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IN THE SUPREME COURT
STATE OF ARIZONA

In the Matter of		
PETITION TO AMEND RULES 6	)	
7, AND 41 OF THE ARIZONA	)	Supreme Court No. R-16_____
RULES OF CRIMINAL	)	(expedited adoption requested)
PROCEDURE	)	
_____	)	

Pursuant to Rule 28 of the Arizona Supreme Court, David K. Byers, Administrative Director, Administrative Office of the Courts, and Chair of the Supreme Court Task Force on Fair Justice for All: Court-Ordered Fines, Penalties, Fees, and Pretrial Release Policies (“the Task Force”) respectfully petitions this Court to amend Rules 6.1, 7.1, 7.2, 7.3, 7.4, 7.6, and 41, Forms 6 and 7, and to add Rule 7.7 to the Rules of Criminal Procedure, on an expedited basis. These changes are proposed to implement several of the Task Force’s [recommendations](#) dated August 12, 2016.

I. Background and Purpose of the Proposed Rule Amendments. The proposed rule changes follow through on the Task Force for Fair Justice for All purpose of “recommending best practices for making release decisions that protect

the public, but do not keep people in jail solely for the inability to pay bail” and the recommendations contained in the Task Force [report](#). National and local statistics reviewed by the Task Force indicate a significant number of people incarcerated pretrial are there *solely* because they cannot afford to pay a bond. The data also show that for some of these people, time spent in jail appears to foster further criminal behavior.¹ The proposed amendments will also facilitate a fundamental change in the professional culture of the Arizona criminal justice system – moving the system away from charge-based release decisions that rely upon money bail in presumptive amounts and toward conditional release based on an individualized assessment of a defendant’s risk profile.

The amendments to Rules 6.1(b) and 7.4(e) require appointment of counsel to assist defendants who find themselves in need of an advocate for modification of release conditions set at the initial appearance when a defendant who is indigent is unrepresented. Although current rules direct appointment of counsel for indigent defendants at the Initial Appearance, the Task Force heard that some judges delay the appointment pending the filing of charges, or because a conviction of the charge will not necessarily call for incarceration and therefore does not require appointment of counsel. Consequently, an unrepresented indigent defendant may unnecessarily

¹ *Justice for All: Report and Recommendation of the Task Force on Fair Justice for All* (Arizona Supreme Court, August 16, 2016) at p. 27, available at: <http://www.azcourts.gov/Portals/0/FairJusticeArizonaReport2016.pdf>

languish in jail because the relevant information that would justify release on conditions the defendant can satisfy has not been presented to the court.

The amendments to Rules 7.1, 7.2, 7.3, and 7.6 are intended to promote the use of unsecured and cash bonds over secured bonds, in keeping with the statistical reports showing these types of bonds in lower amounts are equally effective as surety bonds in higher amounts in incentivizing people to meet their appearance obligations. A definition for the term “deposit bond” has been added to Rule 7.1, and the term has been added to the list of possible monetary conditions in 7.3(b); this type of bond allows a defendant to pay a percentage rather than the full amount of a cash bond. The word “appearance” has been deleted from the term “appearance bond” in all rules and forms because it is misleading; release on bond is ordered not only to secure a defendant’s appearance in court, but also to ensure the safety of the community.

The changes to Rule 7.3(b) are designed to clarify the hierarchy of release conditions; to emphasize the judge’s obligation to impose the least onerous conditions needed to ensure the defendant’s appearance and the safety of the community; and to require imposition of non-monetary conditions rather than a secured appearance bond, unless such conditions are reasonable and necessary. The amendments also direct the judge to make an individualized determination of the defendant’s risk of non-appearance, risk to the safety of the community, and finances

and prohibits use of a bond schedule that produces an unnecessarily high bond amount.

