

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 195

HOUSE BILL 2407

AN ACT

AMENDING TITLE 12, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-511; RELATING TO LIMITATIONS OF ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 12, chapter 5, article 1, Arizona Revised Statutes,
3 is amended by adding section 12-511, to read:

4 12-511. Civil action arising from criminal conduct; definitions

5 A. NOTWITHSTANDING SECTION 12-542, THE STATUTE OF LIMITATIONS FOR ANY
6 CIVIL CAUSE OF ACTION THAT IS BROUGHT BY A VICTIM AGAINST A DEFENDANT FOR
7 CRIMINAL CONDUCT AGAINST THE VICTIM IS AS FOLLOWS:

8 1. IF THE DEFENDANT IS CONVICTED OF CRIMINAL CONDUCT AGAINST THE
9 VICTIM, THE STATUTE OF LIMITATIONS IS EXTENDED FOR ONE YEAR FROM THE TIME THE
10 CONVICTION BECOMES FINAL.

11 2. REGARDLESS OF WHETHER THE DEFENDANT IS CONVICTED OF CRIMINAL
12 CONDUCT AGAINST THE VICTIM, THE STATUTE OF LIMITATIONS IS TOLLED FROM THE
13 TIME THE DEFENDANT IS CHARGED BY A CRIMINAL COMPLAINT OR INDICTMENT UNTIL THE
14 FINAL ADJUDICATION OF THE CRIMINAL PROSECUTION OF THE DEFENDANT.

15 B. IF THE CIVIL CAUSE OF ACTION BROUGHT PURSUANT TO SUBSECTION A OF
16 THIS SECTION ARISES OUT OF MORE THAN ONE INCIDENT OF CRIMINAL CONDUCT
17 INCLUDED IN THE CONVICTION, THE STATUTE OF LIMITATIONS PRESCRIBED BY
18 SUBSECTION A OF THIS SECTION SHALL RUN FROM THE DATE OF THE LAST INCIDENT OF
19 CRIMINAL CONDUCT OR CONVICTION.

20 C. THERE IS NO DUTY UNDER A POLICY OF INSURANCE TO DEFEND OR INDEMNIFY
21 FOR ANY LOSS RESULTING FROM CRIMINAL CONDUCT AS DEFINED BY THIS SECTION IF
22 THE CIVIL ACTION IS NOT COMMENCED WITHIN THE TIME PERIOD THAT WOULD BE
23 APPLICABLE WITHOUT ANY TOLLING OR EXTENSION OF THE STATUTE OF LIMITATIONS
24 PURSUANT TO THIS SECTION.

25 D. THIS SECTION DOES NOT TOLL OR EXTEND ANY STATUTE OF LIMITATIONS
26 APPLICABLE TO A CIVIL CAUSE OF ACTION BROUGHT AGAINST THE EMPLOYER OR FORMER
27 EMPLOYER OF ANY DEFENDANT WHO IS SUBJECT TO THIS SECTION.

28 E. THIS SECTION DOES NOT SHORTEN ANY OTHER APPLICABLE TOLLING
29 PROVISIONS.

30 F. IN ANY ACTION BROUGHT PURSUANT TO THIS SECTION, THE STANDARD OF
31 PROOF IS BY THE PREPONDERANCE OF THE EVIDENCE.

32 G. FOR THE PURPOSES OF THIS SECTION:

33 1. "CIVIL CAUSE OF ACTION" MEANS ANY CIVIL CLAIM THAT THE VICTIM COULD
34 HAVE BROUGHT AGAINST THE DEFENDANT ONLY FOR CRIMINAL CONDUCT COMMITTED
35 AGAINST THE VICTIM REGARDLESS OF WHETHER ANY OF THESE INCIDENTS WERE
36 CRIMINALLY PROSECUTED.

37 2. "CRIMINAL CONDUCT" MEANS ANY ACT IN VIOLATION OF SECTION 13-1103,
38 13-1104, 13-1105, 13-1203, 13-1204, 13-1208, 13-1304, 13-1404, 13-1405,
39 13-1406, 13-1406.01, 13-1410, 13-1417, 13-3552, 13-3553, 13-3554, 13-3601 OR
40 13-3601.02.

41 3. "DEFENDANT" MEANS A NATURAL PERSON.

42 4. "FINAL DISPOSITION" HAS THE SAME MEANING PRESCRIBED IN SECTIONS
43 8-382 AND 13-4401.

1 5. "VICTIM" HAS THE SAME MEANING PRESCRIBED IN SECTIONS 8-382 AND
2 13-4401.

3 Sec. 2. Nonseverability

4 If section 12-511, subsection C or D, Arizona Revised Statutes, as
5 added by this act, is finally adjudicated invalid, the entire section is
6 void.

APPROVED BY THE GOVERNOR MAY 12, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 13, 2003.

Passed the House March 10, 2003

Passed the Senate May 1, 2003

by the following vote: 53 Ayes,

by the following vote: 29 Ayes,

4 Nays, 3 Not Voting

0 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Ken Bennett
President of the Senate

Sporman L. Moore
Chief Clerk of the House

Chaimon Bellington
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this
_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

H.B. 2407

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 6, 2003,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
6 day of May, 2003

at 12:06 o'clock P M.

Sandra Ramirez
Secretary to the Governor

Approved this 12 day of

May, 2003,

at 9⁰⁰ o'clock A. M.

Jt. Apple
Governor of Arizona

H.B. 2407

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 13 day of May, 2003,

at 4:03 o'clock P M.

Janice H. Brewer
Secretary of State