

REFERENCE TITLE: *criminal liability; exception; requirements*

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2528

Introduced by
Representatives Kolodin: Chaplik, Dunn, Gillette, Livingston, Montenegro,
Senators Bennett, Kern, Shamp, Wadsack

AN ACT

AMENDING SECTION 13-201, ARIZONA REVISED STATUTES; RELATING TO CRIMINAL
LIABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-201, Arizona Revised Statutes, is amended to
3 read:

4 13-201. Requirements for criminal liability; jury
5 determination; criminal liability for abortion
6 offenses; nonseverability

7 NOTWITHSTANDING ANY OTHER PORTIONS OF THIS TITLE, the minimum
8 ~~requirement~~ REQUIREMENTS for criminal liability ~~is~~ ARE AS FOLLOWS:

9 1. The performance by a person of conduct which includes a
10 voluntary act or the omission to perform a duty imposed by law which the
11 person is physically capable of performing, AND

12 2. THAT THE ACT OR OMISSION IS MORALLY WRONGFUL CONSIDERING THE
13 FACTS AND CIRCUMSTANCES IN WHICH THE ACT OR OMISSION OCCURRED. WHAT IS
14 MORALLY WRONGFUL CONSIDERING THE FACTS AND CIRCUMSTANCES IN WHICH AN ACT
15 OR OMISSION OCCURRED SHALL AT ALL TIMES BE A QUESTION OF FACT FOR THE
16 JURY. THIS PARAGRAPH SHALL NOT APPLY TO OFFENSES RELATING TO ABORTION.
17 WHAT CONSTITUTES AN OFFENSE RELATING TO ABORTION SHALL BE BROADLY
18 CONSTRUED.

19 3. NO PORTION OF PARAGRAPH 2 OF THIS SECTION IS SEVERABLE FROM ANY
20 OTHER. IF ANY PORTION OF PARAGRAPH 2 OF THIS SECTION IS FOUND TO BE
21 UNENFORCEABLE THE ENTIRETY OF PARAGRAPH 2 OF THIS SECTION SHALL BE VOID.