



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

May 13, 2019

The Honorable Katie Hobbs  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bill from the Fifty-fourth Legislature, 1st Regular Session, which I signed on May 13<sup>th</sup>, 2019:

H.B. 2074 treatment and education facilities; exemption (Bowers)  
H.B. 2241 JLAC; political subdivisions; investigation (Kern)  
H.B. 2433 G&F; trophy definition; repeal (Cobb)  
H.B. 2442 community services special plates (Griffin)  
H.B. 2453 land use plans; contents; aggregates (Griffin)  
H.B. 2692 state drink; lemonade (Petersen)  
S.B. 1026 school pupils; emergency medication administration (Carter)  
S.B. 1096 health professionals data; repository (Carter)  
S.B. 1112 juvenile group homes; license; DCS (Pace)  
S.B. 1139 redistricting; legislative district one (Fann)  
S.B. 1261 lobbyists; filings; attestations (Livingston)  
S.B. 1315 victims' rights; refusal of interviews (E. Farnsworth)  
S.B. 1441 county officers; confidentiality; e-mail (Pratt)  
S.B. 1483 vulnerable adults; financial exploitation (Mesnard)  
S.B. 1526 firefighting foam; prohibited uses (Carter)  
S.B. 1534 annuity disclosure; rules (Brophy-McGee)  
S.B. 1535 AHCCCS; opioid treatment programs; requirements (Brophy-McGee)

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

House Engrossed Senate Bill

**FILED**  
**KATIE HOBBS**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 219**  
**SENATE BILL 1315**

AN ACT

AMENDING SECTIONS 8-383, 8-387, 8-388, 8-396, 8-397, 8-398, 8-404, 8-412, 8-416, 13-4402, 13-4408, 13-4415, 13-4417, 13-4425, 13-4433, 13-4437, 22-371 AND 22-425, 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 8-383, Arizona Revised Statutes, is amended to  
3 read:

4 8-383. Implementation of rights and duties

5 A. Except as provided in sections ~~8-385~~ and 8-386 AND 8-412 AND  
6 SECTION 8-389, SUBSECTION B, the rights and duties that are established by  
7 this article arise on the arrest or formal charging of a juvenile who is  
8 alleged to be responsible for a delinquent act against a victim. The  
9 rights and duties continue to be enforceable pursuant to this article  
10 until the final disposition of the charges, including acquittal or  
11 dismissal of the charges, all postadjudication release, review and  
12 appellate proceedings and the discharge of all proceedings related to  
13 restitution. If a delinquent is ordered to pay restitution to a victim,  
14 the rights and duties continue to be enforceable until restitution is paid  
15 or a judgment is entered in favor of the victim pursuant to section 8-344.

16 B. If a juvenile's adjudication is reversed and the case is  
17 returned to the juvenile court for further proceedings, the victim has the  
18 same rights that were applicable to the delinquency proceedings that led  
19 to the appeal or other postadjudication relief proceeding.

20 C. After the final termination of a delinquency proceeding by  
21 dismissal or acquittal, a person who has received notice and has the right  
22 to be present and be heard pursuant to the victims' bill of rights,  
23 article II, section 2.1, Constitution of Arizona, this article or any  
24 court rule is no longer entitled to those rights.

25 Sec. 2. Section 8-387, Arizona Revised Statutes, is amended to  
26 read:

27 8-387. Notice of terms and conditions of release

28 On the request of the victim, the juvenile ~~court~~ PROBATION  
29 DEPARTMENT or the department of juvenile corrections shall provide a copy  
30 of the terms and conditions of release. The copy of the terms and  
31 conditions of release may be provided to the victim in an electronic form,  
32 pamphlet, information card or other material.

33 Sec. 3. Section 8-388, Arizona Revised Statutes, is amended to  
34 read:

35 8-388. Notice of diversion

36 If an accused is accepted into a diversion program pursuant to  
37 section 8-321, the ~~court~~ PROBATION DEPARTMENT administering the program  
38 shall give the victim notice of the conditions that the accused must  
39 comply with in order for the complaint or citation to be adjusted or  
40 dismissed. The notice shall state whether restitution was required and  
41 that, on request of the victim, the victim has the right to be notified of  
42 the accused's completion of or termination from the program.

