

Senate Engrossed

public entity liability; sexual offenses

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SENATE BILL 1106

AN ACT

AMENDING SECTION 12-820.05, ARIZONA REVISED STATUTES; AMENDING SECTION 12-820.05, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; RELATING TO SPECIAL ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-820.05, Arizona Revised Statutes, is amended
3 to read:

4 12-820.05. Other immunities

5 A. Except as specifically provided in this article, this article
6 does not affect, alter or otherwise modify any other rules of tort
7 immunity regarding public entities and public officers as developed at
8 common law and as established under the statutes and the constitution of
9 this state.

10 B. A public entity is not liable for losses that arise out of and
11 are directly attributable to an act or omission determined by a court to
12 be a criminal felony by a public employee unless the public entity knew of
13 the public employee's propensity for that action. This subsection does
14 not apply to acts or omissions arising out of **EITHER OF THE FOLLOWING:**

15 1. The operation or use of a motor vehicle.

16 2. **A SEXUAL OFFENSE IF THE VICTIM IS A MINOR OR A CHILD WITH A**
17 **DISABILITY AS DEFINED IN SECTION 15-761 AND EITHER OF THE FOLLOWING**
18 **CONDITIONS EXIST:**

19 (a) **THE PUBLIC ENTITY WAS IN VIOLATION OF A STATUTORY DUTY RELATING**
20 **TO OBTAINING INFORMATION REGARDING THE BACKGROUND OF EMPLOYEES.**

21 (b) **THE PUBLIC ENTITY OR PUBLIC EMPLOYEE HAD A STATUTORY DUTY TO**
22 **REPORT AND FAILED TO DO SO.**

23 C. A public entity is not liable for damages as a result of an
24 injury caused by any act or omission by a public officer who renders
25 emergency care gratuitously and in good faith in a public building, at a
26 public gathering on the grounds of a public building or at the scene of an
27 emergency occurrence or as the result of any act or failure to act to
28 provide or arrange for further medical treatment or care for the injured
29 person, unless the public officer, while rendering the emergency care, is
30 guilty of gross negligence.

31 Sec. 2. Section 12-820.05, Arizona Revised Statutes, as amended by
32 section 1 of this act, is amended to read:

33 12-820.05. Other immunities

34 A. Except as specifically provided in this article, this article
35 does not affect, alter or otherwise modify any other rules of tort
36 immunity regarding public entities and public officers as developed at
37 common law and as established under the statutes and the constitution of
38 this state.

39 B. A public entity is not liable for losses that arise out of and
40 are directly attributable to an act or omission determined by a court to
41 be a criminal felony by a public employee unless the public entity knew of
42 the public employee's propensity for that action. This subsection does
43 not apply to acts or omissions arising out of ~~either of the following:~~

44 ~~1.~~ the operation or use of a motor vehicle.

~~2. A sexual offense if the victim is a minor or a child with a disability as defined in section 15-761 and either of the following conditions exist:~~

~~(a) The public entity was in violation of a statutory duty relating to obtaining information regarding the background of employees.~~

~~(b) The public entity or public employee had a statutory duty to report and failed to do so.~~

C. A public entity is not liable for damages as a result of an injury caused by any act or omission by a public officer who renders emergency care gratuitously and in good faith in a public building, at a public gathering on the grounds of a public building or at the scene of an emergency occurrence or as the result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person, unless the public officer, while rendering the emergency care, is guilty of gross negligence.

Sec. 3. Applicability

Section 12-820.05, Arizona Revised Statutes, as amended by section 1 of this act, applies only to acts or omissions involving sexual offenses that are committed on or after the effective date of this act.

Sec. 4. Effective date

Section 12-820.05, Arizona Revised Statutes, as amended by section 2 of this act is effective from and after December 31, 2027.

Sec. 5. Short title

This act may be cited as "Ava's Law".