

House Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 138

HOUSE BILL 2269

AN ACT

AMENDING SECTION 12-712, ARIZONA REVISED STATUTES; RELATING TO CIVIL LIABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-712, Arizona Revised Statutes, is amended to
3 read:

4 12-712. Affirmative defense; limitation; criminal act

5 A. In any civil action, the finder of fact may find the defendant not
6 liable if the defendant proves that the claimant or, if the claimant is an
7 heir or the estate of a deceased person, the decedent was attempting to
8 commit, committing or immediately fleeing from a felony criminal act and as a
9 result of that act, attempted act or flight the claimant or decedent was at
10 least fifty per cent responsible for the accident or event that caused the
11 claimant's or decedent's harm.

12 B. In any civil action, the finder of fact may find the defendant not
13 liable if the defendant proves that the defendant did not act intentionally
14 and that the claimant or, if the claimant is an heir or the estate of a
15 deceased person, the decedent was attempting to commit, committing or
16 immediately fleeing from a misdemeanor criminal act and as a result of that
17 act, attempted act or flight the claimant or decedent was at least fifty per
18 cent responsible for the accident or event that caused the claimant's or
19 decedent's harm.

20 C. NOTWITHSTANDING SUBSECTION A OR B OF THIS SECTION, IN ANY CIVIL
21 ACTION, THE FINDER OF FACT MAY FIND THE DEFENDANT NOT LIABLE IF THE DEFENDANT
22 PROVES THAT THE DEFENDANT DID NOT ACT INTENTIONALLY AND THAT THE CLAIMANT OR,
23 IF THE CLAIMANT IS AN HEIR OR THE ESTATE OF A DECEASED PERSON, THE DECEDENT
24 WAS ATTEMPTING TO COMMIT, COMMITTING OR IMMEDIATELY FLEEING FROM AN ACT IN
25 VIOLATION OF SECTION 13-1802, SUBSECTION A, PARAGRAPH 7 OR 8 AND, AS A RESULT
26 OF THAT ACT, ATTEMPTED ACT OR FLIGHT, THE CLAIMANT OR DECEDENT WAS IN ANY WAY
27 RESPONSIBLE FOR THE ACCIDENT OR EVENT THAT CAUSED THE CLAIMANT'S OR
28 DECEDENT'S HARM.

APPROVED BY THE GOVERNOR APRIL 22, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2014.

Passed the House February 24, 2014

by the following vote: 55 Ayes,

4 Nays, 1 Not Voting

[Signature]
Speaker of the House

Cheryl Lauber
Chief Clerk of the House

Passed the Senate April 16, 2014

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

[Signature]
President of the Senate

Charmain Bellefleur
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

17th day of April, 2014

at 10:45 o'clock A M.

Lindsay Secor
Secretary to the Governor

Approved this 22nd day of

April

at 3:20 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 23rd day of April, 2014

at 9:40 o'clock A M.

[Signature]
Secretary of State