

Hon. Alicia M. Skupin
Chair, Committee on Limited Jurisdiction Courts
Presiding Magistrate, Chandler Municipal Court
Chandler Municipal Court
200 East Chicago Street
Chandler, AZ 85225
Telephone: (480) 782-4700

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:	)	
	)	
PETITION TO AMEND RULES 17.1	)	Supreme Court No. 25-_____
AND 41, FORM 28 OF THE RULES OF	)	
CRIMINAL PROCEDURE	)	
	)	
_____	)	

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona, Petitioner Hon. Alicia M. Skupin (“Petitioner”), on behalf of the Committee on Limited Jurisdiction Courts (“Committee”), respectfully petitions this Court to amend Rules 17.1(f) and Rule 41, Form 28, of the Rules of Criminal Procedure as shown in Appendix A.

I. Background and Grounds for Petition Approval.

At this Court’s August 2025 Rules Agenda, this Court considered and acted on Rule Petition R-24-0005, which proposed amendments to Criminal Rule 17.1(f) to adopt a new subpart (3) relating to procedures for limited jurisdiction courts to accept guilty and no contest pleas by interactive audiovisual means.

Shortly thereafter, this Court requested that the Committee review Rule 17.1(f) and reconcile the procedural differences between plea proceedings conducted by telephone and those conducted using an interactive audiovisual system, particularly subpart (f)(3)(A) which provides that other provisions of Rule 17 apply to remote pleas; subpart (f)(3)(F) which provides that any requirement that something be done in open court is met if it is done during a remote plea proceeding held under Rule 17.1(f)(3); the fingerprint requirements for pleas to offenses described in A.R.S. § 13-607(A); and the use of Form 28.

Petitioner formed a workgroup for this purpose and to make recommendations to the full Committee relating to how subparts (f)(1) and (3) may be reconciled. The workgroup's recommendations proposed that subparts (f)(1) "telephonic pleas" and (f)(3) "remote pleas by interactive audiovisual means" be combined to create a new subpart (f)(1) titled "remote pleas" that would apply the same procedures to plea proceedings conducted by telephone and those conducted using an interactive audiovisual system. Most of the provisions from current Rule 17.1(f)(1) regarding telephonic plea proceedings were relocated to Rule 17.1(f)(3) for this purpose, and Rule 17.1(f)(3) was renumbered to Rule 17.1(f)(1). Conforming changes were made to Form 28.

The text of the proposed amendments to Rule 17.1(f) and Form 28 are shown in underline and strikethrough in Appendix A, with a clean version shown in Appendix B. The proposed amendments are more particularly described below. The

relocation of the current provisions of Rule 17.1(f)(1) are shown in the table set forth in Appendix C.

The workgroup's proposal was presented to the Committee at its November 19, 2025 meeting, and the Committee unanimously supported the rule amendments as set forth in this petition.

II. Proposed Rule Amendments.

A. Rule 17.1(f) (“limited jurisdiction court alternatives for entering a plea and sentencing”). The proposed amendments add the text “for plea and sentencing” relating to the defendant’s appearance, for clarification purposes.

B. Rule 17.1(f)(1) (“telephonic pleas”). The proposed amendments strike this section in its entirety and relocate several of its provisions to (f)(3), renumbered as a new (f)(1).

C. “New” (f)(1) (“remote pleas”). The proposed amendments renumber current (f)(3) to (f)(1) and retitle the subpart to “remote pleas,” from “remote pleas by interactive audiovisual means” because the subpart as revised has a broader application. The proposed amendments redefine “remote plea” to mean “a plea by telephone, video conferencing, or other audio or visual technology allowing two or more persons to communicate. Any audiovisual system used must comply with Rule 1.5 and ACJA § 5-208.” This definition tracks the text of Juvenile Rule 110(b), except for the use of the term “virtual,” as it is the Committee’s position that it is

more appropriate to refer to pleas under Rule 17.1(f)(1) as “remote pleas” rather than “virtual pleas.”

C. “New” (f)(1)(A) (“generally”). The proposed amendment makes clarifying changes relating to the application of other provisions of Rule 17. Specifically, it makes clear remote pleas are subject to the same requirements in Rule 17 that apply to in-person pleas, unless Rule 17.1(f)(1) provides different requirements. For example, this amendment would make Rule 17.3 relating to judicial findings applicable to remote pleas, so separate language, such as that set out in previous Rule 17(f)(1)(D), is no longer necessary in new Rule 17.1(f)(1).

“New” (f)(1)(A) also contains text relating to the limited jurisdiction court retaining discretion as to whether to accept a plea of guilty or no contest to any misdemeanor offense through remote means. This text was relocated from previous Rule 17.1(f)(1)(A) and is important to retain, as it clarifies that the court, in its discretion, may decline a request that the plea acceptance or sentencing proceed through remote means.

D. “New” (f)(1)(B) (“procedure”). This provision is largely unchanged from the previous (f)(3)(B) except that it clarifies that the court must provide the participants with instructions on how to *attend*, rather than how to *initiate*, remote plea proceedings.

