

Senate Engrossed House Bill
law enforcement activity; recording prohibition

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2319

AN ACT

AMENDING TITLE 13, CHAPTER 37, ARIZONA REVISED STATUTES, BY ADDING SECTION
13-3732; RELATING TO LAW ENFORCEMENT ACTIVITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, chapter 37, Arizona Revised Statutes, is
3 amended by adding section 13-3732, to read:

4 13-3732. Unlawful video recording of law enforcement
5 activity; classification; definition

6 A. IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY MAKE A VIDEO RECORDING
7 OF LAW ENFORCEMENT ACTIVITY IF THE PERSON MAKING THE VIDEO RECORDING IS
8 WITHIN EIGHT FEET OF WHERE THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT
9 LAW ENFORCEMENT ACTIVITY IS OCCURRING, EITHER RECEIVES OR HAS PREVIOUSLY
10 RECEIVED A VERBAL WARNING FROM A LAW ENFORCEMENT OFFICER THAT THE PERSON
11 IS PROHIBITED FROM MAKING A VIDEO RECORDING OF A LAW ENFORCEMENT ACTIVITY
12 WITHIN EIGHT FEET OF THE ACTIVITY AND CONTINUES TO MAKE A VIDEO RECORDING
13 OF THE LAW ENFORCEMENT ACTIVITY WITHIN EIGHT FEET OF THE ACTIVITY. IF THE
14 LAW ENFORCEMENT ACTIVITY IS OCCURRING IN AN ENCLOSED STRUCTURE THAT IS ON
15 PRIVATE PROPERTY, A PERSON WHO IS AUTHORIZED TO BE ON THE PRIVATE PROPERTY
16 MAY MAKE A VIDEO RECORDING OF THE ACTIVITY FROM AN ADJACENT ROOM OR AREA
17 THAT IS LESS THAN EIGHT FEET AWAY FROM WHERE THE ACTIVITY IS OCCURRING,
18 UNLESS A LAW ENFORCEMENT OFFICER DETERMINES THAT THE PERSON IS INTERFERING
19 IN THE LAW ENFORCEMENT ACTIVITY OR THAT IT IS NOT SAFE TO BE IN THE AREA
20 AND ORDERS THE PERSON TO LEAVE THE AREA.

21 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A PERSON WHO IS
22 THE SUBJECT OF POLICE CONTACT MAY RECORD THE ENCOUNTER IF THE PERSON IS
23 NOT INTERFERING WITH LAWFUL POLICE ACTIONS, INCLUDING SEARCHING,
24 HANDCUFFING OR ADMINISTERING A FIELD SOBRIETY TEST. THE OCCUPANTS OF A
25 VEHICLE THAT IS THE SUBJECT OF A POLICE STOP MAY RECORD THE ENCOUNTER IF
26 THE OCCUPANTS ARE NOT INTERFERING WITH LAWFUL POLICE ACTIONS.

27 C. THIS SECTION DOES NOT ESTABLISH A RIGHT OR AUTHORIZE ANY PERSON
28 TO MAKE A VIDEO RECORDING OF LAW ENFORCEMENT ACTIVITY.

29 D. A VIOLATION OF THIS SECTION IS A CLASS 3 MISDEMEANOR.

30 E. FOR THE PURPOSES OF THIS SECTION, "LAW ENFORCEMENT ACTIVITY"
31 MEANS ANY OF THE FOLLOWING:

32 1. QUESTIONING A SUSPICIOUS PERSON.

33 2. CONDUCTING AN ARREST, ISSUING A SUMMONS OR ENFORCING THE LAW.

34 3. HANDLING AN EMOTIONALLY DISTURBED OR DISORDERLY PERSON WHO IS
35 EXHIBITING ABNORMAL BEHAVIOR.