



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature

First Regular Session

Senate: JUDE DPA 7-0-0-0 | 3rd Read 27-0-0-3

SB 1106: public entity liability; sexual offenses

Sponsor: Senator Miranda, LD 11

Committee on Judiciary

Overview

Subjects a public entity to liability for losses arising out of an employee's felony acts if the acts are a felony sexual offense and meet certain criteria.

History

[A.R.S. Title 12, Chapter 7, Article 2](#) governs actions against public entities or employees. Among other provisions, this article contains several sections granting public entities or employees immunity from liability in certain circumstances, including absolute immunity ([A.R.S. § 12-820.01](#)), qualified immunity ([A.R.S. § 12-820.02](#)) and other immunity ([A.R.S. § 12-820.05](#)). Except as specifically provided in this article, its provisions do not affect, alter or otherwise modify any other rules of tort immunity regarding public entities and public officers as developed at common law and as established under the Arizona Revised Statutes and the Arizona Constitution ([A.R.S. § 12-820.05](#)).

[A.R.S. § 12-820.05](#) provides that a public entity is not liable for losses resulting from a public employee's felony act unless the entity was aware of the employee's propensity for such behavior, except that this immunity does not apply to acts or omissions arising out of the operation of a motor vehicle (Knowledge-Contingent Employer Immunity).

Provisions

1. Adds that Knowledge-Contingent Employer Immunity does not apply to acts or omissions arising out of a felony sexual offense if the victim is a minor, or a child with a disability, and either:
 - a) the entity violated a statutory duty related to employee background checks; or
 - b) the public entity or an employee had a statutory duty to report and failed to do so. (Sec. 1)
2. Provides that this Act is to remain in effect from the general effective date in 2025 through January 1, 2029. (Sec. 3, 4)
3. Repeals this Act on January 1, 2029. (Sec. 2, 4)
4. Designates this legislation with the short title *Ava's Law*. (Sec. 5)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note