

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

House Engrossed
FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 36
HOUSE BILL 2241

AN ACT

AMENDING SECTIONS 8-416 AND 13-4437, 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 8-416, Arizona Revised Statutes, is amended to
3 read:

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

6 A. The rights enumerated in the victims' bill of rights, article
7 II, section 2.1, Constitution of Arizona, any implementing legislation or
8 court rules belong to the victim. The victim has standing to seek an
9 order, to bring a special action or to file a notice of appearance in an
10 appellate proceeding seeking to enforce any right or to challenge an order
11 denying any right guaranteed to victims. In asserting any right, the
12 victim has the right to be represented by personal counsel at the victim's
13 expense.

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

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

22 D. On the filing of a notice of appearance, COUNSEL FOR THE VICTIM
23 SHALL BE ENDORSED ON ALL PLEADINGS and, if present, ~~counsel for the victim~~
24 ~~shall~~ be included in all bench conferences and in chambers meetings and
25 sessions with the trial court that directly involve a victim's right
26 enumerated in article II, section 2.1, Constitution of Arizona.

27 E. Notwithstanding any other law and without limiting any rights
28 and 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
31 to section 13-804.

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

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

36 A. The rights enumerated in the victims' bill of rights, article
37 II, section 2.1, Constitution of Arizona, any implementing legislation or
38 court rules belong to the victim. The victim has standing to seek an
39 order, to bring a special action or to file a notice of appearance in an
40 appellate proceeding, seeking to enforce any right or to challenge an
41 order denying any right guaranteed to victims. In asserting any right,
42 the victim has the right to be represented by personal counsel at the
43 victim's expense.

1 B. A victim has the right to recover damages from a governmental
2 entity responsible for the intentional, knowing or grossly negligent
3 violation of the victim's rights under the victims' bill of rights,
4 article II, section 2.1, Constitution of Arizona, any implementing
5 legislation or court rules. Nothing in this section alters or abrogates
6 any provision for immunity provided for under common law or statute.

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

9 D. On the filing of a notice of appearance, COUNSEL FOR THE VICTIM
10 SHALL BE ENDORSED ON ALL PLEADINGS and, if present, ~~counsel for the victim~~
11 ~~shall~~ be included in all bench conferences and in chambers meetings and
12 sessions with the trial court that directly involve a victim's right
13 enumerated in article II, section 2.1, Constitution of Arizona.

14 E. Notwithstanding any other law and without limiting any rights
15 and powers of the victim, the victim has the right to present evidence or
16 information and to make an argument to the court, personally or through
17 counsel, at any proceeding to determine the amount of restitution pursuant
18 to section 13-804.

APPROVED BY THE GOVERNOR MARCH 21, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 21, 2017.

Passed the House January 30, 2017

Passed the Senate March 14, 2017

by the following vote: 58 Ayes,

by the following vote: 30 Ayes,

0 Nays, 2 Not Voting

0 Nays, 0 Not Voting

[Signature]
Speaker of the House
 Pro Tempore

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

15th day of March, 2017

at 4:02 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 01st day of

March, 2017

at 10:15 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 21 day of March, 2017

at 4:51 o'clock P. M.

[Signature]
Secretary of State

H.B. 2241