

REFERENCE TITLE: injuries; firefighters; peace officers; EMS

State of Arizona  
Senate  
Forty-fifth Legislature  
First Regular Session  
2001

## **SB 1255**

Introduced by  
Senator Cirillo

AN ACT

AMENDING TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-716; RELATING TO LIABILITY FOR INJURY TO OR DEATH OF FIREFIGHTERS, PEACE OFFICERS AND EMERGENCY MEDICAL PERSONNEL.

(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 6, article 12, Arizona Revised Statutes,  
3 is amended by adding section 12-716, to read:

4 12-716. Liability for injury to firefighters, peace officers  
5 and emergency medical personnel

6 A. A PERSON IS LIABLE FOR INJURY TO OR THE DEATH OF A FIREFIGHTER, A  
7 PEACE OFFICER OR EMERGENCY MEDICAL PERSONNEL EMPLOYED BY A PUBLIC ENTITY IF  
8 THE INJURY OR DEATH IS CAUSED BY THE WILFUL, WANTON, INTENTIONAL OR NEGLIGENT  
9 ACTS OR OMISSIONS OF THE PERSON AND ANY OF FOLLOWING APPLIES:

10 1. THE PERSON KNOWS OR SHOULD KNOW OF THE PRESENCE OF THE FIREFIGHTER,  
11 PEACE OFFICER OR EMERGENCY MEDICAL PERSONNEL AT THE TIME OF THE CONDUCT  
12 CAUSING THE INJURY OR DEATH.

13 2. THE CONDUCT CAUSING THE INJURY OR DEATH VIOLATES A STATUTE,  
14 ORDINANCE OR RULE THAT IS INTENDED TO PROTECT THE FIREFIGHTER, PEACE OFFICER  
15 OR EMERGENCY MEDICAL PERSONNEL, INCLUDING A STATUTE, ORDINANCE OR RULE THAT  
16 REQUIRES THE PERSON TO COMPLY WITH THE ORDER OF THE FIREFIGHTER, PEACE  
17 OFFICER OR EMERGENCY MEDICAL PERSONNEL.

18 3. THE PERSON INTENDED TO CAUSE THE INJURY OR DEATH OF THE  
19 FIREFIGHTER, PEACE OFFICER OR EMERGENCY MEDICAL PERSONNEL.

20 4. THE CONDUCT CAUSING THE INJURY OR DEATH VIOLATES SECTION 13-1702,  
21 13-1703, 13-1704 OR 13-1705.

22 B. AN AWARD OF DAMAGES MADE PURSUANT TO THIS SECTION MAY BE REDUCED  
23 BECAUSE OF THE COMPARATIVE NEGLIGENCE OF THE FIREFIGHTER, PEACE OFFICER OR  
24 EMERGENCY MEDICAL PERSONNEL.

25 C. THE LIABILITY IMPOSED BY SUBSECTION A OF THIS SECTION IS NOT  
26 APPLICABLE TO THE EMPLOYER OF THE FIREFIGHTER, PEACE OFFICER OR EMERGENCY  
27 MEDICAL PERSONNEL. THE EMPLOYER IS SUBROGATED TO THE RIGHTS GRANTED PURSUANT  
28 TO THIS SECTION TO THE EXTENT OF WORKERS' COMPENSATION, SALARY, PENSION OR  
29 OTHER AMOUNTS PAID TO THE FIREFIGHTER, PEACE OFFICER OR EMERGENCY MEDICAL  
30 PERSONNEL OR A DEPENDENT BECAUSE OF THE CONDUCT DESCRIBED IN SUBSECTION A OF  
31 THIS SECTION.