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KEN BENNETT
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CHAPTER 211

HOUSE BILL 2389

AN ACT

AMENDING SECTIONS 11-483, 11-484, 16-153 AND 28-454, ARIZONA REVISED STATUTES; AMENDING TITLE 33, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1318.01; AMENDING SECTIONS 38-1103, 39-123, 39-124 AND 41-1830.16, ARIZONA REVISED STATUTES; RELATING TO LAW ENFORCEMENT OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 11-483, Arizona Revised Statutes, is amended to read:

11-483. Records maintained by county recorder; confidentiality; definitions

A. Notwithstanding any other provision of this article, in any county an eligible person may request that the general public be prohibited from accessing the unique identifier and the recording date contained in indexes of recorded instruments maintained by the county recorder and may request the county recorder to prohibit access to that person's residential address and telephone number contained in instruments or writings recorded by the county recorder.

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

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

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

3. UNLESS THE PERSON IS THE SPOUSE OR MINOR CHILD OF A DECEASED PEACE OFFICER OR THE PERSON IS A FORMER PUBLIC OFFICIAL, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall instead attach a copy of the order of protection or injunction against harassment.

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

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

6. A copy of pages from each instrument that includes the document locator number and the person's full legal name and residential address or full legal name and telephone number.

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

D. The affidavit shall be filed with the presiding judge of the superior court in the county in which the affiant resides. To prevent ~~a multiplicity of~~ MULTIPLE filings, an eligible person who is a peace officer, SPOUSE OR MINOR CHILD OF A DECEASED PEACE OFFICER, public defender,

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

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

F. The presiding judge of the superior court shall review the petition and each attached affidavit to determine whether the action requested by each affiant should be granted. If the presiding judge of the superior court concludes that the action requested by the affiant will reduce a danger to the life or safety of the affiant or another person, the presiding judge of the superior court shall order that the county recorder prohibit access for five years to the affiant's residential address and telephone number contained in instruments or writings recorded by the county recorder and made available on the internet. If the presiding judge of the superior court concludes that the affiant or another person is in actual danger of physical harm from a person or persons with whom the affiant has had official dealings and that action pursuant to this section will reduce a danger to the life or safety of the affiant or another person, the presiding judge of the superior court shall order that the general public be prohibited for five years from accessing the unique identifier and the recording date contained in indexes of recorded instruments maintained by the county recorder and identified pursuant to subsection B of this section.

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

H. On entry of the court order, the clerk of the superior court shall file the court order and a copy of the affidavit required by subsection B of

this section with the county recorder. No more than ten days after the date on which the county recorder receives the court order, the county recorder shall restrict access to the information as required by subsection F of this section.

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

J. The county recorder shall remove the restrictions on all records restricted pursuant to this section by January 5 in the year after the court order expires. The county recorder shall send by mail one ~~notification~~ NOTICE to either the FORMER PUBLIC OFFICIAL, peace officer, SPOUSE OR MINOR CHILD OF A DECEASED PEACE OFFICER, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member or the employing agency of a peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member who was granted an order pursuant to this section of the order's expiration date at least six months before the expiration date. If the notice is sent to the employing agency, the employing agency shall immediately notify the person who was granted the order of the upcoming expiration date. The county recorder may coordinate with the county assessor and county treasurer to prevent multiple notices from being sent to the same person.

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

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

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

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

O. For the purposes of this section:

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

2. "Commissioner" means a commissioner of the superior court.

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

4. "Eligible person" means a FORMER PUBLIC OFFICIAL, peace officer, SPOUSE OR MINOR CHILD OF A DECEASED PEACE OFFICER, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment or firefighter who is assigned to the Arizona counterterrorism center in the department of public safety.

5. "FORMER PUBLIC OFFICIAL" MEANS A PERSON WHO WAS DULY ELECTED OR APPOINTED TO CONGRESS, THE LEGISLATURE OR A STATEWIDE OFFICE, WHO CEASED SERVING IN THAT CAPACITY AND WHO WAS THE VICTIM OF A DANGEROUS OFFENSE AS DEFINED IN SECTION 13-105 WHILE IN OFFICE.

