

SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-24-0005
RULES 1.5, 17.1, 17.2 AND 17.3,	)	
RULES OF CRIMINAL PROCEDURE,	)	
	)	
	)	
	)	FILED:08/28/2025
	)	

**ORDER AMENDING RULES 1.5, 17.1, AND 26.10 OF
THE RULES OF CRIMINAL PROCEDURE**

In January 2024, Petitioner Umayok Novell, City Magistrate of the Mesa Municipal Court, filed this rule petition to amend Rules 1.5, 17.1, 17.2, and 17.3 of the Rules of Criminal Procedure. During the August 2024 Rules Agenda, this Court continued its consideration of the petition until the August 2025 Rules Agenda. In December 2024, Petitioner filed a second amended petition withdrawing her previously proposed amendments and proposing a new set of amendments to Rules 1.5, 17.1 and 26.10 of the Rules of Criminal Procedure. Having considered the amended petition and the comments submitted with respect to it,

IT IS ORDERED that Rules 1.5, 17.1 and 26.10 of the Rules

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of Criminal Procedure are amended in accordance with the attachment to this order, effective January 1, 2026.

DATED this 26th day of August, 2025.

/s/
ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution
Hon Umayok B Novell
Anna Huberman
Hon Samuel A Thumma
Lisa M Panahi
Hon Gerald A Williams
David K Byers
Hon Alicia M Skupin
David J Euchner
Rosemarie Pena-Lynch
Steve B Koestner
Sherri McGuire Lawson
Gary M Kula
Shannon L Burns
Lina G Garcia

ATTACHMENT¹

RULES OF CRIMINAL PROCEDURE

Rule 1.5. Interactive Audiovisual Systems

(a) **Generally.** If the appearance of a defendant or counsel is required in any court, the appearance may be made by using an interactive audiovisual system that complies with the provisions of this rule. Any interactive audiovisual system must meet or exceed minimum operational guidelines required by ACJA § 5-208 or adopted by the Administrative Office of the Courts.

(b) [No change]

(c) **When a Defendant May Appear by ~~Videoconference~~ Interactive Audiovisual Means.**

(1)-(3) [No change]

(4) *Change in Hearing's Scope.* If the scope of a hearing expands beyond that specified in (c)(1) and (c)(3), the court must reschedule ~~a videoconference~~ an interactive audiovisual proceeding and require the defendant's personal appearance.

(v) [No change]

* * *

Rule 17.1. The Defendant's Plea

(a)-(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~~ means 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)-(D) [No change]

(E) *Sentencing.* After entry and acceptance of a telephonic plea, the court may sentence the defendant, either on the same day or later, in-person, ~~or~~ telephonically (if the parties stipulate to it), or using an interactive audiovisual system (if the parties stipulate to it under Rule 1.5(c)(3)).

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

(2) [No change]

(3) Remote Pleas by Interactive Audiovisual Means. For the purpose of Rule 17.1(f)(3), “remote plea” means a plea entered by a defendant appearing through audiovisual means using an interactive audiovisual system under Rule 1.5 and ACJA § 5-208. The plea can be a plea directly to the court or by plea agreement.

(A) Generally. To the extent they are consistent, Rule 17’s requirements apply to remote plea proceedings in the same manner as in-person plea proceedings.

(B) Procedure. The court must provide instructions to the participants on how to initiate the remote plea proceeding.

(C) Submission of Plea Documents. If the court authorizes it, the plea agreement and any other documents necessary for the court to accept the plea may be submitted to the court electronically.

(D) Sentencing. After entry and acceptance of a remote plea, the court may sentence the defendant, either on the same day or later, in-person, telephonically (if the parties stipulate to it), or using an interactive audiovisual system (if the parties stipulate to it under Rule 1.5(c)(3)).

(E) Fingerprint. If the court is sentencing the defendant for an offense described in A.R.S. § 13-607(A), the court must obtain the defendant’s fingerprint in compliance with Rule 26.10(d).

(F) Open Court. Any requirement that something be done in open court is met if it is done during a remote plea proceeding held according to Rule 17.1(f)(3).

(G) Continued Application. Rule 17.1(f)(3) continues to apply if, after the remote plea proceeding has started, a party’s video connection stops working but the person’s audio connection still works, and the court has sufficiently verified the person’s identity.

(v) Victims' Rights. In a telephonic or remote 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 26.10. Pronouncement of Judgment and Sentence

(a)-(c) [No change]

(d) Fingerprinting. For any felony offense or a violation of A.R.S. §§ 13-1802, 13-1805, a domestic violence offense as defined in A.R.S. § 13-3601, a violation of Title 13, chapter 14, or a violation of Title 28, chapter 4, the court must arrange to permanently affix the defendant's ~~right index~~ fingerprint to the judgment of guilt and sentencing order or minute entry, or obtain the defendant's two fingerprint biometric-based identifier and

record it in the court case file, at sentencing or, unless the court orders otherwise, no later than 30 days after sentencing.

(v) [No change]