

Conference Engrossed

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
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2014

CHAPTER 269

## **HOUSE BILL 2563**

AN ACT

AMENDING TITLE 8, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-350.02; AMENDING SECTIONS 8-383, 8-384, 8-386, 8-391, 8-392, 8-397, 8-409, 8-413 AND 8-414, ARIZONA REVISED STATUTES; REPEALING SECTION 8-415, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 3, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 8-415; AMENDING SECTIONS 8-420, 8-421 AND 39-127, ARIZONA REVISED STATUTES; RELATING TO JUVENILE CRIME VICTIMS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 8, chapter 3, article 3, Arizona Revised Statutes, is  
3 amended by adding section 8-350.02, to read:

4 8-350.02. Civil actions by victim or other persons

5 A JUVENILE WHO IS ADJUDICATED IN A DELINQUENCY PROCEEDING IS PRECLUDED  
6 FROM SUBSEQUENTLY DENYING IN ANY CIVIL PROCEEDING BROUGHT BY THE VICTIM OR  
7 THIS STATE AGAINST THE ADJUDICATED DELINQUENT THE ESSENTIAL ALLEGATIONS OF  
8 THE DELINQUENT ACT OF WHICH THE JUVENILE WAS ADJUDICATED DELINQUENT,  
9 INCLUDING ADJUDICATIONS RESULTING FROM NO CONTEST PLEAS. AN ORDER OF  
10 RESTITUTION IN FAVOR OF A PERSON DOES NOT PRECLUDE THAT PERSON FROM BRINGING  
11 A SEPARATE CIVIL ACTION AND PROVING IN THAT ACTION DAMAGES IN EXCESS OF THE  
12 AMOUNT OF THE RESTITUTION ORDER THAT IS ACTUALLY PAID.

13 Sec. 2. Section 8-383, Arizona Revised Statutes, is amended to read:

14 8-383. Implementation of rights and duties

15 A. Except as provided in sections 8-385 and 8-386, the rights and  
16 duties that are established by this article arise on the arrest or formal  
17 charging of a juvenile who is alleged to be responsible for a delinquent act  
18 against a victim. The rights and duties continue to be enforceable pursuant  
19 to this article until the final disposition of the charges, including  
20 acquittal or dismissal of the charges, all postadjudication release, review  
21 and appellate proceedings and the discharge of all proceedings related to  
22 restitution. If a delinquent is ordered to pay restitution to a victim, the  
23 rights and duties continue to be enforceable until restitution is paid or a  
24 judgment is entered in favor of the victim pursuant to section 8-344.

25 B. IF A JUVENILE'S ADJUDICATION IS REVERSED AND THE CASE IS RETURNED  
26 TO THE JUVENILE COURT FOR FURTHER PROCEEDINGS, THE VICTIM HAS THE SAME RIGHTS  
27 THAT WERE APPLICABLE TO THE DELINQUENCY PROCEEDINGS THAT LED TO THE APPEAL OR  
28 OTHER POSTADJUDICATION RELIEF PROCEEDING.

29 ~~B.~~ C. After the final termination of a delinquency proceeding by  
30 dismissal or acquittal, a person who has received notice and has the right to  
31 be present and be heard pursuant to the victims' bill of rights, article II,  
32 section 2.1, Constitution of Arizona, this article or any court rule is no  
33 longer entitled to those rights.

34 Sec. 3. Section 8-384, Arizona Revised Statutes, is amended to read:

35 8-384. Inability to exercise rights; designation of others;  
36 notice; representative for a minor or vulnerable  
37 adult; definition

38 A. If a victim is physically or emotionally unable to exercise any  
39 right but is able to designate a lawful representative who is not a bona fide  
40 witness, the designated person may exercise the same rights that the victim  
41 is entitled to exercise. The victim may revoke this designation at any time  
42 and exercise the victim's rights.

43 B. If a victim is incompetent, deceased or otherwise incapable of  
44 designating another person to act in the victim's place, the court may  
45 appoint a lawful representative who is not a witness. If at any time the

1 victim is no longer incompetent, incapacitated or otherwise incapable of  
2 acting, the victim may personally exercise the victim's rights.