Corresponding changes to Forms 6 and 7 are also proposed. These forms have been substantially re-formatted, making it impractical to show the proposed revisions. Accordingly, the Appendix includes the current versions of the forms and the proposed new versions for purposes of comparison. Form 6 – Release Order - is used by courts when imposing conditions of release at initial appearance, or arraignment or after a subsequent hearing held pursuant to Rule 7. Form 7 – Appearance Bond - is used when a defendant is ordered to post a bond to secure release. The Task Force is recommending modification of Form 6 and Form 7 to clearly list the various release conditions and bond types available to the court. Additionally, these changes will clarify to the defendant the requirements of the release order and the type of bond imposed. The table contained in Form 6 was modified to include the complete list of release types and added the additional release type of “Pretrial supervision release” (PSR) and the bond type of “Deposit Bond” (DB). Condition 19 was added to read “Provide a current address and phone number to Pretrial Services immediately and notify of any changes.” The warning of consequences of violating the release order was reformatted in bold text. Form 7 was revised to list the bond types in order of least restrictive to most restrictive. The warning of consequences of violating the appearance bond was reformatted in bold

text.

The addition of Rule 7.7 addresses a specific situation that arises when a felony probationer is prevented from receiving some type of court-ordered treatment because the probationer is in pretrial custody on a misdemeanor charge before a justice or municipal court and unable to make bail. The new rule will clarify the sentencing superior court's authority to modify conditions of release in the misdemeanor case to allow the probationer to participate in the superior court-ordered treatment program.

II. Preliminary Comments. While the Task Force included a very comprehensive cross-section of the criminal justice community and the proposed rule amendments were either specifically recommended or promote one or more Task Force recommendations, the specific language of this petition has not been circulated to the Task Force or to other criminal justice system stakeholders for comment before filing. Therefore, an opportunity for comment as part of the Court's expedited review is recommended.

III. Request for Expedited Consideration. Pursuant to Rule 28(G) of the Rules of the Supreme Court, petitioner requests expedited consideration of this Petition, including immediate publication of this Petition for comments through October 21, 2016, with petitioner's Reply to be filed by November 10. This will allow the Task Force to consider comments received at its next meeting, scheduled

for November 3, 2016, and to file a timely response to any comments requiring a response, before the Court's December rules agenda.

Wherefore, petitioner respectfully requests that the Court amend the Rules of Criminal Procedure as proposed in the Appendix included herewith.

RESPECTFULLY SUBMITTED this ____ day of ____, 2016.

By /s/_____
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APPENDIX

(language to be removed is shown in ~~striketrough~~, new language is underlined)

Rule 6.1. Rights to counsel; waiver of rights to counsel

a. [no changes]

b. *Right to Appointed Counsel.* An indigent defendant ~~shall be~~ is entitled to have an attorney appointed: ~~to represent him or her in~~

(1) If detained pretrial after criminal charges are filed;

(2) In any criminal proceeding ~~which~~ that may result in loss of liberty; and

(3) In any other criminal proceeding in which the court concludes that the interests of justice so require.

c. through e. [no changes]

Rule 7.1. Definitions and applicability of rule

a. *Own recognizance.* "Own recognizance" means release ~~without any condition of an undertaking relating to, or deposit of, security~~ of a person without imposing any bond as a condition of release.

b. *Unsecured Appearance bond.* An "unsecured appearance bond" is an undertaking, on a form approved by the Supreme Court, to pay to the clerk of the court a specified sum of money upon failure of a person released to comply with ~~its~~ the conditions of the bond.

c. *Cash bond.* A "cash bond" is a secured bond consisting of actual cash deposited by the person released or someone on behalf of that person other than a professional bondsman.

d. *Deposit bond.* A "deposit bond" is a partially-secured bond in which the person, or someone on behalf of that person other than a professional bondsman, deposits a percentage of the full bond amount in cash.

ee. *Secured Appearance bond.* A "secured appearance bond" is ~~an appearance a~~ a bond secured by deposit with the clerk of security equal to the full amount thereof.

df. *Security.* "Security" is cash, a surety's undertaking, or any property of value, deposited with the clerk to secure ~~an appearance a~~ a bond. The value of such property shall be determined by the clerk, or at the clerk's or a party's request, by the court.

eg. *Surety.* A "surety" is one, other than the person released, who executes ~~an~~

