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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the matter of:	)	
	)	
PETITION TO AMEND RULES 3.2, 4.2,	)	Supreme Court No. 26-_____
14.4, 27.7, 27.10, 29.8, 36.1, 41, FORMS	)	(expedited consideration
6 AND 21, AND ADOPT RULE 2.8	)	and emergency adoption
OF THE RULES OF CRIMINAL	)	requested)
PROCEDURE	)	
_____	)	

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully petitions this Court to amend the Rules of Criminal Procedure as proposed in Appendix A. The proposed amendments are prompted by the enactment of several bills during the Second Regular Session of the Fifty-seventh Legislature, as more particularly described below.

Legislation enacted during the Second Regular Session of the Fifty-seventh Legislature that has a general effective date will become effective on September 12, 2026. Accordingly, Petitioner seeks expedited consideration of this petition and emergency adoption of the proposed amendments as set forth in Appendix A.

I. Purpose of Proposed Rule Amendments – Current Legislative Session

A. HB 2226, Processing Arrestees; Veteran Status (Laws 2026, Ch. 193)

HB 2226 creates A.R.S. § 13-3904. A.R.S. § 13-3904(A) requires the court to ask an arrestee about their veteran status during the initial appearance. Petitioner therefore proposes amending Rule 4.2(a) by adding a new subpart (9) requiring the magistrate to inquire whether the person is a veteran of the United States Armed Forces.

Under A.R.S. § 13-3904(B) and (C), if the court determines the person is a veteran, the court must notify the prosecuting agency and provide certain information to the defendant, except when the defendant has been charged with a dangerous offense under A.R.S. § 13-704, a serious offense or violent or aggravated felony as defined in A.R.S. § 13-706, or a dangerous crime against children as defined in A.R.S. § 13-705.

Initial appearances often occur before criminal charges are filed. Without charges, there is no prosecuting agency for the court to notify, meaning A.R.S. § 13-3904's notification and information duties attach only after a case has commenced. Petitioner therefore proposes placement of a new rule under Rule 2 ("commencement of criminal proceedings") rather than under Rule 4 ("initial appearance") since the notification and information requirements of A.R.S. § 13-3904 will occur after the initial appearance. Note that the proposed rule was not

placed in Rule 14 (“arraignment”), because an arraignment may not occur in all cases. See Rule 14.2(c).

Subsection (a) of proposed Rule 2.8 clarifies that the rule applies only when: (1) an initial appearance occurred, and (2) a criminal case has been commenced. The initial appearance requirement is listed first because both A.R.S. § 13-3904 and Rule 2.8 apply only if the defendant had an initial appearance.

The court or judicial officer that handled the initial appearance may not be the same court or judicial officer that later handles the criminal case, meaning that the court or judicial officer handling the criminal case may not have information or documents from the initial appearance. Accordingly, the rule for providing the notification and information required by A.R.S. § 13-3904 once a case has been filed must account for when the court has the information from the initial appearance and when the court does not have the information from the initial appearance.

Subsection (b) addresses cases where the court handling the criminal matter has information from the initial appearance regarding the defendant’s veteran status. The rule provides that if the initial-appearance court determined the defendant is a veteran, the court handling the criminal case must notify the prosecutor no later than the first scheduled court date and must provide the defendant with the information required by A.R.S. § 13-3904. Incorporating the phrase “as required by A.R.S. § 13-3904” avoids restating the statutorily excluded offenses in the rule.

Subsection (c) accounts for scenarios where the judicial officer handling the criminal case lacks information from the initial appearance relating to the determination made regarding the defendant's veteran status. The judicial officer may not have this information because the initial appearance was conducted in a different court, or because the judicial officer handling the matter did not conduct the initial appearance. To obtain this information in such cases and fulfill the notification and information requirements of A.R.S. § 13-3904(B) and (C), subsection (c) requires the judicial officer to make the veteran-status inquiry at the first scheduled court date in the criminal case. Because the prosecutor will already be present, no separate notification is required under (c). If the defendant is determined to be a veteran, the court must provide the required information under A.R.S. § 13-3904(C) to the defendant.

