

Senate Engrossed House Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 263

# **HOUSE BILL 2404**

AN ACT

AMENDING SECTIONS 13-805, 13-4406 AND 13-4412, ARIZONA REVISED STATUTES;  
RELATING TO VICTIMS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-805, Arizona Revised Statutes, is amended to  
3 read:

4 13-805. Jurisdiction

5 A. The trial court shall retain jurisdiction of the case for purposes  
6 of modifying the manner in which court-ordered payments are made until paid  
7 in full or until the defendant's sentence expires. At the time the defendant  
8 completes the defendant's period of probation or the defendant's sentence OR  
9 THE DEFENDANT ABSCONDS FROM PROBATION OR THE DEFENDANT'S SENTENCE, the court  
10 shall enter both:

11 1. A criminal restitution order in favor of the state for the unpaid  
12 balance, if any, of any fines, costs, incarceration costs, fees, surcharges  
13 or assessments imposed.

14 2. A criminal restitution order in favor of each person entitled to  
15 restitution for the unpaid balance of any restitution ordered.

16 B. The clerk of the court shall notify each person who is entitled to  
17 restitution of the criminal restitution order.

18 C. A criminal restitution order may be recorded and enforced as any  
19 civil judgment, except that a criminal restitution order does not require  
20 renewal pursuant to section 12-1611 or 12-1612. Enforcement of a criminal  
21 restitution order by any person who is entitled to restitution or by the  
22 state includes the collection of interest that accrues pursuant to section  
23 44-1201 in the same manner as any civil judgment. A criminal restitution  
24 order does not expire until paid in full.

25 D. A criminal restitution order is a criminal penalty for the purposes  
26 of a federal bankruptcy involving the defendant.

27 Sec. 2. Section 13-4406, Arizona Revised Statutes, is amended to read:

28 13-4406. Notice of initial appearance

29 On becoming aware of the date, time and place of the initial appearance  
30 of the accused, the law enforcement agency shall inform the victim of such  
31 THAT information unless the accused appeared in response to a summons OR WRIT  
32 OF HABEAS CORPUS. In that case, the prosecutor's office shall, on receiving  
33 such THAT information, provide the notice to the victim.

34 Sec. 3. Section 13-4412, Arizona Revised Statutes, is amended to read:

35 13-4412. Notice of release or escape

36 A. The sheriff or municipal jailer shall, on request, SHALL notify the  
37 victim AND THE PROSECUTOR'S OFFICE of the release of the accused.

38 B. The custodial agency shall immediately give notice to a victim and  
39 the prosecutor's office of an escape by, and again upon ON the subsequent  
40 rearrest of, an incarcerated person who is accused or convicted of committing  
41 a criminal offense against the victim. The custodial agency shall give  
42 notice by any reasonable means.

APPROVED BY THE GOVERNOR APRIL 26, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2011.

Passed the House February 21, 2011

Passed the Senate April 19, 2011

by the following vote: 59 Ayes,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

0 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

Cheryl Laube  
Chief Clerk of the House

Charmine Bellinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

           day of           , 20          

at            o'clock            M.

            
Secretary to the Governor

Approved this            day of

          

at            o'clock            M.

            
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this            day of           , 20          

at            o'clock            M.

            
Secretary of State

H.B. 2404

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 19, 2011,

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
20 day of April, 2011,

at 8:30 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 26<sup>th</sup> day of

April, 2011,

at 2:51 o'clock P. M.

[Signature]  
Governor of Arizona

H.B. 2404

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 26<sup>th</sup> day of April, 2011,

at 4:57 o'clock P. M.

[Signature]  
Secretary of State