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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Arizona Broadcasters Association, et al.,

Plaintiffs,

v.

Kris Mayes, in her official capacity as  
Attorney General for the State of Arizona,  
et al.,

Defendants.

No. CV-22-1431-PHX-JJT

**[PROPOSED] ORDER FOR  
PERMANENT INJUNCTION  
AND DECLARATORY  
JUDGMENT**

Upon stipulation of the parties and good cause shown, and for the reasons set forth on the record at the hearing on Plaintiffs’ request for a Preliminary Injunction, which this Court will treat as a trial on the merits under Rule 65(a)(2), and in Plaintiffs’ Complaint and Motion for Preliminary Injunction, which Defendants did not challenge on the merits,

**IT IS ORDERED** as follows:

1. This Court has jurisdiction over this matter under Article III § 2 of the United States Constitution and 28 U.S.C. §§ 1331 and 1343.
2. A.R.S. § 13-3732 is declared unconstitutional as a violation of the First Amendment to the United States Constitution, as applied to the states through the Fourteenth Amendment, because:

- 1 a. there is a clearly established right to record law enforcement officers  
2 engaged in the exercise of their official duties, *see e.g., Askins v. Dep't of*  
3 *Homeland Sec.*, 899 F.3d 1035, 1044 (9th Cir. 2018);
- 4 b. the statute imposes a content-based restriction that is subject to strict  
5 scrutiny as it “singles out specific subject matter”—recordings of law  
6 enforcement activities—“for differential treatment,” *Reed v. Town of*  
7 *Gilbert*, 576 U.S. 155, 169 (2015); and
- 8 c. the statute does not survive strict scrutiny because it is not narrowly tailored  
9 or necessary to prevent interference with police officers given other  
10 Arizona laws in effect.
- 11 3. A.R.S. § 13-3732 is declared unconstitutional as a violation of the First  
12 Amendment to the United States Constitution, as applied to the states through the  
13 Fourteenth Amendment, because:
  - 14 a. the statute is not a reasonable “time place and manner” restriction, *see Hill*  
15 *v. Colorado*, 530 U.S. 703, 713 (2000); and
  - 16 b. the statute cannot withstand intermediate scrutiny because the law prohibits  
17 or chills a substantial amount of First Amendment protected activity and is  
18 unnecessary to prevent interference with police officers given other Arizona  
19 laws in effect.
- 20 4. Defendants, and any others acting in concert or participation with them who  
21 receive actual notice of this injunction, are permanently enjoined from enforcing  
22 A.R.S. § 13-3732 against any person or entity, or using an alleged violation of  
23 A.R.S. § 13-3732 as an excuse, justification, or reason to punish or otherwise take  
24 or fail to take any action adverse to the interests of any person or entity.
- 25 5. This Court shall retain jurisdiction over this action for the purposes of construction,  
26 modification, and enforcement of this Order.

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**IT IS SO ORDERED.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

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Honorable John J. Tuchi  
United States District Judge