

Invisible Wounds Victims' Rights Act

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<https://www.invisible-wounds-victims-rights-act.net>

Personal Statement in Support:

Personal Statement Supporting the Invisible Wounds Victims' Rights Act

Thomas Gallagher

Retired Phoenix Police Officer

I spent twenty years serving the citizens of Phoenix as a police officer. Throughout my career, I accepted that danger was part of the profession. Like every officer, I understood that I could be injured or even killed while protecting others. What I never fully understood was that a single criminal act could cause a psychological injury so severe that it would ultimately end my career, and that my type of injury would be viewed much differently.

That realization came on December 14, 2021.

While serving as a Sergeant-in-Training, I responded to the shooting of Officer Tyler Moldovan. Tyler had been shot while performing his duties as a Phoenix police officer.

When I arrived, the scene was chaotic. Tyler had suffered devastating injuries. Alongside another other officer, I helped move him from danger and I initiated lifesaving care. Every decision made was measured in seconds. I worked to give him every possible chance to survive.

Tyler did survive, and I remain grateful for that every day.

What I did not fully understand at the time was that while Tyler had suffered catastrophic physical injuries, many of us who responded would carry invisible injuries that would follow us long after that night was over.

In the weeks, months, and years that followed, I found myself reliving that incident repeatedly. The sights, sounds, and emotions returned without warning. Sleep became difficult. Memories surfaced unexpectedly. Situations that had once been routine suddenly became reminders of that night. This greatly effected my family and friends.

I was diagnosed with post-traumatic stress disorder. Despite treatment and every effort to continue serving, the effects of that traumatic criminal event ultimately contributed to ending a career that I loved. For years I have continued to work toward recovery. Healing has not been linear. Some days have been better than others. The impact has extended beyond my professional life and into my family, my relationships, and my daily life.

Throughout this process, one thought has remained with me.

Arizona rightly recognizes that victims of violent crime deserve dignity, fairness, and meaningful participation in the criminal justice process. Those protections acknowledge that criminal acts can profoundly change a person's life. These rights are not extended to those of us who suffer psychological injuries after criminal acts directed towards others. We are not afforded the same rights and are forced to be revictimized, and this needs to change. There are circumstances where first responders sustain life-altering psychological injuries directly because of the criminal acts they are responding to. They may enter the scene, attempt to save a life, witness unimaginable violence, and ultimately suffer permanent psychological harm. Despite those injuries, they may not clearly fit within the current legal definition of a victim.

I am not suggesting that every difficult call or every stressful incident should qualify.

Law enforcement is a profession built upon exposure to hardship, and officers willingly accept that responsibility.

This proposal is about something far narrower.

It is about the extraordinary cases where a violent criminal act causes a diagnosable psychological injury that fundamentally changes the life of the responder.

The Invisible Wounds Victims' Rights Act is not intended to create special privileges or diminish the rights of anyone else. Its purpose is to recognize that psychological trauma, when directly caused by a criminal offense and supported by competent medical diagnosis, can be every bit as real and every bit as life-changing as a physical wound.

For me, this proposal is not about revisiting the past.

It is about ensuring that Arizona law evolves alongside our understanding of trauma.

We now recognize that invisible injuries can permanently alter a person's ability to work, to sleep, to interact with family, and to enjoy life. Our laws should be willing to recognize that reality when those injuries are directly caused by violent criminal conduct.

My hope is that no future first responder who suffers these invisible wounds will have to wonder whether the law recognizes the injury they carry.

If this effort encourages thoughtful discussion, advances understanding of psychological trauma, and leads to a meaningful improvement in Arizona law, then sharing my experience will have been worthwhile.

Legal Memorandum:

LEGAL MEMORANDUM

Proposed Legislation:

The Invisible Wounds Victims' Rights Act

Prepared for: Members of the Arizona Legislature

Prepared by: Thomas Gallagher, Retired Phoenix Police Officer

Issue Presented

Whether Arizona law should be amended to recognize qualifying peace officers and other first responders who suffer a diagnosable psychological injury, directly resulting from a criminal offense encountered in the line of duty, as victims entitled to the procedural protections afforded under Arizona's Victims' Bill of Rights.

Executive Summary

Arizona has one of the nation's strongest victims' rights systems. Article II, Section 2.1 of the Arizona Constitution and Title 13, Chapter 40 of the Arizona Revised Statutes provide extensive procedural rights to victims of crime.

The current framework, however, primarily contemplates victims as persons against whom the criminal offense was committed. In extraordinary circumstances, a first responder may suffer a substantial, clinically diagnosed psychological injury directly because of a violent criminal act without having been the direct object of the defendant's conduct. The statutes do not expressly address those circumstances.

This proposal does not assert that current law is incorrect. Rather, it asks whether Arizona should expressly recognize a narrow class of first responders whose injuries are directly attributable to violent criminal conduct and who may not clearly fall within the existing statutory framework.

Current Arizona Law

Arizona Constitution, Article II, Section 2.1 establishes procedural rights for crime victims, including the rights to fairness, respect, dignity, notice, participation, and protection throughout the criminal justice process.

The implementing statutes are found primarily in A.R.S. §§ 13-4401 through 13-4443.

A.R.S. § 13-4401 defines “victim” generally as a person against whom the criminal offense has been committed, subject to statutory exceptions.

The statutes do not expressly address whether a peace officer or first responder who sustains a substantial psychological injury while directly responding to a violent criminal offense qualifies as a victim solely by virtue of that injury.

The Policy Question

This proposal presents a policy question rather than a criticism of existing law.

Modern medical research recognizes that traumatic exposure to violent criminal acts can result in serious psychological injuries, including post-traumatic stress disorder and other trauma-related conditions. These injuries may substantially impair an individual’s ability to work, maintain relationships, and function in daily life.

