



TO:

Rule 28 Distribution  
David K Byers  
Rosemarie Pena-Lynch  
Steve B Koestner  
Sherri McGuire Lawson  
Gary M Kula  
Shannon L Burns

## ATTACHMENT<sup>1</sup>

### RULES OF CRIMINAL PROCEDURE

#### **Rule 27.6. Petition to Revoke Probation and Securing the Probationer's Presence; Release Determination**

The probation officer or the State may petition the court to revoke probation if there is reasonable cause to believe that a probationer has violated a written condition or regulation of probation. After a petition to revoke is filed, the court may issue a summons directing the probationer to appear on a specified date for a revocation hearing, or it may issue a warrant for the probationer's arrest. When the probationer appears in court under Rule 27.7 or Rule 27.8, the court must make a release determination as follows:

**(a)** in the superior court, under Rule 7.2(c)(1)(A); and

**(b)** in a limited jurisdiction court, by ordering release conditions under Rule 7.3(a) and (c) that will reasonably assure the probationer's appearance and protect the victim, any other person, or the community. If the court determines that the probationer in all reasonable probability will receive a sentence of incarceration, or if additional conditions under Rule 7.3(c) will not assure the probationer's appearance or protect the victim, another person, or the community, the court may order that the probationer be held in custody.

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