

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2813

AN ACT

REPEALING SECTION 12-712, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 12-712; RELATING TO CIVIL ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Section 12-712, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 12, chapter 6, article 12, Arizona Revised Statutes, is
5 amended by adding a new section 12-712, to read:

6 12-712. Affirmative defense; limitation; criminal act

7 A. IN ANY CIVIL ACTION, THE FINDER OF FACT MAY FIND THE DEFENDANT NOT
8 LIABLE IF THE DEFENDANT PROVES THAT THE CLAIMANT WAS ATTEMPTING TO COMMIT,
9 COMMITTING OR IMMEDIATELY FLEEING FROM A FELONY CRIMINAL ACT AND AS A RESULT
10 OF THAT ACT, ATTEMPTED ACT OR FLIGHT THE CLAIMANT WAS AT LEAST FIFTY PER CENT
11 RESPONSIBLE FOR THE ACCIDENT OR EVENT THAT CAUSED THE CLAIMANT'S HARM.

12 B. IN ANY CIVIL ACTION, THE FINDER OF FACT MAY FIND THE DEFENDANT NOT
13 LIABLE IF THE DEFENDANT PROVES THAT THE DEFENDANT DID NOT ACT INTENTIONALLY
14 AND THAT THE CLAIMANT WAS ATTEMPTING TO COMMIT, COMMITTING OR IMMEDIATELY
15 FLEEING FROM A MISDEMEANOR CRIMINAL ACT AND AS A RESULT OF THAT ACT,
16 ATTEMPTED ACT OR FLIGHT THE CLAIMANT WAS AT LEAST FIFTY PER CENT RESPONSIBLE
17 FOR THE ACCIDENT OR EVENT THAT CAUSED THE CLAIMANT'S HARM.