E. “New” (f)(1)(C) (“plea documents”). The proposed amendment relocates much of the text in previous Rule 17.1(f)(1)(B) relating to telephonic pleas and

requires use of Form 28 or its substantial equivalent for all remote pleas, if the plea is to an offense described in A.R.S. § 13-607(A). The use of Form 28 or a substantial equivalent is important under these circumstances, to ensure that the sentencing documents have a place for the defendant's fingerprint as required by A.R.S. § 13-607(B) and Criminal Rule 26.10(d). For remote pleas to all other offenses, Form 28 may be used.

Other documents a defendant must submit to the court for a remote plea were carried over from previous Rule 17.1(f)(1)(B) relating to telephonic pleas, including a legible copy of a driver's license or acceptable identification and any other documents the court or prosecutor deems necessary for completing the plea under the circumstances.

F. “New” (f)(1)(D) (“submission of plea documents”). This provision remains largely unchanged from previous Rule 17.1(f)(3)(C) but adds “Form 28” to the list of documents that can be submitted electronically. Electronic submission includes documents submitted through an Online Dispute Resolution (ODR) system, so specific reference to an ODR system is unnecessary and was therefore not carried over from previous Rule 17.1(f)(1)(B).

G. “New” (f)(1)(E) (“fingerprint for A.R.S. § 13-607(A) offenses before plea documents are submitted to court”). The proposed amendment relocates text from previous Rule 17.1(f)(1)(C) to continue the authorization of allowing courts to delegate the task to law enforcement of affixing the defendant's fingerprint to the

sentencing documents before sentencing, or in extraordinary circumstances, allowing the person to appear before a notary to verify the person's identity.

H. “New” (f)(1)(F) (“sentencing”). Remains largely unchanged from previous 17.1(f)(3)(D) but adds clarifying text.

I. “New” (f)(1)(G) (“fingerprint for A.R.S. § 13-607(A) offenses”). The proposed amendment expands and clarifies the requirements for obtaining the defendant's fingerprint as required by A.R.S. § 13-607, since remote plea acceptance will not necessarily result in remote sentencing. If a defendant is sentenced remotely, subpart (f)(1)(G)(i) provides that the fingerprint must be obtained at sentencing (e.g., for courts that have the technology to capture a digital fingerprint) or before sentencing according to Rule 17.1(f)(1)(E)(i), unless the court has authorized an alternative under Rule 17.1(f)(1)(E)(ii). Subpart (f)(1)(G)(ii) provides that if the defendant is sentenced in person, the court must obtain the fingerprint at sentencing according to Criminal Rule 26.10(d), unless the fingerprint was already obtained in compliance with Rule 17.1(f)(1)(E).

J. “New” (f)(1)(H) (“deferring plea acceptance and sentencing”). The proposed amendment carries over the provisions of previous Rule 17.1(f)(1)(C)(ii) relating to the court's ability to defer acceptance of the plea “and sentencing” if the documents do not contain the required fingerprint or law enforcement certification. It also adds a time limit for deferral of 30 days.

K. “New” (f)(1)(I) (“open court”). The proposed amendment retains the existing provisions of previous Rule 17.1(f)(3)(F) but makes conforming changes relating to renumbering “(3)” to “(1).” It is important to retain this provision because there are several provisions throughout rules and statutes that require the court to do something “in open court.” This provision provides that something done during a remote plea proceeding is done “in open court,” to clarify that the “open court” requirement is met even though it is possible that none of the participants are physically present in a courtroom.

L. Rule 17.1(f)(3)(G) (“continued application”). This provision of current Rule 17.1(f)(3) clarifies the procedures that govern in the event of a technology failure in a proceeding conducted by audiovisual means, if a party’s video technology ceases to function after the proceeding has commenced.

If the current provisions relating to telephonic plea proceedings and plea proceedings conducted through an interactive audiovisual system are combined as proposed, this subpart is no longer necessary. The Committee therefore proposes striking it.

M. Rule 17.1(v) (“victims’ rights”). The proposed amendment is a conforming change, to remove the words “telephonic or” so that the rule references only “remote proceedings.”

N. Rule 41, Form 28. The proposed amendments make conforming changes to Form 28 by replacing “telephonic” with “remote,” updating the cross-references

to Rule 17.1(f)(1), and adding email to the methods by which the court can indicate it provided Form 28 to the defendant.

IV. Similar Petitions Filed in Last Five Years.

Rule petition [R-24-0005](#) was filed in January 2024, and this Court adopted rule amendments in August 2025, effective January 1, 2026. Other petitions relating to Rule 17.1(f)(1) within the past five years include [R-20-0005](#), making substantive changes, and [R-22-0033](#) and [R-22-0035](#) making technical changes.

V. Request.

The Committee believes that the proposed rule amendments set forth in Appendix A to this Petition are workable for all limited jurisdiction courts throughout the state and effectively carry out this Court's request relating to the Committee's review of Criminal Rule 17.1(f).

