

Arizona Law Enforcement Legal Advisors Association

Marianne E. Sullivan #021609

Zachary A. Altman #029902

75 E. Civic Center Dr.

Gilbert, Arizona 85296

480-635-7930

zach.altman@gilbertaz.gov

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the matter of:)	Supreme Court No. R-26-0004
)	
PETITION TO AMEND RULES)	COMMENT IN OPPOSITION OF
12, 23, 25, 26 AND 38 OF THE)	PETITION TO AMEND RULE 23
ARIZONA RULES OF PROTECTIVE)	OF THE ARIZONA RULES OF
ORDER PROCEDURE)	PROTECTIVE ORDER
_____)	PROCEDURE
)	

Pursuant to Rule 28(d), Rules of Supreme Court of Arizona, **Marianne E. Sullivan, Flagstaff Assistant City Attorney Senior and President of the Arizona Law Enforcement Legal Advisors Association, and Zachary A. Altman, Gilbert Assistant Town Attorney Senior and Vice President of the Arizona Law Enforcement Legal Advisors Association**, respectfully submit this Comment for the Court’s consideration.

The Petition to Amend Rule 23 creates a list of “[f]actors to be [c]onsidered” when determining whether a credible threat exists and a firearm prohibition is necessary; these listed factors raise concerns that judicial officers will begin *scoring* the factors to be considered (akin to the Domestic Violence Lethality

Assessments AKA APRAIS risk assessment): “low scores” may lead to defendants being allowed to possess firearms, reserving firearm prohibitions only for those with “high scores.”

Additionally, the “[t]ransfer of [f]irearms” is concerning to law enforcement. What is law enforcement to do with the form? Who will be responsible for tracking, retaining, maintaining, destroying, etc. the form? Will it be part of AZPOINT? Depending on the answers to these questions, A.R.S. § 13-3108 may be implicated. It should also be mentioned that Defendant’s Constitutional Rights (specifically, their Right to remain silent) may be implicated, especially in situations where they are prohibited possessors prior to the issuance of a Protective Order.

Lastly, the Amendment proposes that “violation[s] of the order to transfer firearms must be referred to the appropriate law enforcement agency.” This language would prohibit the court from addressing such violations through an Order to Show Cause, where defendants could be summonsed to court. With the proposed language, law enforcement would bear the responsibility (with relevant constitutional and administrative concerns) of conducting investigations into violations which would likely require making contact with potentially dangerous defendants (those where a credible threat has been determined by a court and a firearm prohibition has been ordered) to ensure compliance. Law enforcement

anticipates an increased burden on an already-overloaded branch of government:
traffic stops, home visits, and/or residential search warrants.

For these reasons, the Arizona Law Enforcement Legal Advisors Association opposes the adoption of the proposed amendment to Rule 23 requested in Petition No. R-26-0004.

DATED this 1st day of May, 2026.

/s/ Zachary A. Altman
Arizona Law Enforcement Legal Advisors Association
Marianne E. Sullivan #021609
Zachary A. Altman #029902
75 E. Civic Center Dr.
Gilbert, Arizona 85296

COPY emailed this 1st day
of May, 2026, to:

Honorable Wendy A. Million
Tucson City Court
103 E. Alameda
Tucson, Arizona 85701
erobbins@courts.az.gov

By: /s/ Zachary A. Altman
Arizona Law Enforcement Legal Advisors Association