

House Engrossed Senate Bill
victims' rights; attorney fees; costs

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1326

AN ACT

AMENDING SECTIONS 8-416 AND 13-4437, ARIZONA REVISED STATUTES; RELATING TO
CRIME VICTIMS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-416, Arizona Revised Statutes, is amended to
3 read:

4 8-416. Standing to invoke rights; recovery of damages; right
5 to counsel

6 A. The rights enumerated in the victims' bill of rights, article
7 II, section 2.1, Constitution of Arizona, any implementing legislation or
8 court rules belong to the victim. The victim has standing to seek an
9 order, to bring a special action or to file a notice of appearance in a
10 trial court or an appellate proceeding seeking to enforce any right or to
11 challenge an order denying any right guaranteed to victims. A victim may
12 not be charged a filing fee to file a special action or to seek an order
13 pursuant to this subsection. In asserting any right, the victim has the
14 right to be represented by personal counsel at the victim's expense, and
15 the proceedings may be initiated by the victim's counsel or the
16 prosecutor.

17 B. A victim has the right to recover damages from a governmental
18 entity responsible for the intentional, knowing or grossly negligent
19 violation of the victim's rights under the victims' bill of rights,
20 article II, section 2.1, Constitution of Arizona, any implementing
21 legislation or court rule. ~~Nothing in~~ This section ~~alters~~ DOES NOT ALTER
22 or ~~abrogates~~ ABROGATE any provision for immunity provided for under common
23 law or statute.

24 C. At the request of the victim, the prosecutor may assert any
25 right to which the victim is entitled.

26 D. On the filing of a notice of appearance, counsel for the victim
27 shall be endorsed on all pleadings and, if present, be included in all
28 bench conferences and in chambers meetings and sessions with the trial
29 court that directly involve a victim's right enumerated in article II,
30 section 2.1, Constitution of Arizona.

31 E. Notwithstanding any other law and without limiting any rights
32 and powers of the victim, the victim has the right to present evidence or
33 information and to make an argument to the court, personally or through
34 counsel, at any proceeding to determine the amount of restitution pursuant
35 to section 13-804.

36 F. THE COURT MAY ORDER A PARTY WHO INTENTIONALLY, KNOWINGLY OR WITH
37 GROSS NEGLIGENCE VIOLATES A VICTIM'S RIGHT THAT IS ENUMERATED IN THIS
38 ARTICLE OR ARTICLE II, SECTION 2.1, CONSTITUTION OF ARIZONA, OR THAT IS
39 OTHERWISE GRANTED TO A VICTIM UNDER ARIZONA LAW TO PAY REASONABLE ATTORNEY
40 FEES AND COSTS TO THE VICTIM'S COUNSEL, INCLUDING A PRO BONO ATTORNEY OR
41 LEGAL AID ATTORNEY, FOR ENFORCING ANY VICTIMS' RIGHT OR REMEDYING ANY
42 VIOLATION OF THE VICTIM'S RIGHTS.

1 Sec. 2. Section 13-4437, Arizona Revised Statutes, is amended to
2 read:

3 13-4437. Standing to invoke rights; recovery of damages;
4 right to counsel

5 A. The rights enumerated in the victims' bill of rights, article
6 II, section 2.1, Constitution of Arizona, any implementing legislation or
7 court rules belong to the victim. The victim has standing to seek an
8 order, to bring a special action or to file a notice of appearance in a
9 trial court or an appellate proceeding, seeking to enforce any right or to
10 challenge an order denying any right guaranteed to victims. A victim may
11 not be charged a filing fee to file a special action or to seek an order
12 pursuant to this subsection. In asserting any right, the victim has the
13 right to be represented by personal counsel at the victim's expense and
14 the proceedings may be initiated by the victim's counsel or the
15 prosecutor.

16 B. A victim has the right to recover damages from a governmental
17 entity responsible for the intentional, knowing or grossly negligent
18 violation of the victim's rights under the victims' bill of rights,
19 article II, section 2.1, Constitution of Arizona, any implementing
20 legislation or court rules. ~~Nothing in~~ This section ~~alters~~ DOES NOT ALTER
21 or ~~abrogates~~ ABROGATE any provision for immunity provided for under common
22 law or statute.

23 C. At the request of the victim, the prosecutor may assert any
24 right to which the victim is entitled.

25 D. On the filing of a notice of appearance, counsel for the victim
26 shall be endorsed on all pleadings and, if present, be included in all
27 bench conferences and in chambers meetings and sessions with the trial
28 court that directly involve a victim's right enumerated in article II,
29 section 2.1, Constitution of Arizona.

30 E. Notwithstanding any other law and without limiting any rights
31 and powers of the victim, the victim has the right to present evidence or
32 information and to make an argument to the court, personally or through
33 counsel, at any proceeding to determine the amount of restitution pursuant
34 to section 13-804.

35 F. THE COURT MAY ORDER A PARTY WHO INTENTIONALLY, KNOWINGLY OR WITH
36 GROSS NEGLIGENCE VIOLATES A VICTIM'S RIGHT THAT IS ENUMERATED IN THIS
37 CHAPTER OR ARTICLE II, SECTION 2.1, CONSTITUTION OF ARIZONA, OR THAT IS
38 OTHERWISE GRANTED TO A VICTIM UNDER ARIZONA LAW TO PAY REASONABLE ATTORNEY
39 FEES AND COSTS TO THE VICTIM'S COUNSEL, INCLUDING A PRO BONO ATTORNEY OR
40 LEGAL AID ATTORNEY, FOR ENFORCING ANY VICTIMS' RIGHT OR REMEDYING ANY
41 VIOLATION OF THE VICTIM'S RIGHTS.

42 Sec. 3. Applicability

43 This act applies to all cases that are pending or filed on or after
44 the effective date of sections 8-416 and 13-4437, Arizona Revised
45 Statutes, as amended by this act.