The Committee therefore respectfully requests that this Court open this petition for public comment, consider the petition and comments in the regular course provided by Supreme Court Rule 28, and adopt the proposed amendments as set forth in Appendix A.

Respectfully submitted this 24th day of November, 2025.

By /s/ Alicia K. Skupin
Alicia M. Skupin
Chair, Committee on Limited Jurisdiction Courts
Presiding Magistrate, Chandler Municipal Court

200 East Chicago Street
Chandler, AZ 85225

APPENDIX A

(deletions shown with ~~strikethrough~~, new language is underlined)

Arizona Rules of Criminal Procedure

Rule 17.1. The Defendant's Plea

(a) through (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 for plea and sentencing are met by the defendant complying with this rule's requirements.

(1) ~~Telephonic Pleas.~~ “Telephonic” means ~~voice only 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) ~~Discretionary.~~ A limited jurisdiction court has ~~discretion to accept a telephonic plea of guilty or no contest to any misdemeanor offense.~~

(B) ~~Procedure.~~ The defendant must submit the plea in writing to the court, and the writing must be substantially in the form set forth in Rule 41, Form 28. If the court authorizes it, the defendant may submit plea documents through an ODR system, and Form 28 may be used for that process. The documents the defendant submits for a telephonic plea must include the following:

(i) ~~a statement by the defendant that the defendant has read and understands the information in the form, waives applicable constitutional rights for a plea, and enters a plea of guilty or no contest to each of the offense(s) in the complaint, or to the offense(s) described in a written plea agreement~~

(ii) ~~a legible photocopy of the defendant's driver's license or other government-issued photo identification that contains the defendant's name and birth date; and~~

(iii) ~~any other forms the prosecutor provides that are deemed necessary by the parties for completing a plea under the circumstances of the case.~~

(C) ~~Fingerprint.~~

(i) ~~If the defendant is entering a plea to an offense described in A.R.S. § 13-607(A), Form 28 also must contain a signed certification from a law enforcement officer in the state in which the defendant resides that the defendant personally appeared before the officer and signed Form 28, and that the officer affixed the defendant's fingerprint to the form.~~

~~(ii) If the defendant is entering a plea to an offense described in A.R.S. § 13-607(A) and the defendant's plea form does not include the defendant's fingerprint and the law enforcement officer's certification as this rule requires, the court may defer the plea's acceptance until the defendant has submitted the required fingerprint and certification, or until the defendant appears in open court for sentencing and provides a fingerprint at that time.~~
~~(iii) In extraordinary circumstances, instead of requiring a certification and fingerprint, the court may permit another method of proving the defendant's identification on Form 28, including allowing the defendant to use a notarial officer to witness the defendant's signature on the form.~~

~~(D) Judicial Findings. Before accepting a plea, the court must hold an in-person or telephonic hearing with the parties, advise the defendant of the items set forth in Form 28, inform the defendant that the offense(s) may be used as a prior conviction, and find:~~

~~(i) a factual basis exists for believing the defendant is guilty of the offense(s); and~~

~~(ii) the defendant's plea is knowingly, voluntarily, and intelligently entered.~~

~~(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, 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)).~~

~~(3) Remote Pleas by Interactive Audiovisual Means. For the purpose of Rule 17.1(f)(31), "remote plea" means a plea entered by a defendant appearing through audiovisual means using an interactive audiovisual system under telephone, video conferencing, or other audio or visual technology allowing two or more persons to communicate. Any audiovisual system used must comply with Rule 1.5 and ACJA § 5-208. The plea can be a plea entered directly to the court or by plea agreement.~~

~~(A) Generally. To the extent they are consistent, The requirements of Rule 17's requirements apply to remote plea proceedings in the same manner as in-person plea proceedings except where Rule 17.1(f)(1) provides different requirements. A limited jurisdiction court retains discretion as to whether to accept a plea of guilty or no contest to any misdemeanor offense through remote means.~~

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

(C) Plea Documents. If the defendant is entering a plea to an offense described in A.R.S. § 13-607(A), the defendant must submit the plea substantially in the form set forth in Rule 41, Form 28. Rule 41, Form 28 may be used for other remote pleas. The documents the defendant submits for a remote plea must include:

- (i) a statement by the defendant that the defendant has read and understands the information in the form, waives applicable constitutional rights for a plea, and enters a plea of guilty or no contest to each of the offense(s) in the complaint, or to the offense(s) described in a written plea agreement;
- (ii) a legible photocopy of the defendant's driver's license or other government-issued photo identification that contains the defendant's name and birth date; and
- (iii) any other forms the court or prosecutor provides that are deemed necessary for completing a plea under the circumstances of the case.

(D) Submission of Plea Documents. If the court authorizes it authorized by the court, Form 28, the plea agreement, and any other documents necessary for the court to accept the plea may be submitted to the court electronically.

(E) Fingerprint for A.R.S. § 13-607(A) Offenses Before Plea Documents are Submitted to Court.

