

REFERENCE TITLE: public entity liability; sexual offenses

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1435

Introduced by
Senator Bolick

AN ACT

AMENDING SECTION 12-820.05, ARIZONA REVISED STATUTES; RELATING TO SPECIAL ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-820.05, Arizona Revised Statutes, is amended
3 to read:

4 12-820.05. Other immunities

5 A. Except as specifically provided in this article, this article
6 does not affect, alter or otherwise modify any other rules of tort
7 immunity regarding public entities and public officers as developed at
8 common law and as established under the statutes and the constitution of
9 this state.

10 B. A public entity is not liable for losses that arise out of and
11 are directly attributable to an act or omission determined by a court to
12 be a criminal felony by a public employee unless the public entity knew of
13 the public employee's propensity for that action. This subsection does
14 not apply to acts or omissions arising out of **EITHER OF THE FOLLOWING:**

15 1. The operation or use of a motor vehicle.

16 2. **A SEXUAL OFFENSE IF THE VICTIM IS A MINOR OR A CHILD WITH A**
17 **DISABILITY AS DEFINED IN SECTION 15-761.**

18 C. A public entity is not liable for damages as a result of an
19 injury caused by any act or omission by a public officer who renders
20 emergency care gratuitously and in good faith in a public building, at a
21 public gathering on the grounds of a public building or at the scene of an
22 emergency occurrence or as the result of any act or failure to act to
23 provide or arrange for further medical treatment or care for the injured
24 person, unless the public officer, while rendering the emergency care, is
25 guilty of gross negligence.