Arizona law already recognizes psychological injuries in other contexts, such as certain workers’ compensation provisions and employment-related protections. The question is whether Arizona’s victims’ rights framework should also expressly address qualifying psychological injuries suffered by first responders as a direct result of criminal conduct.

Identified Gap

The proposal seeks to address situations in which all the following are present:

- The responder was lawfully performing official duties.
- The responder was directly present at or directly involved in responding to a violent criminal offense.
- The responder sustained a substantial psychological injury.
- The injury is supported by a diagnosis from a qualified licensed mental health professional.
- The injury is directly attributable to the criminal offense rather than to cumulative occupational stress.

In such cases, current Arizona law does not expressly identify whether that responder qualifies as a victim for purposes of Title 13.

Narrow Scope

The proposal is intentionally limited.

It would not:

- Treat every responding officer as a victim.
 - Cover ordinary occupational stress.
 - Apply to generalized burnout or cumulative job stress.
 - Create a civil cause of action.
 - Create automatic entitlement to monetary compensation.
 - Alter the elements of any criminal offense.
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- Expand criminal liability.

Instead, the proposal would apply only in narrowly defined circumstances involving severe psychological injury directly resulting from a qualifying criminal offense.

Constitutional Considerations

Arizona's Victims' Bill of Rights is contained within the Arizona Constitution.

Because the constitutional text and implementing statutes are closely linked, legislative counsel should determine whether:

1. the proposed change can be accomplished through statutory amendment alone;
2. a constitutional amendment would be advisable to eliminate ambiguity; or
3. both measures should proceed together.

For that reason, this legislative package includes both a proposed statutory amendment and an alternative constitutional amendment for consideration.

Public Policy Considerations

Recognition of qualifying psychological injuries would be consistent with several public policy objectives:

- acknowledging advances in the medical understanding of psychological trauma;
- promoting fairness to first responders directly harmed by violent criminal conduct;
- strengthening public confidence that Arizona recognizes both visible and invisible injuries resulting from crime.

Conclusion

The Invisible Wounds Victims' Rights Act is a narrowly tailored proposal intended to address an area not expressly addressed by existing Arizona law.

The proposal does not seek to broaden the definition of victim indiscriminately. Instead, it asks the Legislature to consider whether, in limited and exceptional circumstances, a first responder who sustains a substantial, professionally diagnosed psychological injury directly resulting from a violent criminal offense should be eligible for the procedural protections afforded to victims under Arizona law.

The ultimate policy determination rests with the Arizona Legislature and, if necessary, the voters of Arizona.

DRAFT LEGISLATION

THE INVISIBLE WOUNDS VICTIMS' RIGHTS ACT

A BILL

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

SECTION 1. SHORT TITLE

This act may be cited as "The Invisible Wounds Victims' Rights Act."

SECTION 2. LEGISLATIVE FINDINGS

The Legislature finds all the following:

- A. Arizona has long recognized the constitutional rights of crime victims through Article II, Section 2.1 of the Arizona Constitution and Title 13, Chapter 40, Arizona Revised Statutes.
- B. Advances in medical science recognize that violent criminal acts may directly cause severe and permanent psychological injuries, including post-traumatic stress disorder and other trauma-related conditions.
- C. Peace officers occasionally sustain life-altering psychological injuries while directly responding to violent criminal offenses, even though they were not the person against whom the criminal offense was primarily directed.
- D. In extraordinary circumstances, those injuries may be directly and proximately caused by the defendant's criminal conduct and may permanently impair the officer's ability to continue serving the public.
- E. It is the intent of this Act to recognize only those rare and extraordinary circumstances in which a peace officer sustains a clinically diagnosable mental injury directly and proximately caused by a qualifying criminal offense.
- F. Nothing in this Act is intended to broaden victim status beyond the narrow circumstances expressly provided herein.

SECTION 3. A.R.S. § 13-4401 IS AMENDED

Section 13-4401, Arizona Revised Statutes, is amended by adding the following subsection:

Notwithstanding any other provision of this section, “victim” includes a peace officer who satisfies all the following requirements:

1. The peace officer was acting within the lawful course and scope of official duties.
2. The peace officer was physically present at the scene of, or directly participated in, the immediate rescue, emergency response, apprehension of the suspect, or preservation of life during a qualifying criminal offense.
3. The qualifying criminal offense involved:
 - (a) First Degree Murder;
 - (b) Second Degree Murder;
 - (c) Manslaughter;
 - (d) Attempted First or Second-Degree Murder;
 - (e) Aggravated Assault resulting in serious physical injury or involving the discharge or use of a deadly weapon;
 - (f) Any offense designated by Arizona law as a Dangerous Offense involving death or serious physical injury to another person.
4. The peace officer sustained a clinically diagnosable mental injury or condition that was directly and proximately caused by the defendant’s criminal conduct, and not by the ordinary hazards, cumulative stress, or routine duties associated with employment in law enforcement.
5. The injury resulted from the officer’s direct sensory perception of the criminal offense or the officer’s immediate participation in the rescue or emergency response arising directly from that offense.
6. The diagnosis shall be made by a licensed psychiatrist or licensed psychologist who concludes, to a reasonable degree of professional certainty, that:
 - (a) the mental injury was directly and proximately caused by the defendant’s criminal conduct;
 - (b) the injury resulted from the officer’s direct exposure to the qualifying criminal offense; and
 - (c) the condition substantially impairs the officer’s occupational, social, or daily functioning.
7. Upon motion, the superior court shall determine whether the officer satisfies this subsection after notice to all parties and an opportunity to be heard.