1           Sec. 4. Section 8-396, Arizona Revised Statutes, is amended to  
2 read:

3           8-396. Notice of probation modification, termination or  
4                 revocation disposition matters; notice of arrest

5           A. On request of a victim who has provided an address or other  
6 contact information, the ~~court~~ PROBATION DEPARTMENT shall notify the  
7 victim of any of the following:

8                 1. A probation revocation disposition proceeding or any proceeding  
9 in which the court is asked to terminate the probation or intensive  
10 probation of the delinquent who committed the delinquent act against the  
11 victim.

12                2. Any hearing on a proposed modification of the terms of probation  
13 or intensive probation.

14                3. The arrest of a delinquent pursuant to a warrant issued for a  
15 probation violation.

16           B. On request of a victim who has provided a current address or  
17 other current contact information, the probation department shall notify  
18 the victim of the following:

19                 1. Any proposed modification to any term of probation if the  
20 modification affects restitution or incarceration status or the  
21 delinquent's contact with or the safety of the victim.

22                 2. The victim's right to be heard at a hearing that is set to  
23 consider any modification to be made to any term of probation.

24                 3. Any violation of any term of probation that results in the  
25 filing with the court of a petition to revoke probation.

26                 4. That a petition to revoke probation alleging that the juvenile  
27 absconded from probation has been filed with the court.

28                 5. Any conduct by the juvenile that raises a substantial concern  
29 for the victim's safety.

30           C. If a victim has requested postadjudication notice and probation  
31 is revoked and the juvenile is committed to the department of juvenile  
32 corrections, the ~~court~~ PROBATION DEPARTMENT shall notify the department of  
33 juvenile corrections of the victim's request.

34           D. On request of the victim, the department of juvenile corrections  
35 shall notify the victim of any of the following:

36                 1. Any proceeding in which the department may revoke the  
37 conditional liberty of the delinquent who committed the delinquent act  
38 against the victim.

39                 2. A modification of the terms of conditional liberty only if the  
40 modification will substantially affect the delinquent's contact with the  
41 victim or the safety of the victim or if the modification affects  
42 restitution or secure care status.

43                 3. The arrest of a delinquent pursuant to a warrant issued for a  
44 conditional liberty violation.

1           Sec. 5. Section 8-397, Arizona Revised Statutes, is amended to  
2 read:

3           8-397. Notice of release, discharge or escape from a mental  
4                   health treatment agency or residential treatment

5           A. If the victim has made a request for notice, the ~~court~~ PROBATION  
6 DEPARTMENT or the department of juvenile corrections, whichever has  
7 supervision of the accused or delinquent, shall provide the victim, at  
8 least ten days before the release or discharge of the accused or  
9 delinquent, with notice of the release or discharge of the accused or  
10 delinquent who is placed by court order in a mental health treatment  
11 agency or a residential treatment agency. The mental health treatment  
12 agency or residential treatment agency that has custody of the accused or  
13 delinquent shall notify the ~~court~~ PROBATION DEPARTMENT or department of  
14 juvenile corrections, whichever has supervision of the accused or  
15 delinquent, at least thirty days before the release or discharge of the  
16 accused or delinquent.

17           B. The ~~court~~ PROBATION DEPARTMENT or the department of juvenile  
18 corrections, whichever has supervision of the accused or delinquent, shall  
19 provide notice to the victim immediately after the escape or subsequent  
20 readmission of the accused or the delinquent notice of the escape or  
21 subsequent readmission of the accused or the delinquent who is placed by  
22 court order in a mental health treatment agency or a residential treatment  
23 agency. The mental health treatment agency or residential treatment  
24 agency that has custody of the accused or delinquent shall immediately  
25 notify the ~~court~~ PROBATION DEPARTMENT or the department of juvenile  
26 corrections, whichever has supervision of the accused or delinquent, of  
27 the escape, runaway or subsequent readmission of the accused or  
28 delinquent.

29           Sec. 6. Section 8-398, Arizona Revised Statutes, is amended to  
30 read:

31           8-398. Request for notice; forms; notice system

32           A. The victim shall provide to and maintain with the law  
33 enforcement agency that is responsible for providing notice to the victim  
34 a request for notice on a form that is provided by that agency OR THE  
35 INVESTIGATING LAW ENFORCEMENT AGENCY. The form shall include a telephone  
36 number and address. If the victim fails to keep the victim's telephone  
37 number and address current, the victim's request for notice is withdrawn.  
38 At any time the victim may request notice of subsequent proceedings by  
39 filing on a request form provided by the agency the victim's current  
40 telephone number and address.