~~appearance~~ a bond and binds ~~himself or herself~~ the surety to pay its amount if the person released fails to comply with its conditions. A surety shall file with ~~an appearance~~ a bond an affidavit that he or she is not an attorney or person authorized to take bail, and that ~~he or she~~ the surety owns property in this state (or is resident of this state owning property) worth the amount of the ~~appearance~~ bond, exclusive of property exempt from execution and above and over all liabilities, including the amount of all outstanding ~~appearance~~ bonds entered into by ~~him or her~~ the surety, specifying such property, the exemptions and liabilities thereon, and the number and amount of such ~~appearance~~ bonds.

fh. Professional Bondsman. Any person who is surety simultaneously on more than four ~~appearance~~ bonds is a "professional bondsman." No person may be a professional bondsman unless the person annually certifies in writing under oath to the clerk of the Superior Court that ~~he or she~~ the person

(1) Is a resident of this state;

(2) Has sufficient financial net worth to satisfy reasonable obligations as a surety;

(3) Agrees to assume an affirmative duty to the court to remain in regular contact with any defendant released pursuant to ~~an appearance~~ a bond on which the person is a surety;

(4) Has not been convicted of a felony, except as otherwise provided by A.R.S. § 20-340.03;

(5) Has no judgments arising out of surety undertakings outstanding against him or her;

(6) Has not, within a period of two years, violated any provisions of these rules or any court order.

Capacity to act as a professional bondsman may be revoked or withheld by the clerk, or by the court, for violation of any provision of this rule.

gj. Applicability. This rule shall not apply to minor traffic offenses.

COMMENT [AMENDED 2007]

Rule 7.1 contains the definitions of the terms used in the rule and the requirements for "sureties" and "professional bondsmen" currently specified in the rules of criminal procedure.

Rule 7.1(a). See Form 6 for an order of release.

Rule 7.1(b). The rule substitutes for "bail bond" and "bail" the term "~~appearance~~ unsecured bond" which emphasizes the role of unsecured bonds. See Ariz.Rev.Stat. Ann. § 13-1577(E) (Supp.1972) [now § 13-3967] (noting propriety of conditions other than money bail). See Form 7.

Rule 7.1(cc). "Secured ~~appearance~~ bond" is used instead of "bail". See Form 7 for a secured

appearance bond.

Rule 7.1(df). “Security” is defined broadly enough to encompass anything of value.

Rule 7.1(eg). This definition includes the requirements of the 1956 Ariz. Rules of Criminal Procedure, as amended, Rules 46, 47, 48(A) and 49. Wherever standards are unclear under present rules, this definition chooses their most onerous interpretation. See Form 7 and Attachment A thereto for the form of the surety's undertaking and affidavit.

Rule 7.1(fh). The definition of “professional bondsman” is more limited than the 1956 Ariz. Rules of Criminal Procedure, as amended, Rules 50 and 51. The clerk is required to review a professional bondsman's qualifications annually.

Rule 7.2. Right to release

a. Before Conviction; Persons Charged With an Offense Bailable as a Matter of Right.
All persons charged with a crime but not yet convicted are presumed to be innocent. Except as otherwise provided in these rules, Any person charged with an offense bailable as a matter of right shall must be released pending or during trial on the person's own recognizance with only the conditions of release required by Rule 7.3(a), unless the court determines, in its discretion, that such a release will not reasonably assure the person's appearance as required. If such a determination is made, the court may impose the least onerous condition or conditions contained in rule 7.3(b) ~~which will reasonably assure the person's appearance~~ that are reasonable and necessary to protect other persons or the community from an actual risk posed by the person or to secure the appearance of the person in court.

b. through d. [no changes]

COMMENT TO 2014 AMENDMENT TO RULE 7.2(B)

Rule 7(b) was amended in 2014 to comply with [Lopez-Valenzuela v. Arpaio](#), 770 F.3d 772 (9th Cir. 2014), cert. denied, 135 S.Ct. 2046 (2015), which held unconstitutional A.R.S. Const. Art. 2, § 22(A)(4) and A.R.S. § 13-3961(A)(5) mandating that bail be denied to undocumented immigrants charged with a serious crime.

COMMENT

Rule 7.2(a). This section establishes a presumption for release on recognizance in most cases. Offenses “bailable as a matter of right” are defined in [Ariz. Const. Art. 2, § 22](#) and [Ariz. Rev. Stat. Ann. § 13-1571](#) (1956) [now [§ 13-3961](#)] as all cases except “capital offenses when the proof is evident or the presumption great” and felonies committed while on bail (using the same “proof is evident or the presumption great” standard).

