

Senate Engrossed
civil action; preliminary hearing

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

SENATE BILL 1429

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. THE COURT MAY WAIVE THE PRELIMINARY HEARING ON THE AGREEMENT
9 OF ALL OF THE PARTIES IN THE CASE.

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