**B. SB 1662, Probation Supervision; Reasonably Necessary Conditions
(Laws 2026, Ch. 186)**

[SB 1662](#) creates a new A.R.S. § 13-901(B) concerning the determination of probation conditions and renumbers the existing statute. As a result, Rule 27.7(a) must be updated to correct its cross-reference from A.R.S. § 13-901(D) to A.R.S. § 13-901(F).

**C. HB 2046, Annual Probation Review; Prehearing; Notification (Laws
2026, Ch. 36)**

HB 2046 amends A.R.S. § 13-923 to specify who must be notified of a prehearing for an annual probation review under A.R.S. § 13-923. Rule 27.10(e) addresses who may attend the prehearing and the conference's scope. Petitioner proposes amending Criminal Rule 27.10(e) to add language that persons who must be notified of the prehearing are additionally specified by A.R.S. § 13-923.

D. SB 1092, Dangerous Crimes Against Children; Probation (Laws 2026, Ch. 27)

SB 1092 amends A.R.S. §§ 13-901 and -923 to prohibit early termination of probation for defendants convicted on or after January 1, 2027, of a dangerous crime against children as defined in A.R.S. § 13-705.

Rule 27.4 already states that the court may terminate probation “as provided by law,” so no amendment is needed to this rule.

However, Rule 27.10(g)(1), which governs the annual probation review hearing required under A.R.S. § 13-923, requires the court to consider whether probation should be continued, modified, or terminated. For clarity, Petitioner proposes adding: “However, the court may not terminate probation earlier than originally imposed if the probationer was convicted on or after January 1, 2027, of a dangerous crime against children as defined in A.R.S. § 13-705.”

E. HB 2720, Prostitution; Assessment; Anti-human Trafficking Fund (Laws 2026, Ch. 108)

HB 2720 amends A.R.S. § 13-909 to require a court granting an application submitted by a sex-trafficking victim under A.R.S. § 13-909 to vacate a conviction, to seal all records relating to the applicant's arrest, conviction, and sentence.

Petitioner proposes restructuring Rule 29.8 into five subsections. Subsection (a) clarifies that Rule 29.8 applies only to applications submitted under A.R.S. § 13-909, avoiding repetition in subsections (b) through (e). Subsection (b) is revised to ensure that applications granted before September 12, 2026 remain confidential, even though they do not have a sealing order. Subsection (c) establishes a beginning date—September 12, 2026—to ensure that the confidentiality provisions in subsection (b) do not depend on the issuance of a sealing order under subsection (c). Subsections (d) and (e) carry forward the substance of current Rule 29.8(a) and (b). Existing subsection (b) (“orders”) is retitled “action by the clerk” to mirror the parallel forwarding requirement in Rule 36.1(g).

HB 2720 also amends A.R.S. § 13-911(E) to allow a person whose conviction has been vacated under A.R.S. § 13-909 to petition the court immediately to seal case records. To implement this change, Petitioner proposes amending Rule 36.1(c)(1)(A) to require the petition to state whether any conviction the petitioner seeks to have sealed was vacated under A.R.S. § 13-909 and to include a copy of the order, if available. This information will alert the court that the petitioner is eligible

to seek record sealing earlier than usual, helping prevent the court from mistakenly denying the petition as premature.

F. SB 1723, Domestic Violence; Release Conditions (Laws 2026, Ch. 242)

SB 1723 adds felony offenses involving domestic violence as defined in A.R.S. § 13-3601 that result in physical harm against another person to the list of offenses that require electronic monitoring, where available, as a release condition. Petitioner therefore proposes amending release condition number 17 on Rule 41, Form 6 (“release order”) to include this category of offenses.

II. Technical Amendments Based on Prior Legislative Sessions

A. HB 2623, Vacate Conviction; Sex Trafficking; Victims (Laws 2024, Ch. 195)

HB 2623 amended A.R.S. § 13-909(A) to allow a person convicted of a prostitution offense to have the conviction vacated if clear and convincing evidence shows that the prostitution offense was the direct result of being a victim of child sex trafficking (A.R.S. § 13-3212).