~~5.~~ 6. "Indexes" means only those indexes that are maintained by and located in the office of the county recorder, that are accessed electronically and that contain information beginning from and after January 1, 1987.

~~6.~~ 7. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.

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

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

~~9.~~ 10. "Peace officer" means any person vested by law, or formerly vested by law, with a duty to maintain public order and make arrests.

~~10.~~ 11. "Prosecutor" means a county attorney, a municipal prosecutor, the attorney general or a United States attorney and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

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

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

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

A. Notwithstanding any other provision of this article, in any county an eligible person may request that the general public be prohibited from

accessing that person's residential address and telephone number that are contained in instruments, writings and information maintained by the county assessor and the county treasurer.

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

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

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

3. UNLESS THE PERSON IS THE SPOUSE OR MINOR CHILD OF A DECEASED PEACE OFFICER OR THE PERSON IS A FORMER PUBLIC OFFICIAL, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall attach a copy of the order of protection or injunction against harassment.

4. The reasons the person reasonably believes that the person's life or safety or that of another person is in danger and that redacting the residential address and telephone number will serve to reduce the danger.

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

D. The affidavit shall be filed with the presiding judge of the superior court in the county in which the affiant resides. To prevent ~~a multiplicity of~~ MULTIPLE filings, an eligible person who is a peace officer, SPOUSE OR MINOR CHILD OF A DECEASED PEACE OFFICER, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member shall deliver the affidavit to the peace officer's commanding officer, or to the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, who shall file the affidavits at one time. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier presentation, the commanding officer, or the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, shall not file affidavits more often than quarterly.

E. On receipt of an affidavit or affidavits, the presiding judge of the superior court shall file with the clerk of the superior court a petition on behalf of all requesting affiants. Each affidavit presented shall be

attached to the petition. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier consideration, the presiding judge may accumulate affidavits and file a petition at the end of each quarter.

F. The presiding judge of the superior court shall review the petition and each attached affidavit to determine whether the action requested by each affiant should be granted. If the presiding judge of the superior court concludes that the action requested by the affiant will reduce a danger to the life or safety of the affiant or another person, the presiding judge of the superior court shall order the redaction of the affiant's residential address and telephone number that are contained in instruments, writings and information maintained by the county assessor and the county treasurer. The redaction shall be in effect for five years.

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

H. On entry of the court order, the clerk of the superior court shall file the court order and a copy of the affidavit required by subsection B of this section with the county assessor and the county treasurer. No more than ten days after the date on which the county assessor and the county treasurer receive the court order, the county assessor and the county treasurer shall restrict access to the information as required by subsection F of this section.

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

J. The county assessor and the county treasurer shall remove the restrictions on all records that are redacted pursuant to this section by January 5 in the year after the court order expires. The county assessor or the county treasurer shall send by mail one ~~notification~~ NOTICE to either the FORMER PUBLIC OFFICIAL, peace officer, SPOUSE OR MINOR CHILD OF A DECEASED PEACE OFFICER, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member or the employing agency of a peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member who was granted an order pursuant to this section of the order's expiration date at least six months before the expiration date. If the notice is sent to the employing agency, the employing agency shall immediately notify the person who was granted the order of the upcoming

expiration date. The county assessor or county treasurer may coordinate with the county recorder to prevent multiple notices from being sent to the same person.

K. For the purposes of this section:

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

2. "Commissioner" means a commissioner of the superior court.

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

4. "Eligible person" means a FORMER PUBLIC OFFICIAL, peace officer, SPOUSE OR MINOR CHILD OF A DECEASED PEACE OFFICER, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment or firefighter who is assigned to the Arizona counterterrorism center in the department of public safety.

5. "FORMER PUBLIC OFFICIAL" MEANS A PERSON WHO WAS DULY ELECTED OR APPOINTED TO CONGRESS, THE LEGISLATURE OR A STATEWIDE OFFICE, WHO CEASED SERVING IN THAT CAPACITY AND WHO WAS THE VICTIM OF A DANGEROUS OFFENSE AS DEFINED IN SECTION 13-105 WHILE IN OFFICE.

~~5.~~ 6. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.