(i) *Fingerprint Affixed by Law Enforcement and Certification.* If the defendant is entering a plea to an offense described in A.R.S. § 13-607(A), the court may require that the defendant's fingerprint be permanently affixed to the judgment of guilt and sentencing order or minute entry or Form 28 before the form is submitted to the court, by requiring the defendant to personally appear before a law enforcement officer in the state in which the defendant resides and have the law enforcement officer affix the defendant's fingerprint to the required document. The document must also contain a signed certification from the law enforcement officer that the defendant personally appeared before the officer and signed the document, and that the officer affixed the defendant's fingerprint to the document.

(ii) *Exception for Extraordinary Circumstances.* In extraordinary circumstances, instead of requiring a certification and fingerprint, the court may permit another method of proving the defendant's identification on Form 28, including allowing the defendant to use a notarial officer to witness the defendant's signature on the form.

(~~DF~~) Sentencing. After entry and acceptance of a remote plea under Rule 17.1(f)(1), 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)).

(~~EG~~) Fingerprint for A.R.S. § 13-607(A) Offenses. 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).~~

(i) Remote Sentencing. The court must obtain the defendant's fingerprint on the judgment of guilt and sentencing order or minute entry or Form 28 at the time of sentencing or before sentencing as provided in Rule 17.1(f)(1)(E)(i) if the defendant is sentenced by remote means, unless the court has authorized an alternative under Rule 17.1(f)(1)(E)(ii).

(ii) In-person Sentencing. The court must obtain the defendant's fingerprint in accordance with Rule 26.10(d) unless the defendant's fingerprint was obtained before sentencing according to Rule 17.1(f)(1)(E)(i).

(H) Deferring Plea Acceptance and Sentencing. If the court has required the defendant's fingerprint to be permanently affixed to the judgment of guilt and sentencing documents as provided in Rule 17.1(f)(1)(E)(i) and the documents are submitted without the fingerprint or certification, the court may defer acceptance of the plea and sentencing for up to 30 days to allow the defendant to submit the fingerprint requirements or may require the defendant to appear in open court for sentencing and provide a fingerprint.

(~~FI~~) 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~~1).

(~~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.~~

(2) [No change]

(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 41. Forms

Form 28. ~~Telephonic~~ Remote Guilty Plea/No Contest Plea Proceedings

_____ COURT _____ County, Arizona

STATE OF ARIZONA, Plaintiff -vs- Defendant (FIRST, MI, LAST)	[CASE/COMPLAINT NO.]	TELEPHONIC <u>REMOTE</u> GUILTY/NO CONTEST PLEA PROCEEDING: JUDGMENT OF GUILT AND CONVICTION
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Defendant states:

1. ☐ I have an attorney or ☐ I do not have an attorney and I waive my right to an attorney.
2. I have a copy of the criminal complaint in this case. I have read and understand the charges filed against me. I hereby agree to plead ☐ guilty or ☐ no contest to some or all of the charges in the complaint.
3. I understand the nature of the charges as indicated:
 - ☐ Driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor/toxic vapor/drugs.
 - ☐ Driving or in actual physical control of a motor vehicle with an alcohol concentration of .08 percent or more within 2 hours of driving or being in actual physical control of a motor vehicle.
 - ☐ Driving or in actual physical control of a motor vehicle with an alcohol concentration of .15 percent or more within 2 hours of driving or being in actual physical control of a motor vehicle.
 - ☐ Driving or in actual physical control of a motor vehicle with any illegal drug or its metabolite in the defendant's body.
 - ☐ Driving or in actual physical control of a commercial vehicle with an alcohol concentration of .04 percent or more.
 - ☐ Other:_____.
4. ☐ I am pleading guilty or no contest to all the charges in the complaint, or
☐ I have entered into a written plea agreement and I agree to its terms.
5. I admit that if my case went to trial, the facts would support the charges against me.
6. I understand the maximum penalties to be:
 - ☐ Class 1 misdemeanor: a \$2500 fine, 6 months jail, and/or 3 years probation, plus surcharges and fees.
 - ☐ Class 1 misdemeanor: a \$2500 fine, 6 months jail, and/or 5 years probation, plus surcharges and fees.
 - ☐ Class 2 misdemeanor: a \$750 fine, 4 months jail, and/or 2 years probation, plus surcharges and

fees.

[] Class 3 misdemeanor: a \$500 fine, 30 days jail, and/or 1 year probation, plus surcharges and fees.

