

1 ARIZONA VOICE FOR CRIME VICTIMS

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10 **IN THE ARIZONA SUPREME COURT**

11 IN THE MATTER OF:

R-17-0002

12 PETITION TO AMEND THE
13 ARIZONA RULES OF CRIMINAL
14 PROCEDURE

COMMENT FROM ARIZONA
VOICE FOR CRIME VICTIMS RE:
PETITION TO AMEND THE
ARIZONA RULES OF CRIMINAL
PROCEDURE

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17 Arizona Voice for Crime Victims (AVCV) respectfully submits this
18 comment with the attached revisions to R-17-0002, *Petition to Amend the Arizona*
19 *Rules of Criminal Procedure*.
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21 AVCV, founded in 1996, is an Arizona nonprofit corporation that works to
22 promote and protect crime victims' rights throughout the criminal justice process.
23 To achieve these goals, AVCV empowers victims of crime through legal advocacy
24 and social services. AVCV seeks to foster a fair and compassionate justice system
25 in which all crime victims are informed of their rights under the laws of the United

1 States and Arizona, fully understand their rights, and have a meaningful way to
2 enforce their rights. A key part of AVCV's mission is working to give the
3 judiciary information and policy insights that may be helpful in upholding crime
4 victims' state constitutional rights under the Arizona Victims' Bill of Rights
5 (VBR), Ariz. Const. art. II, § 2.1.

7 While the VBR and its implementing legislation, Title 13, Chapter 40 of the
8 Arizona Revised Statutes, have been in place over twenty-five years, the current
9 Arizona Rules of Criminal Procedure (Rules) are not fully in accord with the
10 constitutional and statutory rights of crime victims. Additionally, since the passing
11 of the VBR, many substantive and procedural laws have been enacted to further
12 define, implement, preserve, and protect victims' constitutional rights. See
13 generally A.R.S. §§ 13-4401-4442; *State v. Roscoe*, 185 Ariz. 68, 72 (Ariz. 1996)
14 (noting that an extensive Victims' Rights Implementation Act (VRIA) was passed
15 in 1991); *State v. Stauffer*, 203 Ariz. 551, 553, 58 P.3d 33, 35 (Ariz. Ct. App.
16 2002) (noting that the VRIA expands on concepts set forth in the VBR).

17 The VBR and its implementing legislation are intended to provide victims
18 with basic rights of respect, protection, participation, and healing of their ordeals.
19 *Champlin v. Sargeant*, 192 Ariz. 371, 375 (Ariz. 1998). Yet, where the VBR is
20 applicable to the current Rules and the new Rules proposed in R-17-0002, the
21 Rules are sometimes inconsistent with and largely void of the constitutional and
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statutory provisions afforded to victims. Accordingly, to ensure the Rules will comport with the rights enumerated in the VBR and VRJA, AVCV respectfully submits the attached revisions to R-17-0002.

Respectfully submitted March 14, 2016.
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BY: /s/ COLLEEN CLASE