The presumption of an “own recognizance release” follows closely the ABA, Standards Relating to Pretrial Release, § 5.1 (Approved Draft, 1968), and the Federal Bail Reform Act, [18 U.S.C.A. § 3146](#) (1966). This section of the rule differs only in emphasis from [Ariz. Rev. Stat. Ann. § 13-1577\(B\)](#).

Rule 7.2(b). See [Rule 17, Rules of the Supreme Court](#), 17 Ariz. Rev. Stat. Ann.

COMMITTEE COMMENT TO 1993 AMENDMENT

The 1993 amendment renumbered as Rule 7.2(b)(1) former Rule 7.2(b), which provides for the custody of a person convicted of an offense for which that person in all probability will suffer a sentence of incarceration, and made it applicable only in superior court. It added Rule 7.2(b)(2), applicable in

limited jurisdiction courts, which represents a significant diversion from the parallel provision of Rule 7.2(b)(1). Rule 7.2(b)(2) provides that the person *shall* remain released on bail or own recognizance if these were conditions that existed prior to the person's conviction. A bond may still be required under Rule 6. Superior Court Rules of Appellate Procedure, in order to stay the execution of the remaining portion of the person's sentence.

Rule 7.3. Conditions of release

a. Mandatory Conditions. [no changes]

~~b. Additional Conditions. An order of release may include the first one or more of the following conditions reasonably necessary to secure a person's appearance:~~

- ~~(1) Execution of an unsecured appearance bond in an amount specified by the court;~~
- ~~(2) Placing the person in the custody of a designated person or organization agreeing to supervise him or her;~~
- ~~(3) Restrictions on the person's travel, associations, or place of abode during the period of release;~~
- ~~(4) Any other condition not included in (5) or (6) which the court deems reasonably necessary;~~
- ~~(5) Execution of a secured appearance bond; or~~
- ~~(6) Return to custody after specified hours.~~

b. Discretionary Conditions in General. The court may impose as a condition of release one or more of the following conditions, if the court finds the condition is reasonable and necessary to protect other persons or the community from an actual risk posed by the person or secure the person's appearance. In making this determination, the court must consider the results of an approved risk assessment, if provided.

(1) Non-monetary conditions:

- (i) Place the person in the custody of a designated person or organization agreeing to provide supervision;
- (ii) Restrict the person's travel, associations, or residence;
- (iii) Prohibit the person from possessing any dangerous weapon or engaging in certain described activities or consuming intoxicating liquors or illegal drugs;
- (iv) Require the person to report regularly to and remain under the supervision of an officer of the court;
- (v) Return the person to custody after specified hours; or
- (vi) Any other non-monetary condition that has a reasonable relationship to assuring the safety of other persons or the community from an actual risk posed by the person or securing the person's appearance.

(2) Monetary conditions. In deciding whether to impose a monetary condition of release and what amount to impose, the court must make an individualized determination of the person's risk of non-appearance, risk to the community, and financial circumstances rather than rely on a schedule of charge-based bond amounts. The court must not impose a monetary condition that results in unnecessary pretrial incarceration solely because the person is unable to pay the bond. If the court determines a monetary condition is necessary, the court must impose the least onerous of the types of bonds listed below in the lowest amount necessary to protect other persons or the community from an actual risk posed by the person or to secure the person's appearance. Monetary conditions include:

- (i) Unsecured bond;
- (ii) Deposit bond;
- (iii) Cash bond; or
- (iv) Other type of secured bond.

COMMENT [AMENDED 2007]

Rule 7.3(a). This section replaces the 1956 Ariz.Rules of Criminal Procedure, as amended, Rules 48 and 68 (forms of undertaking), specifying the matters which must be included in every order of release. The rule adds the requirement of good behavior from [Ariz.Rev.Stat. Ann. § 13-1578\(B\)](#) [now § 13-3968]. Also, following [Ill. Ann. Stat. Ch. 38, § 110-10\(a\)\(3\) and \(b\)\(3\)](#) (Smith-Hurd 1970), the prohibition against out-of-state travel without leave of the court is mandated for every case. The diligent prosecution of an appeal is also taken from the Illinois statute. (See the provision in Rule 7.2(b) for mandatory revocation upon violation of this requirement.) The surety's undertaking to surrender the person in the event of a supervening felony charge is deleted. See generally Form 6.

