

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

**CHAPTER 223**  
**HOUSE BILL 2377**

AN ACT

AMENDING SECTION 14-5101, ARIZONA REVISED STATUTES; AMENDING TITLE 14,  
CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 14-5304.02;  
RELATING TO INCAPACITATED PERSONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 14-5101, Arizona Revised Statutes, is amended to  
3 read:

4 14-5101. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Incapacitated person" means any person who is impaired by reason  
7 of mental illness, mental deficiency, mental disorder, physical illness or  
8 disability, chronic use of drugs, chronic intoxication or other cause, except  
9 minority, to the extent that he lacks sufficient understanding or capacity to  
10 make or communicate responsible decisions concerning his person. IN CASES OF  
11 LIMITED GUARDIANSHIP ONLY, A PERSON IS NOT DEEMED AN INCAPACITATED PERSON FOR  
12 PURPOSES OF VOTING IF THE PERSON FILES A PETITION, HAS A HEARING AND THE  
13 JUDGE DETERMINES BY CLEAR AND CONVINCING EVIDENCE THAT THE PERSON RETAINS  
14 SUFFICIENT UNDERSTANDING TO EXERCISE THE RIGHT TO VOTE PURSUANT TO SECTION  
15 14-5304.02.

16 2. "Investigator" means a person who is appointed by the court under  
17 section 14-5308.

18 3. "Physician" means a person licensed pursuant to title 32, chapter  
19 13 or 17.

20 4. "Protected person" means a minor or any other person for whom a  
21 conservator has been appointed or any other protective order has been made.

22 5. "Protective proceeding" means a proceeding under the provisions of  
23 section 14-5401 to determine that a person cannot effectively manage or apply  
24 his estate to necessary ends, either because he lacks the ability or is  
25 otherwise inconvenienced, or because he is a minor, and to secure  
26 administration of his estate by a conservator or other appropriate relief.

27 6. "Psychologist" means a person licensed pursuant to title 32,  
28 chapter 19.1.

29 7. "Registered nurse" has the same meaning as prescribed in section  
30 32-1601.

31 8. "Ward" means a person for whom a guardian has been appointed.  
32 "Minor ward" means a minor for whom a guardian has been appointed solely  
33 because of minority.

34 Sec. 2. Title 14, chapter 5, article 3, Arizona Revised Statutes, is  
35 amended by adding section 14-5304.02, to read:

36 14-5304.02. Limited guardianship; voting

37 A PERSON FOR WHOM A LIMITED GUARDIAN IS APPOINTED SHALL RETAIN THE  
38 RIGHT TO VOTE IF THE PERSON FILES A PETITION, HAS A HEARING AND THE JUDGE  
39 DETERMINES BY CLEAR AND CONVINCING EVIDENCE THAT THE PERSON RETAINS  
40 SUFFICIENT UNDERSTANDING TO EXERCISE THE RIGHT TO VOTE.

APPROVED BY THE GOVERNOR APRIL 10, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2012.