

REFERENCE TITLE: victims' rights; attorney fees; costs

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

SB 1326

Introduced by
Senator Bolick

AN ACT

AMENDING SECTION 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 13-4437, Arizona Revised Statutes, is amended to
3 read:

4 13-4437. Standing to invoke rights; recovery of damages;
5 right 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 rules. ~~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 VIOLATES OR EXACERBATES A
37 VIOLATION OF A VICTIM'S RIGHT THAT IS ENUMERATED IN THIS CHAPTER OR
38 ARTICLE II, SECTION 2.1, CONSTITUTION OF ARIZONA, OR THAT IS OTHERWISE
39 GRANTED TO A VICTIM UNDER ARIZONA LAW TO PAY ATTORNEY FEES AND COSTS TO
40 THE VICTIM'S COUNSEL, INCLUDING A PRO BONO ATTORNEY OR LEGAL AID ATTORNEY,
41 FOR ENFORCING ANY VICTIMS' RIGHT OR REMEDYING ANY VIOLATION OF THE
42 VICTIM'S RIGHTS.

43 Sec. 2. Applicability

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