

House Engrossed

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HOUSE BILL 2241

AN ACT

AMENDING SECTIONS 13-107 AND 28-672, ARIZONA REVISED STATUTES; RELATING TO
ACCIDENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-107, Arizona Revised Statutes, is amended to
3 read:

4 13-107. Time limitations

5 A. A prosecution for any homicide, any offense that is listed in
6 chapter 14 or 35.1 of this title and that is a class 2 felony, any violent
7 sexual assault pursuant to section 13-1423, any violation of section
8 13-2308.01, any misuse of public monies or a felony involving falsification
9 of public records or any attempt to commit an offense listed in this
10 subsection may be commenced at any time.

11 B. Except as otherwise provided in this section AND SECTION 28-672,
12 prosecutions for other offenses must be commenced within the following
13 periods after actual discovery by the state or the political subdivision
14 having jurisdiction of the offense or discovery by the state or the political
15 subdivision that should have occurred with the exercise of reasonable
16 diligence, whichever first occurs:

17 1. For a class 2 through a class 6 felony, seven years.

18 2. For a misdemeanor, one year.

19 3. For a petty offense, six months.

20 C. For the purposes of subsection B of this section, a prosecution is
21 commenced when an indictment, information or complaint is filed.

22 D. The period of limitation does not run during any time when the
23 accused is absent from the state or has no reasonably ascertainable place of
24 abode within the state.

25 E. The period of limitation does not run for a serious offense as
26 defined in section 13-706 during any time when the identity of the person who
27 commits the offense or offenses is unknown.

28 F. The time limitation within which a prosecution of a class 6 felony
29 shall commence shall be determined pursuant to subsection B, paragraph 1 of
30 this section, irrespective of whether a court enters a judgment of conviction
31 for or a prosecuting attorney designates the offense as a misdemeanor.

32 G. If a complaint, indictment or information filed before the period
33 of limitation has expired is dismissed for any reason, a new prosecution may
34 be commenced within six months after the dismissal becomes final even if the
35 period of limitation has expired at the time of the dismissal or will expire
36 within six months of the dismissal.

37 Sec. 2. Section 28-672, Arizona Revised Statutes, is amended to read:

38 28-672. Causing serious physical injury or death by a moving
39 violation; time limitation; penalties;
40 classification; definition

41 A. A person is guilty of causing serious physical injury or death by a
42 moving violation if the person violates any one of the following and the
43 violation results in an accident causing serious physical injury or death to
44 another person:

- 1 1. Section 28-645, subsection A, paragraph 3, subdivision (a).
- 2 2. Section 28-729.
- 3 3. Section 28-771.
- 4 4. Section 28-772.
- 5 5. Section 28-773.
- 6 6. Section 28-792.
- 7 7. Section 28-794.
- 8 8. Section 28-797, subsection F, G, H or I.
- 9 9. Section 28-855, subsection B.
- 10 10. Section 28-857, subsection A.

11 B. A person who violates this section shall attend and successfully
12 complete traffic survival school training and educational sessions that are
13 designed to improve the safety and habits of drivers and that are approved by
14 the department. In addition, the court may order the person to perform
15 community restitution.

16 C. The court shall report a conviction for a violation of this section
17 to the department and:

18 1. For a first violation of this section, may direct the department to
19 suspend the person's driving privilege for not more than ninety days if the
20 violation results in serious physical injury and not more than one hundred
21 eighty days if the violation results in death.

22 2. For a second or subsequent violation of this section within a
23 period of thirty-six months, shall direct the department to suspend the
24 person's driving privilege for ninety days if the violation results in
25 serious physical injury and one hundred eighty days if the violation results
26 in death.

27 D. If a person's driving privilege is suspended pursuant to any other
28 statute because of an incident involving a violation of this section, the
29 suspension period prescribed in subsection C of this section shall run
30 concurrently with the other suspension period.

31 E. If a person fails to successfully complete traffic survival school
32 training and educational sessions or perform community restitution pursuant
33 to this section, the court shall notify the department and the department
34 shall promptly suspend the driver license or permit of the driver or the
35 privilege of a nonresident to drive a motor vehicle in this state until the
36 order is satisfied.

37 F. If the person who suffers serious physical injury as a result of a
38 violation of this section appears before the court in which the action is
39 pending at any time before trial and acknowledges receipt of satisfaction for
40 the injury, on payment of the costs incurred, the court shall order that the
41 prosecution be dismissed and the defendant be discharged. The reasons for
42 the order shall be set forth and entered of record, and the order shall be a
43 bar to another prosecution for the same offense.

44 G. Restitution awarded pursuant to section 13-603 as a result of a
45 violation of this section shall not exceed ten thousand dollars.

1 H. A PROSECUTION FOR A VIOLATION OF THIS SECTION MUST BE COMMENCED
2 WITHIN TWO YEARS AFTER ACTUAL DISCOVERY BY THE STATE OR THE POLITICAL
3 SUBDIVISION HAVING JURISDICTION OF THE OFFENSE OR DISCOVERY BY THE STATE OR
4 THE POLITICAL SUBDIVISION THAT SHOULD HAVE OCCURRED WITH THE EXERCISE OF
5 REASONABLE DILIGENCE, WHICHEVER FIRST OCCURS.

6 ~~H.~~ I. A person who violates this section is guilty of a class 3
7 misdemeanor, except that if the violation results in the death of another
8 person the maximum fine for the person shall be one thousand dollars.

9 ~~I.~~ J. For the purposes of this section, "serious physical injury" has
10 the same meaning prescribed in section 13-105.