13 DRIVER LICENSE OR NONOPERATING IDENTIFICATION LICENSE NUMBER.

14 3. "LOCATING INFORMATION" INCLUDES A PERSON'S ADDRESS, TELEPHONE  
15 NUMBER, EMAIL ADDRESS AND PLACE OF EMPLOYMENT."

16 Line 25, strike "open" insert "online"

17 Line 28, strike "OPEN" insert "ONLINE"

18 Line 30, strike "BEGINNING ON JANUARY 1, 2024,"

19 Line 31, strike "AND" insert "THE SYSTEM SHALL BECOME OPERATIONAL ON THE VOTE  
20 OF THE COMMISSION."

21 Line 32, after "STATE" insert "APPROVED BY THE COMMISSION AS READY TO REPORT";  
22 after "DATA" insert "THAT IS CURRENTLY COLLECTED AND READILY REPORTABLE  
23 ELECTRICALLY"; after "BY" insert "SECTION 41-2408 AND"

24 Line 42, strike "ETHNICITY" insert "RACE"

25 Page 2, line 1, strike "PHYSICAL GENDER AND"

26 Line 8, after "SPEAKS" insert a period strike remainder of line

27 Strike lines 9 and 10

28 Line 14, strike "ETHNICITY" insert "RACE"

29 Line 15, strike "PHYSICAL GENDER AND"

30 Line 23, after "SPEAKS" insert a period strike remainder of line

31 Strike lines 24 and 25

32 Reletter to conform

- 1 Page 3, line 26, strike "ETHNICITY" insert "RACE"
- 2 Line 27, strike "PHYSICAL GENDER AND"
- 3 Line 35, after "SPEAKS" insert a period strike remainder of line
- 4 Strike lines 36 and 37
- 5 Line 42, strike "ETHNICITY" insert "RACE"
- 6 Line 43, strike "PHYSICAL GENDER AND"
- 7 Page 4, line 6, after "SPEAKS" insert a period strike remainder of line
- 8 Strike lines 7 and 8
- 9 Strike line 19
- 10 Reletter to conform
- 11 Line 34, strike "ETHNICITY" insert "RACE"
- 12 Line 35, strike "PHYSICAL GENDER AND"
- 13 Page 5, strike line 5
- 14 Reletter to conform
- 15 Line 31, strike "ETHNICITY" insert "RACE"
- 16 Line 32, strike "PHYSICAL GENDER AND"
- 17 Line 39, after "SPEAKS" insert a period strike remainder of line
- 18 Strike lines 40 and 41
- 19 Page 6, line 44, strike "ETHNICITY" insert "RACE"
- 20 Line 45, strike "PHYSICAL GENDER AND"
- 21 Page 7, strike lines 15 through 21, insert:
  - 22 "G. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL NOT RELEASE ANY
  - 23 DISAGGREGATED PERSONALLY IDENTIFYING INFORMATION, LOCATING INFORMATION,
  - 24 PHOTOGRAPH OR MUGSHOT OF ANY INDIVIDUAL."
- 25 Amend title to conform

DAVID GOWAN

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C: AH