

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

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. A NONDISCLOSURE AGREEMENT IS NOT ENFORCEABLE AND MAY NOT BE USED
7 AGAINST A PARTY TO THE AGREEMENT WHO DOES ANY OF THE FOLLOWING IN RELATION
8 TO A VIOLATION OR AN ALLEGED VIOLATION OF TITLE 13, CHAPTER 14 OR 35:

9 1. RESPONDS TO A PEACE OFFICER'S OR A PROSECUTOR'S INQUIRY.

10 2. MAKES A STATEMENT IN A CRIMINAL PROCEEDING NOT INITIATED BY THAT
11 PARTY.

12 B. A NONDISCLOSURE AGREEMENT THAT IS NOT ENFORCEABLE PURSUANT TO
13 SUBSECTION A OF THIS SECTION MAY NOT BE USED TO AVOID OR INVALIDATE A
14 PARTY'S RIGHT TO CONSIDERATION UNDER THE CONTRACT OR TO REQUIRE THE RETURN
15 OF CONSIDERATION THAT HAS ALREADY BEEN PROVIDED TO THE PARTY.

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

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

21 E. FOR THE PURPOSES OF THIS SECTION:

22 1. "CRIMINAL PROCEEDING" INCLUDES A GRAND JURY, PRETRIAL INTERVIEW,
23 DEPOSITION, HEARING, TRIAL AND SENTENCING PROCEEDING.

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