

REFERENCE TITLE: attorney general; nuisance action; damages

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2167

Introduced by
Representative Diaz

AN ACT

AMENDING TITLE 41, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-197; RELATING TO THE ATTORNEY GENERAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 41, chapter 1, article 5, Arizona Revised
3 Statutes, is amended by adding section 41-197, to read:

4 41-197. Nuisance actions; damages; civil penalty

5 A. IF THE ATTORNEY GENERAL FILES A PUBLIC NUISANCE ACTION, THE
6 ATTORNEY GENERAL IS LIABLE FOR DAMAGES TO ANY PERSON WHO IS INJURED BY THE
7 ACTION IF BOTH OF THE FOLLOWING APPLY:

8 1. THE NUISANCE ACTION IS EITHER:

9 (a) DISMISSED BY THE COURT.

10 (b) FOUND TO NOT HAVE MERIT.

11 2. THE ATTORNEY GENERAL EITHER:

12 (a) KNEW OR SHOULD HAVE KNOWN THAT THE NUISANCE ACTION LACKED A
13 SUFFICIENT LEGAL OR FACTUAL BASIS.

14 (b) PUBLICIZED THE FILING OF THE NUISANCE ACTION.

15 B. DAMAGES THAT ARE AWARDED UNDER THIS SECTION SHALL INCLUDE
16 REASONABLE ATTORNEY FEES AND THE COSTS OF THE LITIGATION. THE ATTORNEY
17 GENERAL SHALL PAY A CIVIL PENALTY THAT IS THREE TIMES THE AMOUNT OF ANY
18 DAMAGES THAT THE DEFENDANT HAS SUFFERED AS A RESULT OF THE NUISANCE
19 ACTION. IF THE DEFENDANT IS A BUSINESS, THE DAMAGES MAY INCLUDE LOST
20 SALES AND BUSINESS, LOST PROFITS AND LOSS IN VALUE OF THE BUSINESS.

21 C. THE ATTORNEY GENERAL SHALL PAY ANY DAMAGES AND CIVIL PENALTY
22 AWARDED UNDER THIS SECTION FROM MONIES IN THE ATTORNEY GENERAL'S GENERAL
23 OPERATING FUND.