

House Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 8

HOUSE BILL 2376

AN ACT

AMENDING SECTIONS 8-416 AND 13-4437, ARIZONA REVISED STATUTES; RELATING TO
VICTIM RESTITUTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-416, Arizona Revised Statutes, is amended to
3 read:

4 8-416. Standing to invoke rights; recovery of damages; right to
5 counsel

6 A. THE RIGHTS ENUMERATED IN THE VICTIMS' BILL OF RIGHTS, ARTICLE II,
7 SECTION 2.1; CONSTITUTION OF ARIZONA, ANY IMPLEMENTING LEGISLATION OR COURT
8 RULES BELONG TO THE VICTIM. The victim has standing to seek an order, to
9 bring a special action or to file a notice of appearance in an appellate
10 proceeding seeking to enforce any right or to challenge an order denying any
11 right guaranteed to victims ~~under the victims' bill of rights, article II,~~
12 ~~section 2.1, Constitution of Arizona, this article or court rules.~~ In
13 asserting any right, the victim has the right to be represented by personal
14 counsel at the victim's expense.

15 B. A victim has the right to recover damages from a governmental
16 entity responsible for the intentional, knowing or grossly negligent
17 violation of the victim's rights under the victims' bill of rights, article
18 II, section 2.1, Constitution of Arizona, any implementing legislation or
19 court rule. Nothing in this section alters or abrogates any provision for
20 immunity provided for under common law or statute.

21 C. At the request of the victim, the prosecutor may assert any right
22 to which the victim is entitled.

23 D. On the filing of a notice of appearance and if present, counsel for
24 the victim shall be included in all bench conferences and in chambers
25 meetings and sessions with the trial court that directly involve a victim's
26 right enumerated in article II, section 2.1, Constitution of Arizona.

27 E. NOTWITHSTANDING ANY OTHER LAW AND WITHOUT LIMITING ANY RIGHTS AND
28 POWERS OF THE VICTIM, THE VICTIM HAS THE RIGHT TO PRESENT EVIDENCE OR
29 INFORMATION AND TO MAKE AN ARGUMENT TO THE COURT, PERSONALLY OR THROUGH
30 COUNSEL, AT ANY PROCEEDING TO DETERMINE THE AMOUNT OF RESTITUTION PURSUANT TO
31 SECTION 13-804.

32 Sec. 2. Section 13-4437, Arizona Revised Statutes, is amended to read:

33 13-4437. Standing to invoke rights; recovery of damages; right
34 to counsel

35 A. THE RIGHTS ENUMERATED IN THE VICTIMS' BILL OF RIGHTS, ARTICLE II,
36 SECTION 2.1, CONSTITUTION OF ARIZONA, ANY IMPLEMENTING LEGISLATION OR COURT
37 RULES BELONG TO THE VICTIM. The victim has standing to seek an order, to
38 bring a special action, or to file a notice of appearance in an appellate
39 proceeding, seeking to enforce any right or to challenge an order denying any
40 right guaranteed to victims ~~under the victims' bill of rights, article II,~~
41 ~~section 2.1, Constitution of Arizona, any implementing legislation or court~~
42 ~~rules.~~ In asserting any right, the victim has the right to be represented by
43 personal counsel at the victim's expense.

44 B. A victim has the right to recover damages from a governmental
45 entity responsible for the intentional, knowing or grossly negligent

1 violation of the victim's rights under the victims' bill of rights, article
2 II, section 2.1, Constitution of Arizona, any implementing legislation or
3 court rules. Nothing in this section alters or abrogates any provision for
4 immunity provided for under common law or statute.

5 C. At the request of the victim, the prosecutor may assert any right
6 to which the victim is entitled.

7 D. On the filing of a notice of appearance and if present, counsel for
8 the victim shall be included in all bench conferences and in chambers
9 meetings and sessions with the trial court that directly involve a victim's
10 right enumerated in article II, section 2.1, Constitution of Arizona.

11 E. NOTWITHSTANDING ANY OTHER LAW AND WITHOUT LIMITING ANY RIGHTS AND
12 POWERS OF THE VICTIM, THE VICTIM HAS THE RIGHT TO PRESENT EVIDENCE OR
13 INFORMATION AND TO MAKE AN ARGUMENT TO THE COURT, PERSONALLY OR THROUGH
14 COUNSEL, AT ANY PROCEEDING TO DETERMINE THE AMOUNT OF RESTITUTION PURSUANT TO
15 SECTION 13-804.

16 Sec. 3. Legislative intent

17 It is the intent of the legislature to protect the rights of crime
18 victims, including the right to receive prompt restitution from the person
19 who is convicted of the criminal conduct that caused the victim's loss or
20 injury. The legislature finds that crime victims in this state have
21 constitutional rights to justice and due process, to be treated with
22 fairness, to restitution and to have all rules governing criminal procedure
23 protect victims' rights and to have these rules be subject to amendment or
24 repeal by the legislature to ensure the protection of these rights. The
25 legislature has the constitutional authority to enact substantive and
26 procedural laws to define, implement, preserve and protect the rights
27 guaranteed to victims. Sections 8-416 and 13-4437, Arizona Revised Statutes,
28 as amended by this act, are amended pursuant to these rights and this
29 constitutional grant of authority.

APPROVED BY THE GOVERNOR MARCH 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 11, 2016.

Passed the House January 28, 2016

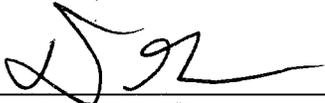
Passed the Senate March 7, 2016

by the following vote: 57 Ayes,

by the following vote: 29 Ayes,

0 Nays, 3 Not Voting

0 Nays, 1 Not Voting

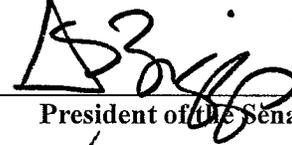


Speaker of the House

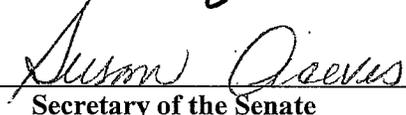
Pro Tempore



Chief Clerk of the House



President of the Senate



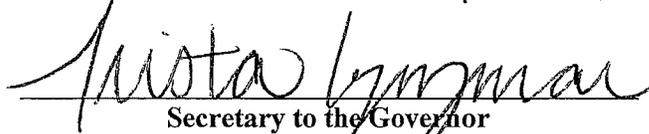
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

8th day of March, 2016

at 2:48 o'clock P. M.

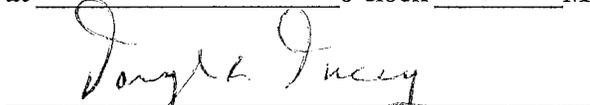


Secretary to the Governor

Approved this 11th day of

March

at 2:19 o'clock P. M.



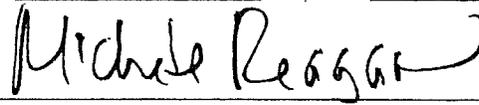
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 11 day of March, 2016

at 3:55 o'clock P. M.



Secretary of State

H.B. 2376