

will be effective on January 1, 2023.

IT IS FURTHER ORDERED that consistent with this Court's order of June 29, 2022, the Court will consider whether to adopt these rule and form amendments on a permanent basis during its December 2022 Rules Agenda.

DATED this 29th day of August, 2022.

/s/

ROBERT BRUTINEL
Chief Justice

Arizona Supreme Court No. R-22-0029
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TO:

Rule 28 Distribution
David K. Byers

ATTACHMENT¹

RULES OF CRIMINAL PROCEDURE

Rule 3.2. Content of a Warrant or Summons

(a) [No change]

(b) Summons.

(1)-(2) [No change]

(3) *10-Print Fingerprints Required.* If a summons is issued for a defendant who is charged with a felony offense, a violation of A.R.S. §§ 13-1401 et seq., a violation of A.R.S. §§ 28-1301 et seq., ~~or~~ a domestic violence offense as defined in A.R.S. § 13-3601, or an offense listed in A.R.S. §§ 32-2422(A)(4), 32-2441(A)(4), 32-2612(A)(4), 32-2622(A)(4), 41-1758.03(B) or (C), or 41-1758.07(B) or (C), the summons must direct the defendant to provide 10-print fingerprints to the applicable law enforcement agency.

* * *

Rule 4.2. Initial Appearance

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

(1)-(9) [No change]

(10) order a summoned defendant to be 10-print fingerprinted no later than 20 calendar days by the appropriate law enforcement agency at a designated time and place if:

(A) the defendant is charged with a felony offense, a violation of A.R.S. §§ 13-1401 et seq. or A.R.S. §§ 28-1301 et seq., ~~or~~ a domestic violence offense as defined in A.R.S. § 13-3601, or an offense listed in A.R.S. §§ 32-2422(A)(4), 32-2441(A)(4), 32-2612(A)(4), 32-2622(A)(4), 41-1758.03(B) or (C), or 41-1758.07(B) or (C); and

(B) [No change]

(11) [No change]

(b)-(c) [No change]

* * *

¹ Additions to the text of a rule are shown by underscoring and deletions of text are shown by ~~strike through~~.

Rule 7.3. Conditions of Release

(a) [No change]

(b) **Mandatory Condition if Charged with an Offense Listed in A.R.S. § 13-610(O)(3) or a New Violation of A.R.S. § 13-2910.**

(1)-(2) [No change]

(3) New Violation of A.R.S. § 13-2910. If a defendant is serving a term of probation for committing animal cruelty under A.R.S. § 13-2910 and is charged with a new violation of A.R.S. § 13-2910, if the defendant is released on their own recognizance or on bail, the court must impose a condition of release that prohibits the defendant from possessing or having contact with any animal.

(c) [No change]

* * *

Rule 11.5. Hearing and Orders

(a) [No change]

(b) **Orders.**

(1)-(2) [No change]

(3) *If Incompetent and Not Restorable.*

(A) Superior Court. If the superior court determines that the defendant is incompetent and that there is no substantial probability that the defendant will become competent within 21 months or within the defendant's maximum possible sentence as defined by A.R.S. § 13-4515, whichever is less, the court may on request of the examined defendant or the State do one or more of the following:

(i) [No change]

(ii) Order appointment of a guardian ad litem to investigate whether the defendant is or may be in need of a guardian, a conservator or any other protective order under A.R.S. §§ 14-5301 et seq.;

(iii)-(iv) [No change]

(B) [No change]

(4) [No change]

(c)-(d) [No change]

* * *

Rule 14.4. Proceedings at Arraignment

At an arraignment, the court must:

(a)-(f) [No change]

(g) order a summoned defendant to be 10-print fingerprinted no later than 20 calendar days by the appropriate law enforcement agency at a designated time and place if:

(1) the defendant is charged with a felony offense, a violation of A.R.S. §§ 13-1401 et seq. or A.R.S. §§ 28-1301 et seq., ~~or~~ a domestic violence offense as defined in A.R.S. § 13-3601, or an offense listed in A.R.S. §§ 32-2422(A)(4), 32-2441(A)(4), 32-2612(A)(4), 32-2622(A)(4), 41-1758.03(B) or (C), or 41-1758.07(B) or (C); and

(2) [No change]

* * *

Rule 39. Victims' Rights

(a) [No change]

(b) Victims' Rights.

(1)-(10) [No change]

(11) the right to require the prosecutor to withhold, during discovery and other proceedings, the victim's identifying and locating information as provided by A.R.S. § 13-4434.

(A) Exception. A court may order disclosure of the victim's identifying and locating information as necessary to protect the defendant's constitutional rights or as otherwise provided by law. If disclosure is made to defense counsel, counsel must not disclose the information to any person other than counsel's staff and designated investigator, and must not convey the information to the defendant without prior court authorization.

(B) [No change]

(12)-(18) [No change]

(c) Exercising the Right to Be Heard.

(1)-(3) [No change]

(4) *Before Disclosure of Identifying or Locating Information.* Before a court orders disclosure of identifying or locating information under (b)(11)(A), the victim must be notified and given an opportunity to be heard.

(4-5) [No change in text]

(d)-(h) [No change]

Form 3(a). Summons: Ten-Print Fingerprint Required

Court _____

County, Arizona

STATE OF ARIZONA, Plaintiff

[CASE/COMPLAINT NO.]