[] Other: _____

7. I understand that there are special conditions, including required minimum penalties, for the charge or charges to which I am pleading guilty or no contest, as follows: _____.
8. I understand that by pleading guilty or no contest, I am giving up the following constitutional rights:
 - a. The right to plead not guilty and require the State to prove my guilt beyond a reasonable doubt.
 - b. The right to a trial [] by jury [] by a judge.
 - c. The right to assistance of an attorney at all stages of the proceeding, including appeal. In some cases, I understand that I might be eligible for a court-appointed attorney at a reduced cost or at no cost if I cannot afford one.
 - d. The right to confront the witnesses against me and to cross-examine them as to the truthfulness of their testimony.
 - e. The right to present evidence in my own behalf and to have the court compel my chosen witnesses to appear and testify free of charge.
 - f. The right to remain silent, not to incriminate myself, and to be presumed innocent unless/or until proven guilty beyond a reasonable doubt.
 - g. The right to a direct appeal.
9. My plea is voluntary and not the result of force or threats. No promises were made to me concerning the consequences of my plea or what my sentence will be, other than those contained in a plea agreement if I have one.
10. I understand that if I am arrested on a subsequent offense, I may be charged with a more serious offense and associated penalties because of this plea.
11. I understand that my guilty or no contest plea in this case may cause me to violate my probation or parole in another case.

I CERTIFY that I have read and that I understand all the above matters. I wish to give up my constitutional rights, including my right to a trial by jury and my right to an attorney, and to plead guilty or no contest to the charge(s) of:

I FURTHER CERTIFY that I have attached to this form a legible photocopy of my driver's license or other government-issued photo identification that contains my name and birth date. I understand that the court will not accept my telephonic-remote plea if I have not attached a copy of my license or identification.

Defendant's Signature: _____

Dated: _____

Defendant's Address: _____

Defendant's Telephone # _____ Defendant's Email: _____

DEFENDANT'S ATTORNEY (IF ANY)

I have explained to the defendant the nature of the charge(s) and the defendant's constitutional rights.

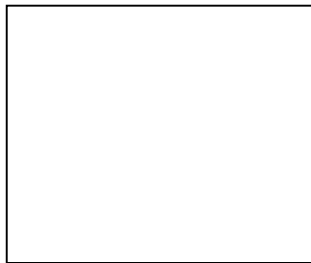
Signature of defendant's attorney (if any) and State Bar number: _____

OFFICER'S CERTIFICATION

[**This certification is required only** if the defendant is entering a plea of guilty or no contest for a violation of section 13-1802 (theft) or 13-1805 (shoplifting), a domestic violence offense as defined in section 13-3601, or a violation of an offense in Title 13, Chapter 14 (specified sexual offenses) or Title 28, Chapter 4 (driving under the influence).]

I CERTIFY that

1. the above-named defendant personally appeared before me,
2. the defendant acknowledged that he or she read all the foregoing information,
3. the defendant identified himself or herself to me by a driver's license or a picture ID from the State of _____, number _____; and
4. I have affixed a print of the defendant's right index finger to this document in the box below.



Fingerprint

Dated: _____

Officer Name and Badge Number

Law Enforcement Agency

Address

(_____) _____
Telephone

NOTARIAL OFFICER

~~[IF THERE IS NO OFFICER CERTIFICATION AND ONE IS REQUIRED UNDER 17.1(f)(1)(CE)(i), but If the court has permitted the defendant to use a notarial officer under Rule 17.1(f)(1)(C)(iii)(E)(ii) in lieu of obtaining the law enforcement certification under Rule 17.1(f)(1)(E)(i), then a notarial officer must witness the defendant's signature.]~~

The defendant established their identity to my satisfaction and I personally witnessed the defendant's signature on page 2 of this form.

State of _____

County of _____

I hereby certify that _____ personally appeared before me. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this _____ day of _____, 20_____.

Notarial Officer: _____

Title: _____

Commission Expires (if applicable): _____

(The following section is for court use only.)

ACCEPTANCE OF PLEA AND JUDGMENT OF CONVICTION

The defendant has appeared ~~telephonically~~ remotely before the court on the date indicated below [] with or [] without an attorney. If defendant required an interpreter, the interpreter's name is: _____

The court has advised the defendant and confirmed the defendant's understanding of the following:

1. The nature of the charges to which defendant is pleading guilty or no contest, and the maximum penalties;
2. The constitutional rights that defendant is waiving by pleading guilty or no contest, and that the defendant's waiver is knowing and voluntary; and
3. The right to file a petition for post-conviction relief and, if denied, a petition for review.

I have asked the defendant about any status on probation or parole, I have given the defendant an immigration advisal, and I have spoken with the defendant regarding the other matters set for above the

defendant's signature. The court finds a factual basis for the plea and that the defendant has entered the plea knowingly and voluntarily and without threats or promises, other than those contained in a plea agreement, if any. The court accordingly accepts the defendant's plea.

Case # _____ For the offenses committed on _____ 20 _____

It is the judgment of the court that the defendant is guilty of the following offenses and is sentenced as follows:

Count 1: _____ a class ☐ 1, ☐ 2, ☐ 3 misdemeanor,
☐ petty offense, a violation of A.R.S. § or ordinance number _____.
SENTENCE: The defendant is sentenced as follows: _____.

Count 2: _____ a class ☐ 1, ☐ 2, ☐ 3 misdemeanor,
☐ petty offense, a violation of A.R.S. § or ordinance number _____.
SENTENCE: The defendant is sentenced as follows: _____.