SECTION 4. LIMITATIONS

Nothing contained in this Act shall:

1. Create a civil cause of action.

2. Create automatic eligibility for workers' compensation benefits.
3. Create automatic eligibility for disability retirement or pension benefits.
4. Create automatic entitlement to monetary damages.
5. Modify the elements of any criminal offense.
6. Expand criminal liability.
7. Apply to cumulative occupational stress, generalized anxiety, burnout, compassion fatigue, or other conditions not directly and proximately caused by a specific qualifying criminal offense.
8. Apply to officers whose knowledge of the offense is based solely upon reports, recordings, photographs, body-worn camera review, investigation after the event, or other indirect exposure.
9. Diminish or impair the constitutional or statutory rights of any other crime victim.

SECTION 5. CONFIDENTIALITY

Psychological evaluations and medical records submitted pursuant to this section shall remain confidential and shall be disclosed only as authorized by law or by order of the court.

SECTION 6. SEVERABILITY

If any provision of this Act or its application is held invalid, the invalidity does not affect any remaining provisions or applications that can be given effect without the invalid provision.

SECTION 7. EFFECTIVE DATE

This Act becomes effective on the general effective date prescribed by law.

LEGISLATIVE PURPOSE

The purpose of this Act is to recognize the extraordinary circumstance in which a peace officer sustains a severe, clinically diagnosable psychological injury directly and proximately caused by violent criminal conduct while immediately responding to that offense.

This Act is intended to provide access to Arizona's existing victims' rights protections in narrowly defined circumstances. It is not intended to create a new cause of action, expand criminal liability, or recognize ordinary occupational stress as a qualifying injury.

Proposed Constitutional Amendment/Narrow Redefinition:

PROPOSED CONSTITUTIONAL AMENDMENT OR NARROW REDEFINITION

Arizona Constitution

Article II, Section 2.1

Victims' Bill of Rights

Proposed Concurrent Resolution

A CONCURRENT RESOLUTION

Proposing an amendment or redefinition to Article II, Section 2.1 of the Constitution of Arizona; relating to victims' rights.

Be it resolved by the Legislature of the State of Arizona:

The following proposed amendment to the Constitution of Arizona is submitted to the voters of Arizona pursuant to Article XXI of the Arizona Constitution.

SECTION 1.

Article II, Section 2.1, Constitution of Arizona, is amended by adding subsection (L) as follows:

(L)

Notwithstanding any other provision of this Constitution, the Legislature may provide by law that a peace officer shall be recognized as a victim for purposes of this section if all the following apply:

1. The peace officer was acting within the lawful course and scope of official duties.
2. The peace officer was physically present during, or directly participated in, the immediate rescue, emergency response, preservation of life, or apprehension of the offender arising from a qualifying criminal offense.
3. The peace officer sustained a clinically diagnosable mental injury or condition that was directly and proximately caused by the defendant's criminal conduct.
4. The injury is established through competent medical evidence provided by a licensed psychiatrist or licensed psychologist.

5. The injury resulted in substantial impairment of the peace officer's occupational, social, or daily functioning.
6. The Legislature shall prescribe by law the procedures governing judicial determination of eligibility under this subsection.

(M)

Nothing contained in subsection (L) shall:

1. Diminish or impair the constitutional rights of any other victim.
2. Expand the elements of any criminal offense.
3. Create a civil cause of action.
4. Create automatic entitlement to monetary damages, retirement benefits, disability benefits, or workers' compensation benefits.
5. Apply to ordinary occupational stress, cumulative stress, burnout, or indirect exposure to criminal conduct.
6. Be construed to recognize a peace officer as a victim unless the mental injury was directly and proximately caused by the criminal conduct giving rise to the prosecution.

Statement of Purpose

The purpose of this amendment is to authorize the Legislature to recognize, in narrowly defined circumstances, peace officers who sustain severe psychological injuries directly resulting from violent criminal conduct while performing official duties.

The amendment recognizes that modern medical science has established that psychological injuries may be permanent and disabling while preserving the existing rights afforded to victims under Arizona law.

Nothing in this amendment expands criminal liability, creates new criminal offenses, or diminishes the constitutional protections afforded to existing victims.

Legislative Intent

The people of Arizona declare that this amendment shall be interpreted narrowly.

The amendment is intended to apply only in extraordinary cases involving severe psychological injury directly and proximately caused by violent criminal conduct.

The amendment shall not be interpreted to include generalized occupational stress, cumulative employment-related trauma, or conditions unrelated to the defendant's criminal acts.

The Legislature retains authority to establish reasonable procedures, evidentiary standards, and judicial review necessary to implement this section.

Section By Section Analysis:

SECTION-BY-SECTION ANALYSIS

The Invisible Wounds Victims' Rights Act

Purpose of the Legislation

The Invisible Wounds Victims' Rights Act is intended to provide a narrowly tailored process by which a peace officer who sustains a clinically diagnosable mental injury, directly and proximately caused by a defendant's criminal conduct, may be recognized as a victim for the limited purpose of Arizona's Victims' Bill of Rights.

The legislation does not expand criminal liability, create new criminal offenses, increase criminal penalties, establish employment benefits, or create civil causes of action. Instead, it provides a carefully defined mechanism for recognizing extraordinary circumstances in which violent criminal conduct causes a severe psychological injury to a responding peace officer.

Section 1 – Short Title

This section designates the legislation as The Invisible Wounds Victims' Rights Act.

A short title provides an identifiable name for the legislation and reflects its purpose of recognizing serious psychological injuries that may not be physically visible but are directly caused by criminal conduct.

Section 2 – Legislative Findings

This section explains the Legislature's reasons for enacting the bill.