Rule 41, Form 21 (“application to vacate conviction under A.R.S. § 13-909”) is amended to include A.R.S. § 13-3212 in the text of the first paragraph.

B. SB 1602, Central State Repository; Offenses (Laws 2022, Ch. 195)

SB 1602 expanded the list of offenses for which criminal history records must be maintained in the Central State Repository thereby expanding the offenses for

which a court must order a defendant to be ten-print fingerprinted when a summons is issued or when a defendant does not provide a mandatory fingerprint compliance form at the initial appearance or arraignment, or the court has not received the process control number. Rule petition R-22-0029 implemented this bill but A.R.S. § 13-1602 was inadvertently omitted. See A.R.S. §§ 41-1750(C)(3)(e) and 41-1758.03(C)(58). Petitioner proposes adding A.R.S. § 13-1602 to Rules 3.2(b)(3), 4.2(a)(9)(A) (renumbered by this petition to 4.2(a)(10)(A)), and 14.4(g)(1) to account for when the offense is charged as a misdemeanor. The proposed changes also remove an additional space in A.R.S. § 13-3601 in Rule 4.2(a).

III. Preliminary Comments

This petition has not been circulated to the court community for pre-filing comments because of its technical nature and due to the short period of time since the enactment of the new statutory provisions.

IV. Similar Petitions Filed in Last Five Years

During the last five years, rule petitions [R-22-0028](#) (Rule 36.1), [R-22-0029](#) (SB 1602), and [R-24-0049](#) (Rule 36.1, Form 6, Form 21) have been filed, each addressing subject matter similar to that in this petition. All of these petitions were submitted in response to enacted legislation.

V. Request for Expedited Consideration and Emergency Adoption

Legislation enacted during the Second Regular Session of the Fifty-seventh Legislature takes effect on September 12, 2026. Accordingly, and pursuant to Supreme Court Rule 28(h), Petitioner respectfully requests that the Court expedite consideration of this petition for inclusion on the August 2026 Rules Agenda; adopt the proposed amendments in Appendix A on an emergency basis with an effective date of September 12, 2026 (except that the amendments to Rules 3.2(b)(3), 4.2(a)(9)(A) (renumbered by this petition to 4.2(a)(10)(A)), and 14.4(g)(1) should take effect immediately); open the petition for public comment; and consider permanent adoption of the proposed amendments at the Court's December 2026 Rules Agenda.

Respectfully submitted this 15th day of July, 2026.

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APPENDIX A

Rules of Criminal Procedure

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

Rule 2.8. Requirements Relating to Veteran Status

(a) Applicability. This rule applies when the defendant has had an initial appearance under Rule 4 and a case has been commenced.

(b) Veteran Status Known. If the court has information reflecting that the defendant was determined to be a veteran at the initial appearance, the court must inform the prosecutor of that status on or before the first scheduled court date. At or before that appearance, the court must provide information to the defendant as required by A.R.S. § 13-3904.

(c) Veteran Status Unknown. If the court does not have information regarding the determination made at the initial appearance relating to the defendant's veteran status, the court must make the inquiry at the first scheduled court date. If the court determines the defendant is a veteran, the court must provide information to the defendant as required by A.R.S. § 13-3904.

Rule 3.2. Content of a Warrant or Summons

(a) [No change]

(b) Summons.

(1) and (2) [No change]

(3) *10-Print Fingerprints Required.* If a summons is issued for a defendant who is charged with one of the following offenses, the summons must direct the defendant to provide 10-print fingerprints to the applicable law enforcement agency: a felony offense; a violation of an offense listed in Title 13, Chapters 12, 14, 15 except A.R.S. § 13-1509, 18, 20 through 23, 32, 34, or 34.1; a domestic violence offense as defined in A.R.S. § 13-3601; a violation of A.R.S. §§ 13-1602, 13-1604, 13-2406, 13-2904, 13-2907 to 13-2907.05, 13-2910, 13-2916, 13-3102, 13-3103, 13-3513, 13-3555, 13-3558, 13-3613, 13-3619, 13-3623, 13-3704, or 46-215; or a violation of an offense listed in Title 28, Chapter 4.

