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IN THE SUPREME COURT STATE OF ARIZONA

In the Matter of PETITION)	
TO AMEND RULE 123, RULES OF)	Supreme Court No. R-08-0039
THE SUPREME COURT OF)	
ARIZONA, RULE 2.3)	
ARIZONA RULES OF CRIMINAL)	
PROCEDURE and RULE 5, ARIZONA)	
RULES OF CIVIL PROCEDURE)	
_____)	

**COMMENTS ON PETITION TO AMEND VARIOUS RULES
RELATING TO ACCESS TO PUBLIC RECORDS**

1. Municipal courts have jurisdiction over a variety of cases including misdemeanor criminal violations, civil traffic and boating violations, and civil violations of city ordinances regulating non-traffic matters such as zoning, neighborhood preservation, and conduct on municipal transit vehicles. The proposed amendment designated Rule 123(g)(1)(B)(i)(b) specifies categories of civil traffic and boating law enforcement case records that may be made available by remote electronic access but does not clearly identify civil non-traffic case

records as a category that may be made available. Accordingly, we suggest clarifying language as follows:

Rule 123(g)(1)(B)(i)

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(b) Civil traffic case records in any action brought as such under ARS Titles 28 or 41 or a matter expressly designated as a civil traffic violation by a traffic ordinance of a city or town and any boating violation punishable by a civil sanction under ARS Title 5, chapter 3, articles 1 through 11, or a non-traffic ordinance expressly designated a civil violation or a boating ordinance by a city or town.

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2. The proposed amendment designated Rule 123(g)(1)(B)(i)(c) specifies categories of criminal case records that may be made available by remote electronic access but does not clearly include case records in actions instituted to punish petty offenses classified by A.R.S. §13-601.

3. Counties have the authority to enact and enforce ordinances providing for criminal and civil penalties. See A.R.S. §§11-251 and 11-808. However, the proposed amendment designated Rule 123(g) does not clearly identify case records in such proceedings as categories that may be made eligible for remote electronic access.

4. The section of the proposed amendment to Rule 123 designated “(g)(1)(C)(ii)” appears to contain a typographical error in citing to “(g)(1)(b)(i)(a) through (c)” that should be corrected to “(g)(1)(~~b~~)(B)(i)(a) through (c).”

RESPECTFULLY SUBMITTED this 1st day of April 2009.

By _____

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