41           B. All notices provided to a victim pursuant to this article shall  
42 be on forms developed or reviewed by the attorney general.

43           C. The court and all agencies that are responsible for providing  
44 notice to the victim shall establish and maintain a system for the receipt  
45 of victim requests for notice.

1           Sec. 7. Section 8-404, Arizona Revised Statutes, is amended to  
2 read:

3           8-404. Impact statement; predisposition report

4           A. The victim may submit a written impact statement or make an oral  
5 impact statement to the probation officer for the officer's use in  
6 preparing a predisposition or transfer report.

7           B. In preparing the predisposition or transfer report, the  
8 probation officer shall consider the economic, physical and psychological  
9 impact that the delinquent act has had on the victim and the victim's  
10 immediate family.

11           C. On request, the ~~court~~ PROBATION DEPARTMENT shall provide the  
12 victim with the following information from the predisposition report:

13           1. The referral history.

14           2. The probation officer's assessment of the case.

15           3. The disposition and treatment recommendations.

16           4. The probation officer's recommendations for treatment and  
17 disposition.

18           5. The detention history.

19           Sec. 8. Section 8-412, Arizona Revised Statutes, is amended to  
20 read:

21           8-412. Victim's right to refuse an interview; applicability

22           A. Unless the victim consents, the victim shall not be compelled to  
23 submit to an interview on any matter, including any alleged delinquent act  
24 witnessed by the victim and that occurred on the same occasion as the  
25 delinquent act against the victim, or filed in the same petition or  
26 consolidated for an adjudication hearing, that is conducted by the  
27 juvenile defendant, the attorney for the juvenile defendant or an agent of  
28 the juvenile defendant.

29           B. The juvenile defendant, the attorney for the juvenile defendant  
30 or an agent of the juvenile defendant shall only initiate contact with the  
31 victim through the prosecutor's office. The prosecutor's office shall  
32 inform the victim of the juvenile defendant's request for an interview  
33 within ten days after the request and shall advise the victim of the  
34 victim's right to refuse the interview.

35           C. The prosecutor shall not be required to forward any  
36 correspondence from the juvenile defendant, the juvenile defendant's  
37 attorney or an agent of the juvenile defendant to the victim or the  
38 victim's representative.

39           D. If the victim consents to an interview, the prosecutor's office  
40 shall inform the juvenile defendant, the attorney for the juvenile  
41 defendant or an agent of the juvenile defendant of the time and place the  
42 victim has selected for the interview. If the victim wishes to impose  
43 other conditions on the interview, the prosecutor's office shall inform  
44 the juvenile defendant, the attorney for the juvenile defendant or an  
45 agent of the juvenile defendant of the conditions. The victim has the

1 right to terminate the interview at any time or to refuse to answer any  
2 question during the interview. The prosecutor has standing at the request  
3 of the victim to protect the victim from harassment, intimidation or abuse  
4 and, pursuant to that standing, may seek any appropriate protective court  
5 order.

6 E. Unless otherwise directed by the victim, the prosecutor may  
7 attend all interviews. If a transcript or tape recording of the interview  
8 is made and on request of the prosecutor, the prosecutor shall receive a  
9 copy of the transcript or tape recording at the prosecutor's expense.

10 F. This section applies to the parent or legal guardian of a minor  
11 child who exercises victims' rights on behalf of the minor child.  
12 Notwithstanding subsection E of this section, the juvenile defendant, the  
13 juvenile defendant's attorney or an agent of the juvenile defendant may  
14 not interview a minor child who has agreed to an interview, even if the  
15 minor child's parent or legal guardian initiates contact with the juvenile  
16 defendant, the juvenile defendant's attorney or an agent of the juvenile  
17 defendant, unless the prosecutor ~~is actually notified~~ HAS ACTUAL NOTICE at  
18 least five days in advance and the minor CHILD is informed that the  
19 prosecutor may be present at the interview.

