

**Appendix A: Proposed Amendments to the Criminal Rules**

Deletions are shown with ~~strikethrough~~. Additions are shown with underline

## **PART I. GENERAL PROVISIONS**

### **RULE 1. SCOPE, PURPOSE AND CONSTRUCTION, AND OTHER GENERAL PROVISIONS**

**Rule 1.1. Scope.** [no change]

**Rule 1.2. Purpose and Construction.** [no change]

#### **Rule 1.3. Computation of Time**

~~(a) **General Time Computation.** When computing any time period more than 24 hours prescribed by these rules, by court order, or by an applicable statute, the following rules apply:~~

~~(1) *Day of the Event.* Exclude the day of the act or event from which the designated time period begins to run.~~

~~(2) *Last Day.* Include the last day of the period, unless it is a Saturday, Sunday or legal holiday, in which case the period ends on the next day that is not a Saturday, Sunday, or legal holiday.~~

~~(3) *Time Period Less Than 7 Days.* If the time period is less than 7 days, exclude intermediate Saturdays, Sundays and legal holidays from the computation.~~

~~(4) *Next Day.* The “next day” is determined by counting forward when the period is measured after an event, and backward when measured before an event.~~

~~(5) *Additional Time After Service.* If a party may or must act within a specified time after service and service is made under a method authorized by Rule 1.7(c)(2)(C), (D), or (E), 5 calendar days are added after the specified time period would otherwise expire under (a)(1) (4), except as provided in Rule 31.3(d). This provision does not apply to the clerk's distribution of notices, minute entries, or other court generated documents.~~

~~(b) **If an Arraignment Is Not Held.** If an arraignment is not held under Rule 14.5, the date of arraignment for the purpose of computing time is the date the defendant receives notice of the next court date under Rule 5.8.~~

~~(c) **Entry.** A court order is entered when the clerk files it.~~

### **Rule 1.3. Victim Participation**

Although a victim is not a party in a criminal proceeding, a victim has a right to participate in the proceeding pursuant to the rights provided by law, including rights detailed in Rule 39 and in section (v) provisions (“victims’ rights”) of these rules.

#### **COMMENT TO THE 2023 AMENDMENT**

The Court adopted Rule 1.3 and section (v) provisions of these rules to give victims’ rights more prominence in the Criminal Rules. Integrating victims’ rights contained in Rule 39 into these rules is an attempt to assure that victims, judges, and attorneys are aware of those rights, and that victims’ rights are not overlooked. Rule 1.3 and the section (v) provisions are not intended to conflict with victims’ rights provided in Rule 39.

Some of these rules refer to a victim requesting rights. See AZ Const. art. II, § 2.1(A)(2) & (3); and A.R.S. § 13-4401, et seq. Before conviction, a victim requests rights by completing and submitting a form to the agency or the investigating law enforcement agency that is responsible for providing notice to the victim. The form must include the victim’s current telephone number and address. If the victim fails to keep that telephone number and address current, the request for notice is deemed withdrawn. See A.R.S. § 13-4417. After conviction, the prosecutor provides the victim with information about requesting notice of post-conviction and appellate proceedings. See A.R.S. § 13-4411. Requesting pre-conviction and post-conviction notice is optional, and a victim who does not request notice still has a right to be present and to be heard at all criminal proceedings at which the defendant has a right to be present.

### **Rule 1.4. Definitions**

(a) through (g). [no change]

**(v) Victims’ Rights.** “Victim” means a person or entity against whom the criminal offense has been committed or a representative who is designated or appointed to act on their behalf. If the person against whom the offense was committed was killed or incapacitated, “victim” includes the person’s spouse, parent, child, grandparent, or sibling, or another individual specified in A.R.S. § 13-4401, unless that person is in custody or is the accused.

### **Rule 1.5. Interactive Audiovisual System**

(a) **Generally.** [no change]

**(b) Requirements.** If an interactive audiovisual system is used:

- (1) [no change]
- (2) [no change]
- (3) provisions must be made to:
  - (A) allow for confidential communications between the defendant and defendant's counsel before, during, and immediately after the proceeding;
  - ~~(B) allow a victim a means to view and participate in the proceedings and ensure compliance with all victims' rights laws;~~
  - (B) allow the public a means to view the proceedings consistent with applicable law; and
  - (C) allow for use of interpreter services when necessary and, if an interpreter is required, the interpreter must be present with the defendant absent compelling circumstances.

**(c) When a Defendant May Appear by Videoconference.** [no change]

**(v) Victims' Rights.**

- (1) An interactive audiovisual system must allow a victim a means to view and participate in the proceeding and ensure compliance with all victims' rights laws.
- (2) If the court reschedules a hearing under subpart (c)(4), the victim if requested must be notified of the rescheduled court date.

**Rule 1.6. Form of Documents** [no change]

**Rule 1.7. Filing and Service of Documents**

- (a) "Filing with the Court" Defined.** [no change]
- (b) Effective Date of Filing.** [no change]
- (c) Service of All Documents Required; Manner of Service.** [no change]

**(v) Victims' Rights.** When the victim is represented by an attorney, the certificate of service required by subpart (c)(3) must show that a copy of the filed document was

provided to the victim's attorney.

### **Rule 1.8. Clerk's Distribution of Minute Entries and Other Documents**

(a) **Generally.** [no change]

(b) **Electronic Distribution.** [no change]

(v) **Victims' Rights.** The clerk must include every victim's attorney who has filed a notice of appearance under Rule 6.3(v)(2) in the clerk's distributions of minute entries and other documents under sections (a) and (b).

### **Rule 1.9. Motions, Oral Argument, and Proposed Orders**

(a) **through (f).** [no change]

(v) **Victims' Rights.**

(1) In the Trial Court. A victim has standing to file motions that request the court to enforce any right guaranteed to victims, or that challenge an order denying any such right. A victim may file a reply concerning that motion. A victim may also file a response to a party's motion if the party's motion impacts a victim's right.

(2) Special Action. Under Rule 2(a)(2) of the Rules of Procedure for Special Actions, a victim may file a petition for special action seeking relief from an order affecting any victim's right guaranteed by law.

### **Rule 1.10. Computation of Time**

(a) **General Time Computation.** When computing any time period more than 24 hours prescribed by these rules, by court order, or by an applicable statute, the following rules apply:

(1) Day of the Event. Exclude the day of the act or event from which the designated time period begins to run.

(2) Last Day. Include the last day of the period, unless it is a Saturday, Sunday or legal holiday, in which case the period ends on the next day that is not a Saturday, Sunday, or legal holiday.