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

~~7.~~ 8. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

~~8.~~ 9. "Peace officer" means any person vested by law, or formerly vested by law, with a duty to maintain public order and make arrests.

~~9.~~ 10. "Prosecutor" means a county attorney, a municipal prosecutor, the attorney general or a United States attorney and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

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

Sec. 3. Section 16-153, Arizona Revised Statutes, is amended to read:

16-153. Voter registration; confidentiality; definitions

A. Eligible persons, and any other registered voter who resides at the same residence address as the eligible person, may request that the general public be prohibited from accessing the residential address, telephone number and voting precinct number contained in their voter registration record.

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

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

2. UNLESS THE PERSON IS THE SPOUSE OR MINOR CHILD OF A DECEASED PEACE OFFICER OR THE PERSON IS A FORMER PUBLIC OFFICIAL, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall instead attach a copy of the order of protection or injunction against harassment.

3. The reasons for reasonably believing that the person's life or safety or that of another person is in danger and that sealing the residential address, telephone number and voting precinct number of the person's voting record will serve to reduce the danger.

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

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

E. The presiding judge of the superior court shall review the petition and each attached affidavit to determine whether the action requested by each

affiant should be granted. The presiding judge of the superior court shall order the sealing for five years of the information contained in the voter record of the affiant and, on request, any other registered voter who resides at the same residence address if the presiding judge concludes that this action will reduce a danger to the life or safety of the affiant.

F. The recorder shall remove the restrictions on all voter records submitted pursuant to subsection E of this section by January 5 in the year after the court order expires. The county recorder shall send by mail one ~~notification~~ NOTICE to either the FORMER PUBLIC OFFICIAL, peace officer, SPOUSE OR MINOR CHILD OF A DECEASED PEACE OFFICER, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member or the employing agency of a peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member who was granted an order pursuant to this section of the order's expiration date at least six months before the expiration date. If the notice is sent to the employing agency, the employing agency shall immediately notify the person who was granted the order of the upcoming expiration date. The county recorder may coordinate with the county assessor and county treasurer to prevent multiple notices from being sent to the same person.

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

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

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

J. ~~Upon~~ ON request by a person who is protected under an order of protection or injunction against harassment and presentation of an order of protection issued pursuant to section 13-3602, an injunction against harassment issued pursuant to section 12-1809 or an order of protection or injunction against harassment issued by a court in another state, the county recorder shall seal the voter registration record of the person who is

protected and, on request, any other registered voter who resides at the residence address of the protected person. The record shall be sealed no later than one hundred twenty days from the date of receipt of the court order. The information in the registration shall not be disclosed and is not a public record.

K. For the purposes of this section:

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

2. "Commissioner" means a commissioner of the superior court.

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

4. "Eligible person" means a FORMER PUBLIC OFFICIAL, peace officer, SPOUSE OR MINOR CHILD OF A DECEASED PEACE OFFICER, border patrol agent, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment or firefighter who is assigned to the Arizona counterterrorism center in the department of public safety.

5. "FORMER PUBLIC OFFICIAL" MEANS A PERSON WHO WAS DULY ELECTED OR APPOINTED TO CONGRESS, THE LEGISLATURE OR A STATEWIDE OFFICE, WHO CEASED SERVING IN THAT CAPACITY AND WHO WAS THE VICTIM OF A DANGEROUS OFFENSE AS DEFINED IN SECTION 13-105 WHILE IN OFFICE.

~~5.~~ 6. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.

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

~~7.~~ 8. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

~~8.~~ 9. "Prosecutor" means a United States attorney, a county attorney, a municipal prosecutor or the attorney general and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

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

Sec. 4. Section 28-454, Arizona Revised Statutes, is amended to read:

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

A. Notwithstanding sections 28-447 and 28-455, an eligible person may request that persons be prohibited from accessing the ELIGIBLE person's residential address and telephone number contained in any record maintained by the department.

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

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

2. UNLESS THE PERSON IS THE SPOUSE OR MINOR CHILD OF A DECEASED PEACE OFFICER OR THE PERSON IS A FORMER PUBLIC OFFICIAL, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall attach a copy of the order of protection or injunction against harassment.

