

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 264
HOUSE BILL 2020

AN ACT

AMENDING TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, BY
ADDING SECTION 12-720; RELATING TO SEXUAL ASSAULT AND SEXUAL HARASSMENT.

(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 6, article 12, Arizona Revised
3 Statutes, is amended by adding section 12-720, to read:

4 12-720. Nondisclosure agreements: applicability: use of
5 public monies; definitions

6 A. THE TERMS OF A NONDISCLOSURE AGREEMENT MAY NOT BE USED TO
7 PROHIBIT A PARTY TO THE AGREEMENT FROM DOING ANY OF THE FOLLOWING IN
8 RELATION TO A VIOLATION OR AN ALLEGED VIOLATION OF TITLE 13, CHAPTER 14
9 OR 35:

10 1. RESPONDING TO A PEACE OFFICER'S OR A PROSECUTOR'S INQUIRY.

11 2. MAKING A STATEMENT NOT INITIATED BY THAT PARTY IN A CRIMINAL
12 PROCEEDING.

13 B. AN ACT THAT IS ALLOWED BY SUBSECTION A OF THIS SECTION MAY NOT
14 BE USED TO AVOID OR INVALIDATE A PARTY'S RIGHT TO CONSIDERATION UNDER THE
15 CONTRACT OR TO REQUIRE THE RETURN OF CONSIDERATION THAT HAS ALREADY BEEN
16 PROVIDED TO THE PARTY.

17 C. THIS SECTION MAY NOT BE USED AS AUTHORITY TO ENFORCE A
18 NONDISCLOSURE AGREEMENT.

19 D. PUBLIC MONIES MAY NOT BE USED AS CONSIDERATION IN EXCHANGE FOR A
20 NONDISCLOSURE AGREEMENT THAT IS RELATED TO AN ALLEGATION OF OR ATTEMPTED
21 SEXUAL ASSAULT OR SEXUAL HARASSMENT.

22 E. FOR THE PURPOSES OF THIS SECTION:

23 1. "CRIMINAL PROCEEDING" INCLUDES A GRAND JURY, PRETRIAL INTERVIEW,
24 DEPOSITION, HEARING, TRIAL AND SENTENCING PROCEEDING PURSUANT TO CRIMINAL
25 LAW.

26 2. "NONDISCLOSURE AGREEMENT" MEANS A CONFIDENTIALITY AGREEMENT OR
27 CONTRACT PROVISION THAT PROHIBITS THE DISCLOSURE OF INFORMATION BY A PARTY
28 TO THE CONTRACT.

APPROVED BY THE GOVERNOR APRIL 25, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2018.