20 G. EXCEPT IN CASES INVOLVING A DISMISSAL WITH PREJUDICE OR AN  
21 ACQUITTAL, THE RIGHT OF A VICTIM AND A VICTIM'S REPRESENTATIVE TO REFUSE  
22 AN INTERVIEW, A DEPOSITION OR ANY OTHER DISCOVERY REQUEST RELATED TO THE  
23 CRIMINAL CASE INVOLVING THE VICTIM BY THE JUVENILE DEFENDANT, THE JUVENILE  
24 DEFENDANT'S ATTORNEY OR ANY OTHER PERSON ACTING ON BEHALF OF THE JUVENILE  
25 DEFENDANT REMAINS ENFORCEABLE BEYOND A FINAL DISPOSITION OF THE CHARGES.  
26 THIS SUBSECTION DOES NOT REQUIRE ANY OTHER RIGHT ENUMERATED IN ARTICLE II,  
27 SECTION 2.1, CONSTITUTION OF ARIZONA, TO REMAIN ENFORCEABLE BEYOND A FINAL  
28 DISPOSITION AS PRESCRIBED IN SECTION 8-383, SUBSECTION A.

29 Sec. 9. Section 8-416, Arizona Revised Statutes, is amended to  
30 read:

31 8-416. Standing to invoke rights; recovery of damages; right  
32 to counsel

33 A. The rights enumerated in the victims' bill of rights, article  
34 II, section 2.1, Constitution of Arizona, any implementing legislation or  
35 court rules belong to the victim. The victim has standing to seek an  
36 order, to bring a special action or to file a notice of appearance in A  
37 TRIAL COURT OR an appellate proceeding seeking to enforce any right or to  
38 challenge an order denying any right guaranteed to victims. A VICTIM MAY  
39 NOT BE CHARGED A FILING FEE TO FILE A SPECIAL ACTION OR TO SEEK AN ORDER  
40 PURSUANT TO THIS SUBSECTION. In asserting any right, the victim has the  
41 right to be represented by personal counsel at the victim's expense, AND  
42 THE PROCEEDINGS MAY BE INITIATED BY THE VICTIM'S COUNSEL OR THE  
43 PROSECUTOR.

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 rule. 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, be included in all  
11 bench conferences and in chambers meetings and sessions with the trial  
12 court that directly involve a victim's right enumerated in article II,  
13 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.

19 Sec. 10. Section 13-4402, Arizona Revised Statutes, is amended to  
20 read:

21 13-4402. Implementation of rights and duties

22 A. Except as provided in sections ~~13-4404~~ and 13-4405 AND 13-4433  
23 AND SECTION 13-4408, SUBSECTION B, the rights and duties that are  
24 established by this chapter arise on the arrest or formal charging of the  
25 person or persons who are alleged to be responsible for a criminal offense  
26 against a victim. The rights and duties continue to be enforceable  
27 pursuant to this chapter until the final disposition of the charges,  
28 including acquittal or dismissal of the charges, all post-conviction  
29 release and relief proceedings and the discharge of all criminal  
30 proceedings relating to restitution. If a defendant is ordered to pay  
31 restitution to a victim, the rights and duties continue to be enforceable  
32 by the court until restitution is paid.

33 B. If a defendant's conviction is reversed and the case is returned  
34 to the trial court for further proceedings, the victim has the same rights  
35 that were applicable to the criminal proceedings that led to the appeal or  
36 other post-conviction relief proceeding.

37 C. After the final termination of a criminal prosecution by  
38 dismissal with prejudice or acquittal, a person who has received notice  
39 and the right to be present and heard pursuant to the victims' rights act,  
40 article II, section 2.1, Constitution of Arizona, any implementing  
41 legislation or court rule is no longer entitled to such rights.

1           Sec. 11. Section 13-4408, Arizona Revised Statutes, is amended to  
2 read:

3           13-4408. Pretrial notice

4           A. Within seven days after the prosecutor charges a criminal  
5 offense by complaint, information or indictment and the accused is in  
6 custody or has been served a summons, the prosecutor's office shall give  
7 the victim notice of the following:

8           1. The victim's rights under the victims' bill of rights, article  
9 II, section 2.1, Constitution of Arizona, any implementing legislation and  
10 court rule.