(3) Time Period Less Than 7 Days. If the time period is less than 7 days, exclude intermediate Saturdays, Sundays and legal holidays from the computation.

(4) Next Day. The "next day" is determined by counting forward when the period is measured after an event, and backward when measured before an event.

5) Additional Time After Service. If a party may or must act within a specified time after service and service is made under a method authorized by Rule 1.7(c)(2)(C), (D), or (E), 5 calendar days are added after the specified time period would otherwise expire under (a)(1)-(4), except as provided in Rule 31.3(d). This provision does not apply to the clerk's distribution of notices, minute entries, or other court-generated documents.

**(b) If an Arraignment Is Not Held.** If an arraignment is not held under Rule 14.5, the date of arraignment for the purpose of computing time is the date the defendant receives notice of the next court date under Rule 5.8.

**(c) Entry.** A court order is entered when the clerk files it.

**(v) Victims' Rights.** The time computation provisions of section (a) also apply to victims.

## **PART II. PRELIMINARY PROCEEDINGS**

**RULE 2. COMMENCEMENT OF CRIMINAL PROCEEDINGS** [no change]

**RULE 3. ARREST WARRANT OR SUMMONS UPON COMMENCEMENT OF CRIMINAL PROCEEDINGS** [no change]

**RULE 4. INITIAL APPEARANCE**

**Rule 4.1. Procedure upon Arrest**

**(a) Prompt Appearance Before a Magistrate.** [no change]

**(b) On Arrest Without a Warrant.** [no change]

**(c) On Arrest with a Warrant.** [no change]

**(d) Assurance of Availability of Magistrate and the Setting of a Time for Initial Appearance.** [no change]

**(e) Sample for DNA Testing; Proof of Compliance.** [no change]

**(v) Victims' Rights.** Upon request, the victim must be informed of the date, time, and place for the defendant's initial appearance in accordance with A.R.S. § 13-4406. The victim upon request must be notified of the defendant's release from custody at or after the initial appearance.

**Rule 4.2. Initial Appearance**

**(a) Generally.** At an initial appearance, a magistrate must:

(1) through (5) [no change]

~~(6) permit and consider any victim’s oral or written comments concerning the defendant’s possible release and conditions of release;~~

(7) through (11) [no change, except the subparts are renumbered following the deletion of subpart (a)(6)]

**(b) Felonies Charged by Complaint.** [no change]

**(c) Combining an Initial Appearance with an Arraignment.** If the defendant is charged with a misdemeanor or indicted for a felony and defense counsel is present or the defendant waives the presence of counsel, the magistrate may arraign a defendant under Rule 14 during an initial appearance under (a). If, however, the magistrate lacks jurisdiction to try the offense, the magistrate may not arraign the defendant and must instead transfer the case to the proper court for arraignment. If the court finds that delaying the defendant's arraignment is indispensable to the interests of justice, the court ~~when setting~~ must set a date for the continued arraignment ~~must provide sufficient notice to victims under Rule 39(b)(2).~~

**(v) Victims’ Rights.**

(1) At the defendant’s initial appearance, a victim has a right to be heard concerning the defendant’s possible release and the conditions of release.

(2) If a magistrate combines an initial appearance and an arraignment under section (c), the victim must be given sufficient notice and an opportunity to be present and to be heard. If a magistrate delays an arraignment under section (c), sufficient notice must be provided to the victim of the date for the continued arraignment.

**Rule 4.3. Initial Appearance Masters** [no change]

## **RULE 5. PRELIMINARY HEARING**

**Rule 5.1. Right to a Preliminary Hearing; Waiver; Continuance**

**(a) Right to a Preliminary Hearing.** [no change]

**(b) Waiver.** [no change]

**(c) Continuance.** [no change]

**(d) Hearing Demand.** [no change] [nit note: “(d)” in the rule book should be bolded.]

**(v) Victims’ Rights.**

(1) Upon request by the victim, the State must notify the victim of a preliminary hearing.

(2) Before continuing a preliminary hearing on motion or on its own initiative under section (c), a magistrate must also consider the victim's views and right to a speedy disposition. If the magistrate orders a continuance of the preliminary hearing, the victim, if requested, must be notified of the magistrate's order and the new hearing date pursuant to A.R.S. § 13-4409.

(3) If an in-custody defendant demands a preliminary hearing under section (d), the hearing date set by the magistrate must allow for sufficient notice to the victim pursuant to A.R.S. § 13-4409.

**Rule 5.2. Summoning Witnesses; Record of Proceedings** [no change]

**Rule 5.3. Nature of the Preliminary Hearing** [no change]

**Rule 5.4. Determining Probable Cause**

(a) **Holding a Defendant to Answer.** [no change]

(b) **Amending the Complaint.** [no change]

(c) **Evidence.** [no change]

(d) **Lack of Probable Cause.** [no change]

(v) **Victims' Rights.** The victim has a right to be heard whenever the defendant under section (a) requests a magistrate to reconsider the conditions of the defendant's release.

**Rule 5.5. Review of a Magistrate's Probable Cause Determination.** [no change]

**Rule 5.6. Transmittal and Transcription of the Record.** [no change]

**Rule 5.7. Preservation of Recording.** [no change]

**Rule 5.8. Notice if an Arraignment is not Held.**

(a) **Notice.** [no change]

(b) **Notice Form.** [no change]

(v) **Victims' Rights.** Pursuant to A.R.S. § 13-4409, a victim has a right to receive notice from the prosecutor, on request, of dates for further proceedings.