Rule 7.3(b). This section sets forth the additional conditions which a court may impose under the standard of Rules 7.2(a) or (b), and the order of priority in their imposition--e.g., the court may not properly impose (b)(6) unless it finds (b)(5) inadequate. See Form 6, which lists these conditions in the same order.

Subsection (1) calls for an unsecured appearance bond as defined in Rule 7.1. This condition is closely related to Release on Own Recognizance and is used interchangeably with it in the Federal Bail Reform Act, [18 U.S.C.A. § 3146 \(1966\)](#).

Subsection (2) is taken from the statute. If a person willfully fails to produce a defendant released in his custody, the court may hold him in contempt. Subsection (3) and (4) are taken verbatim from § 13-1577(E)(2) and (6) [now § 13-3967]. Subsection (4) would also encompass the additional possibilities mentioned in the statute: prohibition against possessing weapons, engaging in certain activities or indulging in drugs or intoxicating liquors [§ 13-1577(E)(4)] and requiring the defendant to report to and remain under the supervision of an officer of the court [§ 13-1577(E)(5)].

Subsection (5), a fully secured bond, is included within the language of § 13-1577(E)(3), and is listed as the second least desirable condition. Part-time incarceration, authorized by § 13-1577(E)(6), is the harshest permissible condition.

Rule 7.4. Procedure

a. through d. [no changes]

e. *Appointment of Counsel.* The court must appoint counsel in any case in which the defendant is eligible for appointment of counsel under Rule 6.1(b).

Rule 7.6. Transfer and disposition of bond

a. through c. [no changes]

d. Exoneration

(1) At any time before violation that the court finds that there is no further need for an appearance bond, it shall the court must exonerate the appearance bond and order the return of any security deposited.

(2) When a deposit bond or cash bond is exonerated, the court must order the return of the entire amount deposited.

(23) If the surety, in compliance with the requirements of A.R.S. § 13-3974, surrenders the defendant to the sheriff of the county in which the prosecution is pending, or delivers an affidavit to the sheriff stating that the defendant is incarcerated in this or another jurisdiction, and the sheriff reports the surrender or status to the court, the court may exonerate the bond.

(34) In all other instances, the decision whether or not to exonerate a bond shall be within the sound discretion of the court.

e. [no changes]

Rule 7.7. Temporary modification of conditions of release

If a felony probationer has been detained for failure to post a secured bond in a misdemeanor case, a superior court judge may temporarily modify the conditions for release imposed in the misdemeanor case to permit release of the probationer to participate in treatment ordered in the felony case. If such modification occurs, the Clerk must provide the associated order to the court that imposed the conditions of release in the misdemeanor case.

[CURRENT]

Form 6. Release Order
COURT

County,
Arizona

STATE OF ARIZONA, Plaintiff -vs- _____ Defendant (FIRST, MI, LAST)	_____ Booking Number	_____ Date of Birth	RELEASE ORDER
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LINE #	COMPLAINT NO.	VIOLATION CODE	NF	OR	3P	BOND	BA	U	S	C	NB
1						\$					
2						\$					
3						\$					
4						\$					
5						\$					

(**NF** = charge not filed; **OR** = own recognizance release; **3P** = 3rd party custody; **BA** = bond applies; **U** = unsecured app.bond; **S** = secured app.bond; **C** = cash only; **NB** = non-bondable)

BOND: If you cannot post a bond of \$ _____ you will remain in custody until your next court hearing on _____. If you are released from jail, you must follow all release conditions and appear at court as indicated below:

MANDATORY AND STANDARD CONDITIONS OF RELEASE:

- ☒ 1. Appear at _____ Court on: _____.
Court name, and address or see attached sheet for Court location at _____ a.m. / p.m., Courtroom: _____ for _____ and attend all future court hearings.
- ☒ 2. Violate no federal, state or local criminal law.
- ☒ 3. Not leave the state of Arizona without written permission from the court.
[] Defendant may leave the state of Arizona provided defendant returns for court dates.
- ☒ 4. Diligently pursue any appeal if released from custody after judgment and sentence have been imposed.
- [] 5. Maintain contact with your attorney.
- [] 6. Provide a current address and phone number to the Court and to your attorney and immediately notify both of any changes.
- [] 7. Not threaten or initiate any type of contact with the alleged victim(s).
- [] 8. Not drive a motor vehicle without a valid driver's license in your possession.