Count 3: _____ a class ☐ 1, ☐ 2, ☐ 3 misdemeanor,
☐ petty offense, a violation of A.R.S. § or ordinance number _____.
SENTENCE: The defendant is sentenced as follows: _____.

Count 4: _____ a class ☐ 1, ☐ 2, ☐ 3 misdemeanor,
☐ petty offense, a violation of A.R.S. § or ordinance number _____.
SENTENCE: The defendant is sentenced as follows: _____.

Count 5: _____ a class ☐ 1, ☐ 2, ☐ 3 misdemeanor,
☐ petty offense, a violation of A.R.S. § or ordinance number _____.
SENTENCE: The defendant is sentenced as follows: _____.

Date: _____

Judge's signature: _____

I certify that a copy of this document was ☐ mailed or ☐ emailed to the defendant at the address shown above on this date: _____ by (clerk's name or initials): _____.

APPENDIX B (“Clean”)

Arizona Rules of Criminal Procedure

Rule 17.1. The Defendant's Plea

(a) through (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 for plea and sentencing are met by the defendant complying with this rule's requirements.

(1) Remote Pleas. For the purpose of Rule 17.1(f)(1), “remote plea” means a plea by telephone, video conferencing, or other audio or visual technology allowing two or more persons to communicate. Any audiovisual system used must comply with Rule 1.5 and ACJA § 5-208. The plea can be entered directly to the court or by plea agreement.

(A) Generally. The requirements of Rule 17 apply to remote plea proceedings in the same manner as in-person plea proceedings except where Rule 17.1(f)(1) provides different requirements. A limited jurisdiction court retains discretion as to whether to accept a plea of guilty or no contest to any misdemeanor offense through remote means.

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

(C) Plea Documents. If the defendant is entering a plea to an offense described in A.R.S. § 13-607(A), the defendant must submit the plea substantially in the form set forth in Rule 41, Form 28. Rule 41, Form 28 may be used for other remote pleas. The documents the defendant submits for a remote plea must include:

(i) a statement by the defendant that the defendant has read and understands the information in the form, waives applicable constitutional rights for a plea, and enters a plea of guilty or no contest to each of the offense(s) in the complaint, or to the offense(s) described in a written plea agreement;

(ii) a legible photocopy of the defendant's driver's license or other government-issued photo identification that contains the defendant's name and birth date; and

(iii) any other forms the court or prosecutor provides that are deemed necessary for completing a plea under the circumstances of the case.

(D) Submission of Plea Documents. If authorized by the court, Form 28, the plea agreement, and any other documents necessary for the court to accept the plea may be submitted to the court electronically.

(E) Fingerprint for A.R.S. § 13-607(A) Offenses Before Plea Documents are Submitted to Court.

(i) *Fingerprint Affixed by Law Enforcement and Certification.* If the defendant is entering a plea to an offense described in A.R.S. § 13-607(A), the court may require that the defendant's fingerprint be permanently affixed to the judgment of guilt and sentencing order or minute entry or Form 28 before the form is submitted to the court, by requiring the defendant to personally appear before a law enforcement officer in the state in which the defendant resides and have the law enforcement officer affix the defendant's fingerprint to the required document. The document must also contain a signed certification from the law enforcement officer that the defendant personally appeared before the officer and signed the document, and that the officer affixed the defendant's fingerprint to the document.

(ii) *Exception for Extraordinary Circumstances.* In extraordinary circumstances, instead of requiring a certification and fingerprint, the court may permit another method of proving the defendant's identification on Form 28, including allowing the defendant to use a notarial officer to witness the defendant's signature on the form.

(F) Sentencing. After entry and acceptance of a remote plea under Rule 17.1(f)(1), 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)).

(G) Fingerprint for A.R.S. § 13-607(A) Offenses. If the court is sentencing the defendant for an offense described in A.R.S. § 13-607(A):

(i) *Remote Sentencing.* The court must obtain the defendant's fingerprint on the judgment of guilt and sentencing order or minute entry or Form 28 at the time of sentencing or before sentencing as provided in Rule 17.1(f)(1)(E)(i) if the defendant is sentenced by remote means, unless the court has authorized an alternative under Rule 17.1(f)(1)(E)(ii).

(ii) *In-person Sentencing.* The court must obtain the defendant's fingerprint in accordance with Rule 26.10(d) unless the defendant's fingerprint was obtained before sentencing according to Rule 17.1(f)(1)(E)(i).

(H) Deferring Plea Acceptance and Sentencing. If the court has required the defendant's fingerprint to be permanently affixed to the judgment

of guilt and sentencing documents as provided in Rule 17.1(f)(1)(E)(i) and the documents are submitted without the fingerprint or certification, the court may defer acceptance of the plea and sentencing for up to 30 days to allow the defendant to submit the fingerprint requirements or may require the defendant to appear in open court for sentencing and provide a fingerprint.

(I) 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)(1).