The findings recognize that:

- Arizona has a longstanding commitment to protecting crime victims.
- Modern medical science recognizes that traumatic criminal events may produce permanent psychological injuries.
- Peace officers may, in extraordinary circumstances, sustain clinically diagnosable mental injuries directly caused by a defendant's criminal conduct.
- The legislation is intended to address only those rare circumstances while preserving the rights of existing crime victims.

These findings provide guidance to courts when interpreting legislative intent.

Section 3 – Amendment to A.R.S. § 13-4401

This section creates a narrowly defined process under which a peace officer may qualify for victim status.

Eligibility requires all the following:

- The officer was acting within the lawful course and scope of official duties.
- The officer was physically present during the qualifying criminal offense or directly participated in the immediate rescue, preservation of life, emergency response, or apprehension arising from that offense.
- The officer sustained a clinically diagnosable mental injury.
- The injury was directly and proximately caused by the defendant's criminal conduct.
- The injury was not the result of ordinary occupational stress, cumulative stress, burnout, or the routine hazards associated with law enforcement employment.
- The injury is supported by competent medical evidence from a licensed psychiatrist or licensed psychologist.
- A court determines that the statutory requirements have been satisfied after notice and an opportunity to be heard.

This section establishes a high evidentiary threshold to ensure that only extraordinary cases qualify.

Section 4 – Limitations

This section defines what the legislation does not accomplish.

Specifically, it does not:

- Create a civil lawsuit.
- Expand workers' compensation.
- Expand pension or disability benefits.
- Increase criminal penalties.
- Create new criminal offenses.
- Modify the elements of existing crimes.
- Recognize cumulative occupational stress as a qualifying injury.
- Recognize indirect exposure, including reviewing reports, recordings, photographs, or bodyworn camera footage after the incident.
- Reduce or interfere with the constitutional or statutory rights of any existing crime victim.

These limitations reinforce the narrow purpose of the legislation.

Section 5 – Confidentiality

This section protects the confidentiality of mental health evaluations and treatment records submitted to establish eligibility.

The provision recognizes the sensitive nature of psychological treatment while permitting disclosure only as authorized by law or by court order.

Section 6 – Severability

This section provides that if any portion of the Act is declared invalid, the remaining provisions continue in effect whenever possible.

Including a severability clause helps preserve the remainder of the legislation if a single provision is successfully challenged.

Section 7 – Effective Date

This section provides that the legislation becomes effective on the general effective date prescribed by Arizona law unless otherwise specified by the Legislature.

Overall Effect of the Legislation

If enacted, the legislation would establish a narrowly tailored legal process allowing a peace officer to seek recognition as a victim when the officer demonstrates that:

- A qualifying violent criminal offense occurred.
- The officer was physically present or immediately involved in the emergency response to that offense.
- The officer sustained a clinically diagnosable mental injury.
- The injury was directly and proximately caused by the defendant's criminal conduct.
- The injury is supported by competent medical evidence.
- A court determines that all statutory requirements have been met.

The legislation is intended to recognize only extraordinary circumstances and is not designed to address ordinary occupational stress, employment benefits, or generalized mental health conditions.

Summary

The Invisible Wounds Victims' Rights Act preserves Arizona's existing Victims' Bill of Rights while creating a limited, carefully defined pathway for recognizing peace officers who sustain severe, clinically diagnosable mental injuries directly and proximately caused by violent criminal conduct.

By requiring direct exposure, competent medical evidence, judicial review, and a clear causal connection between the defendant's criminal conduct and the officer's injury, the legislation maintains a narrow scope and protects the integrity of Arizona's victims' rights framework.

This document completes the explanatory portion of the package and is the type of summary often used by legislative staff when preparing committee materials.

Comparative Research:

COMPARATIVE RESEARCH

National Survey of Laws Addressing Psychological Injuries to Peace Officers The

Invisible Wounds Victims' Rights Act

Executive Summary

Research conducted in preparation for this proposal found no state that expressly recognizes a peace officer as a crime victim under a state's constitutional or statutory victims' rights laws solely because the officer sustained a severe, clinically diagnosable mental injury while responding to a criminal offense.

Numerous states have expanded workers' compensation, disability, and line-of-duty protections for first responders who sustain clinically diagnosable mental injuries resulting from traumatic events encountered in the course of their duties. These laws reflect a growing legislative recognition that psychological injuries may be permanent, disabling, and directly attributable to traumatic criminal violence.

The Invisible Wounds Victims' Rights Act addresses a different legal issue. Rather than expanding employment benefits, it proposes limited access to Arizona's existing victims' rights protections when a peace officer sustains a qualifying mental injury that is directly and proximately caused by a defendant's criminal conduct.

Arizona

Arizona has long been recognized as a national leader in protecting the rights of crime victims through Article II, Section 2.1 of the Arizona Constitution and Title 13, Chapter 40 of the Arizona Revised Statutes.

Arizona law provides numerous employment protections and benefits for peace officers injured in the line of duty. However, no current statute or constitutional provision expressly recognizes a peace officer as a victim when the officer sustains a clinically diagnosable mental injury directly and proximately caused by violent criminal conduct.

This proposal is intended to address that limited circumstance while preserving the existing rights of all other crime victims.

Florida

Florida has enacted one of the nation's most comprehensive mental injury statutes for first responders.

Florida law recognizes qualifying trauma-related mental injuries as compensable occupational injuries for certain first responders following specified traumatic events. Eligibility requires diagnosis by a licensed psychiatrist and is limited to clearly defined circumstances.

Florida's law concerns workers' compensation and employment benefits. It does not address crime victims' rights or participation in criminal proceedings.

Ohio

Ohio established the State Post-Traumatic Stress Fund to provide financial assistance for qualifying public safety officers disabled by trauma-related mental injuries sustained in the course of employment.

