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IN THE SUPREME COURT

STATE OF ARIZONA

In the Matter of:

	)	
PETITION TO AMEND	)	
RULE 41 OF THE	)	Supreme Court No. R-15-_____
ARIZONA RULES OF	)	
CRIMINAL PROCEDURE	)	(Modified Comment Period
_____	)	Requested)

Pursuant to Rule 28 of the Rules of the Arizona Supreme Court, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully petitions this Court to adopt the attached proposed amendment to Rule 41, Form 2, of the Rules of Criminal Procedure. The amendment to Form 2 is set forth in the accompanying Appendix A.

I. Background and Purpose of the Proposed Rule Amendment.

One of the goals enumerated in Goal One of the 2014-2019 Strategic Agenda for Arizona's Courts is expanding electronic access to court documents and data with appropriate protections for security and privacy. In addition, one of

the goals enumerated in Goal Three is expanding the e-warrants project to other justice system entities.

Technological advances including electronic document management systems and electronic submittal of citations create efficiencies in case management, document retrieval and storage, and public access. However, the lack of a single standard warrant form in the Arizona Rules of Criminal Procedure leads to technological inefficiency for many of the Arizona courts and law enforcement agencies that are planning or implementing new technologies. In addition to criminal warrants, a court may issue a failure to appear (fiduciary) and a failure to pay (child support) warrant.

In October of 2003, Judge George Anagnost, Presiding Judge of the Peoria Municipal Court, filed a rule petition urging elimination of all forms referenced in the Rules of Criminal Procedure (R-03-0029). The Supreme Court at its June 2004 rules agenda continued the matter and formed a committee, the Supreme Court Criminal Forms Review Committee, to consider whether the forms should be revised and retained in the Rules of Criminal Procedure or transferred to the Arizona Code of Judicial Administration. The Committee filed an amended petition in November 2006 asking the Court to approve combining the two arrest warrant forms into a single warrant for use in all courts.

After the Criminal Forms Committee's amended petition was filed, the Court referred the matter to the Committee on Limited Jurisdiction Courts (LJC) for further consideration. After several meetings with the Criminal Forms Committee, LJC filed a Comment recommending additional revisions. Specifically, LJC recommended Warrant Forms 2(a)-(g) for the most common arrest events including rule violations.

Since their adoption by the Court, these forms have been modified multiple times by individual judges within the courts. The net result of multiple versions of the same forms leads to confusion and data entry problems for law enforcement agencies, rejections for lack of required data elements and inaccurate criminal histories for citizens.

Petitioner, therefore, respectfully requests that the Court remove the existing warrant forms from the rule and approve the new single warrant form in Appendix A as mandatory for use by the courts in Arizona. All the information that is collected on the current forms is included in the proposed new form. For example, the new form contains a section that requires a selection for the reason for issuance of the warrant. Only one reason will apply per warrant. The selections offered reflect those categories that are available in booking systems used statewide by law enforcement. The form also has a section for entry of the date of the offense, the associated Arizona Revised Statutory citation, and the criminal classification of the

offense for the charges enumerated in the complaint, indictment, or information, if applicable. The latter is required for entry into criminal history. The single warrant form would also be utilized in fiduciary and child support cases.

II. Pre-Petition Comments. For the past three years, the Administrative Office of the Courts (AOC) has been collaborating with the Arizona Criminal Justice Commission, Department of Public Safety and Arizona Prosecuting Attorney's Association, as well as multiple members of various political subdivisions statewide to examine opportunities to improve criminal history, automated data exchanges, and officer safety. One of the deficiencies that has been identified is the variability and inconsistency amongst all of the stakeholders in processing warrants. Due to the lengthy history of the e-warrant project and the involvement of a broad spectrum of stakeholders statewide, the petitioner has not circulated this proposal for pre-petition comments. As an alternative, in October of 2014, the AOC formed an ad hoc Warrant Workgroup of knowledgeable stakeholders to determine if amending and consolidating the forms in the Rule of Criminal Procedure was appropriate. The consensus of the Workgroup was that one warrant form is optimal and, furthermore, making the form mandatory for use statewide is critical to improving the warrant process. It should be noted, the proposed warrant form (Appendix A) is a close facsimile to the form proposed in 2004 by the Supreme Court Criminal Forms Review Committee.

II. Request for Modified Comment Period. Although petitioner has already received comments from some stakeholders, additional public comments may address items that this petition overlooks or otherwise improve the proposed amendments. Petitioner therefore requests that the Court allow a modified comment period to accommodate filing of an amended petition after an initial round of public comments. Petitioner suggests the following dates:

March 1, 2015: First round of comments due

April 1, 2015: Amended petition due

May 20, 2015: Second round of comments due

June 30, 2015: Reply due

Wherefore petitioner respectfully requests that the Supreme Court amend Form 2 of Rule 41 as set forth in Appendix A.

RESPECTFULLY SUBMITTED this ____ day of _____, 2015.

By /s/_____
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APPENDIX A

Proposed Rule Change

Arizona Rules of Criminal Procedure

Rule 41. Forms (Appendix)

Form 2 (a-h) [delete]

Insert

Form 2 [new see next page]

FORM 2
IN THE [NAME] COURT (#court id)
[NAME] COUNTY, STATE OF ARIZONA

STATE OF ARIZONA)
)
Plaintiff)
vs.)
)
)
Defendant(s))
_____)

Arrest Warrant

Case No. _____

Warrant No. _____

To: Any authorized law enforcement officer,

YOU ARE COMMANDED to arrest and bring the defendant before this court. If this court is unavailable or if the arrest is made in another county, you shall take the defendant before the nearest or most accessible Magistrate. The defendant is accused of an offense or violation based on the following document filed with the court: (List the reason for the warrant – use only one of the following selections per warrant)

- ☐ Indictment ☐ Supervening Indictment ☐ Information ☐ Complaint ☐ Probation Violation
☐ Order of the Court ☐ Court Rule violation ☐ Failure to Appear (criminal) ☐ Failure to Comply
☐ Failure to Appear (fiduciary) ☐ Failure to Pay (child support)

This offense or violation is briefly described as follows:

Offense Date **Statute/Rule** **Class** **NCIC Code**

The defendant may be released if a \$_____ (secured appearance) (cash) bond is posted by or on behalf of the accused.

☐ YES ☐ NO The offense is, or is materially related to, a victims' rights applicable offense.

Date

Judicial Officer/Clerk of Superior Court

SEX:	RACE:	DOB:	HGT:	WGT:	EYES:	HAIR:
LE AGENCY:		CITATION #:		COURT ID:		
ADDRESS: (TYPE: _____)						
DR #:		DL#:		STATE:		
EXTRADITION:				PURGE DATE:		

CERTIFICATE OF EXECUTION

I certify that the defendant was arrested at _____ a.m./p.m. on _____, 20____,
(month) (day) (year)
and presented defendant before Judge _____ at _____.

Date

Agency

Deputy Sheriff/Officer

Badge #