SUMMONS

-vs-

Defendant (FIRST, MI, LAST)

(Ten-print Fingerprint Required)

TO: _____

YOU ARE ORDERED to appear at [name of entity and address]

(Required for all felonies, domestic violence, sexual or DUI offenses, and offenses listed in in A.R.S. §§ 32-2422(A)(4), 32-2441(A)(4), 32-2612(A)(4), 32-2622(A)(4), 41-1758.03(B) or (C), and 41-1758.07(B) or (C) between the hours of _____ a.m./p.m. at any time prior to your court appearance date to be photographed and ten-print fingerprinted.

YOU ARE SUMMONED to appear before this court for the following reason:

[(List reason for summons; e.g., filing of indictment, information or complaint (list charges or other reasons)].

YOU ARE ORDERED TO REPORT on _____, 20____ at _____ a.m./p.m.

LOCATED

AT: _____

IF YOU FAIL TO APPEAR AS ORDERED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

Date: _____

Judicial Officer

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

CERTIFICATE OF PERSONAL SERVICE

I swear that I personally served this summons as follows:

Date Received: _____ Date Served: _____ Time Served:

Person _____ Served:

Location _____ Where _____ Served:

County.

Officer Serving Summons

CERTIFICATE OF SERVICE BY MAILING

I certify that a copy of this document was sent by Registered or Certified mail, return receipt requested, to the defendant at the above-listed address.

Dated: _____

 CLERK

Form 3(a)

Form 6. Release Order

_____ **COURT** _____ **County,**
Arizona

STATE OF ARIZONA Plaintiff -vs- _____										RELEASE ORDER			
Defendant (FIRST, MI, LAST) of Birth						Booking Number		Date					
LINE #	COMPLAINT NO.	VIOLATION CODE	NF	ORR	PSR	3P	BOND	BA	UB	DB	SB	CB	NB
1							\$						
2							\$						
3							\$						
4							\$						
5							\$						

(NF=Charge not filed; ORR=Own recognizance release; PSR=Pretrial supervision release; 3P=Third party custody; Bond=Amount of bond; BA=Bond applies; UB=Unsecured bond; DB=Deposit bond; SB=Secured bond; CB=Cash bond; NB=Non-bailable)

If you are released from jail, you must follow all release conditions and appear at court as indicated below:

MANDATORY AND STANDARD CONDITIONS OF YOUR RELEASE:

- 1. Appear at _____ court on: _____ at _____ a.m. / p.m., Courtroom: _____
(Court name and address) (Date) (Time)
 for _____ and attend all future court hearings.
- 2. Violate no federal, state or local criminal laws.
- 3. Not leave the state of Arizona without written permission from the court.
 Defendant may leave the state of Arizona provided defendant returns for court dates.
- 4. Diligently pursue any appeal if released from custody after judgment and sentence have been imposed.
- 5. Maintain contact with your attorney.
- 6. Provide a current address and phone number to the court and to your attorney and immediately notify both of any changes.
- 7. Not threaten or initiate any type of contact with the alleged victim(s).
- 8. Not drive a motor vehicle without a valid driver's license in your possession.
- 9. Not threaten or initiate any type of contact with any person as specified here: _____
 _____.

IF YOU VIOLATE THIS ORDER: You have the right to be present at your trial and at all other proceedings in your case. IF YOU FAIL TO APPEAR THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST AND/OR HOLD THE TRIAL OR PROCEEDING IN YOUR ABSENCE. IF CONVICTED, YOU WILL BE REQUIRED TO APPEAR FOR SENTENCING. IF YOU FAIL TO APPEAR, YOU MAY LOSE YOUR RIGHT TO A DIRECT APPEAL.

10. Not possess weapons as specified here: _____

11. Not possess or have contact with any animal.

~~**11-12.**~~ Not consume any alcoholic beverages.

~~**12-13.**~~ Not go to scene of the alleged crime.

~~**13-14.**~~ Not go to locations as specified here: _____

~~**14-15.**~~ Comply with 3rd party custody release conditions as specified here: _____

~~**15-16.**~~ Contact probation or parole officer. (See 3rd party obligations in this document.)

~~**16-17.**~~ Electronic monitoring, if available, (mandatory if charged with a felony offense under Chapters 14 or 35.1 of Title 13)

~~**17-18.**~~ Other: _____

ADDITIONAL CONDITIONS FOR YOUR PRETRIAL SUPERVISION RELEASE (PSR):

~~**18-19.**~~ Comply with the assigned pretrial supervision program as specified here: _____

~~**19-20.**~~ Provide a current address and phone number to Pretrial Services immediately and notify of any changes.

FINANCIAL CONDITIONS OF RELEASE: If you cannot post an appearance bond of \$ _____ you will remain in custody until your next court hearing on _____.

If you violate any condition of a bond, the court may order the bond and any related security deposit forfeited to the State of Arizona. In addition, the court may issue a warrant for your arrest upon learning of any violation of the conditions of release. After a hearing, if the court finds that you have not complied with the release conditions, the court may modify the conditions or revoke the release altogether.

If you are released on a felony charge, and the court finds the proof evident or the presumption great that you committed a felony during the period of release, the court must revoke your release. You may also be subject to an additional criminal charge, and upon conviction you could be punished by imprisonment in addition to the punishment which would otherwise be imposable for the crime committed during the period of release. Upon finding that you violated conditions of release, the court may also find you in contempt of court and sentence you to a term of imprisonment, a fine, or both.

ACKNOWLEDGEMENT: I fully understand and will comply with all release conditions indicated above and further understand the consequences should I violate any part of this order.

Current Address where you live Apt. No.

Address where you receive mail if different from current address

() _____

() _____

Phone No.

Phone No.

X _____

X _____

Defendant Signature
Date

Date

Judicial Officer