The fund assists eligible law enforcement officers, firefighters, and emergency medical personnel through employment-related benefits. It does not recognize qualifying officers as victims within criminal prosecutions.

Federal Law

Federal law has increasingly recognized clinically diagnosable mental injuries and trauma-related conditions suffered by public safety officers under the Public Safety Officers' Benefits Program.

Congress has acknowledged that direct exposure to traumatic criminal events may result in serious psychological injury even in the absence of a physical wound. Those provisions relate to federal death and disability benefits and do not establish crime victim status.

National Legislative Trends

Across the United States, legislatures have increasingly recognized that exposure to violent criminal events may produce permanent and disabling mental injuries.

Many states now allow first responders to seek workers' compensation or disability benefits for qualifying mental injuries without requiring an accompanying physical injury. These reforms demonstrate an evolving understanding of psychological trauma while remaining focused on employment benefits.

To date, however, no state appears to have enacted legislation recognizing a peace officer as a crime victim solely because the officer sustained a clinically diagnosable mental injury directly resulting from a defendant's criminal conduct.

How This Proposal Differs

The Invisible Wounds Victims' Rights Act does not expand workers' compensation, disability retirement, pension benefits, or employment protections.

Instead, it presents a distinct legal question:

Should a peace officer who sustains a clinically diagnosable mental injury, directly and proximately caused by a defendant's violent criminal conduct while physically present and immediately responding to that crime, be afforded the limited procedural protections available to crime victims under Arizona law?

This proposal does not create a new criminal offense, increase criminal penalties, or expand civil liability.

Rather, it recognizes that in extraordinary circumstances, a defendant's criminal conduct may inflict a severe mental injury upon a responding peace officer that is separate from the ordinary risks inherent in law enforcement service.

Why This Matters

Arizona has historically been at the forefront of protecting crime victims.

The Invisible Wounds Victims' Rights Act would continue that tradition by recognizing advances in modern medical science while maintaining a narrowly tailored and carefully defined eligibility standard.

Eligibility would require all the following:

- A qualifying violent criminal offense.
- The peace officer's physical presence at the scene or immediate participation in the rescue, preservation of life, or apprehension arising directly from the offense.
- A clinically diagnosable mental injury directly and proximately caused by the defendant's criminal conduct.
- Medical confirmation by a licensed psychiatrist or licensed psychologist.
- A judicial determination of eligibility after notice and an opportunity to be heard.
- Proof that the injury resulted from the defendant's criminal conduct rather than the ordinary hazards, cumulative stress, or routine duties associated with law enforcement employment.

These safeguards distinguish the proposal from broader occupational mental health legislation and preserve the limited purpose of Arizona's Victims' Bill of Rights.

Conclusion

The Invisible Wounds Victims' Rights Act does not ask Arizona to redefine occupational injury or expand employee benefits.

Instead, it asks a narrowly focused legal question:

When a defendant's violent criminal conduct directly and proximately causes a severe, clinically diagnosable mental injury to a peace officer who is physically present and immediately responding to that crime, should that officer be eligible for limited victims' rights protections within Arizona's criminal justice system?

Existing research indicates that no state has squarely addressed this question through its constitutional or statutory victims' rights framework.

Arizona has the opportunity to carefully consider whether such extraordinary circumstances warrant limited recognition while preserving the rights of all existing crime victims and maintaining the narrow purpose of the Victims' Bill of Rights.

Fiscal Impact Statement:

FISCAL IMPACT STATEMENT

The Invisible Wounds Victims' Rights Act

Executive Summary

The Invisible Wounds Victims' Rights Act is expected to have a minimal fiscal impact on the State of Arizona.

The proposed legislation does not create a new state program, establish a compensation fund, expand workers' compensation benefits, provide disability benefits, create new criminal offenses, increase criminal penalties, or authorize monetary damages.

Because the legislation creates only a limited process by which a qualifying peace officer may seek recognition as a victim under narrowly defined circumstances, any fiscal impact is expected to be infrequent and primarily administrative in nature.

Judicial Impact

The legislation authorizes the superior court to determine whether a peace officer satisfies the statutory eligibility requirements when the issue is contested.

Potential judicial costs may include:

- Scheduling and conducting limited evidentiary hearings.
- Reviewing medical documentation submitted by the parties.
- Issuing written findings regarding statutory eligibility.

Because the legislation establishes a high evidentiary threshold and applies only to extraordinary circumstances, the number of qualifying cases is expected to be very limited.

Accordingly, any additional judicial workload is expected to be minimal and capable of being absorbed within existing court resources.

Prosecutorial Impact

County attorneys and prosecutors may experience limited administrative responsibilities associated with:

- Receiving notice of an officer's request for victim recognition.

- Participating in eligibility hearings when necessary.
- Providing victim notifications if eligibility is established.

These responsibilities are expected to occur infrequently and can generally be incorporated into existing victim services and prosecution functions.

No additional prosecutorial staffing requirements are anticipated.

Law Enforcement Impact

The legislation does not impose new investigative duties upon law enforcement agencies.

Departments may receive requests to verify an officer's assignment, presence at the qualifying incident, or participation in the emergency response.

Such requests are expected to involve existing records and are not anticipated to require additional personnel or funding.

Medical Evaluation

The legislation requires a diagnosis by a licensed psychiatrist or licensed psychologist.

The Act does not require the State of Arizona to provide or pay for mental health evaluations or treatment.

Any evaluation would ordinarily occur through existing medical, employment, insurance, retirement, or private healthcare systems unless otherwise authorized by law.

Victim Services

The legislation does not create new victim compensation benefits or expand eligibility for financial assistance programs.

