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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:	) Supreme Court No. R-24-0025
	)
PETITION TO AMEND RULES 14.4	) COMMENT IN OPPOSITION
AND 17.2 OF THE ARIZONA RULES	) TO PETITION TO AMEND
OF CRIMINAL PROCEDURE	) RULES 14.4 AND 17.2
	)
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Pursuant to Arizona Rule of the Supreme Court 28, the Arizona Attorney General’s Office (AGO) submits the following comment regarding Petition R-24-0025 (“Petition”). The AGO has no opposition to a defendant receiving notice that a conviction may have collateral consequences. However, advising defendants of four specific collateral consequences, as

opposed to others, may create more confusion than clarity.

The Petition would amend the rules to advise pleading defendants that certain civil rights will be suspended. In most cases, a conviction for a felony suspends an individual's civil rights. A.R.S. § 13–904. But not in all cases. If a defendant is convicted of a class 6 undesignated felony, the offense is “treated as a misdemeanor for all purposes until such time as the court may actually enter an order designating the offense a misdemeanor or a felony.” A.R.S. § 13–604(A). Thus, the broad advisement contemplated in the proposed rule change may be confusing and lead some defendants to believe that their civil rights will be suspended when, in fact, they may not.

Another point that may cause confusion is the fact that in certain circumstances, a defendant's civil rights will be automatically restored. A.R.S. § 13–907(A). Whether a defendant's civil rights will be automatically restored is dependent on several factors, including: whether they have a prior felony conviction, whether they pay restitution, and whether the offense they committed was dangerous or serious. A.R.S. § 13–907.

Finally, a criminal conviction may result in many different types of collateral consequences. Some of these consequences—such as those related to professional licensing, housing, and obtaining jobs—may be more significant to some defendants than the loss of their civil rights. Thus,

prioritizing advisements concerning civil-rights related collateral consequences over others may aid some defendants, but could leave others with a false impression as to the extent of the effect of their convictions. And of course, the answer to this problem cannot be to provide even more advisements; it would undermine the purpose of a plea colloquy to convert the Court's advisements into a freewheeling discussion of every possible consequence a defendant may face as a result of their conviction.

A general advisement that a conviction may have collateral consequences is surely a good thing. It puts those in the best position to evaluate the individual effect of convictions—the defendant and their attorney—on notice of the need to discuss the matter. But the specific advisements contemplated by the proposed rule change may ultimately cause more problems than they solve.

RESPECTFULLY SUBMITTED this 1st day of May, 2024

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By /s/
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