3 C. If the victim is a minor OR VULNERABLE ADULT the victim's parent or  
4 other immediate family member may exercise all of the victim's rights on  
5 behalf of the victim. If the delinquent act is alleged against a member of  
6 the minor's OR VULNERABLE ADULT'S immediate family, these rights may not be  
7 exercised by that person but may be exercised by another member of the  
8 immediate family unless the court, after considering the guidelines in  
9 subsection D OF THIS SECTION, finds that another person would better  
10 represent the interests of the minor OR VULNERABLE ADULT FOR PURPOSES OF THIS  
11 CHAPTER.

12 D. The court shall consider the following guidelines in appointing a  
13 representative for a minor OR VULNERABLE ADULT VICTIM:

14 1. ~~If~~ WHETHER the minor OR VULNERABLE ADULT has a relative who would  
15 not be so substantially affected or adversely impacted by the conflict  
16 resulting from the allegation of a delinquent act against a member of the  
17 immediate family of the minor OR VULNERABLE ADULT that the representative  
18 could not represent the victim.

19 2. The representative's willingness and ability to do all of the  
20 following:

21 (a) Undertake working with and accompanying the minor victim OR  
22 VULNERABLE ADULT through all proceedings, including delinquency, civil and  
23 dependency proceedings.

24 (b) Communicate with the minor OR VULNERABLE ADULT victim.

25 (c) Express the concerns of the minor OR VULNERABLE ADULT to those  
26 authorized to come in contact with the minor OR VULNERABLE ADULT as a result  
27 of the proceedings.

28 3. The representative's training, if any, to serve as a ~~minor's~~ MINOR  
29 OR VULNERABLE ADULT VICTIM'S representative.

30 4. The likelihood of the representative being called as a witness in  
31 the case.

32 E. The ~~minor's~~ MINOR OR VULNERABLE ADULT VICTIM'S representative shall  
33 accompany the minor OR VULNERABLE ADULT victim through all proceedings,  
34 including delinquency, criminal, dependency and civil proceedings, and,  
35 before the minor's OR VULNERABLE ADULT'S courtroom appearance, shall explain  
36 to the minor OR VULNERABLE ADULT the nature of the proceedings and what the  
37 minor OR VULNERABLE ADULT will be asked to do, including telling the minor OR  
38 VULNERABLE ADULT that the minor OR VULNERABLE ADULT is expected to tell the  
39 truth. The representative shall be available to observe the minor OR  
40 VULNERABLE ADULT in all aspects of the case in order to consult with the  
41 court as to any special needs of the minor OR VULNERABLE ADULT. Those  
42 consultations shall take place before the minor OR VULNERABLE ADULT  
43 testifies. The court may recognize the ~~minor's~~ MINOR OR VULNERABLE ADULT  
44 VICTIM'S representative when the representative indicates a need to address  
45 the court. A ~~minor's~~ MINOR OR VULNERABLE ADULT VICTIM'S representative shall  
46 not discuss the facts and circumstances of the case with the minor OR

1 VULNERABLE ADULT witness, unless the court orders otherwise on a showing that  
2 it is in the best interests of the minor OR VULNERABLE ADULT.

3 F. Any notices that are to be provided to a victim pursuant to this  
4 article shall be sent only to the victim or the victim's lawful  
5 representative.

6 G. FOR THE PURPOSES OF THIS SECTION, "VULNERABLE ADULT" HAS THE SAME  
7 MEANING PRESCRIBED IN SECTION 13-3623.

8 Sec. 4. Section 8-386, Arizona Revised Statutes, is amended to read:  
9 8-386. Information provided to victim by law enforcement  
10 agencies

11 A. As soon after the detection of an offense as the victim may be  
12 contacted without interfering with an investigation or arrest, the law  
13 enforcement agency responsible for investigating the offense shall provide  
14 the victim with a multicopy form:

15 1. That allows the victim to request or waive applicable rights to  
16 which the victim is entitled, on request, under this article.

17 2. That provides the victim a method to designate a lawful  
18 representative if the victim so chooses pursuant to section 8-384, subsection  
19 A or section 8-385.

20 3. That provides notice to the victim of all of the following  
21 information:

22 (a) The victim's right under the victims' bill of rights, article II,  
23 section 2.1, Constitution of Arizona, to be treated with fairness, respect  
24 and dignity and to be free of intimidation, harassment or abuse throughout  
25 the criminal or juvenile justice process.

