

REFERENCE TITLE: **civil action; preliminary hearing**

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1429

Introduced by
Senator Wadsack: Representative Jones

AN ACT

**AMENDING TITLE 12, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 12-517; RELATING TO CIVIL PROCEEDINGS.**

(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 5, article 1, Arizona Revised
3 Statutes, is amended by adding section 12-517, to read:

4 12-517. Civil actions; preliminary hearing; determination

5 A. NOTWITHSTANDING ANY OTHER LAW, IN EVERY CIVIL ACTION, THE COURT
6 SHALL CONDUCT A PRELIMINARY HEARING WITHIN THIRTY DAYS AFTER ALL OF THE
7 PARTIES IN THE CASE ARE SERVED WITH NOTICE OF THE LAWSUIT AND THE
8 COMPLAINT.

9 B. AT THE PRELIMINARY HEARING THE COURT SHALL DETERMINE IF THE
10 PLAINTIFF HAS ALLEGED A VALID CLAIM PURSUANT TO THE LAW AND WHETHER THE
11 CLAIM IS BASED ON SUFFICIENT AND RELEVANT EVIDENCE FOR THE CASE TO
12 PROCEED. THE COURT SHALL MAKE A DETERMINATION BASED ON THE PLEADINGS AND
13 THE LAW BUT MAY ALLOW LIMITED TESTIMONY IF IT IS NECESSARY TO UNDERSTAND
14 THE PLEADINGS OR THE APPLICATION OF THE LAW TO THE SPECIFIC CAUSE OF
15 ACTION. IF A PARTY HAS FILED A MOTION TO DISMISS, THE COURT MUST ALSO
16 ISSUE A RULING ON THE MOTION TO DISMISS NOT LATER THAN THE DATE OF THE
17 PRELIMINARY HEARING.