

House Engrossed

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

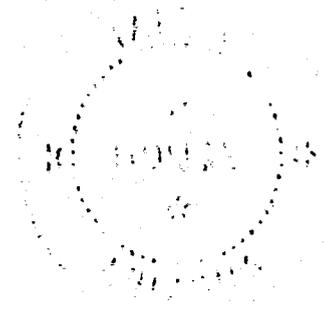
CHAPTER 181

HOUSE BILL 2254

AN ACT

AMENDING SECTION 28-454, ARIZONA REVISED STATUTES; RELATING TO DEPARTMENT OF
TRANSPORTATION RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



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

2 Section 1. Section 28-454, Arizona Revised Statutes, is amended to
3 read:

4 28-454. Public records; peace officers; prosecutors; redaction;
5 definition

6 A. Notwithstanding sections 28-447 and 28-452, a peace officer or
7 prosecutor may request that persons be prohibited from accessing the peace
8 officer's or prosecutor's residential address and telephone number contained
9 in any record maintained by the department.

10 B. A peace officer or prosecutor may request this action by filing an
11 affidavit that states all of the following on an application form developed
12 by the administrative office of the courts in agreement with an association
13 of counties, an organization of peace officers and the department:

14 1. The peace officer's or prosecutor's full legal name and residential
15 address.

16 2. The position the peace officer or prosecutor currently holds and a
17 description of the peace officer's or prosecutor's duties.

18 3. The reasons the peace officer or prosecutor reasonably believes
19 that the peace officer's or prosecutor's life or safety or that of another
20 person is in danger and that redacting the residential address and telephone
21 number from the department's public records will serve to reduce the danger.

22 C. The affidavit shall be filed with the presiding judge of the
23 superior court in the county in which the affiant resides. To prevent a
24 multiplicity of filings, a peace officer shall deliver the affidavit to the
25 peace officer's commanding officer, who shall file the affidavits at one
26 time, and prosecutors shall deliver the affidavit to the head of the
27 prosecuting agency or that person's designee, who shall file the affidavits
28 at one time. In the absence of an affidavit that contains a request for
29 immediate action and that is supported by facts justifying an earlier
30 presentation, the commanding officer, or the head of the prosecuting agency
31 or that person's designee, shall not file affidavits more often than
32 quarterly.

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

41 E. The presiding judge of the superior court shall review the petition
42 and each attached affidavit to determine whether the action requested by each
43 peace officer and prosecutor should be granted. The presiding judge of the
44 superior court shall order the redaction of the residence address and
45 telephone number from the public records maintained by the department if the

1 judge concludes that this action will reduce a danger to the life or safety
2 of the affiant or another person.

3 F. On entry of the court order, the clerk of the superior court shall
4 file the court order with the department. No more than one hundred fifty
5 days after the date the department receives the court order, the department
6 shall redact the residence addresses and telephone numbers of the peace
7 officers and prosecutors listed in the court order from the public records of
8 the department. The residence addresses and telephone numbers shall not be
9 disclosed and are not part of a public record.

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

13 H. On motion to the court, if the presiding judge of the superior
14 court concludes that a residential address or telephone number has been
15 sealed in error or that the cause for the original affidavit no longer
16 exists, the presiding judge may vacate the court order prohibiting public
17 access to the residential address or telephone number.

18 I. NOTWITHSTANDING SECTIONS 28-447 AND 28-452, THE DEPARTMENT SHALL
19 NOT RELEASE A PHOTOGRAPH OF A PEACE OFFICER IF THE PEACE OFFICER HAS MADE A
20 REQUEST AS PRESCRIBED IN THIS SECTION THAT PERSONS BE PROHIBITED FROM
21 ACCESSING THE PEACE OFFICER'S RESIDENTIAL ADDRESS AND TELEPHONE NUMBER IN ANY
22 RECORD MAINTAINED BY THE DEPARTMENT.

23 J. THIS SECTION DOES NOT PROHIBIT THE USE OF A PEACE OFFICER'S
24 PHOTOGRAPH THAT IS EITHER:

25 1. USED BY A LAW ENFORCEMENT AGENCY TO ASSIST A PERSON WHO HAS A
26 COMPLAINT AGAINST AN OFFICER TO IDENTIFY THE OFFICER.

27 2. OBTAINED FROM A SOURCE OTHER THAN THE DEPARTMENT.

28 ~~I~~ K. For the purposes of this section, "prosecutor" means a county
29 attorney, a municipal prosecutor or the attorney general and includes an
30 assistant or deputy county attorney, municipal prosecutor or attorney
31 general.

APPROVED BY THE GOVERNOR APRIL 22, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2005.

Passed the House March 7, 2005,

Passed the Senate April 18, 2005,

by the following vote: 55 Ayes,

by the following vote: 29 Ayes,

0 Nays, 5 Not Voting

0 Nays, 1 Not Voting



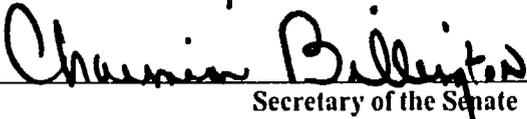
Speaker of the House



President of the Senate



Chief Clerk of the House



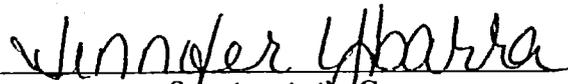
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19th day of April, 2005

at 8.45 o'clock a. M.



Secretary to the Governor

Approved this 22 day of

April, 2005,

at 1st o'clock P. M.



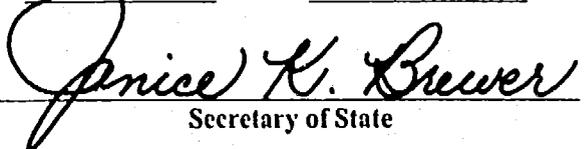
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of April, 2005,

at 3:53 o'clock P. M.



Secretary of State