26 (b) The availability, if any, of crisis intervention services and  
27 emergency and medical services and, if applicable, that medical expenses  
28 arising out of the need to secure evidence may be reimbursed pursuant to  
29 section 13-1414.

30 (c) In cases involving domestic violence, the procedures and resources  
31 available for the protection of the victim pursuant to section 13-3601.

32 (d) The names and telephone numbers of public and private victim  
33 assistance programs, including the county victim compensation program and  
34 programs that provide counseling, treatment and other support services.

35 (e) The police report number, if available, other identifying case  
36 information and the following statement:

37 If within thirty days you are not notified of an arrest in your  
38 case, you may call (the law enforcement agency's telephone  
39 number) for the status of the case.

40 (f) Whether the suspect is an adult or juvenile, the victim will be  
41 notified by the law enforcement agency at the earliest opportunity after the  
42 arrest of a suspect.

43 (g) If the suspect is a juvenile and the officer requests that the  
44 accused be detained, a statement of the victim's right, on request, to be  
45 informed if the juvenile will be released or will be detained pending the  
46 detention hearing and of the victim's right to be present and heard at the

1 detention hearing and that, to exercise these rights, the victim must contact  
2 the detention screening section of the juvenile probation department  
3 immediately to request notice of all of the following:

4 (i) The juvenile's release.  
5 (ii) The date, time and place of the detention hearing and any changes  
6 to that schedule.

7 (iii) If the victim chooses to exercise the right to be heard through  
8 a written statement, how that statement may be submitted to the court.

9 (h) THAT THE VICTIM OR THE IMMEDIATE FAMILY MEMBER OF THE VICTIM, IF  
10 THE VICTIM IS KILLED OR INCAPACITATED, HAS THE RIGHT TO RECEIVE ONE COPY OF  
11 THE POLICE REPORT, INCLUDING ANY SUPPLEMENTS TO THE REPORT, FROM THE  
12 INVESTIGATING LAW ENFORCEMENT AGENCY AT NO CHARGE PURSUANT TO SECTION 39-127.

13 B. If at the time of contact with a law enforcement agency the victim  
14 is physically or emotionally unable to request or waive applicable rights,  
15 the law enforcement agency shall designate this on the multicopy form and the  
16 entities that may be subsequently affected shall presume that the victim  
17 invoked the victim's right to request applicable rights to which the victim  
18 is entitled, on request, unless the victim later waives those rights.

19 C. The law enforcement agency shall submit one copy of the victim's  
20 request or waiver of predisposition rights form to the detention center, if  
21 the arresting officer is requesting that the accused be detained, at the time  
22 the juvenile is taken to detention. If detention is not requested, the form  
23 copies shall be submitted to the juvenile probation intake section at the  
24 time the case is otherwise referred to court. The probation intake section  
25 shall submit a copy of the victim's request or waiver of predisposition  
26 rights form to the prosecutor and the departments or governmental agencies,  
27 as applicable, that are mandated by this article to provide victims' rights  
28 services ~~upon~~ ON request.

29 D. If the accused juvenile is cited and released by an Arizona traffic  
30 ticket and complaint form pursuant to section 8-323, the law enforcement  
31 agency shall inform the victim how to obtain additional information about  
32 subsequent proceedings.

33 E. Law enforcement agencies within a county may establish different  
34 procedures designed to efficiently and effectively provide notice of the  
35 victim's rights pursuant to this article and notice to affected entities of  
36 victim request or waiver information. If different procedures are  
37 established, the procedures shall:

38 1. Be reported to the entities within a county affected by the  
39 procedures and reported to the attorney general.

40 2. Be designed so that detention centers within a county receive  
41 notice of the victim's request or waiver of the victim's predisposition  
42 rights at the same time that an accused juvenile is detained.

43 3. Be designed so that the juvenile probation intake section of the  
44 county receives notice of the victim's request or waiver of the victim's  
45 predisposition rights at the same time that the case is referred to court.

1           4. Provide that the notice to affected entities of a victim's request  
2 or waiver of the victim's predisposition rights includes information that  
3 allows the affected entity to contact the victim.