## **PART III. RIGHTS OF PARTIES.**

**RULE 6. RIGHT TO COUNSEL; DUTIES OF COUNSEL; COURT-APPOINTED ATTORNEYS, INVESTIGATORS, AND EXPERTS**

**Rule 6.1. Right to Counsel; Right to a Court-Appointed Attorney; Waiver of the Right to Counsel.** [no change]

**Rule 6.2. Appointment of Counsel for Indigent Defendants.**

**Rule 6.3. Duties of Counsel; Withdrawal.**

(a) **Notice of Appearance.** [no change]

(b) **Duty of Continuing Representation.** [no change]

(c) **Withdrawal.** [no change]

(d) **Duty of Defense Counsel to Preserve the File.** [no change]

(e) **Duty of Successor Counsel to Collect the File in a Capital Case.** [no change]

**(v) Victims' Rights.**

*(1) Court Consideration of the Victim's Rights Under Section (c). If a motion to withdraw under section (c) could result in a continuance of the trial date, the court in deciding the motion must consider the victim's right to a speedy disposition.*

*(2) Appearance and Withdrawal of the Victim's Attorney. Before representing a victim in a criminal proceeding, a victim's attorney must file a notice of appearance. Unless the court orders otherwise, a victim's attorney may file a notice of withdrawal at any time.*

**Rule 6.4. Determining Whether a Defendant is Indigent.** [no change]

**Rule 6.5. Manner of Appointment.** [no change]

**Rule 6.6. Compensation of Appointed Counsel.** [no change]

**Rule 6.7. Appointment of Investigators and Expert Witnesses for Indigent Defendants.** [no change]

**Rule 6.8. Standards for Appointment and Performance of Counsel in Capital Cases.** [no change]

**RULE 7. RELEASE**

**Rule 7.1. Definitions.** [no change]

**Rule 7.2. Right to Release.** [Nit Note: Section (a) uses a semicolon in the title; section (b) uses a colon. Both section titles should use the same punctuation.]

**(a) Before Conviction; Bailable Offenses.**

(1) *Presumption of Innocence.* [no change]

(2) *Right to Release.* [no change]

(3) *Determining Method of Release.* [no change]

**(b) Before Conviction: Defendants Charged with an Offense Not Eligible for Bail.**  
[no change, but see the nit note at the beginning of Rule 7.2.]

**(c) After Conviction.** [no change]

**(d) Burden of Proof.** [no change]

**(v) Victims' Rights.** If requested, a victim has the rights to be notified of, present at, and heard at any proceeding involving a post-arrest release decision, and to be informed if a defendant is released from custody.

**Rule 7.3. Conditions of Release.**

**(a) Mandatory Conditions.** [no change]

**(b) Victim Protection.** The court must order the defendant not to contact a victim if such an order is reasonable and necessary to protect a victim from physical harm, harassment, intimidation, or abuse.

**(c) Mandatory Condition if Charged with an Offense Listed in A.R.S. § 13-610(O)(3).** [no change]

**(d) Additional Conditions.** ~~The court must order the defendant not to contact a victim if such an order is reasonable and necessary to protect a victim from physical harm, harassment, intimidation, or abuse.~~ The court also may impose as a condition of release one or more of the following conditions, if the court finds the condition is reasonable and necessary to secure the defendant's appearance or to protect another person or the community from risk of harm by the defendant. In making determinations under this rule, the court must consider, if provided, the results of a risk assessment approved by the Supreme Court and a law enforcement agency's lethality assessment.

(1) *Non-Monetary Conditions.* [no change]

(2) *Monetary Conditions.* [no change]

**Rule 7.4. Procedure**

(a) **Initial Appearance.** [no change]

(b) **Bail Eligibility Hearing.**

(1) *Right to Secure Witnesses, Cross-Examine, and Review Witness Statements.*  
[no change]

~~(2) *Victims.* Notwithstanding the time limits of Rule 39(g)(1), a victim must be afforded the rights provided in Rule 39(g).~~

(3) *Admissibility.* [no change]

(c) **Later Review of Conditions.**

(1) *Generally.* [no change]

(2) *Motion Requirements and Hearing.* The court may modify the conditions of release only after giving the parties an opportunity to respond to the proposed modification. ~~A motion to reexamine the conditions of release must comply with victims' rights requirements provided in Rule 39.~~

(3) *Eligibility for Bail.* [no change]

(d) **Evidence.**

(e) **Defendant's Bail Status**

(f) **Review of Conditions of Release for Misdemeanors.** [no change]

(g) **Appointment of Counsel.**

(v) **Victims' Rights.** If requested, a victim has the rights to be notified of, present at, and heard at any proceeding involving a post-arrest release decision, and to be informed if a defendant is released from custody.

## **Rule 7.5. Review of Conditions; Revocation of Release**

(a) **On State's Petition.** [no change]

(b) **On Pretrial Services Report.** [no change]

(c) **On Victim's Petition.** If the prosecutor decides not to file a petition under section (a), the victim may petition the court to revoke the defendant's bond or own recognizance release, or otherwise modify the defendant's conditions of release. Before filing a petition, the victim must consult with the prosecutor about the requested relief. The petition must include a statement under oath by the victim asserting any harassment,

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threats, physical violence, or intimidation by the defendant, or on the defendant's behalf, against the victim or the victim's immediate family.

(d) **Hearing; Modification of Conditions; Revocation.** [no change]

(e) **Revocation of Release; DNA Testing.** [no change]

(f) **Revocation of Release: 10-print Fingerprinting.** [no change]

(v) **Victims' Rights.** If requested, a victim has the rights to be notified of, present at, and heard at any proceeding involving a post-arrest release decision, and to be informed if a defendant is released from custody.

**Rule 7.6. Transfer and Disposition of Bond** [no change]

## **RULE 8. SPEEDY TRIAL**

### **Rule 8.1. Priorities in Scheduling Criminal Cases**

(a) **Priority of Criminal Trials.** [no change]

(b) **Preferences.** [no change]

(c) **Duty of the Prosecutor.** [no change]

(d) **Duty of Defense Counsel.** [no change]

(e) **Suspension of Rule 8.** [no change]

(v) **Victims' Rights.** When presented with a motion to suspend Rule 8, the court must permit the victim to be heard and must consider the victim's right to a speedy disposition.

**Rule 8.2. Time Limits** [ no change]

**Rule 8.3. Prisoner's Right to a Speedy Trial.** [no change]

**Rule 8.4. Excluded Periods.** [no change]

**Rule 8.5. Continuing a Trial Date**

(a) **Motion.** [no change]

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**(b) Grounds.** A court may continue trial only on a showing that extraordinary circumstances exist and that delay is indispensable to the interests of justice, and only for so long as is necessary to serve the interests of justice. The court must consider the rights of the defendant ~~and any victim~~ to a speedy disposition of the case. The court must state specific reasons for continuing trial.

**(v) Victims' Rights.** In deciding a motion to continue a trial date, the court must also consider the victim's views and the right of the victim to a speedy disposition of the case.