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

C. The affidavit shall be filed with the presiding judge of the superior court in the county in which the affiant resides. To prevent ~~a multiplicity of~~ MULTIPLE filings, an eligible person who is a peace officer, SPOUSE OR MINOR CHILD OF A DECEASED PEACE OFFICER, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member shall deliver the affidavit to the peace officer's commanding officer, or to the head of the prosecuting, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, who shall file the affidavits at one time. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier presentation, the commanding officer, or the head of the prosecuting, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, shall not file affidavits more often than quarterly.

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

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

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

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

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

I. Notwithstanding sections 28-447 and 28-455, the department shall not release a photograph of a peace officer if the peace officer has made a request as prescribed in this section that persons be prohibited from accessing the peace officer's residential address and telephone number in any record maintained by the department.

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

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

2. Obtained from a source other than the department.

K. For the purposes of this section:

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

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

3. "Eligible person" means a FORMER PUBLIC OFFICIAL, peace officer, SPOUSE OR MINOR CHILD OF A DECEASED PUBLIC OFFICER, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, national guard member who is acting in support of a law

enforcement agency, person who is protected under an order of protection or injunction against harassment or firefighter who is assigned to the Arizona counterterrorism center in the department of public safety.

4. "FORMER PUBLIC OFFICIAL" MEANS A PERSON WHO WAS DULY ELECTED OR APPOINTED TO CONGRESS, THE LEGISLATURE OR A STATEWIDE OFFICE, WHO CEASED SERVING IN THAT CAPACITY AND WHO WAS THE VICTIM OF A DANGEROUS OFFENSE AS DEFINED IN SECTION 13-105 WHILE IN OFFICE.

~~4.~~ 5. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

~~5.~~ 6. "Prosecutor" means a county attorney, a municipal prosecutor or the attorney general and includes an assistant or deputy county attorney, municipal prosecutor or attorney general.

Sec. 5. Title 33, chapter 10, article 1, Arizona Revised Statutes, is amended by adding section 33-1318.01, to read:

33-1318.01. Early release termination for law enforcement officers; definition

A. A LAW ENFORCEMENT OFFICER MAY TERMINATE A RENTAL AGREEMENT IN THE SAME MANNER ESTABLISHED IN SECTION 33-1318 IF THE LAW ENFORCEMENT OFFICER PROVIDES TO THE LANDLORD A WRITTEN NOTICE THAT THE LAW ENFORCEMENT OFFICER IS PROTECTED UNDER AN INJUNCTION AGAINST HARASSMENT ISSUED PURSUANT TO SECTION 12-1809 AND THE INJUNCTION AGAINST HARASSMENT WAS ISSUED WITHIN THE THIRTY-DAY PERIOD IMMEDIATELY PRECEDING LAWFUL NOTICE TO THE LANDLORD, UNLESS WAIVED BY THE LANDLORD.

B. IF THE LAW ENFORCEMENT OFFICER RECEIVED ANY LEASE CONCESSION OR BENEFIT, THE CONCESSION OR BENEFIT ACTUALLY RECEIVED OR USED SHALL BE REPAID TO THE LANDLORD BEFORE VACATING THE DWELLING.

C. ALL OTHER RIGHTS, REMEDIES AND OBLIGATIONS PROVIDED IN SECTION 33-1318 APPLY TO THE LANDLORD AND THE LAW ENFORCEMENT OFFICER.

D. FOR THE PURPOSES OF THIS SECTION, "LAW ENFORCEMENT OFFICER" HAS THE SAME MEANING PRESCRIBED IN SECTION 38-1101.

Sec. 6. Section 38-1103, Arizona Revised Statutes, is amended to read:

38-1103. Health insurance payments for spouse or dependents of law enforcement officer killed in the line of duty; applicability; definitions

A. Notwithstanding any other law, the surviving spouse or a surviving dependent of a deceased law enforcement officer is entitled to receive payments for health insurance premiums from public monies of the employer of the law enforcement officer if the law enforcement officer was killed in the line of duty or died from injuries suffered in the line of duty.