(2) [No change]

(v) Victims' Rights. In a 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 41. Forms

Form 28. Remote Guilty Plea/No Contest Plea Proceedings

_____ COURT _____ County, Arizona

STATE OF ARIZONA, Plaintiff -vs- Defendant (FIRST, MI, LAST)	[CASE/COMPLAINT NO.]	REMOTE GUILTY/NO CONTEST PLEA PROCEEDING: JUDGMENT OF GUILT AND CONVICTION
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Defendant states:

1. ☐ I have an attorney or ☐ I do not have an attorney and I waive my right to an attorney.
2. I have a copy of the criminal complaint in this case. I have read and understand the charges filed against me. I hereby agree to plead ☐ guilty or ☐ no contest to some or all of the charges in the complaint.
3. I understand the nature of the charges as indicated:
 - ☐ Driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor/toxic vapor/drugs.
 - ☐ Driving or in actual physical control of a motor vehicle with an alcohol concentration of .08 percent or more within 2 hours of driving or being in actual physical control of a motor vehicle.
 - ☐ Driving or in actual physical control of a motor vehicle with an alcohol concentration of .15 percent or more within 2 hours of driving or being in actual physical control of a motor vehicle.
 - ☐ Driving or in actual physical control of a motor vehicle with any illegal drug or its metabolite in the defendant's body.
 - ☐ Driving or in actual physical control of a commercial vehicle with an alcohol concentration of .04 percent or more.
 - ☐ Other:_____.
4. ☐ I am pleading guilty or no contest to all the charges in the complaint, or
☐ I have entered into a written plea agreement and I agree to its terms.
5. I admit that if my case went to trial, the facts would support the charges against me.
6. I understand the maximum penalties to be:
 - ☐ Class 1 misdemeanor: a \$2500 fine, 6 months jail, and/or 3 years probation, plus surcharges and fees.
 - ☐ Class 1 misdemeanor: a \$2500 fine, 6 months jail, and/or 5 years probation, plus surcharges and fees.
 - ☐ Class 2 misdemeanor: a \$750 fine, 4 months jail, and/or 2 years probation, plus surcharges and

fees.

[] Class 3 misdemeanor: a \$500 fine, 30 days jail, and/or 1 year probation, plus surcharges and fees.

[] Other: _____

7. I understand that there are special conditions, including required minimum penalties, for the charge or charges to which I am pleading guilty or no contest, as follows: _____.

8. I understand that by pleading guilty or no contest, I am giving up the following constitutional rights:

- a. The right to plead not guilty and require the State to prove my guilt beyond a reasonable doubt.
- b. The right to a trial [] by jury [] by a judge.
- c. The right to assistance of an attorney at all stages of the proceeding, including appeal. In some cases, I understand that I might be eligible for a court-appointed attorney at a reduced cost or at no cost if I cannot afford one.
- d. The right to confront the witnesses against me and to cross-examine them as to the truthfulness of their testimony.
- e. The right to present evidence in my own behalf and to have the court compel my chosen witnesses to appear and testify free of charge.
- f. The right to remain silent, not to incriminate myself, and to be presumed innocent unless/or until proven guilty beyond a reasonable doubt.
- g. The right to a direct appeal.

9. My plea is voluntary and not the result of force or threats. No promises were made to me concerning the consequences of my plea or what my sentence will be, other than those contained in a plea agreement if I have one.

10. I understand that if I am arrested on a subsequent offense, I may be charged with a more serious offense and associated penalties because of this plea.

11. I understand that my guilty or no contest plea in this case may cause me to violate my probation or parole in another case.

I CERTIFY that I have read and that I understand all the above matters. I wish to give up my constitutional rights, including my right to a trial by jury and my right to an attorney, and to plead guilty or no contest to the charge(s) of:

I FURTHER CERTIFY that I have attached to this form a legible photocopy of my driver's license or other government-issued photo identification that contains my name and birth date. I understand that the court will not accept my remote plea if I have not attached a copy of my license or identification.

Defendant's Signature: _____

Dated: _____

Defendant's Address: _____

Defendant's Telephone # _____ Defendant's Email: _____

DEFENDANT'S ATTORNEY (IF ANY)

I have explained to the defendant the nature of the charge(s) and the defendant's constitutional rights.

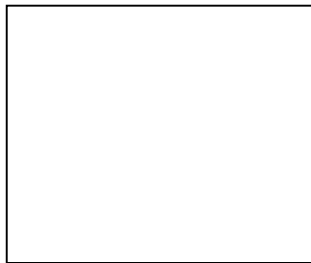
Signature of defendant's attorney (if any) and State Bar number: _____

OFFICER'S CERTIFICATION

[**This certification is required only** if the defendant is entering a plea of guilty or no contest for a violation of section 13-1802 (theft) or 13-1805 (shoplifting), a domestic violence offense as defined in section 13-3601, or a violation of an offense in Title 13, Chapter 14 (specified sexual offenses) or Title 28, Chapter 4 (driving under the influence).]