**Rule 8.6. Denial of Speedy Trial** [no change]

**Rule 8.7. Accelerating Trial** [no change]

## **RULE 9. PRESENCE OF THE DEFENDANT, WITNESSES, AND SPECTATORS**

**Rule 9.1. The Defendant's Waiver of the Right to Be Present** [no change]

**Rule 9.2. Defendant's Forfeiture of the Right to be Present Due to Disruptive Conduct** [no change]

**Rule 9.3. Exclusion of Witnesses and Spectators**

**(a) Witnesses.**

*(1) Generally.* [no change]

~~*(2) Exceptions. Investigator.*~~

~~*(A) Victim.* A victim has a right to be present at all proceedings at which the defendant has that right.~~

~~*(B) Investigator.* If the court enters an exclusion order, both the defendant and the State are nevertheless entitled to the presence of one investigator at counsel table.~~

*(3) Instruction.* [no change]

*(4) After Testifying.* [no change]

**(b) Spectators.** [no change]

**(c) Protection of a Witness.** [no change]

**(v) Victims' Rights.** A victim has a right to be present at all proceedings at which the defendant has that right.

**RULE 10. CHANGE OF JUDGE OR PLACE OF TRIAL** [no change]

**RULE 11. INCOMPETENCE AND MENTAL EXAMINATIONS** [no change]

## **PART III. PRETRIAL PROCEDURES**

**RULE 12. THE GRAND JURY**

**RULE 13. INDICTMENT AND INFORMATION** [no change]

**RULE 14. ARRAIGNMENT**

**Rule 14.1. General Provisions** [no change]

**Rule 14.2. When an Arraignment is Held** [no change]

**Rule 14.3. The Defendant's Presence** [no change]

**Rule 14.4. Proceedings at Arraignment**

At an arraignment, the court must:

**(a) through (g).** [no change]

**(v) Victims' Rights.** If the court pursuant to section (b) decides a release motion at the defendant's arraignment, a victim has the rights provided under Rule 7.2(v).

**Rule 14.5. Proceedings in Counties Where No Arraignment Is Held** [no change]

**RULE 15. DISCLOSURE**

**Rule 15.1. The State's Disclosures**

**(a) Initial Disclosures in a Felony Case.** [no change]

**(b) Supplemental Disclosure.** [no change]

**(c) Time for Supplemental Disclosures.** [no change]

**(d) Prior Felony Convictions.** [no change]

**(e) Disclosure Upon Request.** [no change]

**(f) Scope of the State's Disclosure Obligation.** [no change]

**(g) Disclosure by Court Order.** [no change]

**(h) Disclosure of Rebuttal Evidence.** [no change]

**(i) Additional Disclosures in a Capital Case.**

*(1) Notice of Intent to Seek the Death Penalty.*

*(A) Generally.* [no change]

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(B) *Time Extensions.* [no change]

~~(C) *Victim Notification.* If the victim has requested notice under A.R.S. § 13-4405, the prosecutor must confer with the victim before agreeing to extend the deadline under (i)(1)(B).~~

(2) *through (4).* [no change]

(j) **Item Prohibited by A.R.S. §§ 13-3551 et seq. or Is the Subject of a Prosecution Under A.R.S. § 13-1425.**

(1) *Scope.* [no change]

(2) *Disclosure Obligation.* The State is not required to reproduce the item or release it to the defendant for testing or examination except as provided in (j)(3), ~~and (j)(4), and (v)(2).~~ The State must make the item reasonably available for inspection by the defendant, but only under such terms and conditions necessary to protect a victim's rights.

(3) *Court-Ordered Disclosure for Examination or Testing.*

(A) *Generally.* [no change]

(B) *Conditions.* A court must issue any order necessary to ~~protect a victim's rights,~~ document the chain of custody, or protect physical evidence. The court may issue an order under subpart (v)(3) to protect a victim's rights.

(4) *General Restrictions.* [no change]

**(v) Victims' Rights.**

(1) *Victim's Identifying or Locating Information.* The State is not required to disclose a victim's identifying or locating information unless the court finds, after considering the rights of the victim, that disclosure is required to protect the defendant's constitutional rights. If disclosure of personal identifying or locating information is made to the defendant's attorney, the defendant's attorney must not disclose the information to any person -other than the defendant's attorney's staff and designated investigator. The information provided to the defendant's attorney must not be conveyed to the defendant without prior court authorization. Rule 15.5(e) applies to information withheld under this rule.

(2) *Disclosure of Items Under Section (j); Court Orders.* Disclosure by the State to a defendant of any item described in section (j) must be accompanied by terms and conditions that are necessary to protect a victim's rights. A court also may issue

an order necessary to protect a victim's rights regarding disclosure of any such item.

**Rule 15.2. The Defendant's Disclosures** [no change]

**Rule 15.3. Depositions**

(a) **Availability.** A party or a witness may file a motion requesting the court to order the examination of any person, except the defendant ~~and those excluded by Rule 39(b)~~, by oral deposition under the following circumstances:

(1) *through (3).* [no change]

(b) **through (f).** [no change]

(v) **Victims' Rights.** A victim has the right to refuse a deposition by the defendant, defendant's attorney, or other person acting on behalf of the defendant.

**Rule 15.4. Disclosure Standards** [no change]

**Rule 15.5. Excision and Protective Orders** [no change]

**Rule 15.6. Continuing Duty to Disclose; Final Disclosure Deadline; Extension** [no change]

**Rule 15.7. Disclosure Violations and Sanctions** [no change]

**Rule 15.8. Disclosure Before a Plea Agreement Expires or Is Withdrawn; Sanctions** [no change]

**RULE 16. PRETRIAL MOTIONS AND HEARINGS**

**Rule 16.1. General Provisions.** [no change]

**Rule 16.2. Procedures on Pretrial Motions to Suppress Evidence.** [no change]

**Rule 16.3. Pretrial Conference.** [no change]

**Rule 16.4. Dismissal of Prosecution**

(a) **On the State's Motion.** [no change]

(b) **On a Defendant's Motion.** [no change]

(c) **Record.** [no change]

(d) **Effect of Dismissal.** [no change]

(e) **Release of Defendant; Exoneration of Bond.** [no change]

(v) **Victims' Rights.** On the victim's request, the victim must have an opportunity to confer with the prosecutor before the prosecutor moves to dismiss under section (a).

## **PART V. PLEAS OF GUILTY AND NO CONTEST**

### **RULE 17. PLEAS OF GUILTY AND NO CONTEST; SUBMITTING A CASE ON THE RECORD**

#### **Rule 17.1. The Defendant's Plea**

(a) **through (e).** [no change]

**(f). Limited Jurisdiction Court Alternatives for Entering a Plea and Sentencing.** The parts of Rule 17 and Rule 26.9 requiring a defendant to be present are met by the defendant complying with this rule's requirements.