4           5. Be supported by the use of brochures, forms or other written  
5 materials developed by the law enforcement agencies within a county and  
6 reviewed by the attorney general pursuant to section 8-398, subsection B.

7           Sec. 5. Section 8-391, Arizona Revised Statutes, is amended to read:  
8           8-391. Notice of adjudication; impact statement

9           A. On request the prosecutor's office, within fifteen days after the  
10 adjudication, transfer, acquittal or dismissal of the charges against the  
11 accused, shall give notice to the victim of the offense or offenses for which  
12 the accused was adjudicated delinquent, transferred for adult prosecution or  
13 acquitted or of the charges dismissed against the juvenile defendant.

14           B. If the juvenile is adjudicated delinquent and the victim has  
15 requested notice, the prosecutor's office shall notify the victim, if  
16 applicable, of:

17           1. The function of the predisposition report.

18           2. The name and telephone number of the probation department that is  
19 preparing the predisposition report.

20           3. The right to make a victim impact statement under section 8-404.

21           4. The right to receive portions of the predisposition report pursuant  
22 to section 8-404, subsection C.

23           5. The right to be present and be heard at any predisposition or  
24 disposition proceeding pursuant to section 8-405.

25           6. The time, place and date of the disposition proceeding.

26           7. If the court orders restitution, the right to have a judgment  
27 entered for any unpaid amount and to file a restitution lien pursuant to  
28 section 8-345.

29           8. THE RIGHT OF THE DEFENSE TO VIEW THE PREDISPOSITION REPORT.

30           C. The victim shall be informed that the victim's impact statement may  
31 include the following:

32           1. An explanation of the nature and extent of any physical,  
33 psychological or emotional harm or trauma suffered by the victim.

34           2. An explanation of the extent of any economic loss or property  
35 damage suffered by the victim.

36           3. An opinion of the need for and extent of restitution.

37           4. Whether the victim has applied for or received any compensation for  
38 the loss or damage.

39           D. Notice provided pursuant to this section does not remove the  
40 probation department's responsibility to initiate the contact between the  
41 victim and the probation department concerning the victim's economic,  
42 physical, psychological or emotional harm. At the time of contact, the  
43 probation department shall advise the victim of the date, time and place of  
44 the disposition proceeding and of the victim's right, if present, to be heard  
45 at that proceeding.

1           Sec. 6. Section 8-392, Arizona Revised Statutes, is amended to read:  
2           8-392. Notice of postadjudication review and appellate  
3                                   proceedings

4           A. Within fifteen days after the disposition proceeding the  
5 prosecutor's office, on request, shall notify the victim of the disposition  
6 imposed on the juvenile defendant.

7           B. The prosecutor's office shall provide the victim with a form that  
8 allows the victim to request postadjudication notice of all postadjudication  
9 review and appellate proceedings, all postadjudication release proceedings,  
10 all probation modification proceedings that impact the victim, all probation  
11 revocation or termination proceedings, all conditional liberty revocation  
12 proceedings or modifications to conditional liberty, any decisions that arise  
13 out of these proceedings, all releases and all escapes.

14           C. The prosecutor's office shall advise the victim on how the  
15 completed request form may be filed with the appropriate agencies and  
16 departments.

17           D. On request of the victim, the prosecutor's office that is  
18 responsible for handling any postadjudication or appellate proceedings shall  
19 notify the victim of the proceedings and any decisions that arise out of the  
20 proceedings.

21           E. THE SUPREME COURT OR COURT OF APPEALS SHALL SEND A VICTIM WHO  
22 REQUESTS NOTICE PURSUANT TO THIS SECTION A COPY OF THE MEMORANDUM DECISION OR  
23 OPINION FROM THE ISSUING COURT CONCURRENTLY WITH THE PARTIES. IF THE VICTIM  
24 IS REPRESENTED BY COUNSEL, THE NOTICE SHALL BE PROVIDED TO THE VICTIM'S  
25 COUNSEL.