I CERTIFY that

1. the above-named defendant personally appeared before me,
2. the defendant acknowledged that he or she read all the foregoing information,
3. the defendant identified himself or herself to me by a driver's license or a picture ID from the State of _____, number _____; and
4. I have affixed a print of the defendant's right index finger to this document in the box below.



Fingerprint

Dated: _____

Officer Name and Badge Number

Law Enforcement Agency

Address

(_____) _____
Telephone

NOTARIAL OFFICER

[If the court has permitted the defendant to use a notarial officer under Rule 17.1(f)(1)(E)(ii) in lieu of obtaining the law enforcement certification under Rule 17.1(f)(1)(E)(i), then a notarial officer must witness the defendant's signature.]

The defendant established their identity to my satisfaction and I personally witnessed the defendant's signature on page 2 of this form.

State of _____

County of _____

I hereby certify that _____ personally appeared before me. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this _____ day of _____, 20_____.

Notarial Officer: _____

Title: _____

Commission Expires (if applicable): _____

(The following section is for court use only.)

ACCEPTANCE OF PLEA AND JUDGMENT OF CONVICTION

The defendant has appeared remotely before the court on the date indicated below [] with or [] without an attorney. If defendant required an interpreter, the interpreter's name is: _____.

The court has advised the defendant and confirmed the defendant's understanding of the following:

1. The nature of the charges to which defendant is pleading guilty or no contest, and the maximum penalties;
2. The constitutional rights that defendant is waiving by pleading guilty or no contest, and that the defendant's waiver is knowing and voluntary; and
3. The right to file a petition for post-conviction relief and, if denied, a petition for review.

I have asked the defendant about any status on probation or parole, I have given the defendant an immigration advisal, and I have spoken with the defendant regarding the other matters set for above the

defendant's signature. The court finds a factual basis for the plea and that the defendant has entered the plea knowingly and voluntarily and without threats or promises, other than those contained in a plea agreement, if any. The court accordingly accepts the defendant's plea.

Case # _____ For the offenses committed on _____ 20 _____

It is the judgment of the court that the defendant is guilty of the following offenses and is sentenced as follows:

Count 1: _____ a class ☐ 1, ☐ 2, ☐ 3 misdemeanor,
☐ petty offense, a violation of A.R.S. § or ordinance number _____.
SENTENCE: The defendant is sentenced as follows: _____.

Count 2: _____ a class ☐ 1, ☐ 2, ☐ 3 misdemeanor,
☐ petty offense, a violation of A.R.S. § or ordinance number _____.
SENTENCE: The defendant is sentenced as follows: _____.

Count 3: _____ a class ☐ 1, ☐ 2, ☐ 3 misdemeanor,
☐ petty offense, a violation of A.R.S. § or ordinance number _____.
SENTENCE: The defendant is sentenced as follows: _____.

Count 4: _____ a class ☐ 1, ☐ 2, ☐ 3 misdemeanor,
☐ petty offense, a violation of A.R.S. § or ordinance number _____.
SENTENCE: The defendant is sentenced as follows: _____.

Count 5: _____ a class ☐ 1, ☐ 2, ☐ 3 misdemeanor,
☐ petty offense, a violation of A.R.S. § or ordinance number _____.
SENTENCE: The defendant is sentenced as follows: _____.

Date: _____

Judge's signature: _____

I certify that a copy of this document was [] mailed or [] emailed to the defendant at the address shown above on this date: _____ by (clerk's name or initials): _____.

APPENDIX C

Current Rule 17.1(f)(1)	Relocation to renumbered 17.1(f)(1) (previously 17.1(f)(3))
(f)(1), Telephonic Pleas	New (f)(1), Remote Pleas
(f)(1)(A), Discretionary	New (f)(1)(A), Generally
(f)(1)(B), Procedure	New (f)(1)(A), Remote Pleas; New (f)(1)(C), Plea Documents; New (f)(1)(D), Submission of Plea Documents
(f)(1)(B)(i), Procedure	New (f)(1)(A), Generally (“in writing” requirement consumed by reference to application of Rule 17); New (f)(1)(C)(i), Plea Documents
(f)(1)(B)(ii), Procedure	New (f)(1)(C)(ii), Plea Documents
(f)(1)(B)(iii), Procedure	New (f)(1)(C)(iii), Plea Documents
(f)(1)(C)(i), Fingerprint	New (f)(1)(E)(i), Fingerprint for A.R.S. § 13-607(A) Offenses Before Plea Documents are Submitted to Court
(f)(1)(C)(ii), Fingerprint	New (f)(1)(H), Deferring Plea Acceptance and Sentencing
(f)(1)(C)(iii), Fingerprint	New (f)(1)(E)(ii), Fingerprint for A.R.S. § 13-607(A) Offenses Before Plea Documents are Submitted to Court
(f)(1)(D), Judicial Findings	New (f)(1)(A), Generally (requirement consumed by reference to application of Rule 17)
(f)(1)(E), Sentencing	New (f)(1)(F), Sentencing