11           2. The charge or charges against the defendant and a clear and  
12 concise statement of the procedural steps involved in a criminal  
13 prosecution.

14           3. The procedures a victim shall follow to invoke ~~his~~ THE VICTIM'S  
15 right to confer with the prosecuting attorney pursuant to section 13-4419.

16           4. The person within the prosecutor's office to contact for more  
17 information.

18           5. The victim's right to request a preconviction restitution lien  
19 pursuant to section 13-806.

20           B. Notwithstanding ~~the provisions of~~ subsection A of this section,  
21 if a prosecutor declines to proceed with a prosecution after the final  
22 submission of a case by a law enforcement agency at the end of an  
23 investigation, the prosecutor ~~shall~~, before the decision not to proceed is  
24 final, SHALL notify the victim, WHOSE INFORMATION HAS BEEN PROVIDED TO THE  
25 PROSECUTOR PURSUANT TO SECTION 13-4405, and provide the victim with the  
26 reasons for declining to proceed with the case. The notice shall inform  
27 the victim of ~~his~~ THE VICTIM'S right on request to confer with the  
28 prosecutor before the decision not to proceed is final. ~~Such~~ THIS notice  
29 applies only to violations of a state criminal statute.

30           Sec. 12. Section 13-4415, Arizona Revised Statutes, is amended to  
31 read:

32           13-4415. Notice of probation modification, termination or  
33 revocation disposition matters; notice of arrest

34           A. On request of a victim who has provided an address or other  
35 contact information, the court OR, IF THE CASE IS IN THE SUPERIOR COURT,  
36 THE PROBATION DEPARTMENT shall notify the victim of any of the following:

37           1. A probation revocation disposition proceeding or any proceeding  
38 in which the court is asked to terminate the probation or intensive  
39 probation of a person who is convicted of committing a criminal offense  
40 against the victim.

41           2. Any hearing on a proposed modification of the terms of probation  
42 or intensive probation.

43           3. The arrest of a person who is on supervised probation and who is  
44 arrested pursuant to a warrant issued for a probation violation.

1           B. On request of a victim who has provided a current address or  
2 other current contact information, the COURT, OR IF THE CASE IS IN THE  
3 SUPERIOR COURT, THE probation department shall notify the victim of the  
4 following:

5           1. Any proposed modification to any term of probation if the  
6 modification affects restitution or incarceration status or the  
7 defendant's contact with or the safety of the victim.

8           2. The victim's right to be heard at a hearing that is set to  
9 consider any modification to be made to any term of probation.

10          3. Any violation of any term of probation that results in the  
11 filing with the court of a petition to revoke probation.

12          4. That a petition to revoke probation alleging that the defendant  
13 absconded from probation has been filed with the court.

14          5. Any conduct by the defendant that raises a substantial concern  
15 for the victim's safety.

16          C. If a victim has requested postconviction notice, the court OR,  
17 IF THE CASE IS IN THE SUPERIOR COURT, THE PROBATION DEPARTMENT shall  
18 provide notice of that request to the state department of corrections and  
19 the board of executive clemency if a defendant's probation is revoked and  
20 the defendant is committed to the custody of the state department of  
21 corrections.

22          D. On the request of a victim, the state department of corrections  
23 shall provide the victim with the notices that are required by sections  
24 13-4412 and 13-4413.

25          E. On the request of the victim, the board of executive clemency  
26 shall provide the victim with the notice that is required by section  
27 13-4414.

28          Sec. 13. Section 13-4417, Arizona Revised Statutes, is amended to  
29 read:

30          13-4417. Request for notice; forms; notice system

31          A. The victim shall provide to and maintain with the agency that is  
32 responsible for providing notice to the victim a request for notice on a  
33 form that is provided by that agency OR THE INVESTIGATING LAW ENFORCEMENT  
34 AGENCY. The form shall include a telephone number and address. If the  
35 victim fails to keep the victim's telephone number and address current,  
36 the victim's request for notice is withdrawn. At any time the victim may  
37 request notice of subsequent proceedings by filing on a request form  
38 provided by the agency the victim's current telephone number and address.

39          B. All notices provided to a victim pursuant to this chapter shall  
40 be on forms developed or reviewed by the attorney general.

41          C. The court and all agencies that are responsible for providing  
42 notice to the victim shall establish and maintain a system for the receipt  
43 of victim requests for notice.