26           Sec. 7. Section 8-397, Arizona Revised Statutes, is amended to read:  
27           8-397. Notice of release, discharge or escape from a mental  
28                                   health treatment agency or residential treatment

29           A. If the victim has made a request for notice, the court or the  
30 department of juvenile corrections, whichever has supervision of the accused  
31 or delinquent, shall provide the victim, at least ten days before the release  
32 or discharge of the accused or delinquent, with notice of the release or  
33 discharge of the accused or delinquent who is placed by court order in a  
34 mental health treatment agency or a residential treatment agency. The mental  
35 health treatment agency or residential treatment agency that has custody of  
36 the accused or delinquent shall notify the court or department of juvenile  
37 corrections, whichever has supervision of the accused or delinquent, at least  
38 thirty days before the release or discharge of the accused or delinquent.

39           B. The court or the department of juvenile corrections, whichever has  
40 supervision of the accused or delinquent, shall ~~may~~ PROVIDE NOTICE to the  
41 victim immediately after the escape or subsequent readmission of the accused  
42 or the delinquent notice of the escape or subsequent readmission of the  
43 accused or the delinquent who is placed by court order in a mental health  
44 treatment agency or a residential treatment agency. The mental health  
45 treatment agency or residential treatment agency that has custody of the  
46 accused or delinquent shall immediately notify the court or the department of

1 juvenile corrections, whichever has supervision of the accused or delinquent,  
2 of the escape, runaway or subsequent readmission of the accused or  
3 delinquent.

4 Sec. 8. Section 8-409, Arizona Revised Statutes, is amended to read:

5 8-409. Consultation between crime victim advocate and victim:  
6 privileged information; exception

7 A. A crime victim advocate shall not disclose as a witness or  
8 otherwise any communication made by or with the victim, including any  
9 communication made to or in the presence of others, unless the victim  
10 consents in writing to the disclosure.

11 B. Unless the victim consents in writing to the disclosure, a crime  
12 victim advocate shall not disclose records, notes, documents, correspondence,  
13 reports or memoranda that contain opinions, theories or other information  
14 made while advising, counseling or assisting the victim or that are based on  
15 communications made by or with the victim, including communications made to  
16 or in the presence of others.

17 C. The communication is not privileged if the crime victim advocate  
18 knows that the victim will give or has given perjured testimony or if the  
19 communication contains exculpatory material.

20 D. An accused may make a motion for disclosure of privileged  
21 information. If the court finds there is reasonable cause to believe the  
22 material is exculpatory, the court shall hold a hearing in camera. Material  
23 that the court finds is exculpatory shall be disclosed to the accused.

24 E. If, with the written or verbal consent of the victim, the crime  
25 victim advocate discloses to the prosecutor or a law enforcement agency any  
26 communication between the victim and the crime victim advocate or any  
27 records, notes, documents, correspondence, reports or memoranda, the  
28 prosecutor or law enforcement agent shall disclose the material to the  
29 accused's attorney only if the information is otherwise exculpatory.

30 F. Notwithstanding subsections A and B OF THIS SECTION, if a crime  
31 ~~victim advocate is employed or authorized by a prosecutor's office, the~~  
32 ~~CONSENTS EITHER VERBALLY OR IN WRITING, A CRIME VICTIM~~ advocate may disclose  
33 ~~information to the prosecutor with the oral consent of the victim~~ OTHER  
34 PROFESSIONALS AND ADMINISTRATIVE SUPPORT PERSONS THAT THE ADVOCATE WORKS WITH  
35 FOR THE PURPOSE OF ASSISTING THE ADVOCATE IN PROVIDING SERVICES TO THE VICTIM  
36 AND TO THE COURT IN FURTHERANCE OF ANY VICTIMS' RIGHT PURSUANT TO THIS  
37 CHAPTER.

38 Sec. 9. Section 8-413, Arizona Revised Statutes, is amended to read:

39 8-413. Victim's right to privacy; exception; definitions

40 A. The victim has the right at any court proceeding not to testify  
41 ~~regarding the victim's addresses, telephone numbers, place of employment or~~  
42 ~~other~~ ANY IDENTIFYING OR locating information unless the victim consents or  
43 the court orders disclosure on finding that a compelling need for the  
44 information exists. A court proceeding on the motion shall be in camera.

