

REFERENCE TITLE: sexual assault victim advocate; privilege

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SB 1425

Introduced by
Senators Hobbs, Miranda, Shooter

AN ACT

AMENDING TITLE 12, CHAPTER 13, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING
SECTION 12-2240; RELATING TO PRIVILEGED COMMUNICATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 12, chapter 13, article 4, Arizona Revised Statutes,
3 is amended by adding section 12-2240, to read:

4 12-2240. Sexual assault victim advocate: privilege: training:
5 exception: definition

6 A. IN A CIVIL ACTION, A SEXUAL ASSAULT VICTIM ADVOCATE SHALL NOT BE
7 EXAMINED AS TO ANY COMMUNICATION MADE BY THE SEXUAL ASSAULT VICTIM TO THE
8 SEXUAL ASSAULT VICTIM ADVOCATE.

9 B. THIS SECTION DOES NOT APPLY TO A CIVIL ACTION BROUGHT PURSUANT TO
10 TITLE 36, CHAPTER 37, RELATING TO THE CIVIL COMMITMENT OF SEXUALLY VIOLENT
11 PERSONS.

12 C. UNLESS THE SEXUAL ASSAULT PROGRAM OR SERVICE PROVIDER HAS IMMUNITY
13 UNDER OTHER PROVISIONS OF LAW, THE COMMUNICATION IS NOT PRIVILEGED IF THE
14 VICTIM ADVOCATE KNOWS OR SHOULD HAVE KNOWN THAT THE VICTIM WILL GIVE OR HAS
15 GIVEN PERJURIOUS STATEMENTS OR STATEMENTS THAT WOULD TEND TO DISPROVE THE
16 EXISTENCE OF SEXUAL ASSAULT.

17 D. THE SEXUAL ASSAULT VICTIM ADVOCATE-VICTIM PRIVILEGE DOES NOT EXTEND
18 TO CASES IN WHICH THE SEXUAL ASSAULT VICTIM ADVOCATE HAS A DUTY TO REPORT
19 NONACCIDENTAL INJURIES AND PHYSICAL NEGLECT OF MINORS AS REQUIRED BY SECTION
20 13-3620.

21 E. A PARTY TO AN ACTION MAY MAKE A MOTION FOR DISCLOSURE OF PRIVILEGED
22 INFORMATION UNDER THIS SECTION AND, IF THE COURT FINDS REASONABLE CAUSE, THE
23 COURT SHALL HOLD A HEARING IN CAMERA AS TO WHETHER THE PRIVILEGE SHOULD
24 APPLY.

25 F. TO QUALIFY FOR THE PRIVILEGE PRESCRIBED IN THIS SECTION, A SEXUAL
26 ASSAULT VICTIM ADVOCATE MUST HAVE AT LEAST THIRTY HOURS OF TRAINING IN
27 ASSISTING VICTIMS OF SEXUAL ASSAULT. A PORTION OF THIS TRAINING MUST INCLUDE
28 AN EXPLANATION OF PRIVILEGED COMMUNICATION AND THE REPORTING REQUIREMENTS
29 PRESCRIBED IN SECTION 13-3620.

30 G. A SEXUAL ASSAULT VICTIM ADVOCATE WHO IS A VOLUNTEER SHALL PERFORM
31 ALL ACTIVITIES UNDER QUALIFIED SUPERVISION.

32 H. THE TRAINING PRESCRIBED IN SUBSECTION F OF THIS SECTION MAY BE
33 PROVIDED BY THE SEXUAL ASSAULT PROGRAM OR SERVICE PROVIDER OR BY AN OUTSIDE
34 AGENCY THAT ISSUES A CERTIFICATE OF COMPLETION. THE RECORDS CUSTODIAN OF THE
35 SEXUAL ASSAULT PROGRAM OR SERVICE PROVIDER MUST MAINTAIN THE TRAINING
36 DOCUMENTS.

37 I. FOR THE PURPOSES OF THIS SECTION, "SEXUAL ASSAULT VICTIM ADVOCATE"
38 MEANS A PERSON WHO IS AN EMPLOYEE OR VOLUNTEER AT A SEXUAL ASSAULT PROGRAM OR
39 SERVICE PROVIDER FOR VICTIMS OF SEXUAL ASSAULT AND WHO MEETS THE TRAINING
40 REQUIREMENTS OF THIS SECTION.