If an officer is determined to qualify as a victim under the Act, the officer would receive the same procedural rights afforded to other victims under existing Arizona law.

Because the anticipated number of qualifying cases is expected to be extremely small, any increase in victim services workload is expected to be minimal.

State Agencies

The legislation does not require:

- Creation of a new state agency.
- Creation of a new regulatory program.
- Additional licensing requirements.
- New grant funding.
- New appropriations.
- Additional employee positions.

Implementation would occur through existing governmental structures.

Local Government Impact

Cities, towns, counties, and law enforcement agencies are not expected to incur significant new costs.

Any administrative responsibilities would primarily involve providing existing records or participating in limited judicial proceedings.

Estimated Fiscal Impact

Because eligibility is limited to rare and extraordinary circumstances, the precise number of qualifying cases cannot be estimated.

However, the Legislature should expect:

- No significant General Fund expenditure.
- No new recurring appropriations.
- No increase in criminal incarceration costs.
- No increase in correctional expenditures.
- No measurable impact on state revenues.

Any administrative costs associated with judicial review are expected to be infrequent and absorbable within existing governmental operations.

Long-Term Fiscal Considerations

The Act creates no ongoing entitlement program and establishes no continuing financial obligation on the State.

Future fiscal effects are expected to remain limited because:

- Eligibility standards are intentionally narrow.
- Medical documentation is required.
- Judicial review is mandatory.
- The injury must be directly and proximately caused by the defendant's criminal conduct.
- Ordinary occupational stress and cumulative trauma are expressly excluded.

Conclusion

The Invisible Wounds Victims' Rights Act is expected to have a minimal and indeterminate fiscal impact.

The legislation creates a narrowly tailored legal procedure rather than a financial benefits program. Any additional governmental workload is expected to be infrequent, administrative in nature, and manageable within existing resources.

Accordingly, no significant fiscal impact on the State of Arizona or its political subdivisions is anticipated.

One suggestion that may make this section even stronger when you present it to legislators is to include a one-page Legislative Budget Summary immediately after it. That summary could simply state:

- General Fund Impact: None anticipated.
- Local Government Impact: Minimal.
- New State Employees Required: None.
- New Programs Created: None.
- Recurring Appropriations: None.
- Expected Caseload: Rare, case-specific judicial determinations only.

Legislative Budget Summary:

LEGISLATIVE BUDGET SUMMARY The Invisible Wounds Victims' Rights Act Fiscal Overview

General Fund Impact: None anticipated.

The proposed legislation does not establish a new state-funded program, create a compensation fund, authorize monetary benefits, or require additional appropriations from the State General Fund.

Local Government Impacts: Minimal.

Local governments may incur limited administrative responsibilities associated with providing existing records or participating in occasional judicial proceedings. These responsibilities are expected to be absorbed within existing operations.

Judicial Impact: Minimal and infrequent.

Superior courts may conduct limited evidentiary hearings to determine whether an applicant satisfies the statutory eligibility requirements.

Because the legislation establishes strict eligibility criteria and applies only to extraordinary circumstances, the anticipated number of hearings is expected to be very small.

Prosecutorial Impact: Minimal.

County Attorneys may participate in eligibility hearings and provide procedural victim notifications when applicable.

No additional prosecutorial staffing is anticipated.

Law Enforcement Agencies: No significant fiscal impact.

The legislation does not require new investigations, reporting systems, or personnel.

Agencies may provide existing incident reports, assignment records, or other documentation already maintained in the ordinary course of business.

Victim Services: Minimal.

The legislation expands no financial benefits.

Eligible officers would receive only those procedural rights already available under Arizona's Victims' Bill of Rights.

Because qualifying cases are expected to be rare, any increase in victim services workload is anticipated to be negligible.

New Programs Created: None.

The legislation does not establish:

- A new state agency.
- A grant program.
- A compensation fund.
- A disability program.
- A retirement benefit.
- A workers' compensation benefit.
-

New State Employees Required: None anticipated.

Implementation is expected to occur through existing personnel and governmental resources.

Recurring Appropriations: None anticipated.

The legislation requires no ongoing appropriations or dedicated funding source.

Estimated Number of Cases: Expected to be rare.

Eligibility requires all the following:

- A qualifying violent criminal offense.
- Direct physical presence or immediate emergency response.
- A clinically diagnosable mental injury.
- Proof that the injury was directly and proximately caused by the defendant's criminal conduct.
- Independent medical documentation.
- Judicial determination of eligibility.

These requirements substantially limit the number of qualifying cases.

Fiscal Risk Assessment: Low.

The Act creates a limited judicial determination process rather than a new benefits program. Because no monetary entitlements are created, long-term fiscal exposure to the State is expected to remain minimal.

Budget Summary at a Glance

Category	Estimated Impact
State General Fund	None Anticipated
Local Government	Minimal
Courts	Minimal
County Attorneys	Minimal
Law Enforcement Agencies	Minimal
Victim Services	Minimal
New State Employees	None
New Programs	None
Recurring Appropriations	None
Long-Term Fiscal Risk	Low

Fiscal Conclusion:

The Invisible Wounds Victims' Rights Act is not a financial benefits program. It creates a narrowly tailored legal process through which a peace officer may seek recognition as a victim under extraordinary circumstances involving a clinically diagnosable mental injury directly and proximately caused by a defendant's criminal conduct.

Because eligibility is intentionally limited and implementation occurs within existing governmental systems, the legislation is expected to have minimal and indeterminate fiscal impact with no significant effect on the State General Fund.

I think this is a valuable addition to the package. It gives a legislator or committee member a concise fiscal snapshot while the more detailed Fiscal Impact Statement provides the supporting analysis. Together, they make it easier for someone reviewing the proposal to quickly understand both the expected costs and why those costs are expected to be limited.

