

REFERENCE TITLE: **civil liability; injury; criminal act**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HCR 2043

Introduced by
Representatives Weiers JP: Burges

A CONCURRENT RESOLUTION

**PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II,
CONSTITUTION OF ARIZONA, BY ADDING SECTION 36; RELATING TO CIVIL LIABILITY.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:
3 1. Article II, Constitution of Arizona, is proposed to be amended by
4 adding section 36 as follows if approved by the voters and on proclamation of
5 the Governor:
6 36. Injury during criminal acts; civil liability;
7 definition
8 SECTION 36. A. NOTWITHSTANDING SECTION 31 OF THIS
9 ARTICLE AND ARTICLE XVIII, SECTION 6, IN ANY CIVIL ACTION, A
10 PERSON IS NOT LIABLE FOR DAMAGES THAT A PLAINTIFF INCURS WHILE
11 THE PLAINTIFF IS FOUND, BY A PREPONDERANCE OF THE EVIDENCE, TO
12 BE ATTEMPTING TO COMMIT, COMMITTING OR FLEEING FROM A FELONY
13 CRIMINAL ACT.
14 B. THIS SECTION DOES NOT APPLY TO A PERSON WHO ENGAGED IN
15 UNJUSTIFIED CONDUCT.
16 C. FOR THE PURPOSES OF THIS SECTION, "PERSON" MEANS A
17 VICTIM, A LAW ENFORCEMENT OFFICER, THIS STATE, ANY POLITICAL
18 SUBDIVISION OF THIS STATE OR A MANUFACTURER OF TOOLS THAT ARE
19 AUTHORIZED BY A LAW ENFORCEMENT AGENCY OF THIS STATE AND THAT
20 ARE USED TO APPREHEND A SUSPECT.
21 2. The Secretary of State shall submit this proposition to the voters
22 at the next general election as provided by article XXI, Constitution of
23 Arizona.