

COMMITTEE ON GOVERNMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2100

(Reference to printed bill)

1 Page 5, between lines 4 and 5, insert:

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

3 11-484. Records maintained by county assessor and county
4 treasurer; redaction; definitions

5 A. Notwithstanding any other provision of this article, in any county
6 an eligible person may request that the general public be prohibited from
7 accessing that person's residential address and telephone number that are
8 contained in instruments, writings and information maintained by the county
9 assessor and the county treasurer.

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

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

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

18 3. Unless the person is the spouse or minor child of a deceased peace
19 officer or the person is a former public official, the position the person
20 currently holds and a description of the person's duties, except that an
21 eligible person who is protected under an order of protection or injunction
22 against harassment shall attach a copy of the order of protection or
23 injunction against harassment **OR AN ELIGIBLE PERSON WHO IS A PARTICIPANT IN**
24 **THE ADDRESS CONFIDENTIALITY PROGRAM SHALL INSTEAD ATTACH A COPY OF THE**
25 **PARTICIPANT'S CURRENT AND VALID ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION**
26 **CARD ISSUED PURSUANT TO SECTION 41-163 AND A STATEMENT OF CERTIFICATION**
27 **PROVIDED BY THE SECRETARY OF STATE'S OFFICE.**

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

4 C. If an eligible person is also requesting pursuant to section 11-483
5 that the general public be prohibited from accessing records maintained by
6 the county recorder, the eligible person may combine the request pursuant to
7 subsection B of this section with the request pursuant to section 11-483 by
8 filing one affidavit. The affidavit and subsequent action by the appropriate
9 authorities shall meet all of the requirements of this section and section
10 11-483.

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

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

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

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

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

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

28 J. The county assessor and the county treasurer shall remove the
29 restrictions on all records that are redacted pursuant to this section by
30 January 5 in the year after the court order expires. The county assessor or
31 the county treasurer shall send by mail one notice to either the former
32 public official, peace officer, spouse or minor child of a deceased peace

1 officer, public defender, prosecutor, code enforcement officer, corrections
2 or detention officer, corrections support staff member or law enforcement
3 support staff member or the employing agency of a peace officer, public
4 defender, prosecutor, code enforcement officer, corrections or detention
5 officer, corrections support staff member or law enforcement support staff
6 member who was granted an order pursuant to this section of the order's
7 expiration date at least six months before the expiration date. If the
8 notice is sent to the employing agency, the employing agency shall
9 immediately notify the person who was granted the order of the upcoming
10 expiration date. The county assessor or county treasurer may coordinate with
11 the county recorder to prevent multiple notices from being sent to the same
12 person.

13 K. For the purposes of this section:

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

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

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

21 4. "Eligible person" means a former public official, peace officer,
22 spouse or minor child of a deceased peace officer, justice, judge,
23 commissioner, public defender, prosecutor, code enforcement officer, adult or
24 juvenile corrections officer, corrections support staff member, probation
25 officer, member of the board of executive clemency, law enforcement support
26 staff member, national guard member who is acting in support of a law
27 enforcement agency, person who is protected under an order of protection or
28 injunction against harassment, [PERSON WHO IS A PARTICIPANT IN THE ADDRESS
29 CONFIDENTIALITY PROGRAM PURSUANT TO TITLE 41, CHAPTER 1, ARTICLE 3](#), or
30 firefighter who is assigned to the Arizona counterterrorism center in the
31 department of public safety.

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

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

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

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

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

18 10. "Prosecutor" means a county attorney, a municipal prosecutor, the
19 attorney general or a United States attorney and includes an assistant or
20 deputy United States attorney, county attorney, municipal prosecutor or
21 attorney general.

22 11. "Public defender" means a federal public defender, county public
23 defender, county legal defender or county contract indigent defense counsel
24 and includes an assistant or deputy federal public defender, county public
25 defender or county legal defender.

26 Sec. 3. Section 16-153, Arizona Revised Statutes, is amended to read:
27 16-153. Voter registration; confidentiality; definitions

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

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

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

7 2. Unless the person is the spouse or minor child of a deceased peace
8 officer or the person is a former public official, the position the person
9 currently holds and a description of the person's duties, except that an
10 eligible person who is protected under an order of protection or injunction
11 against harassment shall instead attach a copy of the order of protection or
12 injunction against harassment.

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

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

31 D. On receipt of an affidavit or affidavits, the presiding judge of
32 the superior court shall file with the clerk of the superior court a petition

1 on behalf of all requesting affiants. The petition shall have attached each
2 affidavit presented. In the absence of an affidavit that contains a request
3 for immediate action and that is supported by facts justifying an earlier
4 consideration, the presiding judge may accumulate affidavits and file a
5 petition at the end of each quarter.

