

REFERENCE TITLE: deadly physical force; reporting; admissibility

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

## **HB 2583**

Introduced by  
Representatives Burges, Dial, Fann, Gowan, Proud, Seel, Smith D, Stevens:  
Barton, Crandell, Fillmore, Forese, Gray R, Harper, Judd, Mesnard,  
Montenegro, Olson, Pratt, Urie, Yee, Senators Allen, Antenori, Gray,  
Klein, Melvin, Nelson

**AN ACT**

**AMENDING TITLE 12, CHAPTER 13, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-2204; RELATING TO WITNESSES.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 12, chapter 13, article 1, Arizona Revised Statutes,  
3 is amended by adding section 12-2204, to read:  
4 12-2204. Request for emergency medical care or police:  
5 admissibility of statement; definition  
6 A. IF A PERSON IS DIRECTLY OR INDIRECTLY INVOLVED IN AN ACT THAT  
7 INVOLVES THE THREATENED OR ACTUAL USE OF DEADLY PHYSICAL FORCE AND THE PERSON  
8 PROMPTLY REPORTS THE ACT TO AN APPROPRIATE AUTHORITY FOR THE PURPOSE OF  
9 OBTAINING EMERGENCY MEDICAL CARE OR POLICE SERVICES, THE PERSON'S STATEMENT  
10 IS NOT ADMISSIBLE IN A CRIMINAL PROSECUTION OR A CIVIL ACTION AGAINST THAT  
11 PERSON, EXCEPT FOR THE PURPOSES OF IMPEACHMENT.  
12 B. NOTWITHSTANDING ANY OTHER LAW, A STATEMENT THAT IS NOT ADMISSIBLE  
13 PURSUANT TO SUBSECTION A OF THIS SECTION IS NOT A PUBLIC RECORD AND SHALL NOT  
14 BE DISCLOSED TO THE PUBLIC IN ANY MANNER.  
15 C. THIS SECTION DOES NOT APPLY TO A PROSECUTION FOR FALSE REPORTING OR  
16 PERJURY.  
17 D. FOR THE PURPOSES OF THIS SECTION, "DEADLY PHYSICAL FORCE" HAS THE  
18 SAME MEANING PRESCRIBED IN SECTION 13-105.  
19 Sec. 1. Legislative findings  
20 The Legislature finds that:  
21 1. There are certain circumstances when a person may lawfully threaten  
22 to use or use deadly physical force.  
23 2. Instances of threatened use or actual use of deadly physical force  
24 may need to be promptly reported to the appropriate authority to assist in  
25 the prompt dispatching of emergency medical and law enforcement personnel.  
26 3. A person who threatens or uses deadly physical force has a deep  
27 rooted constitutional right to remain silent during the course of a pending  
28 criminal investigation.  
29 4. There should be a balance between the potentially competing needs  
30 for prompt reporting of these instances and a person's constitutional right  
31 to remain silent, which could delay prompt reporting.