OTHER CONDITIONS OF RELEASE:

- [] 9. Not threaten or initiate any type of contact with any person as specified here: _____.
- [] 10. Not possess weapons as specified here: _____.
- [] 11. Not consume any alcoholic beverages.
12. [] Not go to scene of the alleged crime:
[] Not go to locations as specified here: _____.
- [] 13. Comply with the assigned pretrial supervision program as specified here: _____.

- [] 14. Comply with 3rd party custody release conditions as specified here: _____.
- [] 15. Contact probation or parole officer. See 3rd party obligations on back
- [] 16. Electronic monitoring, if available, (Mandatory if charged with a felony offense under Chapters 14 or 35.1 of Title 13)
- [] 17. Other: _____.

CONSEQUENCES OF VIOLATING THIS ORDER: You have the right to be present at your trial and at all other proceedings in your case. If you fail to appear the court may issue a warrant for your arrest and/or hold the trial or proceeding in your absence.

IF CONVICTED, YOU WILL BE REQUIRED TO APPEAR FOR SENTENCING. IF YOU FAIL TO APPEAR, YOU MAY LOSE YOUR RIGHT TO A DIRECT APPEAL.

If you violate any condition of an appearance bond, the court may order the bond and any related security deposit forfeited to the State of Arizona. In addition, the court may issue a warrant for your arrest upon learning of any violation of the conditions of release. After a hearing, if the court finds that you have not complied with the release conditions, the court may modify the conditions or revoke the release altogether.

If you are released on a felony charge, and the court finds the proof evident or the presumption great that you committed a felony during the period of release, the court must revoke your release. You may also be subject to an additional criminal charge, and upon conviction you could be punished by imprisonment in addition to the punishment which would otherwise be imposable for the crime committed during the period of release. Upon finding that you violated conditions of release, the court may also find you in contempt of court and sentence you to a term of imprisonment, a fine, or both.

ACKNOWLEDGEMENT: I fully understand and will comply with all release conditions indicated above and further understand the consequences should I violate any part of this order.

Current address where you live Apt. No.

Address where you receive mail if different from current address

Phone No.

Phone No.

<u>X</u>		<u>X</u>	
Defendant Signature	Date	Judicial Officer	Date

DISTRIBUTION: WHITE--COURT YELLOW--SIMS OPERATOR PINK--DEFENDANT

THIRD PARTY OBLIGATIONS

YOU MUST comply with the following obligations if the defendant has been placed in your custody while the case is pending in court.

- A. Supervise the defendant in accordance with all of the release conditions.
- B. Make every effort to assure that the defendant is present for all scheduled court hearings.
- C. Make every effort to assure that the defendant will contact Indigent Defense Services to determine indigency status.
- D. Notify the court immediately in the event the defendant violates any conditions of release or disappears.

As **Third Party Custodian** appointed by the Court, I understand and accept these obligations.

_____	(____)
Third Party Custodian e Date	Phone No.
Signature	

Address

City State Zip

WARNING

IF YOU WILLFULLY VIOLATE ANY OF THESE OBLIGATIONS, THE COURT MAY HOLD YOU IN CONTEMPT AND IMPOSE A JAIL SENTENCE, FINE OR BOTH, AND YOU MAY LOSE YOUR RIGHT TO APPEAL.

[CURRENT]

Form 7. Appearance Bond
COURT

County, Arizona

STATE OF ARIZONA, Plaintiff [CASE/COMPLAINT NO.] -VS- Defendant (FIRST, MI, LAST)	APPEARANCE BOND
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In accordance with the terms of a release order or warrant issued on _____(month/day) 20____, by Judicial Officer of the _____ court, of _____(city, justice, or county), State of Arizona, the defendant, _____ and the defendant's surety _____(If none, so state) hereby promise to pay the State of Arizona the sum of dollars (\$_____), in the event the defendant fails to appear at _____ at _____ a.m./p.m. on _____(month/day) 20____, or during the pendency of the case to appear to answer the charges or to submit to the orders and process of the court having jurisdiction of the case.