Rule 4.2. Initial Appearance

(a) Generally. At an initial appearance, a magistrate must:

(1) through (8) [No change]

(9) inquire of the person's status as a veteran of the United States Armed Forces;
(~~9-10~~) order a summoned defendant to be 10-print fingerprinted no later than 20 calendar days by the appropriate law enforcement agency at a designated time and place if:

(A) the defendant is charged with a felony offense; a violation of an offense listed in Title 13, Chapters 12, 14, 15 except A.R.S. § 13-1509, 18, 20 through 23, 32, 34, or 34.1; a domestic violence offense as defined in A.R.S. § ~~1-3~~13-3601; a violation of A.R.S. §§ 13-1602, 13-1604, 13-2406, 13-2904, 13-2907 to 13-2907.05, 13-2910, 13-2916, 13-3102, 13-3103, 13-3513, 13-3555, 13-3558, 13-3613, 13-3619, 13-3623, 13-3704, or 46-215; or a violation of an offense listed in Title 28, Chapter 4; and

(B) [No change]

~~(10-11)~~ order the arresting agency to secure a sample of buccal cells or other bodily substances for DNA testing if:

(A) and (B) [No change]

(b) through (v) [No change]

Rule 14.4. Proceedings at Arraignment

At an arraignment, the court must:

(a) through (f) [No change]

(g) order a summoned defendant to be 10-print fingerprinted no later than 20 calendar days by the appropriate law enforcement agency at a designated time and place if:

(1) the defendant is charged with a felony offense; a violation of an offense listed in Title 13, Chapters 12, 14, 15 except A.R.S. § 13-1509, 18, 20 through 23, 32, 34, or 34.1; a domestic violence offense as defined in A.R.S. § 13-3601; a violation of A.R.S. §§ 13-1602, 13-1604, 13-2406, 13-2904, 13-2907 to 13-2907.05, 13-2910, 13-2916, 13-3102, 13-3103, 13-3513, 13-3555, 13-3558, 13-3613, 13-3619, 13-3623, 13-3704, or 46-215; or a violation of an offense listed in Title 28, Chapter 4; and

(2) [No change]

(v) [No change]

Rule 27.7. Initial Appearance After Arrest

(a) Probationer Arrested. If a probationer is arrested on a warrant issued under Rule 27.6 or is arrested by the probationer's probation officer under A.R.S. § 13-901(~~D-F~~), the probationer must be taken without unreasonable delay to the court with jurisdiction over the probationer.

(b) through (v) [No change]

Rule 27.10. Probation Review Hearing Regarding Sex Offender Registration

(a) through (d) [No change]

(e) Prehearing Conference. The court may hold a prehearing conference. The people who may be present and must be notified, and the conference's scope, are specified by A.R.S. § 13-923.

(f) [No change]

- (g) Scope of Hearing.** At the hearing, the court must consider and decide whether to:
- (1) continue, modify, or terminate probation. However, the court may not terminate probation earlier than originally imposed if the probationer was convicted on or after January 1, 2027 of a dangerous crime against children as defined in A.R.S. § 13-705;
 - (2) and (3) [No change]

Rule 29.8. Special Provisions for Sex Trafficking Victims

(a) Applicability. The provisions of this rule apply only to granted applications submitted under A.R.S. § 13-909.

(a-b) Confidentiality; Applications Granted Before September 12, 2026. If a court grants-granted an application submitted by a sex trafficking victim before September 12, 2026, all paper and electronic records of the vacated conviction become-are confidential. The record may be disclosed upon request to the sex trafficking victim but otherwise may be disclosed only by court order for good cause.

(c) Applications Granted After September 11, 2026. Beginning September 12, 2026, the court must order sealed all records related to the applicant's arrest, conviction, and sentence.

(d) Other Orders. The court must order that the pertinent law enforcement agencies and prosecuting agencies make notations in their records that the conviction was vacated and the applicant was a crime victim.