B. The employer shall make payments if the surviving spouse or surviving dependent is enrolled OR WAS ENROLLED AT THE TIME THE LAW

ENFORCEMENT OFFICER WAS KILLED IN THE LINE OF DUTY OR DIED FROM INJURIES SUFFERED IN THE LINE OF DUTY in either:

1. The health insurance program of the employer.

2. The health insurance program that is offered by the state retirement system or plan from which the surviving spouse or surviving dependent is receiving benefits.

C. IF A SURVIVING SPOUSE OR SURVIVING DEPENDENT WAS ENROLLED IN EITHER HEALTH INSURANCE PROGRAM DESCRIBED IN SUBSECTION B OF THIS SECTION AT THE TIME THE LAW ENFORCEMENT OFFICER WAS KILLED IN THE LINE OF DUTY OR DIED FROM INJURIES SUFFERED IN THE LINE OF DUTY AND IS ELIGIBLE PURSUANT TO SUBSECTION D OF THIS SECTION TO RECEIVE HEALTH INSURANCE PREMIUM PAYMENTS UNDER THIS SECTION BUT IS NO LONGER ENROLLED IN EITHER HEALTH INSURANCE PROGRAM DESCRIBED IN SUBSECTION B OF THIS SECTION, THE EMPLOYER SHALL ALLOW THE SURVIVING SPOUSE AND ANY SURVIVING DEPENDENT TO ENROLL IN THE EMPLOYER'S HEALTH INSURANCE PROGRAM TO RECEIVE HEALTH INSURANCE PREMIUM PAYMENTS PURSUANT TO THIS SECTION.

~~C.~~ D. The health insurance premium amount payable by the employer of the deceased law enforcement officer is the amount the employer of the deceased law enforcement officer would pay for an active law enforcement officer for a family coverage premium or single coverage premium, whichever is applicable. Payments shall be discontinued pursuant to this section if:

1. The surviving spouse remarries.

2. The surviving spouse becomes medicare eligible.

3. The surviving spouse dies.

4. For dependent coverage, the person is no longer considered a dependent.

~~D.~~ E. If the employer currently pays a greater portion of the health insurance premium for a surviving spouse or a surviving dependent than the required amount prescribed in subsection ~~C~~ D of this section, the surviving spouse or surviving dependent shall receive the greater amount as payment toward the surviving spouse's or surviving dependent's health insurance premium.

F. THIS SECTION APPLIES:

1. TO A SURVIVING SPOUSE OR A SURVIVING DEPENDENT OF A DECEASED LAW ENFORCEMENT OFFICER, AS DEFINED IN SUBSECTION G, PARAGRAPH 2, SUBDIVISION (a), (b), (c) OR (d) OF THIS SECTION, WHO WAS KILLED IN THE LINE OF DUTY OR WHO DIED FROM INJURIES SUFFERED IN THE LINE OF DUTY ON OR AFTER APRIL 5, 1933.

2. TO A SURVIVING SPOUSE OR A SURVIVING DEPENDENT OF A DECEASED LAW ENFORCEMENT OFFICER, AS DEFINED IN SUBSECTION G, PARAGRAPH 2, SUBDIVISION (e) OF THIS SECTION, WHO WAS KILLED IN THE LINE OF DUTY OR WHO DIED FROM INJURIES SUFFERED IN THE LINE OF DUTY ON OR AFTER APRIL 5, 2013.

3. FOR THE SURVIVING SPOUSE OR THE SURVIVING DEPENDENT WHO QUALIFIES PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION, ONLY TO HEALTH INSURANCE PREMIUMS PAID ON OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION.

~~E.~~ G. For the purposes of this section:

1. "Dependent" means an unmarried child of a deceased law enforcement officer who meets one of the following qualifications:

(a) Is under eighteen years of age.

(b) Is at least eighteen years of age and under twenty-three years of age only during any period that the child is a full-time student.

(c) Is under a disability that began before the child attained twenty-three years of age and remains a dependent of the surviving spouse or A guardian.

2. "Law enforcement officer" means:

(a) A peace officer who is certified by the Arizona peace officer standards and training board.

(b) A detention officer or corrections officer who is employed by this state or a political subdivision of this state.

(c) A probation officer or surveillance officer who is employed by this state or a political subdivision of this state.

