

REFERENCE TITLE: victims' leave; employment rights

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

HB 2531

Introduced by
Representative Sinema, Senators Pesquiera, Rios: Representatives Campbell
CH, Lujan

AN ACT

AMENDING SECTION 13-4439, 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 13-4439, Arizona Revised Statutes, is amended to
3 read:
4 13-4439. Right to leave work: scheduled proceedings:
5 counseling: employment rights: nondiscrimination:
6 confidentiality: definition
7 A. An employer who has fifty or more employees for each working day in
8 each of twenty or more calendar weeks in the current or preceding calendar
9 year, and any agent of that employer, shall allow an employee who is a victim
10 of a crime to leave work to:
11 1. Exercise the employee's right to be present at a proceeding
12 pursuant to sections 13-4414, 13-4420, 13-4421, 13-4422, 13-4423, 13-4426,
13 13-4427 and 13-4436.
14 2. APPEAR IN COURT TO COMPLY WITH A SUBPOENA OR OTHER COURT ORDER AS A
15 WITNESS IN ANY JUDICIAL PROCEEDING.
16 3. OBTAIN OR ATTEMPT TO OBTAIN ANY RELIEF INCLUDING AN ORDER OF
17 PROTECTION, AN INJUNCTION AGAINST HARASSMENT OR ANY OTHER INJUNCTIVE RELIEF
18 TO HELP ENSURE THE HEALTH, SAFETY OR WELFARE OF THE VICTIM OR THE VICTIM'S
19 CHILD.
20 B. An employer may not dismiss OR IN ANY MANNER DISCRIMINATE AGAINST
21 an employee who is a victim of a crime because the employee exercises the
22 right to leave work pursuant to subsection A of this section.
23 C. An employer is not required to compensate an employee who is a
24 victim of a crime when the employee leaves work pursuant to subsection A of
25 this section.
26 D. If an employee leaves work pursuant to subsection A of this
27 section, the employee may elect to use or an employer may require the
28 employee to use the employee's accrued paid vacation, personal leave or sick
29 leave.
30 E. An employee who is a victim of a crime shall not lose seniority or
31 precedence while absent from employment pursuant to subsection A of this
32 section.
33 F. Before an employee may leave work pursuant to subsection A of this
34 section, the employee shall do all of the following:
35 1. Provide the employer with a copy of the form provided to the
36 employee by the law enforcement agency pursuant to section 13-4405,
37 subsection A, ~~or a copy of~~ the information the law enforcement agency
38 provides to the employee pursuant to section 13-4405, subsection E, THE COURT
39 ORDER THE EMPLOYEE IS SUBJECT TO OR ANY OTHER PROPER DOCUMENTATION.
40 2. If applicable, give the employer a copy of the notice of each
41 scheduled proceeding that is provided to the victim by the agency that is
42 responsible for providing notice to the victim.
43 G. It is unlawful for an employer or an employer's agent to refuse to
44 hire or employ, to bar or to discharge from employment or to discriminate
45 against an individual in compensation or other terms, conditions or

1 privileges of employment because the individual ~~leaves~~ EXERCISES THE RIGHT TO
2 LEAVE work pursuant to subsection A of this section.
3 H. Employers shall keep confidential records regarding the employee's
4 leave pursuant to this section.
5 I. An employer may limit the leave provided under this section if the
6 employee's leave creates an undue hardship to the employer's business.
7 J. The prosecutor shall inform the victim of the victim's rights
8 pursuant to this section. A victim may notify the prosecutor if exercising
9 the victim's right to leave under this section would create an undue hardship
10 for the victim's employer. The prosecutor shall communicate the notice to
11 the court during the scheduling of proceedings where the victim has the right
12 to be present. The court shall continue to take the victim's schedule into
13 consideration when scheduling a proceeding pursuant to subsection A of this
14 section.
15 K. For THE purposes of this section, "undue hardship" means a
16 significant difficulty and expense to a business and includes the
17 consideration of the size of the employer's business and the employer's
18 critical need of the employee.