(b-e) Order Action by the Clerk. The clerk must transmit the order vacating the conviction of a sex trafficking victim to the arresting agency, the prosecuting agency, the Department of Public Safety, and the applicant.

Rule 36.1. Sealing Arrest, Conviction, and Sentencing Records

(a) and (b) [No change]

(c) Petition.

(1) *Contents of a Petition.*

(A) A petition filed under A.R.S. § 13-911 must include:

(i) and (ii) [No change]

(iii) the offense for which sealing is being requested and whether any conviction was vacated under A.R.S. § 13-909;

(iv) [No change]

(v) whether there are any outstanding fines, fees, restitution, or other court ordered financial obligations for the offense; ~~and~~

(vi) whether the petitioner has completed the conditions of their probation or sentence; and

(vii) if the conviction was vacated under A.R.S. § 13-909, a copy of the order vacating the conviction if available.

(B) [No change]

(2) through (4) [No change]
(d) through (i) [No change]

Rule 41. Forms

Form 6. Release Order

COURT										County, Arizona			
STATE OF ARIZONA Plaintiff -VS- Defendant (FIRST, MI, LAST)										RELEASE ORDER			
Booking Number													
Date of Birth													
LINE #	COMPLAINT NO.	VIOLATION CODE	NF	ORR	PSR	3P	BOND	BA	UB	DB	SB	CB	NB
1							\$						
2							\$						
3							\$						
4							\$						
5							\$						

(NF=Charge not filed; ORR=Own recognizance release; PSR=Pretrial supervision release; 3P=Third party custody; Bond=Amount of bond; BA=Bond applies; UB=Unsecured bond; DB=Deposit bond; SB=Secured bond; CB=Cash bond; NB=Non-bailable)

If you are released from jail, you must follow all release conditions and appear at court as indicated below:

MANDATORY AND STANDARD CONDITIONS OF YOUR RELEASE:

☒ 1. through 16. [No change]

☐ 17. Electronic monitoring, if available, (mandatory if charged with a felony offense under Chapters 14 or 35.1 of Title 13 or 13-3212 or a felony offense involving domestic violence as defined in A.R.S. § 13-3601 that results in physical harm against another person).

☐ 18. [No change]

ADDITIONAL CONDITIONS FOR YOUR PRETRIAL SUPERVISION RELEASE (PSR):

[No change]

FINANCIAL CONDITIONS OF RELEASE:

[No change]

IF YOU VIOLATE THIS ORDER:

[No change]

ACKNOWLEDGEMENT:

[No change]

THIRD PARTY OBLIGATIONS

[No change]

WARNING

[No change]

Form 21. Application to Vacate Conviction under A.R.S. § 13-909

_____ **COURT OF ARIZONA**
IN _____ **COUNTY**

APPLICANT (Name/Address/Phone):	CASE NO. _____ APPLICATION	APPLICATION TO VACATE CONVICTION FOR A PRIOR OFFENSE UNDER A.R.S. § 13-909 AND SUPPORTING DECLARATION
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APPLICANT asks the court to vacate the conviction for the crime of Prostitution, under A.R.S. § 13-3214 or a city or town ordinance that has the same or substantially similar elements of section 13-3214. The conviction occurred on _____ in this court. This relief is sought under A.R.S. § 13-909. The law provides that any person so convicted may apply to the sentencing court to vacate the conviction. The applicant is entitled to relief if the applicant can establish by clear and convincing evidence that the applicant's participation in the offense was the direct result of having been a victim of sex trafficking pursuant to A.R.S. §§ 13-1307 or -3212.

Explain how you were a victim of sex trafficking and, as a direct result, were convicted of Prostitution:

If additional information is required, you may attach additional pages on lined paper.

I state under penalty of perjury that the information I have provided on this form is true and correct.

Date: _____ Signature _____
Applicant

CERTIFICATE OF MAILING

I CERTIFY that I delivered or mailed a copy of this application to the prosecutor's office that prosecuted the case at the following

Address: _____

Date: _____ Signature _____
Applicant