(1) *Telephonic Pleas.* "Telephonic" includes voice only and audio-video communications between the court and the parties. This rule's provisions concerning telephonic pleas also apply to pleas submitted through an online dispute resolution ("ODR") system approved by the Administrative Office of the Courts.

(A) through (E). [no change]

~~(F) **Victim's Rights.** In a telephonic plea proceeding, a victim has the same rights under Rule 39 to notice and participation as if the defendant physically appeared in the courtroom.~~

(2). *Plea by Mail.* [no change; provisions show below are for context]

(A) *Eligibility.*

(B) *When a Plea May Not Be Accepted by Mail.* A court may not accept a plea by mail in a case:

(i) involving a victim;

(ii) through (v)

(C) *Procedure.* [no change]

(D) *Mailing.* [no change]

(v) **Victims' Rights.** In a telephonic plea proceeding, a victim has the same rights under Rule 39 to notice and participation as if the defendant physically appeared in the courtroom. The court may not accept a plea by mail in a case involving a victim.

**Rule 17.2. Advising of Rights and Consequences of a Guilty or No Contest Plea** [no change]

**Rule 17.3. A Court's Duty to Determine Whether a Plea is Entered Voluntarily and Intelligently** [no change]

**Rule 17.4 Plea Negotiations and Agreements**

**(a) Plea Negotiations.**

*(1) Generally.*

*(2) Judicial Participation.*

*(3) Victim Participation.* ~~The victim must have an opportunity to confer with the prosecutor, if they have not already conferred, before any case resolution. The prosecutor or the victim's representative must inform the court and defense counsel of the victim's position. If the defendant is present during settlement discussions, the victim also must have the opportunity to be present and to be heard regarding settlement.~~

**(b) Plea Agreement.** [no change]

**(c) Determining Accuracy, Voluntariness, and Intelligent Acceptance of the Agreement.** [no change]

**(d) Accepting the Plea.** After making the determinations required by ~~this rule and after considering any comments expressed by the victim~~ section (c) and considering the victim's comments under section (v)(2), the court must either accept or reject the submitted plea. The court is not bound by any provision in the plea agreement regarding the sentence or probation terms and conditions if, after accepting the agreement and reviewing a presentence report, the court rejects the provision as inappropriate.

**(e) Rejecting the Plea.** [no change]

**(f) Admissibility or Inadmissibility of a Plea, Plea Discussions, and Related Statements.** [no change]

**(g) Change of Judge if Plea Withdrawn.** [no change]

**(v) Victims' Rights.**

(1) Victim Participation During Plea Discussions. The victim must have an opportunity to confer with the prosecutor, if they have not already conferred, before any case resolution. The prosecutor or the victim's representative must

inform the court and defense counsel of the victim's position. If the defendant is present during settlement discussions, the victim also must have the opportunity to be present and to be heard regarding settlement.

(2) Before the Court Accepts or Rejects a Plea Agreement. Before the court makes the determinations required by section (c) and accepts or rejects the plea agreement, it must afford the victim the opportunity to be heard and consider any comments expressed by the victim.

**Rule 17.5. Withdrawal of a Plea** [no change]

**Rule 17.6. Admitting a Prior Conviction** [no change]

**Rule 17.7. Submitting a Case on the Record** [no change]

(a) **Submission: Advising of Rights and Consequences of a Submission on the Record.** [no change]

(b) **Accepting the Submission.** [no change]

(v) **Victims' Rights.** Before the State agrees to submit a case on the record, the victim must have an opportunity to confer with the prosecutor.

## **PART VI. TRIAL**

**RULE 18. TRIAL BY JURY; WAIVER; SELECTION AND PREPARATION OF JURORS** [no change]

**RULE 19. TRIAL**

**Rule 19.1. Conduct of Trial**

(a) through (e). [no change]

(f) **Use of a Facility Dog.** The court can allow the assistance of a facility dog as provided in A.R.S. § 13-4442.

(v) **Victims' Rights.**

(1) Victim's Opportunity to Confer with the Prosecutor. The victim must have an opportunity to confer with the prosecutor about trial before the trial begins.

(2) Identifying and Locating Information. A victim has the right to refuse to testify regarding any identifying or locating information, unless the court orders disclosure after finding a compelling need for the information. The court must conduct a proceeding on a motion to require such testimony *in camera*.

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(3) Representative of a Minor or Incapacitated Victim. If a representative of a minor victim or an incapacitated victim requests to be recognized during trial, the representative must notify the prosecutor, who must then inform the court of the request outside the presence of the jury. Any communications between the representative and the court during trial must be conducted in the presence of the parties or their counsel, and outside the jury's presence. Any substantive communications must be on the record.

**Rule 19.2. Presence of the Defendant at Trial** [no change]

**Rule 19.3. Admonitions** [no change]

**Rule 19.4. A Judge's Death, Illness, or Other Incapacity** [no change]

**~~Rule 19.5. Presence of a Representative of a Minor or Incapacitated Victim~~**

~~If a representative of a minor victim or an incapacitated victim wishes to be recognized during trial, the representative must notify the prosecutor, who must then inform the court out of the presence of the jury. Any communications between the representative and the court during trial must be conducted in the presence of the parties or their counsel, and outside the jury's presence. Any substantive communications must be on the record.~~

**~~Rule 19.6~~ 19.5. Sequestration** [change to the rule number but no change to the content]

**RULE 20. JUDGMENT OF ACQUITTAL OR UNPROVEN AGGRAVATOR** [no change]

**RULE 21. JURY INSTRUCTIONS AND VERDICT FORMS** [no change]

**RULE 22. DELIBERATIONS** [no change]

**RULE 23. VERDICT** [no change]

## **PART VII. POST-VERDICT PROCEEDINGS**

**RULE 24. POST-TRIAL MOTIONS**

**Rule 24.1. Motion for New Trial** [no change]

**Rule 24.2. Motion to Vacate Judgment** [no change]

**Rule 24.3 Modification of Sentence**

**(a) Generally.** [no change]

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(b) **Mitigation.** Unless otherwise provided by law, the court may mitigate a monetary obligation imposed at sentencing. ~~The provisions of Rule 39 apply to any criminal proceeding concerning mitigation of a monetary obligation.~~

(c) **Appeal.** [no change]

(v) **Victims' Rights.** The provisions of Rule 39 apply to any criminal proceeding concerning mitigation of a monetary obligation, including mitigation under section (b).