Objections/Responses:

RESPONSES TO ANTICIPATED OBJECTIONS

The Invisible Wounds Victims' Rights Act

Purpose

The purpose of this document is to address common questions and concerns that may arise during legislative consideration of The Invisible Wounds Victims' Rights Act.

The proposal is intentionally narrow and is designed to preserve Arizona's existing Victims' Bill of Rights while recognizing extraordinary circumstances in which a peace officer sustains a clinically diagnosable mental injury directly and proximately caused by a defendant's criminal conduct.

Objection 1

"This is really a PTSD bill."

Response

No.

The legislation does not recognize a particular diagnosis.

Instead, it applies only to a clinically diagnosable mental injury or condition that:

- is directly and proximately caused by the defendant's criminal conduct;
- is supported by competent medical evidence from a licensed psychiatrist or licensed psychologist; and
- satisfies all statutory eligibility requirements.

PTSD is one possible diagnosis, but it is not the legal standard established by the bill.

Objection 2

"Police officers already assume these risks when they take the job."

Response

Peace officers knowingly accept dangerous work. However, accepting occupational risk does not mean forfeiting legal recognition when a defendant's criminal conduct causes a severe injury.

Arizona law already recognizes that officers who are physically injured by criminal acts may have legal rights arising from those injuries. This proposal asks whether, in extraordinary circumstances, a severe mental injury directly and proximately caused by the same criminal conduct should receive limited procedural recognition as well.

The bill does not eliminate the inherent risks of policing; it addresses the legal consequences of criminal conduct.

Objection 3

"This could open the floodgates."

Response

The legislation contains multiple safeguards specifically designed to prevent that result.

An applicant must prove:

- a qualifying violent criminal offense;
- physical presence or immediate participation in the emergency response;
- a clinically diagnosable mental injury;
- direct and proximate causation by the defendant's criminal conduct;
- independent medical documentation; and
- judicial approval after notice and an opportunity to be heard.

These requirements intentionally limit eligibility to rare and extraordinary cases.

Objection 4

"How do we know the injury was caused by this crime and not years of police work?" Response

The legislation requires proof of causation.

The court must determine, based on competent medical evidence, that the qualifying injury was directly and proximately caused by the defendant's criminal conduct—not by cumulative occupational stress, burnout, or the ordinary demands of law enforcement.

The burden of proof rests with the applicant.

Objection 5

“Won’t this diminish the rights of traditional crime victims?”

Response No.

The legislation expressly provides that it may not diminish, impair, delay, or interfere with the constitutional or statutory rights of any existing crime victim.

The bill expands no criminal penalties and creates no hierarchy among victims.

Its purpose is limited to recognizing a narrow class of qualifying injuries while preserving the rights already guaranteed under Arizona law.

Objection 6

“Why should only peace officers be included?”

Response

The proposal begins with peace officers because they routinely respond directly to violent criminal conduct and because the proposal arose from a specific policy question concerning law enforcement.

The Legislature may later determine whether similar legislation should be considered for other first responders.

Beginning with a narrowly defined group allows lawmakers to evaluate the proposal on a limited basis.

Objection 7

“Won’t this cost taxpayers money?”

Response

The fiscal impact is expected to be minimal.

The legislation:

- creates no compensation program;
- requires no new appropriations;
- establishes no disability benefits;
- creates no pension benefits;
- creates no workers' compensation benefits; and • creates no civil liability.

The only anticipated governmental costs involve occasional judicial review and routine administrative responsibilities, which are expected to be absorbed within existing resources.

Objection 8

"Will defendants lose any constitutional rights?"

Response

No.

The legislation does not alter:

- the presumption of innocence;
- the burden of proof in criminal prosecutions;
- the right to counsel;
- confrontation rights;
- discovery obligations; or
- any constitutional protections afforded to criminal defendants.

The proposal affects only the procedural recognition of a qualifying peace officer under Arizona's victims' rights laws.

Objection 9

"Why require court approval?"

Response

Judicial review protects the integrity of the Victims' Bill of Rights.

Rather than allowing automatic recognition, the legislation requires a neutral judge to determine whether every statutory requirement has been satisfied.

This process protects the interests of victims, defendants, prosecutors, and the public.

Objection 10

“Does this create a precedent for expanding victim status indefinitely?” Response

The proposal is intentionally drafted to avoid that result.

Eligibility is limited by:

- qualifying offenses;
- direct physical presence;
- immediate emergency response;
- medical diagnosis;
- direct and proximate causation;
- judicial review; and
- express statutory exclusions for ordinary occupational stress and indirect exposure.

Any future expansion would require separate legislative action and would not occur automatically.

Objection 11

“Existing victims’ rights were created for people against whom crimes were committed.” Response

That principle remains central to Arizona law, and this proposal does not seek to replace it.

Instead, the proposal asks whether, in the rare circumstance where a defendant’s violent criminal conduct directly and proximately causes a severe, clinically diagnosable mental injury to a peace officer who is physically present and immediately responding to the crime, limited procedural victim recognition is appropriate.

The bill preserves the rights of traditional victims while providing a carefully defined mechanism for addressing an exceptional circumstance.

Objection 12

“Why is this necessary?”

Response

Modern medicine recognizes that violent criminal conduct can inflict profound psychological injury, just as it can inflict physical injury.

Arizona has long been a national leader in protecting crime victims. This proposal reflects that tradition by asking whether a narrowly defined class of severe mental injuries—directly and proximately caused by a defendant’s criminal conduct—should also receive limited procedural recognition within Arizona’s criminal justice system.