(d) A firefighter who is employed by this state or a political subdivision of this state.

(e) A corrections officer or firefighter who works on behalf of this state or a political subdivision of this state through a contract with a private company.

Sec. 7. Section 39-123, Arizona Revised Statutes, is amended to read:

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

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

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

1. The person consents in writing to the release.

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

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

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

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

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

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

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

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

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

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

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

F. For the purposes of this section:

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

2. "Commissioner" means a commissioner of the superior court.

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

4. "Eligible person" means a FORMER PUBLIC OFFICIAL, peace officer, SPOUSE OR MINOR CHILD OF A DECEASED PEACE OFFICER, border patrol agent, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment, firefighter who is assigned to the Arizona counterterrorism center in the department of public safety or victim of domestic violence or stalking who is protected under an order of protection or injunction against harassment.

5. "FORMER PUBLIC OFFICIAL" MEANS A PERSON WHO WAS DULY ELECTED OR APPOINTED TO CONGRESS, THE LEGISLATURE OR A STATEWIDE OFFICE, WHO CEASED SERVING IN THAT CAPACITY AND WHO WAS THE VICTIM OF A DANGEROUS OFFENSE AS DEFINED IN SECTION 13-105 WHILE IN OFFICE.

~~5.~~ 6. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.

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

~~7.~~ 8. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

~~8.~~ 9. "Peace officer" has the same meaning prescribed in section 13-105.

~~9.~~ 10. "Prosecutor" means a county attorney, a municipal prosecutor, the attorney general or a United States attorney and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

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

Sec. 8. Section 39-124, Arizona Revised Statutes, is amended to read:

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

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

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

C. For the purposes of this section:

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

2. "Commissioner" means a commissioner of the superior court.

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

4. "Eligible person" means a FORMER PUBLIC OFFICIAL, peace officer, SPOUSE OR MINOR CHILD OF A DECEASED PEACE OFFICER, border patrol agent, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment, firefighter who is assigned to the Arizona counterterrorism center in the department of public safety or victim of domestic violence or stalking who is protected under an order of protection or injunction against harassment.

5. "FORMER PUBLIC OFFICIAL" MEANS A PERSON WHO WAS DULY ELECTED OR APPOINTED TO CONGRESS, THE LEGISLATURE OR A STATEWIDE OFFICE, WHO CEASED SERVING IN THAT CAPACITY AND WHO WAS THE VICTIM OF A DANGEROUS OFFENSE AS DEFINED IN SECTION 13-105 WHILE IN OFFICE.

~~5.~~ 6. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.

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

~~7.~~ 8. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.

~~8.~~ 9. "Peace officer" has the same meaning prescribed in section 13-105.

~~9.~~ 10. "Prosecutor" means a county attorney, a municipal prosecutor, the attorney general or a United States attorney and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

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

Sec. 9. Section 41-1830.16, Arizona Revised Statutes, is amended to read:

41-1830.16. Law enforcement merit system council duties; authority; appeals of covered full authority peace officers employed by agencies in the state personnel system; definitions

A. The law enforcement merit system council shall adopt rules the council deems necessary for the administration of hearings and the review of appeals as prescribed in this section.

B. A covered employee in the state personnel system who is a full authority peace officer as certified by the Arizona peace officer standards and training board, is appointed to a position that requires such a certification in the covered service and who has completed the employee's original probationary period of service as provided by the personnel rules may appeal to the law enforcement merit system council the covered employee's dismissal from covered service, suspension for more than forty working hours or involuntary demotion resulting from disciplinary action. The covered employee shall file the appeal no later than ten working days after the effective date of the action. The covered employee shall be furnished with specified charges in writing when the action is taken. The appeal shall be

in writing and must state specific facts relating directly to the charges on which the appeal is based. NOTWITHSTANDING SECTION 41-1092.05, SUBSECTION D, the law enforcement merit system council shall hear the appeal within thirty days after the council's receipt. The law enforcement merit system council shall provide the employing agency with a copy of the appeal not less than twenty days in advance of the hearing.