**Rule 24.4. Clerical Error** [no change]

**RULE 25. PROCEDURE AFTER A VERDICT OR FINDING OF GUILTY EXCEPT INSANE** [no change]

**RULE 26. JUDGMENT, PRESENTENCE REPORT, PRESENTENCING HEARING, SENTENCE**

**Rule 26.1. Definitions; Scope** [no change]

**Rule 26.2. Time to Render Judgment** [no change]

**Rule 26.3. Sentencing Date and Time Extensions** [no change]

**Rule 26.4. Presentence Report** [no change]

**Rule 26.5. Diagnostic Evaluation and Mental Health Examination** [no change]

**Rule 26.6. Court Disclosure of Reports Before Sentencing**

(a) **Disclosure to the Parties.** [no change]

~~(b) **Disclosure to a Victim.** The court must permit the victim to review the presentence report after it makes the report available to the defendant, excluding any portions the court excises or that are confidential by law.~~

~~(e)~~ (b) **Date of Disclosure.** A report prepared under Rule 26.7(c) must be available to the parties no later than two days after it is delivered to the court and no less than two days before a presentencing hearing, unless the parties agree otherwise.

~~(d)~~ (c) **Excision.**

(1) *Generally.* The court may excise from copies of presentence, diagnostic and mental health reports disclosed to the parties:

(A) diagnostic opinions that might seriously disrupt a program of rehabilitation;

- (B) sources of information obtained on a promise of confidentiality; and
- (a) (C) information that would disrupt an ongoing law enforcement investigation.

(2) *Disclosure.* The court must inform the parties if a portion of a report is not disclosed and must state on the record its reasons for not disclosing it.

**(e) (d) Court Disclosure of Reports After Sentencing.**

(1) *Disclosure to Personnel Responsible for the Defendant.* After sentencing, the court must furnish to persons having direct responsibility for the defendant's custody, rehabilitation, treatment, or release all diagnostic, mental health, and presentence reports, except for portions excised under (d)(1)(B) and (C).

(2) *Disclosure to Courts.* The court must make an unexcised version of any report listed in (e)(1) available to:

- (A) a reviewing court when a relevant issue has been raised; and
- (B) a court sentencing the defendant after a later conviction.

**(f) (e) Public Disclosure of Reports.** A report prepared under Rules 26.4, 26.5, or 26.7(c) is a public record unless the court orders otherwise or it is confidential by law.

**(v) Victims' Rights.** The court must permit the victim to read the presentence report, excluding any portions the court excises or that are confidential by law, after it makes the report available to the defendant. If the victim requests, the prosecutor must provide the victim with an excised copy of the report.

**Rule 26.7. Presentencing Hearing; Prehearing Conference**

- (a) Request for a Presentencing Hearing.** [no change]
- (b) Timing and Conduct of a Presentencing Hearing.** [no change]
- (c) Prehearing Conference.** [no change]

**(v) Victims' Rights.** The victim has a right to be heard at a presentencing hearing under section (b).

**Rule 26.8. The State's Disclosure Duty; Objections and Corrections to a Presentence Report** [no change]

**Rule 26.9. The Defendant's Presence** [no change]

**Rule 26.10. Pronouncement of Judgment and Sentence**

(a) **Judgment.** [no change]

(b) **Sentence.** [no change]

**(v) Victims' Rights.**

(1) Victim's Opportunity to Address the Court. Before the court pronounces sentence, it also must give the victim an opportunity to address the court.

(2) Information from the Prosecutor. A victim has a right to be informed by the prosecutor of:

(A) the disposition of the case,

(B) the right to restitution, the items of loss within the scope of restitution, and the procedures for invoking that right, and

(C) the procedures for opting-in to post-conviction notification.

(3) Restitution. A victim has the right to present evidence or information and to make an argument to the court, personally or through counsel, at any proceeding to determine the amount of restitution pursuant to A.R.S 13-804.

**Rule 26.11. A Court's Duty After Pronouncing Sentence** [no change]

**Rule 26.12, Defendant's Compliance with Monetary and Non-Monetary Terms of a Sentence** [no change]

**Rule 26.13. Consecutive Sentences** [no change]

**Rule 26.14. Resentencing** [no change]

**Rule 26.15. Special Procedures Upon Imposing a Death Sentence** [no change]

**Rule 26.12. Entry of Judgment and Sentence; Warrant of Authority to Execute Sentence** [no change]

**RULE 27. PROBATION AND PROBATION REVOCATION**

**Rule 27.1. Conditions and Regulations of Probation** [no change]

**Rule 27.2. Intercounty Transfers**

(a) **Definitions.** [no change]

(b) **Courtesy Transfer of Probation Supervision.** [no change]

(c) **Transfer of Probation Jurisdiction.**

*(1) Authorizing Transfer.*

~~(A) Generally.~~ The superior court in the sending county may order the transfer of probation jurisdiction to another Arizona county upon agreement of the original prosecuting agency, the probationer, the sending and receiving county probation departments, and the superior court in the receiving county.

~~(B) Victim's Rights.~~ A victim of the offense may request an opportunity to be heard concerning a transfer. The court in the sending county must give the victim notice of a proposed transfer and any hearing.

(2) through (8). [no change]

(v) **Victims' Rights.** A victim of the offense may request an opportunity to be heard concerning a transfer of probation jurisdiction. The court in the sending county must give the victim notice of a proposed transfer and any hearing.

### **Rule 27.3. Modification of Conditions or Regulations**

(a) **By a Probation Officer.** [no change]

(b) **By the Court.**

(1) *Generally.* Any modification of probation must comply with case law and statutes, due process, and statutory limitations. The court may modify or clarify any condition or regulation of probation after:

(A) Giving notice to the State, the probationer, and the probation department, and ~~a victim who has the right to notice under Rule 27.10 and~~

(B) Considering an investigation report, when required by (b)(3) of this rule.

(2) – (5). [no change]

(c) **Written Copy and Effect.** [no change]

(v) **Victims' Rights.** Upon request, a victim has the right to notice of a hearing under subpart (b)(5). The victim has the right to be present at that hearing, and to be heard on a modification of conditions or regulations of probation or intensive probation that would substantially affect the probationer's contact with, or safety of, the victim or that would affect restitution or incarceration status.

### **Rule 27.4. Early Termination of Probation**

(a) **Discretionary Probation Termination.**

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(1) *Generally.* At any time during the term of probation, the court may terminate probation and discharge the probationer as provided by law after:

(A) Giving notice to the State, the probationer, and the probation department, and the victim who has the right to notice under Rule 27.10; and

(B) Considering an investigation report.