1           Sec. 14. Section 13-4425, Arizona Revised Statutes, is amended to  
2 read:

3           13-4425. Inspection of presentence report

4           If the presentence report is available to the defendant, the court  
5 shall permit the victim to inspect the presentence report, except those  
6 parts excised by the court or made confidential by law. If the ~~court~~  
7 PROBATION DEPARTMENT excises any portion of the presentence report, it  
8 shall inform the parties and the victim of its decision and shall state on  
9 the record its reasons for the excision. On request of the victim, the  
10 prosecutor's office shall provide to the victim a copy of the presentence  
11 report.

12          Sec. 15. Section 13-4433, Arizona Revised Statutes, is amended to  
13 read:

14          13-4433. Victim's right to refuse an interview; applicability

15          A. Unless the victim consents, the victim shall not be compelled to  
16 submit to an interview on any matter, including any charged criminal  
17 offense witnessed by the victim and that occurred on the same occasion as  
18 the offense against the victim, or filed in the same indictment or  
19 information or consolidated for trial, that is conducted by the defendant,  
20 the defendant's attorney or an agent of the defendant.

21          B. The defendant, the defendant's attorney or an agent of the  
22 defendant shall only initiate contact with the victim through the  
23 prosecutor's office. The prosecutor's office shall promptly inform the  
24 victim of the defendant's request for an interview and shall advise the  
25 victim of the victim's right to refuse the interview.

26          C. The prosecutor shall not be required to forward any  
27 correspondence from the defendant, the defendant's attorney or an agent of  
28 the defendant to the victim or the victim's representative.

29          D. If the victim consents to an interview, the prosecutor's office  
30 shall inform the defendant, the defendant's attorney or an agent of the  
31 defendant of the time and place the victim has selected for the interview.  
32 If the victim wishes to impose other conditions on the interview, the  
33 prosecutor's office shall inform the defendant, the defendant's attorney  
34 or an agent of the defendant of the conditions. The victim has the right  
35 to terminate the interview at any time or to refuse to answer any question  
36 during the interview. The prosecutor has standing at the request of the  
37 victim to protect the victim from harassment, intimidation or abuse and,  
38 pursuant to that standing, may seek any appropriate protective court  
39 order.

40          E. Unless otherwise directed by the victim, the prosecutor may  
41 attend all interviews. If a transcript or tape recording of the interview  
42 is made and on request of the prosecutor, the prosecutor shall receive a  
43 copy of the transcript or tape recording at the prosecutor's expense.

1 F. If the defendant or the defendant's attorney comments at trial  
2 on the victim's refusal to be interviewed, the court shall instruct the  
3 jury that the victim has the right to refuse an interview under the  
4 Arizona Constitution.

5 G. This section applies to the parent or legal guardian of a minor  
6 child who exercises victims' rights on behalf of the minor child.  
7 Notwithstanding subsection E of this section, the defendant, the  
8 defendant's attorney or an agent of the defendant may not interview a  
9 minor child who has agreed to an interview, even if the minor child's  
10 parent or legal guardian initiates contact with the defendant, the  
11 defendant's attorney or an agent of the defendant, unless the prosecutor  
12 ~~is actually notified~~ HAS ACTUAL NOTICE at least five days in advance and  
13 the minor CHILD is informed that the prosecutor may be present at the  
14 interview.

15 H. EXCEPT IN CASES INVOLVING A DISMISSAL WITH PREJUDICE OR AN  
16 ACQUITTAL, THE RIGHT OF A VICTIM AND A VICTIM'S REPRESENTATIVE TO REFUSE  
17 AN INTERVIEW, A DEPOSITION OR ANY OTHER DISCOVERY REQUEST RELATED TO THE  
18 CRIMINAL CASE INVOLVING THE VICTIM BY THE DEFENDANT, THE DEFENDANT'S  
19 ATTORNEY OR ANY OTHER PERSON ACTING ON BEHALF OF THE DEFENDANT REMAINS  
20 ENFORCEABLE BEYOND A FINAL DISPOSITION OF THE CHARGES. THIS SUBSECTION  
21 DOES NOT REQUIRE ANY OTHER RIGHT ENUMERATED IN ARTICLE II, SECTION 2.1,  
22 CONSTITUTION OF ARIZONA, TO REMAIN ENFORCEABLE BEYOND A FINAL DISPOSITION  
23 AS PRESCRIBED IN SECTION 13-4402, SUBSECTION A.

