

PROPOSITION 114

OFFICIAL TITLE

SENATE CONCURRENT RESOLUTION 1020
A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, SECTION 31 AND ARTICLE XVIII, SECTION 6, CONSTITUTION OF ARIZONA; RELATING TO CRIME VICTIM PROTECTION FROM LIABILITY FOR DAMAGES.

TEXT OF PROPOSED AMENDMENT

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. Article II, section 31, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

31. Damages for death or personal injuries

Section 31. No law shall be enacted in this state limiting the amount of damages to be recovered for causing the death or injury of any person, EXCEPT THAT A CRIME VICTIM IS NOT SUBJECT TO A CLAIM FOR DAMAGES BY A PERSON WHO IS HARMED WHILE THE PERSON IS ATTEMPTING TO ENGAGE IN, ENGAGING IN OR FLEEING AFTER HAVING ENGAGED IN OR ATTEMPTED TO ENGAGE IN CONDUCT THAT IS CLASSIFIED AS A FELONY OFFENSE.

2. Article XVIII, section 6, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

6. Recovery of damages for injuries

Section 6. The right of action to recover damages for injuries shall never be abrogated, and the amount recovered shall not be subject to any statutory limitation, EXCEPT THAT A CRIME VICTIM IS NOT SUBJECT TO A CLAIM FOR DAMAGES BY A PERSON WHO IS HARMED WHILE THE PERSON IS ATTEMPTING TO ENGAGE IN, ENGAGING IN OR FLEEING AFTER HAVING ENGAGED IN OR ATTEMPTED TO ENGAGE IN CONDUCT THAT IS CLASSIFIED AS A FELONY OFFENSE.

3. Short title

This measure may be cited as the "Crime Victims Protection Act of 2012".

4. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.

ANALYSIS BY LEGISLATIVE COUNCIL

Proposition 114 would amend the Arizona Constitution to provide that a crime victim is not liable for damages incurred by a person who was harmed while attempting, engaging in or fleeing from conduct that is classified as a felony offense.

Under current law, Article II, section 31 and Article XVIII, section 6 of the Arizona Constitution generally provide that the right to recover for damages for death or injury may not be limited. Proposition 114 would amend these sections of the Arizona Constitution to provide an exception that a crime victim is not subject to a claim for damages by a person who is harmed while attempting to engage in conduct classified as a felony offense, while engaging in conduct classified as a felony offense or while fleeing from such conduct.

Article II, section 2.1 of the Arizona Constitution provides that a "victim" is a person against whom a criminal offense has been committed, or if that person is killed or incapacitated, that person's spouse, parent, child or other lawful representative.

ARGUMENTS “FOR” PROPOSITION 114

SUPPORT Proposition 114 – The Crime Victims Protection Act of 2102

Here is a simple and good idea. Let's stop the bad guys from suing their victims. Do you believe a criminal should be able to sue you, after assaulting you, robbing you, and/or raping you? An unrestricted constitutional “right to sue” exists, which even permits criminals to sue those they victimize.” A person's home is their castle”, however our Arizona Constitution allows anyone to sue for any reason and offers little protection to a property owner who defends his family, or his property from violent criminals (home invasion, burglary, arson, etc.). For example, a burglar breaks into your home and your dog bites him, you can be successfully sued for any injury sustained by the burglar!

Here is one true story - - a burglar fell through a kitchen skylight of a home, landing on a knife that was left on the kitchen counter. The burglar impaled himself on the knife, and then sued the homeowner for an “unsafe condition”; the court awarding him damages for his injuries. That is not justice!

Those defending the rights of criminals to sue will argue state statutes already protect property owners from such travesties of justice. If that were true, then why would they try to defeat this Proposition? The fact is the Arizona Court of Appeals has ruled our statutes are insufficient, therefore a constitutional amendment is needed to stop criminals from suing victims of crime. A criminal should not be able to victimize their victim twice and this amendment is necessary to protect victims of crime.

Please vote yes on Proposition 114, the Crime Victims Protection Act, and let's ensure that a criminal is never able to sue the very person they victimized.

Hon. Russell Pearce, Former President of the Arizona State Senate, Mesa

Paid for by Pearce for Arizona

SUPPORT Proposition 114 – The Crime Victims Protection Act of 2012

The Arizona Constitution protects an unrestricted right to sue for damages, and, for the most part, that's a good thing. Unfortunately, that protection also allows a criminal to sue you if he gets hurt while committing a crime.

Arizona has a long history of leading the nation in legislative reforms. When we wrote our Constitution, we included the initiative and referendum process so that voters could approve changes to it. In 1990, we became one of only six states to protect the rights of crime victims in our Constitution. Now, we have the opportunity to protect the rights of crime victims again, by voting for Proposition 114, the Crime Victims Protection Act, which would limit the ability of criminals to sue their victims.

The legislature attempted to fix the problem by passing a law protecting crime victims from lawsuits, but the courts have largely nullified it because of the unrestricted right to sue guaranteed by the Constitution. Therefore, the only remedy available to us is to amend the Constitution, through Proposition 114, to protect the rights of crime victims. To allow felons to be able to collect large sums of money from their victims for injuries sustained during the commission of their crimes is not reasonable, and it's not just.

Help ensure that victims of crime aren't victimized twice. Join us in supporting Proposition 114, the Crime Victims Protection Act.

**Dave Kopp, President, Arizona Citizens Defense League, Inc.,
Glendale**

**John Wentling, Vice-President, Arizona Citizens Defense
League, Inc., Glendale**

Paid for by Arizona Citizens Defense League, Inc.

ARGUMENTS “AGAINST” PROPOSITION 114

There were no arguments “against” Proposition 114.

PROPOSITION 114 ~ BALLOT FORMAT

PROPOSITION 114

**PROPOSED AMENDMENT TO THE CONSTITUTION BY THE
LEGISLATURE RELATING TO CRIME VICTIM PROTECTION
FROM LIABILITY FOR DAMAGES
[SCR 1020]**

PROPOSITION 114

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, SECTION 31 AND ARTICLE XVIII, SECTION 6, CONSTITUTION OF ARIZONA; RELATING TO CRIME VICTIM PROTECTION FROM LIABILITY FOR DAMAGES.

DESCRIPTIVE TITLE

PROTECTS CRIME VICTIMS FROM LIABILITY FOR DAMAGES SUFFERED BY A PERSON WHO WAS INJURED WHILE THAT PERSON COMMITTED OR ATTEMPTED TO COMMIT A FELONY AGAINST THE VICTIM.

A “yes” vote shall have the effect of protecting crime victims from having to pay damages to a person who was injured while that person committed or attempted to commit a felony against the victim.

YES ☐

A “no” vote shall have the effect of keeping current constitutional law related to liability for damages.

NO ☐

BALLOT FORMAT FOR PROPOSITION 114