(2) *through (4).* [no change]

**(b) Earned Time Credit Probation Termination.** [no change]

**(c) Written Copy and Effect.** [no change]

**(v) Victims' Rights.** A victim has the right upon request to notice of any criminal proceeding involving the early termination of probation. A victim has a right to be present and to be heard at the hearing.

**Rule 27.5. Order and Notice of Discharge** [no change]

**Rule 27.6. Petition to Revoke Probation and Securing the Petitioner's Release** [no change]

**Rule 27.7. Initial Appearance After Arrest**

**(a) Probationer Arrested.**

**(b) Notice.**

**(c) Procedure.**

**(v) Victims' Rights.**

(1) Notice of Arrest. A victim upon request has the right to be notified of a probationer's arrest pursuant to a warrant issued for a violation of supervised probation, as provided by ARS 13-4415 (A)(3).

(2) Notice of Hearing; Right to be Heard. A victim upon request has the right to be notified of the probationer's initial appearance under section (c). A victim has the right to be present and to be heard at that hearing regarding the probationer's release.

**Rule 27.8. Probation Revocation**

**(a) Revocation Arraignment.**

- (b) **Violation Hearing.**
- (c) **Disposition Hearing.**
- (d) **Waiver of Disposition Hearing.**
- (e) **Disposition upon Determination of Guilt for a Later Offense.**
- (f) **Record.**
- (v) **Victims' Rights.**

(1) At the Violation Hearing. The victim has a right to be present at a violation hearing under section (b).

(2) At a Disposition Hearing. Upon request a victim has the right to notice of a disposition hearing. A victim has the rights to be present and to be heard at a disposition hearing.

**ule 27.9. Admissions by the Probationer** [no change]

**~~Rule 27.10. Victims' Rights in Probation Proceedings~~**

~~The court must afford a victim who has requested notice under Rule 39 the opportunity to be present and to be heard at any proceeding involving:~~

- ~~(a) the termination of any type of probation;~~
- ~~(b) probation revocation dispositions;~~
- ~~(c) a modification of probation or intensive probation conditions or regulations that would substantially affect the probationer's contact with, or safety of, the victim or that would affect restitution or incarceration status; or~~
- ~~(d) transfers of probation jurisdiction.~~

**Rule ~~27.11~~ 27.10. Probation Review Hearing Regarding Sex Offender Registration**  
[no change except for the rule number]

**Rule 27.12. Abrogated**

**RULE 28. RETENTION AND DESTRUCTION OF RECORDS AND EVIDENCE**  
[no change]

**RULE 29. SETTING ASIDE A CONVICTION**

**Rule 29.1. Grounds; Notice.** [no change]

**Rule 29.2. Application [no change]**

**Rule 29.3. State's Response [no change]**

**Rule 29.4. Reply [no change]**

**Rule 29.5. Hearing**

(a) **Generally.** On either party's request or on its own motion, the court may set a hearing. The hearing must be held no later than 120 days after the application's filing unless the court finds good cause for an extension. ~~The prosecution must provide post-conviction victim notice of the hearing date and the right to be heard, if the victim requested post-conviction notification.~~

(v) Victims' Rights. If the victim requested post-conviction notification, the prosecuting agency must provide the victim notice of the hearing date. The victim has the right to be present and to be heard at the hearing.

**Rule 29.6. Disposition [no change]**

**Rule 29.7. Certificate of Second Chance [no change]**

**Rule 29.8. Special Provisions for Sex Trafficking Victims [no change]**

**RULE 30. RESTORING CIVIL RIGHTS [no change]**

**Rule 30.1. Grounds. [no change]**

**Rule 30.2. Application**

(a) **Persons Entitled to Automatic Restoration.** [no change]

(b) **Contents.** [no change]

(c) **Place of Filing and Filing Fee.** [no change]

(d) **Processing of Application.** [no change]

~~(e) **Victim Notification.** The victim has the right to be present and be heard at any proceeding in which the defendant has filed an application to have civil rights restored. If the victim in a state court matter has requested post-conviction notice, the prosecuting agency must provide the victim with notice of the defendant's application and the rights provided to the victim. The prosecuting agency must provide notice to the victim of the opportunity to be heard if the victim requested post-conviction notification.~~

(v) Victims' Rights.

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(1) Generally. The victim has the right to be present and be heard at any proceeding in which the defendant has filed an application to have civil rights restored.

(2) Prosecutor's Notice to the Victim. If the victim in a state court matter has requested post-conviction notice, the prosecuting agency must provide the victim with notice of the defendant's application and the rights provided to the victim, including the victim's opportunity to be heard on the application and the status of restitution.

**Rule 30.3. State's Response.** [no change]

**Rule 30.4. Reply** [no change]

**Rule 30.5. Hearing** [no change]

**Rule 30.6. Disposition** [no change]

## **PART VIII. APPEALS AND OTHER POST-CONVICTION RELIEF**

### **RULE 31. APPEALS**

#### **Section One. General Provisions**

##### **Rule 31.1. Scope, Procedure, Definitions, Victims' Rights**

(a) **Scope.**

(b) **Precedence of Criminal Appeals.**

(c) **Definitions.**

(v) **Victims' Rights.** Before granting a request to extend a deadline under Rules 31.3, 31.9, 31.13, 31.14, or any other rule, the court must consider the victim's right to a prompt and final conclusion of the case.

**Rule 31.2. Notice of Appeal or Notice of Cross-Appeal** [no change]

**Rule 31.3. Suspension of These Rules; Suspension of an Appeal; Computation of Time; Modifying a Deadline** [no change]

**Rule 31.4. Consolidation of Appeals** [no change]

**Rule 31.5. Appointment of Counsel on Appeal; Waiver of the Right to Appellate Counsel** [no change]

**Rule 31.6. Filing Documents with an Appellate Court; Document Format; Service and Proof of Service; Motions** [no change]

**Rule 31.7. Stay of Proceedings** [no change]

**Section Two. The Record on Appeal; Briefs and Argument**

**[Note:** There are no changes to the rules in Section Two (**Rules 31.8 through 31.17**), with the exception of Rule 31.14 shown below.]

**Rule 31.14. Provisions Applicable Only to Briefs in Capital Cases**

(a) **Length of Briefs.**

(b) **Time for Filing.**

(c) **Request for Extension of Time to File a Brief.** ~~(1) *Factors a Court Must Consider.*~~ In ruling on any request for an extension of a time limit to file a brief, the court must consider the rights of the defendant and the rights of the victim to a prompt and final conclusion of the case.

