

Conference Engrossed

State of Arizona  
Senate  
Forty-sixth Legislature  
First Regular Session  
2003

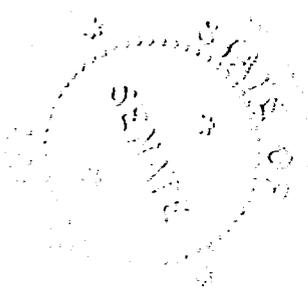
CHAPTER 235

# SENATE BILL 1098

AN ACT

AMENDING TITLE 12, CHAPTER 13, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-2239; RELATING TO DOMESTIC VIOLENCE VICTIM ADVOCATES.

(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 13, article 4, Arizona Revised Statutes,  
3 is amended by adding section 12-2239, to read:

4 12-2239. Domestic violence victim advocate and victim;  
5 definition

6 A. IN A CIVIL ACTION, A DOMESTIC VIOLENCE VICTIM ADVOCATE SHALL NOT  
7 BE EXAMINED AS TO ANY COMMUNICATION MADE BY THE DOMESTIC VIOLENCE VICTIM TO  
8 THE DOMESTIC VIOLENCE VICTIM ADVOCATE.

9 B. THIS SECTION DOES NOT APPLY TO A CIVIL ACTION BROUGHT PURSUANT TO  
10 TITLE 36, CHAPTER 37, RELATING TO THE CIVIL COMMITMENT OF SEXUALLY VIOLENT  
11 PERSONS.

12 C. UNLESS THE DOMESTIC VIOLENCE SHELTER OR SERVICE PROVIDER HAS  
13 IMMUNITY UNDER OTHER PROVISIONS OF LAW, THE COMMUNICATION IS NOT PRIVILEGED  
14 IF THE VICTIM ADVOCATE KNOWS OR SHOULD HAVE KNOWN THAT THE VICTIM WILL GIVE  
15 OR HAS GIVEN PERJURIOUS STATEMENTS OR STATEMENTS THAT WOULD TEND TO DISPROVE  
16 THE EXISTENCE OF DOMESTIC VIOLENCE.

17 D. THE DOMESTIC VIOLENCE VICTIM ADVOCATE-VICTIM PRIVILEGE DOES NOT  
18 EXTEND TO CASES IN WHICH THE DOMESTIC VIOLENCE VICTIM ADVOCATE HAS A DUTY TO  
19 REPORT NONACCIDENTAL INJURIES AND PHYSICAL NEGLECT OF MINORS AS REQUIRED BY  
20 SECTION 13-3620.

21 E. A PARTY TO AN ACTION MAY MAKE A MOTION FOR DISCLOSURE OF PRIVILEGED  
22 INFORMATION UNDER THIS SECTION AND, IF THE COURT FINDS REASONABLE CAUSE, THE  
23 COURT SHALL HOLD A HEARING IN CAMERA AS TO WHETHER THE PRIVILEGE SHOULD  
24 APPLY.

25 F. TO QUALIFY FOR THE PRIVILEGE PRESCRIBED IN THIS SECTION, A DOMESTIC  
26 VIOLENCE VICTIM ADVOCATE MUST HAVE AT LEAST THIRTY HOURS OF TRAINING IN  
27 ASSISTING VICTIMS OF DOMESTIC VIOLENCE. A PORTION OF THIS TRAINING MUST  
28 INCLUDE AN EXPLANATION OF PRIVILEGED COMMUNICATION AND THE REPORTING  
29 REQUIREMENTS PRESCRIBED IN SECTION 13-3620.

30 G. A DOMESTIC VIOLENCE VICTIM ADVOCATE WHO IS A VOLUNTEER SHALL  
31 PERFORM ALL ACTIVITIES UNDER QUALIFIED SUPERVISION.

32 H. THE TRAINING PRESCRIBED IN SUBSECTION F MAY BE PROVIDED BY THE  
33 SHELTER OR SERVICE PROVIDER OR BY AN OUTSIDE AGENCY THAT ISSUES A CERTIFICATE  
34 OF COMPLETION. THE RECORDS CUSTODIAN OF THE SHELTER OR SERVICE PROVIDER MUST  
35 MAINTAIN THE TRAINING DOCUMENTS.

36 I. FOR THE PURPOSES OF THIS SECTION, "DOMESTIC VIOLENCE VICTIM  
37 ADVOCATE" MEANS A PERSON WHO IS AN EMPLOYEE OR VOLUNTEER AT A DOMESTIC  
38 VIOLENCE SHELTER OR SERVICE PROVIDER FOR VICTIMS OF DOMESTIC VIOLENCE AND WHO  
39 MEETS THE TRAINING REQUIREMENTS OF THIS SECTION.

APPROVED BY THE GOVERNOR MAY 19, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2003.

Passed the House April 7, 2003

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Jake Flake  
Speaker of the House

Sprman L. Moore  
Chief Clerk of the House

Passed the Senate March 4, 2003

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Bennett  
President of the Senate

Norma Chastain  
~~NSA~~ 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

**S.B. 1098**

**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

HOUSE FINAL PASSAGE  
as per Joint Conference

Passed the House May 13, 2003,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

Jake Flake  
Speaker of the House

Sporman L. Moore  
Chief Clerk of the House

SENATE FINAL PASSAGE  
as per Joint Conference

Passed the Senate May 6, 2003,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Ken Bennett  
President of the Senate

Cherrion Bellinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

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

at 3:26 o'clock P M.

Jandra Chamise  
Secretary to the Governor

Approved this 19 day of  
May, 2003,

at 4<sup>30</sup> o'clock P. M.

J. N. ...  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 20 day of May, 2003,

at 10:53 o'clock A M.

Janice K. Brewer  
Secretary of State

S.B. 1098