

Criminal Procedure and Rule 3 of the Arizona Rules of Court Procedure for Civil Traffic and Civil Boating Violations are amended on a permanent basis in accordance with the attachment to this order, effective January 1, 2021.

DATED this 15th day of December, 2020.

_____/s/_____
ROBERT BRUTINEL
Chief Justice

Arizona Supreme Court No. R-20-0039

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TO:

Rule 28 Distribution

David K Byers

ATTACHMENT¹

ARIZONA RULES OF CRIMINAL PROCEDURE

Rule 2.1. Misdemeanors

(a) Limited Jurisdiction Courts. The State may commence misdemeanor and petty offense actions triable in limited jurisdiction courts by filing with the court:

- (1) an Arizona Traffic Ticket and Complaint;
- (2) any complaint form approved by the Arizona Supreme Court; or
- (3) a complaint under Rule 2.3.

(b) Superior Court. The State may commence a misdemeanor action by filing an indictment or information directly in the superior court. A prosecutor also may commence a misdemeanor action not otherwise triable in the superior court by filing a complaint in the Justice Court under Rule 2.2(b) and then following the procedures applicable in felony cases.

(c) Filing a Motion to Transfer to the Correct Precinct. A party may file a motion to transfer a case to the correct precinct under A.R.S. § 22-301 or the court sua sponte may transfer the case. A motion to transfer a case to the correct precinct must be filed, or the court may order a sua sponte transfer, no later than 30 days after arraignment.

¹ Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike through~~.

**ARIZONA RULES OF COURT PROCEDURE FOR CIVIL TRAFFIC AND
CIVIL BOATING VIOLATIONS**

Rule 3. Commencing a Violation in Court

(a) Commencing a Civil Traffic or Civil Boating Case. A civil traffic or civil boating case is commenced by filing with the court an Arizona Traffic Ticket and Complaint in accordance with Article 4, Chapter 5, Title 28, Arizona Revised Statutes (entitled “Procedures for Civil Traffic Violations”) or by filing a long-form complaint pursuant to Arizona Rules of Criminal Procedure, Rule 2.3.

(b) Commencing a Parking or Standing Case. A parking or standing case is commenced by filing with the court an Arizona Traffic Ticket and Complaint, or a notice of violation for a local ordinance, charter, or regulation in accordance with Article 4, Chapter 5, Title 28, Arizona Revised Statutes entitled “procedures for civil traffic violations.” Vehicle parking and standing offenses do not require that the initial notification or a subsequent summons and complaint be personally served. If it becomes necessary to issue a summons and complaint because there is not a satisfactory response to the initial notice of a parking or standing violation, a summons and complaint may be sent by regular mail to the address provided to the Department of Motor Vehicles by the individual made responsible for the alleged violation. Service of a summons and complaint is complete on mailing.

(c) Filing a Motion to Transfer to the Correct Precinct. A party may file a motion to transfer a case to the correct precinct under A.R.S. § 22-301 or the court sua sponte may transfer the case. A motion to transfer a case to the correct precinct must be filed, or the court may order a sua sponte transfer, no later than 20 days after service of the complaint.