~~(3) Notice to the Victim.~~

**(v) Victims' Rights**

~~(A) (1)~~ Generally. If the victim in a capital case has filed a notice of appearance as provided in A.R.S. § 13-4042, a party requesting an extension of time to file a brief must provide notice of the request to the victim.

~~(B) (2)~~ Who Must Receive Notice.

~~(i) (A)~~ The victim may specify in the notice of appearance whether notification should be provided directly to the victim or to another person, including the prosecutor.

~~(ii) (B)~~ Unless the victim specifies a different method in the notice of appearance, notice must be provided through the prosecutor's office handling the appeal.

~~(C) (3)~~ Timing.

~~(i) (A)~~ If the victim has requested direct notification, the party requesting an extension of time must provide notice to the victim no later than 24 hours after filing the request.

~~(ii) (B)~~ If the prosecutor has the duty to notify the victim on behalf of the defendant, the prosecutor must provide notice to the victim no later than 24 hours after receiving the request.

~~(D)~~(4) Manner of Providing Notice.

(i) (A) The victim's notice of appearance may specify whether notice must be provided electronically, by telephone, or by regular mail.

(ii) (B) Notice must be provided in the manner specified in the victim's notice of appearance. If no method is specified, notice must be provided by regular mail.

**Rule 31.15. Amicus Curiae** [no change]

**Rule 31.16. Supplemental Citation of Legal Authority** [no change]

**Rule 31.17. Oral Argument in the Court of Appeals** [no change]

### **Section Three. Appellate Court Procedures and Decisions**

**Rules 31.18 through 31.24** [no change]

#### **RULE 32. POST-CONVICTION RELIEF FOR DEFENDANTS SENTENCED FOLLOWING A TRIAL OR CONTESTED PROBATION VIOLATION HEARING**

**Rule 32.1. Scope of Remedy**

**Rule 32.2. Preclusion of Remedy**

**Rule 32.3. Nature of a Post-Conviction Proceeding and Relation to Other Remedies**

**Rule 32.4 Filing a Notice Requesting Post-Conviction Relief** [no change]

**Rule 32.5. Appointment of Counsel** [no change]

**Rule 32.6. Duty of Counsel; Self-Represented Defendant's Petition; Waiver of Attorney-Client Privilege** [no change]

**Rule 32.7. Petition for Post-Conviction Relief**

**(a) Deadlines for Filing a Petition for Post-Conviction Relief.**

(1) *Noncapital Cases.*

(A) Generally. [no change]

(B) Time Extensions. For good cause and after considering the rights of the victim to a prompt and final conclusion of the case, the court may grant a defendant in a noncapital case a 30-day extension to file the petition. The court may grant additional 30-day extensions only on a showing of extraordinary circumstances.

(2) *Capital Cases.*

(A) Generally. [no change]

(B) Filing Deadline for Any Successive Petition. [no change]

(C) Time Extensions. For good cause, the court may grant a capital defendant one 60-day extension in which to file a petition. After considering the rights of the victim to a prompt and final conclusion of the case, the court may grant additional extensions for good cause.

**(b)through (f).** [no change]

**Rule 32.8. Transcript Preparation** [no change]

**Rule 32.9 Response and Reply; Amendments**

**(a) State's Response.**

(1) *Deadlines.* The State must file its response no later than 45 days after the defendant files the petition. The court for good cause may grant the State a 30-day extension to file its response and may grant the State additional extensions only on a showing of extraordinary circumstances and after considering the rights of the victim to a prompt and final conclusion of the case.

(2) *Contents.* [no change]

**(b) through (d).** [no change]

**Rule 32.10. Assignment of a Judge** [no change]

**Rule 32.11. Court Review of the Petition, Response, and Reply; Further Proceedings**  
[no change]

**Rule 32.12. Informal Conference** [no change]

**Rule 32.13. Evidentiary Hearing** [no change]

**Rule 32.14. Motion for Rehearing** [no change]

**Rule 32.15. Notification to the Appellate Court** [no change]

**Rule 32.16. Petition and Cross-Petition for Review** [no change]

**Rule 32.17. Post-Conviction Deoxyribonucleic Acid Testing** [no change]

**Rule 32.18. Stay of Execution of a Death Sentence on a Successive Petition** [no change]

**Rule 32.19. Review of an Intellectual Disability Determination in Capital Cases** [no change]

**Rule 32.20. Extensions of Time in a Capital Case; Victim Notice and Service** [no change]

**RULE 33. POST-CONVICTION RELIEF FOR DEFENDANTS WHO PLED GUILTY OR NO CONTEST, WHO ADMITTED A PROBATION VIOLATION, OR WHO HAD AN AUTOMATIC PROBATION VIOLATION**

**[Note: Similar to the above changes to Rule 32, the only changes to Rule 33 concern Rules 33.7 and 33.9]**

**Rule 33.7. Petition for Post-Conviction Relief**

**(a) Deadlines for Filing a Petition for Post-Conviction Relief.**

(1) *Defendant with Counsel.* [no change]

(2) *Self-Represented Defendant.* [no change]

(3) *Time Extensions.* For good cause and after considering the rights of the victim to a prompt and final conclusion of the case, the court may grant a defendant a 30-day extension to file the petition. The court may grant additional 30-day extensions only on a showing of extraordinary circumstances.

**(b) through (f).** [no change]

**Rule 33.9. Response and Reply; Amendments**

**(a) State's Response.**

(1) *Deadlines.* The State must file its response no later than 45 days after the defendant files the petition. The court for good cause may grant the State a 30-day extension to file its response and may grant the State additional extensions only on a showing of extraordinary circumstances and after considering the rights of the victim to a prompt and final conclusion of the case.

(2) *Contents.* [no change]

**(b) through (d).** [no change]

## **PART IX. MISCELLANEOUS**

**RULE 34. SUBPOENAS** [no change]

**RULE 35. CRIMINAL CONTEMPT** [no change]

**RULE 36. [RESERVED]** [no change]

**RULE 37. REPORT OF COURT DISPOSITIONS** [no change]

**RULE 38. SUSPENSION OF PROSECUTION FOR A DEFERRED PROSECUTION PROGRAM** [no change]

**RULE 39. VICTIMS' RIGHTS** [no change]

[**Note:** This draft contemplates retaining current Rule 39. There are no proposed edits to this rule.]

**RULE 40. TRANSFER FOR JUVENILE PROSECUTION** [no change]

**RULE 41. FORMS** [no change]