



IN THE SUPREME COURT OF THE STATE OF ARIZONA

In The Matter of:)	
)	
PEACE OFFICER RECORDS)	Administrative Order
CONFIDENTIALITY)	No. 96- <u>48</u>
_____)	

The second regular session of the Forty-second Legislature passed House Bill 2487, Confidentiality of Peace Officer Records. This bill amends Title 11, Chapter 3, Article 3, Arizona Revised Statutes, by adding section 11-483, and amends Title 28, Chapter 2, Article 1, Arizona Revised Statutes, by adding 28-217. These amendments permit peace officers to request that the general public be prohibited from accessing the peace officer's residential address and telephone number contained in instruments or writings recorded by the County Recorder or records maintained by the Arizona Department of Transportation, Motor Vehicle Division.

Now, therefore, pursuant to Article VI Section 3 of the Arizona Constitution.

IT IS ORDERED that the following procedures are adopted to ensure uniform processing of applications consistent with the intent of this legislation:

1. Any peace officer may request that his or her residential address and telephone number be redacted from public records of the County Recorder pursuant to A.R.S. § 11-483 and the Arizona Department of Transportation Motor Vehicle Division pursuant to A.R.S. § 28-217, by filing an affidavit with the presiding judge of the county in which they reside.
2. The affidavit shall be in a form substantially similar to Attachment A and shall contain the following information:
 - a. The affiant's name, position currently held, and description of duties;
 - b. The reasons the affiant believes his/her life or safety, or that of another person, is in danger; and
 - c. The reasons the affiant believes redacting his/her residential address and telephone number from records of the County Recorder and the Arizona Department of Transportation Motor Vehicle Division will reduce the danger.

3. The peace officer shall deliver the affidavit to their commanding officer or supervisor, who shall file them with the presiding judge in the county in which they reside. In the absence of an affidavit that requests immediate action and is supported by facts justifying an earlier presentation, the commanding officer or supervisor shall file the affidavits at the end of each quarter of the calendar year.
4. Upon receipt of an affidavit or affidavits, the presiding judge of the superior court shall cause to be filed with the clerk of the superior court a petition on behalf of all affiants. Each affidavit shall be attached to the petition.
5. The presiding judge shall review the petition and each attached affidavit to determine whether the action requested shall be granted. The affidavits granted shall be forwarded under a single order, similar to Attachment B, redacting the residential address and telephone number to the clerk of the superior court for filing. The presiding judge shall grant the petition for an affiant if he/she concludes that this action will reduce a danger to the life or safety of the affiant or another person.
6. On entry of the court order, the clerk of the superior court shall file the court order with the County Recorder and the Arizona Department of Transportation, Motor Vehicle Division. No more than one hundred fifty (150) days after the County Recorder and/or Motor Vehicle Division receives the court order, the County Recorder and/or Motor Vehicle Division shall redact the residential address and telephone number of the listed peace officers from their public records.
7. Any affiant whose request was denied may seek reconsideration by requesting a hearing before the presiding judge.

Dated this 4th day of October, 1996.

Stanley G. Feldman
Chief Justice

Attachment A

AFFIDAVIT TO REDACT PEACE OFFICER INFORMATION
FROM RECORDS OF THE COUNTY RECORDER AND
ARIZONA DEPARTMENT OF TRANSPORTATION, MOTOR VEHICLE DIVISION

I, _____, being of full age, duly sworn, depose and say that:

1. I am currently employed as a _____
Law Enforcement Officer, Probation Officer, Surveillance Officer

2. I am employed by _____
Organization Name

Street Address City State Zip Code

3. My current job duties include _____

4. I believe that my life or safety, or that of my family or other persons living at my residence, is in danger for the following reasons: _____

5. Sealing my residential mailing address and telephone number contained in records of the County Recorder and Motor Vehicle Division will serve to reduce the danger by: _____

6. On the basis of the foregoing facts, I submit this Affidavit pursuant to A.R.S. §§ 11-483 and 28-217 and request that the court order my residential address and telephone number redacted from records of the County Recorder and Arizona Department of Transportation, Motor Vehicle Division.

7. (Optional) Immediate action is requested for the following reasons: _____

Affiant Signature

_____ appeared before me this _____ day of _____, 19____.

_____ My Commission expires _____, 19____.
Notary Signature

Attachment B

STATE OF ARIZONA

IN THE SUPERIOR COURT FOR THE
COUNTY OF _____

IN THE MATTER OF _____)
)
)
)
)
)

Order Redacting County Recorder
And Motor Vehicle Division Records
(A.R.S. §§ 11-483 and 28-217)

The Court, having reviewed the attached affidavits, finds that the affiant(s) have satisfied the requirements of A.R.S. §§ 11-483 and 28-217 and is entitled to have the records of the County Recorder and Arizona Department of Transportation, Motor Vehicle Division containing affiant(s) name, residential address and telephone number closed to public inspection;

IT IS ORDERED that:

The clerk of the court shall file copies of the attached affidavits and the original order, without costs as provided in A.R.S. § 12-345, and seal the documents;

The clerk of the court shall immediately deliver the original affidavits with a copy of this order to the County Recorder and Arizona Department of Transportation, Motor Vehicle Division who shall redact from public record the residential address and telephone number of the following peace officers:

_____;

The information contained in this order and the attached affidavits are not public record and shall not be disclosed to the public by the Clerk of the Court or the County Recorder.

Presiding Judge