The legislation does not seek special treatment for peace officers. Rather, it seeks recognition that, in extraordinary cases, criminal conduct can inflict a serious injury on a responding officer that extends beyond the ordinary hazards of public service.

Conclusion

The Invisible Wounds Victims’ Rights Act is intentionally narrow, medically grounded, and legally structured to preserve Arizona’s existing Victims’ Bill of Rights while addressing an issue not squarely addressed by current law.

By requiring direct exposure, proof of causation, competent medical evidence, and judicial review, the proposal balances compassion, accountability, due process, and fiscal responsibility. It invites a careful policy discussion about whether Arizona should recognize a limited class of peace officers as victims when a defendant’s criminal conduct directly and proximately causes a severe psychological injury.

FAQ:

FREQUENTLY ASKED QUESTIONS (FAQ)

The Invisible Wounds Victims' Rights Act

What is the purpose of this legislation?

The Invisible Wounds Victims' Rights Act creates a narrowly tailored legal process through which a peace officer may be recognized as a victim under Arizona law when the officer sustains a clinically diagnosable mental injury directly and proximately caused by a defendant's violent criminal conduct.

The bill recognizes only extraordinary circumstances and does not alter Arizona's existing Victims' Bill of Rights for other victims.

Is this a PTSD bill?

No.

The legislation is not limited to any single diagnosis, including Post-Traumatic Stress Disorder (PTSD).

Instead, it applies to any clinically diagnosable mental injury or condition that is directly and proximately caused by a defendant's criminal conduct and is supported by competent medical evidence.

Does this create new monetary benefits?

No.

The legislation does not create:

- Workers' compensation benefits.
- Disability retirement benefits.
- Pension benefits.
- Crime victim compensation payments.
- Civil damages.
- State-funded treatment programs.

Its purpose is limited to procedural victims' rights within Arizona's criminal justice system.

Does this create a new criminal offense?

No.

The legislation does not create any new crime, increase criminal penalties, or expand criminal liability.

Will every peace officer qualify?

No.

Eligibility is intentionally limited.

An officer must demonstrate all statutory requirements, including:

- Direct involvement in a qualifying violent criminal offense.
- Physical presence during the incident or immediate emergency response.
- A clinically diagnosable mental injury.
- Proof that the injury was directly and proximately caused by the defendant's criminal conduct.
- Medical documentation from a licensed psychiatrist or licensed psychologist.
- A judicial determination that all legal requirements have been satisfied.

Does this apply to ordinary job stress?

No.

The legislation specifically excludes:

- Ordinary occupational stress.
- Burnout.
- Compassion fatigue.
- Generalized anxiety related to employment.
- Cumulative stress over the course of a career.
- Indirect exposure, including reviewing reports, recordings, photographs, or body-worn camera footage after the incident.

Only extraordinary injuries directly caused by a qualifying criminal offense are eligible.

Why require a judicial determination?

Judicial review protects the integrity of Arizona's Victims' Bill of Rights.

A court must determine whether every statutory requirement has been satisfied before victim status may be recognized under the Act.

This ensures consistency, fairness, and due process for all parties.

Why require a licensed psychiatrist or psychologist?

Psychological injuries cannot be reliably determined through self-report alone.

Independent medical documentation helps ensure that only legitimate, clinically diagnosable injuries qualify under the Act.

Why is “directly and proximately caused” included?

This language establishes a clear legal standard for causation.

It ensures that the qualifying mental injury resulted from the defendant’s criminal conduct rather than from the ordinary risks associated with law enforcement employment.

The requirement also helps distinguish this proposal from employment-related mental health claims.

Why require physical presence?

Physical presence significantly limits eligibility.

The legislation is intended to recognize officers who directly experienced or immediately responded to violent criminal conduct—not officers whose exposure occurred later through investigation or review of evidence.

Does this reduce the rights of existing crime victims?

No.

The legislation expressly provides that it may not diminish, impair, or interfere with the constitutional or statutory rights of any other victim.

Protecting existing victims’ rights remains a central principle of the proposal.

Why are only peace officers included?

The proposal is intentionally narrow.

Beginning with peace officers allows the Legislature to evaluate the concept in a limited context before considering whether similar protections should apply to other first responders.

Why not simply rely on workers' compensation or disability benefits?

Workers' compensation and disability systems address employment benefits.

This legislation addresses an entirely different question: whether a peace officer who sustains a severe mental injury directly caused by a defendant's criminal conduct should have access to limited procedural rights during the criminal justice process.

The bill does not replace or expand employment benefits.

How many officers are expected to qualify?

Very few.

The legislation establishes multiple safeguards that significantly limit eligibility, including:

- A qualifying violent criminal offense.
- Direct physical presence or immediate emergency response.
- A clinically diagnosable mental injury.
- Independent medical evidence.
- Proof that the injury was directly and proximately caused by the defendant's criminal conduct.
- Judicial review.

These requirements are intended to ensure that only exceptional cases qualify.

Why is Arizona considering this proposal?

Arizona has long been a national leader in protecting the rights of crime victims.

This proposal asks whether, in narrowly defined and extraordinary circumstances, a peace officer who suffers a severe, clinically diagnosable mental injury directly caused by a defendant's criminal conduct should also receive limited procedural protections within the criminal justice system.

It is a question of victim recognition—not employment benefits.

What makes this proposal different from laws in other states?

Many states recognize mental injuries for workers' compensation, disability retirement, or employment-related benefits.

Research has not identified another state that expressly recognizes a peace officer as a crime victim under a constitutional or statutory victims' rights framework based upon a clinically diagnosable mental injury directly and proximately caused by a defendant's criminal conduct.

The Invisible Wounds Victims' Rights Act addresses that unique legal question while maintaining strict eligibility standards and preserving the rights of all existing victims.