45 B. A VICTIM'S IDENTIFYING AND LOCATING INFORMATION THAT IS OBTAINED,  
46 COMPILED OR REPORTED BY A LAW ENFORCEMENT AGENCY OR PROSECUTION AGENCY SHALL

1 BE REDACTED BY THE ORIGINATING AGENCY AND PROSECUTION AGENCIES FROM RECORDS  
2 PERTAINING TO THE CRIMINAL CASE INVOLVING THE VICTIM, INCLUDING DISCOVERY  
3 DISCLOSED TO THE DEFENDANT.

4 C. SUBSECTION B OF THIS SECTION DOES NOT APPLY TO:

5 1. THE VICTIM'S NAME.

6 2. ANY RECORDS THAT ARE TRANSMITTED BETWEEN LAW ENFORCEMENT AND  
7 PROSECUTION AGENCIES OR A COURT.

8 3. ANY RECORDS IF THE VICTIM HAS CONSENTED TO THE RELEASE OF THE  
9 INFORMATION.

10 4. THE GENERAL LOCATION AT WHICH THE REPORTED CRIME OCCURRED.

11 D. FOR THE PURPOSES OF THIS SECTION:

12 1. "IDENTIFYING INFORMATION" INCLUDES A VICTIM'S DATE OF BIRTH, SOCIAL  
13 SECURITY NUMBER AND OFFICIAL STATE OR GOVERNMENT ISSUED DRIVER LICENSE OR  
14 IDENTIFICATION NUMBER.

15 2. "LOCATING INFORMATION" INCLUDES THE VICTIM'S ADDRESS, TELEPHONE  
16 NUMBER, E-MAIL ADDRESS AND PLACE OF EMPLOYMENT.

17 Sec. 10. Section 8-414, Arizona Revised Statutes, is amended to read:

18 8-414. Speedy adjudication; continuance; notice

19 A. In any delinquency proceeding, the court, prosecutor and law  
20 enforcement officials shall take appropriate action to ensure a speedy  
21 adjudication for the victim.

22 B. THE PROSECUTOR SHALL MAKE REASONABLE EFFORTS TO NOTIFY A VICTIM OF  
23 ANY REQUEST FOR A CONTINUANCE, EXCEPT THAT IF THE VICTIM IS REPRESENTED BY  
24 COUNSEL WHO HAS FILED A NOTICE OF APPEARANCE, THE COURT, IF THE REQUEST FOR A  
25 CONTINUANCE IS IN WRITING, SHALL MAKE REASONABLE EFFORTS TO NOTIFY THE  
26 VICTIM'S COUNSEL IN THE SAME MANNER IN WHICH A PARTY IS NOTIFIED.

27 ~~B.~~ C. In any delinquency proceeding in which a continuance is  
28 requested, the court shall consider the victim's views and the victim's right  
29 to a speedy adjudication. If a continuance is granted, the court shall state  
30 on the record the reason for the continuance.

31 Sec. 11. Repeal

32 Section 8-415, Arizona Revised Statutes, is repealed.

33 Sec. 12. Title 8, chapter 3, article 7, Arizona Revised Statutes, is  
34 amended by adding a new section 8-415, to read:

35 8-415. Effect of failure to comply

36 A. THE FAILURE TO COMPLY WITH A VICTIM'S CONSTITUTIONAL OR STATUTORY  
37 RIGHT IS A GROUND FOR THE VICTIM TO REQUEST A REEXAMINATION PROCEEDING WITHIN  
38 TEN DAYS AFTER THE PROCEEDING AT WHICH THE VICTIM'S RIGHT WAS DENIED OR WITH  
39 LEAVE OF THE COURT FOR GOOD CAUSE SHOWN. AFTER THE VICTIM REQUESTS A  
40 REEXAMINATION PROCEEDING AND AFTER THE COURT GIVES REASONABLE NOTICE, THE  
41 COURT SHALL AFFORD THE VICTIM A REEXAMINATION PROCEEDING TO CONSIDER THE  
42 ISSUES RAISED BY THE DENIAL OF THE VICTIM'S RIGHT. EXCEPT AS PROVIDED IN  
43 SUBSECTION B OF THIS SECTION, THE COURT SHALL RECONSIDER ANY DECISION THAT  
44 ARISES FROM A PROCEEDING IN WHICH THE VICTIM'S RIGHT WAS NOT PROTECTED AND  
45 SHALL ENSURE THAT THE VICTIM'S RIGHTS ARE THEREAFTER PROTECTED.

