

# Crime Victim's Right to Leave Work



## The law

For a more detailed look at the legislation governing a crime victim's right to leave work please refer to:

A.R.S. § 13-4439

*Right to leave work; scheduled proceedings; counseling; employment rights; nondiscrimination; confidentiality; definition.*

For the complete statute online go to:

<http://www.azleg.state.az.us/ars/13/04439.htm>



*Seek the truth  
Serve the people  
Do Justice*

If you have any questions regarding the information contained in this brochure please contact the Community Services Division of the Pinal County Attorney's Office at:

Phone: 520 866 6813 or  
800 208 6897 ext. 6813

Fax: 520 866 6852

E-mail: [pinalcountyattorney@pinalcountyz.gov](mailto:pinalcountyattorney@pinalcountyz.gov)  
or visit our office at:

45 N. Florence St.  
Florence Arizona

Our mailing address is:

P.O. Box 1010  
Florence, AZ 85232



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## Definitions

**Victim** is a person against whom a criminal offense has been committed, or if the person is killed or incapacitated, the person's immediate family or other lawful representative, except if the person is in custody for an offense or is the accused.

**Criminal proceeding** is any hearing, argument or other matter that is scheduled by and held before a trial court, but does not include any deposition, lineup, grand jury proceeding or other matter that is not held in the presence of the court.



## Information for crime victims:

Arizona law states that a crime victim has the right attend criminal proceedings in cases in which he or she is a victim.

If a crime victim works for an Arizona employer with 50 or more employees, the victim has the right to leave work to attend these proceedings.

Employers **may not dismiss, revoke seniority, or discriminate** in any way against an employee who is exercising his or her right to attend a criminal proceeding in which he or she is a victim.

A victim is not entitled to compensation from his or her employer, unless he or she use accrued leave time, which the employer can require them to do.

Additionally, the victim's employer may limit his or her leave, if the absence would create an "undue hardship."

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The law also requires that the court takes the victim's schedule into consideration when setting future court dates.

A victim should call the **Victim Services Unit** of the Pinal County Attorney's Office, if an absence from work would cause "undue hardship" to the employer.

## Information for employers:

The law requires that a victim must provide an employer with a copy of the form or information received from law enforcement, as well as a copy of the notice of each scheduled criminal proceeding he or she wishes to attend.

There is no limit on how much time a victim may take off work to exercise the right to attend proceedings.

However, the vast majority of cases are resolved through plea agreements, which preclude lengthy trials.