24 Sec. 16. Section 13-4437, Arizona Revised Statutes, is amended to  
25 read:

26 13-4437. Standing to invoke rights; recovery of damages;  
27 right to counsel

28 A. The rights enumerated in the victims' bill of rights, article  
29 II, section 2.1, Constitution of Arizona, any implementing legislation or  
30 court rules belong to the victim. The victim has standing to seek an  
31 order, to bring a special action or to file a notice of appearance in A  
32 TRIAL COURT OR an appellate proceeding, seeking to enforce any right or to  
33 challenge an order denying any right guaranteed to victims. A VICTIM MAY  
34 NOT BE CHARGED A FILING FEE TO FILE A SPECIAL ACTION OR TO SEEK AN ORDER  
35 PURSUANT TO THIS SUBSECTION. In asserting any right, the victim has the  
36 right to be represented by personal counsel at the victim's expense AND  
37 THE PROCEEDINGS MAY BE INITIATED BY THE VICTIM'S COUNSEL OR THE  
38 PROSECUTOR.

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

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

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

8 E. Notwithstanding any other law and without limiting any rights  
9 and powers of the victim, the victim has the right to present evidence or  
10 information and to make an argument to the court, personally or through  
11 counsel, at any proceeding to determine the amount of restitution pursuant  
12 to section 13-804.

13 Sec. 17. Section 22-371, Arizona Revised Statutes, is amended to  
14 read:

15 22-371. Right of appeal; procedure for taking appeal;  
16 transcript

17 A. The defendant in a criminal action may appeal to the superior  
18 court from the final judgment of a justice or municipal court.

19 B. The procedure for appeals from a justice or municipal court to  
20 the superior court shall be as provided by rules adopted by the supreme  
21 court.

22 C. In a trial in a justice or municipal court, a transcript of the  
23 proceedings may be ordered in the sole discretion of the superior court.

24 D. A defendant may not appeal from a judgment or sentence that is  
25 entered pursuant to a plea agreement or from an admission to a probation  
26 violation.

27 E. A VICTIM, AS DEFINED IN SECTION 13-4401, MAY BRING A SPECIAL  
28 ACTION SEEKING TO ENFORCE ANY RIGHT OR TO CHALLENGE AN ORDER DENYING ANY  
29 RIGHT GUARANTEED TO VICTIMS.

30 Sec. 18. Section 22-425, Arizona Revised Statutes, is amended to  
31 read:

32 22-425. Jury trials and appeals in municipal courts

33 A. In the trial of offenses for violation of ordinances of cities  
34 or towns of such a nature as by the common law were not triable before a  
35 jury, no jury trial shall be granted.

36 B. Either party may appeal from a municipal court to the superior  
37 court in the same manner as appeals are allowed from justice courts.

38 C. A VICTIM, AS DEFINED IN SECTION 13-4401, MAY BRING A SPECIAL  
39 ACTION SEEKING TO ENFORCE ANY RIGHT OR TO CHALLENGE AN ORDER DENYING ANY  
40 RIGHT GUARANTEED TO VICTIMS.

**APPROVED BY THE GOVERNOR MAY 13, 2019.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 13, 2019.**

Passed the House April 30, 2019,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]  
Speaker of the House  
*Pro Tempore*

[Signature]  
Chief Clerk of the House

Passed the Senate February 14, 2019,

by the following vote: 20 Ayes,

10 Nays, 0 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary to the Governor~~

~~Approved this \_\_\_\_\_ day of~~

~~\_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Governor of Arizona~~

S.B. 1315

~~EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary of State~~

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 7, 20 19

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Karen Town  
President of the Senate

Susan Owens  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

7<sup>th</sup> day of May, 20 19

at 3:27 o'clock P M.

Ryan Shee  
Secretary to the Governor

Approved this 13<sup>th</sup> day of

May 2019

at 2:08 o'clock P M.

Doug Ducey  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 13 day of May, 20 19

at 5:03 o'clock P M.

[Signature]  
Secretary of State

S.B. 1315