1 B. THE FAILURE TO USE REASONABLE EFFORTS TO PERFORM A DUTY OR PROVIDE  
2 A RIGHT IS NOT CAUSE TO SEEK TO SET ASIDE AN ADJUDICATION OR DISPOSITION  
3 AFTER TRIAL. FAILURE TO AFFORD A RIGHT UNDER THIS CHAPTER SHALL NOT PROVIDE  
4 GROUNDS FOR A NEW TRIAL. A VICTIM WHO WAS GIVEN NOTICE OF A PLEA OR  
5 SENTENCING PROCEEDING MAY MAKE A MOTION TO REOPEN A PLEA OR SENTENCE ONLY IF  
6 THE VICTIM WAS NOT VOLUNTARILY ABSENT FROM THE PROCEEDING AND HAS ASSERTED  
7 THE RIGHT TO BE HEARD BEFORE OR DURING THE PROCEEDING AT ISSUE AND THE RIGHT  
8 TO BE HEARD WAS DENIED AND, IN THE CASE OF A PLEA, THE ACCUSED HAS NOT PLED  
9 TO THE HIGHEST OFFENSE CHARGED. THIS SUBSECTION DOES NOT AFFECT THE VICTIM'S  
10 RIGHT TO RESTITUTION, WHICH THE VICTIM MAY SEEK TO ENFORCE AT ANY TIME.

11 C. UNLESS THE JUVENILE IS DISCHARGED FROM THE JUVENILE'S SENTENCE, THE  
12 FAILURE TO USE REASONABLE EFFORTS TO PROVIDE NOTICE AND A RIGHT TO BE PRESENT  
13 OR BE HEARD PURSUANT TO THIS CHAPTER AT A PROCEEDING THAT INVOLVES A  
14 POSTCONVICTION RELEASE IS A GROUND FOR THE VICTIM TO SEEK TO SET ASIDE THE  
15 POSTCONVICTION RELEASE UNTIL THE VICTIM IS AFFORDED THE OPPORTUNITY TO BE  
16 PRESENT OR BE HEARD.

17 D. IF THE VICTIM SEEKS TO HAVE A POSTCONVICTION RELEASE SET ASIDE  
18 PURSUANT TO SUBSECTION C OF THIS SECTION, THE COURT OR DEPARTMENT OF  
19 JUVENILE CORRECTIONS SHALL AFFORD THE VICTIM A REEXAMINATION PROCEEDING AFTER  
20 THE PARTIES ARE GIVEN NOTICE.

21 E. A REEXAMINATION PROCEEDING CONDUCTED PURSUANT TO THIS SECTION OR  
22 ANY OTHER PROCEEDING THAT IS BASED ON THE FAILURE TO PERFORM A DUTY OR  
23 PROVIDE A RIGHT SHALL COMMENCE NOT MORE THAN THIRTY DAYS AFTER THE  
24 APPROPRIATE PARTIES HAVE BEEN GIVEN NOTICE THAT THE VICTIM IS EXERCISING THE  
25 RIGHT TO A REEXAMINATION PROCEEDING PURSUANT TO THIS SECTION OR TO ANOTHER  
26 PROCEEDING BASED ON THE FAILURE TO PERFORM A DUTY OR PROVIDE A RIGHT.

27 Sec. 13. Section 8-420, Arizona Revised Statutes, is amended to read:

28 8-420. Right to leave work; scheduled proceedings; employment  
29 rights; nondiscrimination; confidentiality; definition

30 A. An employer who has fifty or more employees for each working day in  
31 each of twenty or more calendar weeks in the current or preceding calendar  
32 year, and any agent of that employer, shall allow an employee who is a victim  
33 of a juvenile offense to:

34 1. Leave work to exercise the employee's right to be present at a  
35 proceeding pursuant to sections 8-395, 8-400, 8-401, 8-402, 8-403, 8-405,  
36 8-406 and 8-415.

37 2. OBTAIN OR ATTEMPT TO OBTAIN AN ORDER OF PROTECTION, AN INJUNCTION  
38 AGAINST HARASSMENT OR ANY OTHER INJUNCTIVE RELIEF TO HELP ENSURE THE HEALTH,  
39 SAFETY OR WELFARE OF THE VICTIM OR THE VICTIM'S CHILD.

