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**ARIZONA SUPREME COURT**

In the matter of : )  
 )  
PETITION TO AMEND RULE 21, ) Supreme Court No. R-14 \_\_\_\_\_  
RULES OF PROCEDURE FOR THE ) (Emergency or Expedited  
JUVENILE COURT ) Adoption Requested)  
 )  
 )  
\_\_\_\_\_ )

Pursuant to Arizona Supreme Court Rule 28, David K. Byers, Director, Administrative Office of the Courts, Arizona Supreme Court, respectfully petitions this court to adopt the attached proposed rule amendment to the Rules of Procedure for the Juvenile Court.

**I. Background and Purpose of the Proposed Rule Amendments and New Rules**

The AOC was recently alerted that rule changes are needed in response to a 2013 statutory change. In the First Regular Session of the Fifty First Legislature (2013), the Legislature passed House Bill 2309. This statute had an impact upon the Rules of Procedure for the Juvenile Court, Part II Delinquency and Incurrigibility.

Relevant to this petition, House Bill 2309 (Chapter 55, § 1) expanded the types of juvenile acts to which the Victim’s Rights for Juvenile Offenses statutes apply. The requirement that a misdemeanor offense involve physical injury, the threat of physical injury or a sexual offense was stricken, making victim’s rights protections for juvenile offenses applicable in all misdemeanor cases. Additionally, victim’s rights protection for juvenile offenses was added for petty offenses and violations of a local criminal ordinance.

## **II. Contents of the Proposed Rule Amendments and New Rules**

### **Rule 21 Rights of Victims**

The proposed amendments to this rule are consistent with amendments to A.R.S. § 8-381 and remove the requirement of physical injury, threat of physical injury or a sexual offense before misdemeanor offenses require the application of victim's rights for juvenile offenses. The amendments also add the categories of petty offense and violation of a local criminal ordinance to the classes of offenses that activate victim's rights in juvenile proceedings.

## **III. Pre-Petition Distribution and Comment**

The petition was not circulated for pre-petition comments.

## **IV. Effective Date of the Proposed New Rule**

Petitioner respectfully requests that the proposed new rules be adopted on an expedited basis pursuant to Rule 28(G) effective immediately to make Rule 21, Rules of Procedure for the Juvenile Court consistent with A.R.S. § 8-381.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

By \_\_\_\_\_  
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# Appendix A

## **Rule 21. Rights of Victims**

**A. Applicable Offenses.** The rights afforded victims, as set forth in these rules or as otherwise provided by law, shall apply to ~~those offenses~~ acts that are committed by a juvenile which, if committed by an adult would be either: a misdemeanor involving physical injury, the threat of physical injury, a sexual offense or would be a felony offense.

1. A misdemeanor offense.
2. A felony offense.
3. A petty offense.
4. A violation of a local criminal ordinance.

**B. Rights.** The victim has the right to be present at all proceedings where the juvenile has the right to be present. The court shall ensure that the rights of victims, including those rights not specifically set forth in these rules, be enforced in a manner consistent with the protection and rehabilitation of the victim.