



ARIZONA STATE SENATE
Fifty-First Legislature, Second Regular Session

FACT SHEET FOR H.B. 2269

civil liability; damages; metal theft

Purpose

Provides an affirmative defense in a civil action if the defendant can prove that the claimant acted or attempted to act in violation of metal theft laws.

Background

A person commits theft if, without lawful authority, the person knowingly controls the ferrous metal or nonferrous metal of another with either the intent to deprive the other person of the metal or knowing or having reason to know that the metal was stolen (A.R.S. § 13-1802). *Ferrous metals* means those metals that will attract a magnet (A.R.S. § 41-1641).

In any civil action, the finder of fact may find the defendant not liable if the defendant proves that the claimant or, if the claimant is an heir or the estate of a deceased person, the decedent was attempting to commit, committing or immediately fleeing from a felony or misdemeanor criminal act and as a result of that act, attempted act or flight the claimant or decedent was at least 50 percent responsible for the accident or event that caused the claimant's or decedent's harm (A.R.S. § 12-712).

There is no anticipated fiscal impact to the state General Fund as a result of this legislation.

Provisions

1. Provides an affirmative defense in a civil action if the defendant did not act intentionally and the claimant, or the decedent if applicable, was attempting to commit, committing or immediately fleeing from an act in violation of metal theft laws and as a result, the claimant or decedent was responsible for the accident or event that caused the claimant's or decedent's harm.
2. Becomes effective on the general effective date.

House Action

COM	2/05/14	DP	(9-0-0-0)
3 rd Read	2/24/14		(55-4-1-0)

Prepared by Senate Research
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JA/tf