

SUPREME COURT OF ARIZONA

In the Matter of)	Arizona Supreme Court
)	No. R-23-0024
RULE 2.6, RULES OF CRIMINAL)	
PROCEDURE)	
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**ORDER AMENDING RULE 2.6 OF
THE RULES OF CRIMINAL PROCEDURE**

A petition having been filed proposing to amend Rule 2.6 of the Rules of Criminal Procedure and four comments having been received, upon consideration,

IT IS ORDERED that Rule 2.6 of the Rules of Criminal Procedure is amended in accordance with the attachment to this order, effective January 1, 2024.

DATED this 24th day of August, 2023.

_____/s/_____
 ROBERT BRUTINEL
 Chief Justice

TO:

Rule 28 Distribution
 David K Byers
 Rachel H Mitchell
 Paul W Ahler
 Lisa M Panahi
 Jeff Fine
 Jennifer E Green

ATTACHMENT¹

RULES OF CRIMINAL PROCEDURE

Rule 2.6. Search Warrant Applications and Returns; Maintenance of Search Warrant Records; Data Collection

(a) Applicability. Rule 2.6(b) and (c) apply to search warrant applications requesting an unannounced entry into a structure. Rule 2.6(d) applies to applications requesting service of a search warrant at night. Rule 2.6(e) applies to search warrant returns. Rule 2.6(f) applies to the maintenance of search warrant records. Rule 2.6(e) and (f)(g) and (h), which pertain to data collection, apply to every issued search warrant.

(b)-(d) [No change]

(e) Return of Search Warrant and Inventory.

(1) Return to Issuing Court; Additional Returns. The return on a search warrant must be made to the magistrate who issued the warrant by delivering a written form of return to that magistrate's court along with a written inventory of the property taken. Supplemental, amended, and corrected returns and inventories may be made with respect to any search warrant. If additional property is seized or received after the initial return of the warrant, a supplemental return and inventory must be made.

(2) Manner of Delivery. Delivery of a search warrant return and inventory must be made by facsimile, electronic means, in a manner permitted by the court, or in person.

(3) Contents of Inventory; Signed Written Oath. The return and inventory must recite that it contains a true and detailed account of all the property taken, and if applicable, state that further property is expected to be taken or received pursuant to the warrant and how that information is known.

(4) Verification. The return and inventory must be verified through a signed, written oath swearing or affirming that the information on the return and inventory is true and detailed. A signed written oath on a return and inventory, including those signed electronically, has the same legal effect as if taken in the presence of the magistrate.

(f) Maintenance of Search Warrant Records.

(1) Clerk of Court. The clerk of the court that issued the warrant must maintain a record of the warrant and any return and inventory.

(2) Request to Modify the Time Search Warrant Records Are Maintained Outside of the Public Record. A request to modify the time search warrant documents are maintained outside the public record that is made at the time the return and inventory is delivered must be submitted on a separate page accompanying the return and inventory,

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

be signed by the affiant or the officer returning the warrant, state the reasons establishing good cause for the request, and state specifically whether the request pertains to:

- (A) the application and affidavit;
- (B) the issued search warrant;
- (C) the return and inventory;
- (D) any other specific document; or
- (E) all documents associated with the search warrant.

(3) *Submission Through an Electronic Portal.* For search warrants that are submitted and issued through an electronic portal approved by the Administrative Office of the Courts, a request to modify the time before a document relating to a search warrant is open to the public record may be programmed or incorporated into the return and inventory documents compiled by the electronic system rather than submitted as a separate page.

~~(e)~~(g) [No change in text]

~~(f)~~(h) [No change in text]

~~(g)~~(i) [No change in text]