SECURED APPEARANCE BOND

[] The defendant hereby deposits with the court cash or property of value in the full amount of this bond, the same to be forfeited in the event the defendant fails to comply with its conditions.

Depositor:

Address:

Phone Number:

OR

[] _____(Name, Address)

surety for the defendant, hereby swears (or affirms) that the surety is not an attorney or person authorized to take bail, and that the surety owns property in this state (or is a resident of this state owning property) worth the amount of this bond, exclusive of property exempt from execution and above and over all liabilities, as detailed in Attachment A.

WARNING: IF YOU DO NOT APPEAR AS REQUIRED, THIS BOND MAY BE FORFEITED AND THE PROCEEDINGS BEGIN WITHOUT YOU.

IF CONVICTED, YOU WILL BE REQUIRED TO APPEAR FOR SENTENCING. IF YOU FAIL TO APPEAR, YOU MAY LOSE YOUR RIGHT TO A DIRECT APPEAL.

ACKNOWLEDGEMENTS

Date

Defendant

State of Arizona

)
)

Subscribed and sworn to before me on

ss.

County of

)

My Commission Expires _____

Notary Public

Approved:

Date

Surety or Authorized Agent

| | |
Form 7 Attachment A
[Intentionally Omitted]

COURT

County, Arizona

STATE OF ARIZONA Plaintiff -VS-										RELEASE ORDER			
Defendant (FIRST, MI, LAST)					Booking Number			Date of Birth					

LINE #	COMPLAINT NO.	VIOLATION CODE	NF	ORR	PSR	3PR	BOND	BA	UB	DB	CB	SB	NB
1							\$						
2							\$						
3							\$						
4							\$						
5							\$						

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

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:

[X] 1. Appear at _____ court on: _____ at _____ a.m. / p.m., Courtroom: __
(Court name and address) (Date) (Time)
 for _____ and attend all future court hearings.

[X] 2. Violate no federal, state or local criminal laws.

[X] 3. Not leave the state of Arizona without written permission from the court.

[] Defendant may leave the state of Arizona provided defendant returns for court dates.

[X] 4. Diligently pursue any appeal if released from custody after judgment and sentence have been imposed.

[] 5. Maintain contact with your attorney.

[] 6. Provide a current address and phone number to the court and to your attorney and immediately notify both of any changes.

[] 7. Not threaten or initiate any type of contact with the alleged victim(s).

[] 8. Not drive a motor vehicle without a valid driver's license in your possession.

[] 9. Not threaten or initiate any type of contact with any person as specified here: _____.

[] 10. Not possess weapons as specified here: _____.

[] 11. Not consume any alcoholic beverages.

[] 12. Not go to scene of the alleged crime.

[] 13. Not go to locations as specified here: _____.

[] 14. Comply with 3rd party custody release conditions as specified here: _____.

[] 15. Contact probation or parole officer.

(See 3rd party obligations in this document.)

[] 16. Electronic monitoring, if available, (mandatory if charged with a felony offense under Chapters 14 or 35.1 of Title 13)

[] 17. Other: _____.

ADDITIONAL CONDITIONS FOR YOUR PRETRIAL SUPERVISION RELEASE (PSR):

[] 18. Comply with the assigned pretrial supervision program as specified here: _____.

[] 19. Provide a current address and phone number to Pretrial Services immediately and notify of any changes.

FINANCIAL CONDITIONS OF RELEASE: If you cannot post a bond of \$ _____ you will remain in custody until your next court hearing on _____.

IF YOU VIOLATE THIS ORDER: You have the right to be present at your trial and at all other proceedings in your case. IF YOU FAIL TO APPEAR THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST AND/OR HOLD THE TRIAL OR PROCEEDING IN YOUR ABSENCE. IF CONVICTED, YOU WILL BE REQUIRED TO APPEAR FOR SENTENCING. IF YOU FAIL TO APPEAR, YOU MAY LOSE YOUR RIGHT TO A DIRECT APPEAL.