40 B. An employer may not dismiss an employee who is a victim of a  
41 juvenile offense because the employee exercises the right to leave work  
42 pursuant to subsection A of this section.

43 C. An employer is not required to compensate an employee who is a  
44 victim of a juvenile offense when the employee leaves work pursuant to  
45 subsection A of this section.

1 D. If an employee leaves work pursuant to subsection A of this  
2 section, the employee may elect to use or an employer may require the  
3 employee to use the employee's accrued paid vacation, personal leave or sick  
4 leave.

5 E. An employee who is a victim of a juvenile offense shall not lose  
6 seniority or precedence while absent from employment pursuant to subsection A  
7 of this section.

8 F. Before an employee may leave work pursuant to subsection A of this  
9 section, the employee shall do all of the following:

10 1. Provide the employer with a copy of the form provided to the  
11 employee by the law enforcement agency pursuant to section 8-386, subsection  
12 A or a copy of the information the law enforcement agency provides to the  
13 employee pursuant to section 8-386, subsection E.

14 2. If applicable, give the employer a copy of the notice of each  
15 scheduled proceeding that is provided to the victim by the agency that is  
16 responsible for providing notice to the victim.

17 G. It is unlawful for an employer or an employer's agent to refuse to  
18 hire or employ, to bar or to discharge from employment or to discriminate  
19 against an individual in compensation or other terms, conditions or  
20 privileges of employment because the individual leaves work pursuant to  
21 subsection A of this section.

22 H. Employers shall keep confidential records regarding the employee's  
23 leave pursuant to this section.

24 I. An employer may limit the leave provided under this section if the  
25 employee's leave creates an undue hardship to the employer's business.

26 J. The prosecutor shall inform the victim of the victim's rights  
27 pursuant to this section. A victim may notify the prosecutor if exercising  
28 the victim's right to leave under this section would create an undue hardship  
29 for the victim's employer. The prosecutor shall communicate the notice to  
30 the court during the scheduling of proceedings where the victim has the right  
31 to be present. The court shall continue to take the victim's schedule into  
32 consideration when scheduling a proceeding pursuant to subsection A of this  
33 section.

34 K. For THE purposes of this section, "undue hardship" means a  
35 significant difficulty and expense to a business and includes the  
36 consideration of the size of the employer's business and the employer's  
37 critical need of the employee.

38 Sec. 14. Section 8-421, Arizona Revised Statutes, is amended to read:  
39 8-421. Statement of rights

40 In order to assure that any victim who comes before the juvenile court  
41 has been advised of the victim's constitutional rights, THE FOLLOWING  
42 STATEMENT SHALL BE PROMINENTLY POSTED IN EACH JUVENILE COURT IN THIS STATE  
43 AND SHALL BE READ OUT LOUD BY a judge of the juvenile court ~~shall make the~~  
44 ~~following statement~~ at the time each victim first appears in that court:



Passed the House March 5, 2014

Passed the Senate April 22, 2014

by the following vote: 58 Ayes,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

0 Nays, 2 Not Voting



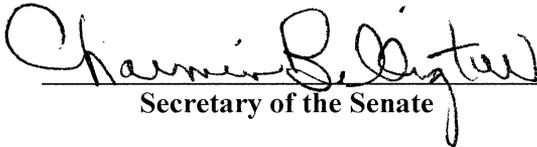
Speaker of the House



President of the Senate



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. 2563

HOUSE FINAL PASSAGE  
as per Joint Conference

Passed the House April 23, 2014

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting



Speaker of the House



Chief Clerk of the House

SENATE FINAL PASSAGE  
as per Joint Conference

Passed the Senate April 23, 2014

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting



President of the Senate



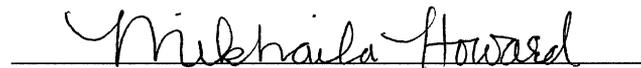
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

24 day of April, 20 14

at 9:40 o'clock A M.

  
Secretary to the Governor

Approved this 30 day of

April

at 11:11 o'clock A M.

  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 30<sup>th</sup> day of April, 20 14

at 4:21 o'clock P M.

  
Secretary of State

H.B. 2563