

SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-18-0031
RULES 4.2 and 7.2, ARIZONA	)	
RULES OF CRIMINAL PROCEDURE	)	FILED 12/13/2018
	)	
	)	
	)	
	)	

ORDER

**AMENDING RULES 4.2 AND 7.2, ARIZONA RULES OF CRIMINAL PROCEDURE
CONCERNING THE GRANTING OF BAIL**

The Administrative Office of the Courts filed a petition on June 1, 2018 proposing to amend Rules 4.2 and 7.2 of the Arizona Rules of Criminal Procedure on an emergency basis. The Court granted the emergency adoption and opened the petition to comments. Upon consideration,

IT IS ORDERED that emergency amendments to Rules 4.2 and 7.2 of the Arizona Rules of Criminal Procedure adopted by the Court pursuant to Rule 28(G), Rules of the Supreme Court, be adopted on a permanent basis in accordance with the Attachment hereto, effective immediately.

DATED the 13th day of December, 2018.

_____/s/
SCOTT BALES
Chief Justice

Arizona Supreme Court No. R-18-0031
Page 2 of 3

TO:
Rule 28 Distribution List
David K Byers

Arizona Rules of Criminal Procedure

Rule 4.2. Initial Appearance

(a) Generally. At an initial appearance, the magistrate must:

(1) - (7) [No change]

(8) determine whether probable cause exists to believe:

(A) the defendant committed a capital offense, ~~a sexual assault~~, or any felony offense committed while the person was on pretrial release for a separate felony charge; or

(B) [No change]

(9) - (11) [No change]

Rule 7.2. Right to Release

(a) [No change]

(b) Before Conviction: Defendants Charged with an Offense Not Eligible for Bail.

(1) *Not Eligible Based on Commission of a Specified Felony or Any Felony While on Pretrial Release.* A defendant must not be released if the court finds the proof is evident or the presumption great that the defendant committed:

(A) a capital offense; ~~or a sexual assault; or~~

(B) [No change]

(2) - (4) [No change]

(c) - (d) [No change]