C. In hearing and reviewing an appeal, the council:

1. Shall determine whether the employing agency has proven by a preponderance of the evidence the material facts on which the discipline was based. On such a finding the council shall affirm the decision of the state agency head unless the disciplinary decision was arbitrary and capricious.

2. May recommend modification of a disciplinary action if the state agency head has not proven by a preponderance of the evidence the material facts on which the discipline was based or if a disciplinary decision is found to be arbitrary and capricious.

3. Shall reverse the decision of the state agency head if the council finds that cause did not exist for any discipline to be imposed and, in the case of dismissal or demotion, return the employee to the same position the employee held before the dismissal or demotion with or without back pay.

D. On a finding that the state agency head has not proven by a preponderance of the evidence the material facts on which the discipline was based, the council shall identify the material facts that the council found were not supported by a preponderance of the evidence and may recommend a proposed disciplinary action in light of the facts proven. On a finding that the disciplinary decision was arbitrary and capricious, the council shall include the council's reasons for the council's finding and may recommend a proposed disciplinary action in light of the facts proven.

E. Within forty-five days after the conclusion of the hearing, the council shall enter its decision or recommendation and shall at the same time send a copy of the decision or recommendation by certified mail to the employing agency and to the employee at the employee's address as given at the hearing or to a representative designated by the employee to receive a copy of the decision or recommendation. The state agency head or the agency head's designee shall accept, modify or reverse the council's decision or accept, modify or reject the council's recommendation within fourteen days of receipt of the findings or recommendation from the law enforcement merit system council. THE STATE AGENCY HEAD OR THE AGENCY HEAD'S DESIGNEE SHALL ACCEPT THE COUNCIL'S RECOMMENDATION UNLESS THE RECOMMENDATION IS ARBITRARY OR WITHOUT REASONABLE JUSTIFICATION. IF THE STATE AGENCY HEAD OR THE AGENCY HEAD'S DESIGNEE DOES NOT ACCEPT THE COUNCIL'S RECOMMENDATION, THE STATE AGENCY HEAD OR THE AGENCY HEAD'S DESIGNEE SHALL STATE THE REASONS FOR REJECTING THE RECOMMENDATION. The decision of the agency head or agency head's designee is final and binding. The agency head shall send a copy of the agency's final determination to the covered employee pursuant to this section.

F. Any party may appeal the decision of the law enforcement merit system council or the final decision of the agency pursuant to title 12, chapter 7, article 6 to the superior court in the covered employee's county of residence on one or more of the following grounds that the order was:

1. Founded on or contained error of law that shall specifically include error of construction or application of any pertinent rules.

2. Unsupported by any evidence as disclosed by the entire record.

3. Materially affected by unlawful procedure.

4. Based on a violation of any constitutional provision.

5. Arbitrary or capricious.

G. An appeal shall be available to the court of appeals from the order of the superior court pursuant to title 12, chapter 7, article 6 as in other civil cases.

H. For the purposes of this section:

1. "Covered employee" has the same meaning prescribed in section 41-741.

2. "Covered service" has the same meaning prescribed in section 41-741.

3. "Employing agency" means the agency in the state personnel system where the covered employee is or, in the case of dismissal, was employed.

4. "Full authority peace officer" means a peace officer whose authority to enforce the laws of this state is not limited by the rules adopted by the Arizona peace officer standards and training board.

5. "Original probationary period" has the same meaning prescribed in section 41-741.

6. "Personnel rules" means the rules adopted by the department of administration, human resources division.

7. "State agency head" means the chief executive officer of the employing agency.

8. "State personnel system" has the same meaning prescribed in section 41-741.

APPROVED BY THE GOVERNOR JUNE 19, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 19, 2013.

Passed the House February 26, 2013

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate April 23, 2013

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary to the Governor

Approved this _____day of

_____

at _____o'clock _____M.

_____
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary of State

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 23, 2013

by the following vote: 53 Ayes,

1 Nays, 6 Not Voting

Speaker of the House

Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate June 13, 2013

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

13 day of June, 2013

at 4:45 o'clock P M.

Secretary to the Governor

Approved this 19th day of

June

at 11:58 o'clock A M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 19th day of June, 2013

at 2:05 o'clock P M.

Secretary of State

H.B. 2389