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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- 0024
ARIZONA RULES OF)	PETITIONER’S REPLY
CRIMINAL PROCEDURE)	

Pursuant to Rule 28 of the Rules of the Arizona Supreme Court, Petitioner respectfully files this Reply addressing the unfiled comments provided by the court community directly to the Administrative Office of the Courts concerning the proposed amendment to Rule 41, Form 2, of the Rules of Criminal Procedure. As a result of the feedback received from trial courts, Petitioner has made the following changes to the proposed warrant:

1. Several courts that have automated the electronic generation of the arrest warrant have requested that the form retain the current tri-boxed header that includes the defendant’s name, the case number, and document name. The courts wish to avoid the expense of reprogramming their case management systems for a stylistic change. Petitioner has re-inserted the tri-boxed header.

2. The court identification number is in both the form header and in the detail box below. Petitioner has removed the number from the header.

3. The automation system currently being deployed to the limited jurisdiction courts, AJACS, generates a unique number for each warrant issued by the court. The inclusion of that detail will better inform law enforcement of the identified warrant, if the court recalls or quashes a warrant. Petitioner has added a warrant number to the detail box for the courts to populate, if a unique number is available.

4. Petitioner has added room for the literal description of the ARS offense.

5. Petitioner has removed the line for an NCIC code from the form because the NCIC code is not supplied by the court; rather it is input into the arresting agency's database if and when the agency transmits data concerning the warrant to the Federal Bureau of Investigation.

6. Petitioner has removed the check box for designating whether the offense gives rise to victim's rights. Due to recent changes to the definition of "criminal offense" in A.R.S. §§ 8-381 and 13-4401, all types of criminal offenses now implicate victims' rights.

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

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]

COURT

County, Arizona

STATE OF ARIZONA Plaintiff -VS _____ Defendant(s) (First, MI, Last)	CASE NO.	WARRANT FOR ARREST
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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
- Violation of Promise to Appear

This offense or violation is briefly described as follows:

Offense Date	Statute/Rule & Literal Description	Class
_____	_____	_____

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

The offense is, or is materially related to, a victims' rights applicable offense.

Date	Judicial Officer/Clerk of Superior Court
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SEX:	RACE:	DOB:	HGT:	WGT:	EYES:	HAIR:
ADDRESS: (TYPE: _____)						
DL#:			STATE:		EXTRADITION:	
COURT ID:			WARRANT #:		PURGE DATE:	
LE AGENCY:			CITATION #:		DR #:	

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
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Deputy Sheriff/Officer	Badge #
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