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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:

Petition to Amend Rule 41, Forms 31(a)
and 31(b) of the Rules of Criminal
Procedure

Supreme Court No. 26-0001

Joint Comment by the Directors of the
Maricopa County Indigent Defense Agencies
in Support of Petition

The Maricopa County indigent representation offices (IR) collectively handle most criminal cases filed in Maricopa County in which there has been a finding of indigency. The Office of Public Defense Services (OPDS) provides administrative and financial oversight to the staffed offices and the Office of Contract Counsel (OCC). The staffed offices are comprised of the Office of the Public Defender (OPD), the Office of the Legal

Advocate (OLA), the Office of the Legal Defender (OLD), and the Office of the Public Advocate (OPA). The Maricopa County IR offices offer the following comment in support of the petition to amend Rule 41, forms 31(a) and 31(b) of the Arizona Rules of Criminal Procedure

I. Introduction

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona, David K. Byers, Administrative Director of the Administrative Office of the Courts (AOC), petitioned the Court to amend Rule 41, Forms 31(a) and 31(b) of the Rules of Criminal Procedure. The proposed change would amend forms 31(a) and 31(b) to clarify the text regarding the restoration of firearm rights when a person applies to set aside a conviction. The Maricopa County IR offices support the proposed changes for the following reasons.

II. Many Applicants Proceed Pro Se When Applying to Set Aside a Conviction Increasing the Importance of Transparent Court Orders.

The application to set aside a conviction is available to applicants as a self-help document, and those seeking to set aside a conviction often apply pro se. Clarity ensures pro se applicants understand the application and order. Unlike represented parties, they may not have the legal training to interpret nuanced court orders. When orders are clear, pro se applicants can meaningfully access the relief provided by the law and understand if their rights have, in fact, been restored. Clarifying applications and orders for set asides and restoration of firearm rights ensures that applicants can accurately understand their rights and avoid unintended violations.

III. The Consequences for Unlawful Possession of a Firearm are Severe and Orders Should Clearly Inform a Person if their Right Has Been Restored.

The consequences for unlawful possession of firearms are significant and can result in a charge for Misconduct Involving Weapons, a class 4 felony. A.R.S. § 13-3102(A)(4). Clear and accurate language in the court order reduces the risk that an applicant will misunderstand their status as a prohibited possessor and unintentionally violate the law

IV. Court Orders that are Clear Promote Judicial Efficiency and Consistency.

When an applicant does not understand whether their right to possess a firearm has been restored as the result of a set aside, the applicant will often file subsequent applications to restore firearm rights. Orders that clearly indicate whether an applicant's right to possess a firearm has been restored would lessen additional filings. When orders clearly state their intent, it reduces confusion, unnecessary follow-up filings, and the risk of inconsistent rulings.

V. Conclusion

Clarifying court applications and orders regarding set asides and the restoration of firearm rights ensures that applicants, especially those without counsel, can understand their rights, avoid unintentional violations, and have confidence in the legal process. For the foregoing reasons, we support the proposed amendments to Rule 41, Forms 31(a) and 31(b) of the Rules of Criminal Procedure.

Respectfully submitted this 30th day of April 2026.

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