If you violate any condition of a bond, the court may order the bond and any related security deposit forfeited to the State of Arizona. In addition, the court may issue a warrant for your arrest upon learning of any violation of the conditions of release. After a hearing, if the court finds that you have not complied with the release conditions, the court may modify the conditions or revoke the release altogether.

If you are released on a felony charge, and the court finds the proof evident or the presumption great that you committed a felony during the period of release, the court must revoke your release. You may also be subject to an additional criminal charge, and upon conviction you could be punished by imprisonment in addition to the punishment which would otherwise be imposable for the crime committed during the period of release. Upon finding that you violated conditions of release, the court may also find you in contempt of court and sentence you to a term of imprisonment, a fine, or both.

ACKNOWLEDGEMENT: I fully understand and will comply with all release conditions indicated above and further understand the consequences should I violate any part of this order.

Current Address where you live

Apt. No.

Address where you receive mail if different from current address

() _____
Phone No.

() _____
Phone No.

X _____
Defendant Signature Date

X _____
Judicial Officer Date

DISTRIBUTION: WHITE – COURT YELLOW – SIMS OPERATOR PINK – DEFENDANT

COURT _____ County, Arizona

STATE OF ARIZONA Plaintiff -VS-	BOND	
Defendant (FIRST, MI, LAST)	Booking Number	Date of Birth

TYPE OF BOND YOU HAVE

- [] UNSECURED BOND:** In accordance with the terms of a release order or warrant issued on _____, 20_____, by Judicial Officer of the _____ court, of _____, State of Arizona, the defendant _____ and the defendant's surety _____ (If none, so state) hereby promise to pay the State of Arizona the sum of \$_____ in the event the defendant fails to appear at _____ at _____ a.m./p.m. on _____, 20_____ and at any other hearing during the pendency of the case, unless excused by the judicial officer.
- [] DEPOSIT BOND:** The defendant will deposit with the Clerk of the Court _____% of the total sum of \$_____, with the remainder of \$_____ as an unsecured bond. The deposited amount of the case appearance bond will be returned to the defendant, if defendant appears at _____ at _____ a.m./p.m. on _____, 20_____ and at any other hearing during the pendency of the case to appear and answer the charges or submit to the orders and process of the court having jurisdiction of the case. In the event the defendant fails to appear at the hearing or during the pendency of the case, defendant will forfeit the cash bond to the State of Arizona.
- [] CASH BOND:** The defendant will deposit with the Clerk of the Court the total sum of \$_____. The total amount of the cash bond will be returned to defendant if defendant appears at _____ at _____ a.m./p.m. on _____, 20_____ and at any other hearing during the pendency of the case to appear and answer the charges or submit to the orders and process of the court having jurisdiction of the case. In the event the defendant fails to appear at the hearing or during the pendency of the case, defendant will forfeit the cash bond to the State of Arizona.
- [] SECURED BOND—without a surety:** The defendant hereby deposits with the court cash or property of value in the full amount of this bond, the same to be forfeited in the event the defendant fails to comply with its conditions.
- Depositor:** _____
- Email address:** _____
- Address:** _____
- Phone number:** _____
- [] SECURED BOND—with a surety:** _____. Surety for the defendant, hereby swears (or affirms) that the surety is not an attorney or person authorized to take bail, and that the surety owns property in this state (or is a resident of this state owning property) worth the amount of this bond, exclusive of property exempt from execution and above and over all liabilities, as detailed in Attachment A.

WARNING: IF YOU DO NOT APPEAR AS REQUIRED, THIS BOND MAY BE FORFEITED AND THE PROCEEDINGS BEGUN WITHOUT YOU. IF CONVICTED, YOU WILL BE REQUIRED TO APPEAR FOR SENTENCING. IF YOU FAIL TO APPEAR, YOU MAY LOSE YOUR RIGHT TO A DIRECT APPEAL.

ACKNOWLEDGEMENTS

Date

Defendant

State of Arizona)
)
County of _____) ss.

Subscribed and sworn to before me on

My Commission Expires _____

Notary Public

Approved:

Date

Surety or Authorized Agent

Form 7 Attachment A

[No changes]