

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 223

HOUSE BILL 2377

AN ACT

AMENDING SECTION 14-5101, ARIZONA REVISED STATUTES; AMENDING TITLE 14, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 14-5304.02; RELATING TO INCAPACITATED PERSONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 14-5101, Arizona Revised Statutes, is amended to
3 read:

4 14-5101. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Incapacitated person" means any person who is impaired by reason
7 of mental illness, mental deficiency, mental disorder, physical illness or
8 disability, chronic use of drugs, chronic intoxication or other cause, except
9 minority, to the extent that he lacks sufficient understanding or capacity to
10 make or communicate responsible decisions concerning his person. IN CASES OF
11 LIMITED GUARDIANSHIP ONLY, A PERSON IS NOT DEEMED AN INCAPACITATED PERSON FOR
12 PURPOSES OF VOTING IF THE PERSON FILES A PETITION, HAS A HEARING AND THE
13 JUDGE DETERMINES BY CLEAR AND CONVINCING EVIDENCE THAT THE PERSON RETAINS
14 SUFFICIENT UNDERSTANDING TO EXERCISE THE RIGHT TO VOTE PURSUANT TO SECTION
15 14-5304.02.

16 2. "Investigator" means a person who is appointed by the court under
17 section 14-5308.

18 3. "Physician" means a person licensed pursuant to title 32, chapter
19 13 or 17.

20 4. "Protected person" means a minor or any other person for whom a
21 conservator has been appointed or any other protective order has been made.

22 5. "Protective proceeding" means a proceeding under the provisions of
23 section 14-5401 to determine that a person cannot effectively manage or apply
24 his estate to necessary ends, either because he lacks the ability or is
25 otherwise inconvenienced, or because he is a minor, and to secure
26 administration of his estate by a conservator or other appropriate relief.

27 6. "Psychologist" means a person licensed pursuant to title 32,
28 chapter 19.1.

29 7. "Registered nurse" has the same meaning as prescribed in section
30 32-1601.

31 8. "Ward" means a person for whom a guardian has been appointed.
32 "Minor ward" means a minor for whom a guardian has been appointed solely
33 because of minority.

34 Sec. 2. Title 14, chapter 5, article 3, Arizona Revised Statutes, is
35 amended by adding section 14-5304.02, to read:

36 14-5304.02. Limited guardianship; voting

37 A PERSON FOR WHOM A LIMITED GUARDIAN IS APPOINTED SHALL RETAIN THE
38 RIGHT TO VOTE IF THE PERSON FILES A PETITION, HAS A HEARING AND THE JUDGE
39 DETERMINES BY CLEAR AND CONVINCING EVIDENCE THAT THE PERSON RETAINS
40 SUFFICIENT UNDERSTANDING TO EXERCISE THE RIGHT TO VOTE.

APPROVED BY THE GOVERNOR APRIL 10, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2012.

Passed the House February 28, 2012

Passed the Senate April 3, 2012

by the following vote: 55 Ayes,

by the following vote: 29 Ayes,

1 Nays, 3 Not Voting
1 vacant

0 Nays, 1 Not Voting

[Signature]

[Signature]

Speaker of the House

President of the Senate

[Signature]

[Signature]

Chief Clerk of the House

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. 2377

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 5, 2012,
by the following vote: 58 Ayes,

1 Nays, 1 Not Voting



Speaker of the House



Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
5 day of April, 2012,
at 1 o'clock P M.



Secretary to the Governor

Approved this 10th day of
April, 2012,

at 9:55 o'clock P M.

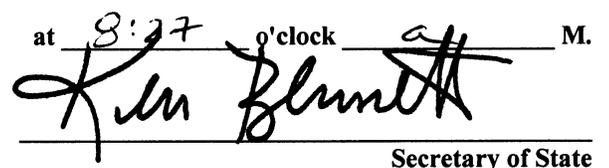


Governor of Arizona

H.B. 2377

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 11th day of April, 2012,

at 8:37 o'clock a M.


Secretary of State