6 E. The presiding judge of the superior court shall review the petition
7 and each attached affidavit to determine whether the action requested by each
8 affiant should be granted. The presiding judge of the superior court shall
9 order the sealing for five years of the information contained in the voter
10 record of the affiant and, on request, any other registered voter who resides
11 at the same residence address if the presiding judge concludes that this
12 action will reduce a danger to the life or safety of the affiant.

13 F. The recorder shall remove the restrictions on all voter records
14 submitted pursuant to subsection E of this section by January 5 in the year
15 after the court order expires. The county recorder shall send by mail one
16 notice to either the former public official, peace officer, spouse or minor
17 child of a deceased peace officer, public defender, prosecutor, code
18 enforcement officer, corrections or detention officer, corrections support
19 staff member or law enforcement support staff member or the employing agency
20 of a peace officer, public defender, prosecutor, code enforcement officer,
21 corrections or detention officer, corrections support staff member or law
22 enforcement support staff member who was granted an order pursuant to this
23 section of the order's expiration date at least six months before the
24 expiration date. If the notice is sent to the employing agency, the
25 employing agency shall immediately notify the person who was granted the
26 order of the upcoming expiration date. The county recorder may coordinate
27 with the county assessor and county treasurer to prevent multiple notices
28 from being sent to the same person.

29 G. On entry of the court order, the clerk of the superior court shall
30 file the court order with the county recorder. On receipt of the court order
31 the county recorder shall seal the voter registration of the persons listed
32 in the court order no later than one hundred twenty days from the date of

1 receipt of the court order. To include a subsequent voter registration in
2 the court order, a person listed in the court order shall present to the
3 county recorder at the time of registration a certified copy of the court
4 order or shall provide the county recorder the recording number of the court
5 order. The information in the registration shall not be disclosed and is not
6 a public record.

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

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

15 J. On request by a person who is protected under an order of
16 protection or injunction against harassment and presentation of an order of
17 protection issued pursuant to section 13-3602, an injunction against
18 harassment issued pursuant to section 12-1809 or an order of protection or
19 injunction against harassment issued by a court in another state OR A PROGRAM
20 PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM PURSUANT TO TITLE 41,
21 CHAPTER 1, ARTICLE 3, the county recorder shall seal the voter registration
22 record of the person who is protected and, on request, any other registered
23 voter who resides at the residence address of the protected person. The
24 record shall be sealed no later than one hundred twenty days from the date of
25 receipt of the court order. The information in the registration shall not be
26 disclosed and is not a public record.

27 K. For the purposes of this section:

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

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

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

3 4. "Eligible person" means a former public official, peace officer,
4 spouse or minor child of a deceased peace officer, border patrol agent,
5 justice, judge, commissioner, public defender, prosecutor, code enforcement
6 officer, adult or juvenile corrections officer, corrections support staff
7 member, probation officer, member of the board of executive clemency, law
8 enforcement support staff member, national guard member who is acting in
9 support of a law enforcement agency, person who is protected under an order
10 of protection or injunction against harassment or firefighter who is assigned
11 to the Arizona counterterrorism center in the department of public safety.

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

16 6. "Judge" means a judge of the United States district court, the
17 United States court of appeals, the United States magistrate court, the
18 United States bankruptcy court, the Arizona court of appeals, the superior
19 court or a municipal court.

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

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

27 9. "Prosecutor" means a United States attorney, a county attorney, a
28 municipal prosecutor or the attorney general and includes an assistant or
29 deputy United States attorney, county attorney, municipal prosecutor or
30 attorney general.

31 10. "Public defender" means a federal public defender, county public
32 defender, county legal defender or county contract indigent defense counsel

1 and includes an assistant or deputy federal public defender, county public
2 defender or county legal defender."

3 Renumber to conform

4 Page 7, line 8, after the comma insert "ELECTION,"

5 Line 37, strike "four" insert "FIVE"

6 Line 39, strike "four-year" insert "FIVE-YEAR"

7 Page 10, line 22, after the period insert "IF A PROGRAM PARTICIPANT WOULD LIKE TO
8 KEEP RECORDS MAINTAINED BY THE COUNTY ASSESSOR AND COUNTY TREASURER
9 CONFIDENTIAL, THE PROGRAM PARTICIPANT SHALL COMPLY WITH SECTION 11-484."

10 Amend title to conform

and, as so amended, it do pass

MICHELLE UGENTI
Chairman

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