

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 259**  
**HOUSE BILL 2466**

AN ACT

AMENDING TITLE 12, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-514; AMENDING TITLE 13, CHAPTER 40, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-4443; RELATING TO COURTS AND CIVIL PROCEEDINGS.

(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 5, article 1, Arizona Revised  
3 Statutes, is amended by adding section 12-514, to read:

4 12-514. Civil action arising from sexual conduct or sexual  
5 contact committed against a minor; failure to  
6 report; statute of limitations; revived action  
7 after a criminal conviction; definitions

8 A. NOTWITHSTANDING SECTIONS 12-505, 12-511 AND 12-542, AN ACTION  
9 FOR THE RECOVERY OF DAMAGES THAT IS BASED ON EITHER OF THE FOLLOWING SHALL  
10 BE COMMENCED WITHIN TWELVE YEARS AFTER THE PLAINTIFF REACHES EIGHTEEN  
11 YEARS OF AGE AND NOT AFTERWARD:

12 1. AN INJURY THAT A MINOR SUFFERS AS A RESULT OF ANOTHER PERSON'S  
13 NEGLIGENT OR INTENTIONAL ACT IF THAT ACT IS A CAUSE OF SEXUAL CONDUCT OR  
14 SEXUAL CONTACT COMMITTED AGAINST THE MINOR.

15 2. THE FAILURE TO REPORT PURSUANT TO SECTION 13-3620 SEXUAL CONDUCT  
16 OR SEXUAL CONTACT COMMITTED AGAINST A MINOR.

17 B. FOR THE PURPOSES OF THIS SECTION:

18 1. "PERSON" MEANS AN INDIVIDUAL, THE UNITED STATES, THIS STATE OR A  
19 PUBLIC OR PRIVATE CORPORATION, LOCAL GOVERNMENT UNIT, PUBLIC AGENCY,  
20 PARTNERSHIP, ASSOCIATION, FIRM, TRUST OR ESTATE OR ANY OTHER LEGAL ENTITY.

21 2. "SEXUAL CONDUCT" MEANS SEXUAL CONDUCT AS PROSCRIBED BY SECTION  
22 13-1405.

23 3. "SEXUAL CONTACT" HAS THE SAME MEANING PRESCRIBED IN SECTION  
24 13-1401.

25 Sec. 2. Title 13, chapter 40, Arizona Revised Statutes, is amended  
26 by adding section 13-4443, to read:

27 13-4443. Notice of available civil remedies

28 TO PRESERVE AND PROTECT THE RIGHTS OF CRIME VICTIMS TO JUSTICE, DUE  
29 PROCESS AND OTHER RIGHTS ESTABLISHED FOR VICTIMS, IT IS THE POLICY OF THIS  
30 STATE THAT, FOLLOWING THE FINAL DISPOSITION OF ANY CRIMINAL PROCEEDING,  
31 THE COURT MAY NOTIFY THE VICTIM THAT CIVIL REMEDIES MAY BE AVAILABLE  
32 PURSUANT TO SECTION 12-514, IF APPLICABLE.

33 Sec. 3. Applicability; definitions

34 A. Section 12-514, Arizona Revised Statutes, as added by this act,  
35 applies to any cause of action that either:

36 1. Is commenced on or after the effective date of this act.

37 2. Was filed before and remains pending on the effective date of  
38 this act.

39 B. Notwithstanding any other law, a cause of action for damages  
40 described in subsection A, paragraph 1 of this section that involves  
41 sexual conduct or sexual contact and that would be time barred under  
42 section 12-514, Arizona Revised Statutes, as added by this act, or that  
43 would otherwise be time barred because of an applicable statute of  
44 limitations, a claim presentation deadline or the expiration of any other  
45 time limit is revived and may be commenced before December 31, 2020.

1 C. A cause of action revived pursuant to subsection B of this  
2 section may be brought against a person who was not the perpetrator of the  
3 sexual conduct or sexual contact if that person knew or otherwise had  
4 actual notice of any misconduct that creates an unreasonable risk of  
5 sexual conduct or sexual contact with a minor by an employee, a volunteer,  
6 a representative or an agent.

7 D. For a claim described in subsection B or C of this section,  
8 both of the following apply:

9 1. The plaintiff has the burden of proving the claim by clear and  
10 convincing evidence.

11 2. Punitive damages may not be awarded.

12 E. For the purposes of this section:

13 1. "Sexual conduct" means intentionally or knowingly engaging in  
14 sexual intercourse or oral sexual contact with any person who is under  
15 eighteen years of age.

16 2. "Sexual contact":

17 (a) Means any direct touching, fondling or manipulating of any part  
18 of the genitals, anus or female breast by any part of the body or by any  
19 object, or masturbation in the presence of a minor.

20 (b) Does not include direct or indirect touching or manipulating  
21 during caretaking responsibilities, or interactions with a minor that an  
22 objective, reasonable person would recognize as normal and reasonable  
23 under the circumstances.

24 Sec. 4. Emergency

25 This act is an emergency measure that is necessary to preserve the  
26 public peace, health or safety and is operative immediately as provided by  
27 law.

APPROVED BY THE GOVERNOR MAY 27, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 27, 2019.