

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. R-16-0024  
RULE 7.6, RULES OF CRIMINAL )  
PROCEDURE )  
 ) **FILED: 09/02/2016**  
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**ORDER  
AMENDING RULE 7.6, RULES OF CRIMINAL PROCEDURE**

A petition having been filed proposing to amend Rule 7.6, Rules of Criminal Procedure, and a comment having been received, upon consideration,

**IT IS ORDERED** that Rule 7.6, Rules of Criminal Procedure, be amended in accordance with the attachment hereto, effective January 1, 2017.

DATED this 2<sup>nd</sup> day of September, 2016.

\_\_\_\_\_/s/\_\_\_\_\_  
SCOTT BALES  
Chief Justice

**Arizona Supreme Court No. R-16-0024**  
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TO:  
Rule 28 Distribution  
David K Byers  
John A Furlong

ATTACHMENT\*

**RULES OF CRIMINAL PROCEDURE**

**Rule 7.6. Transfer and disposition of bond**

a. [No changes].

b. [No changes].

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 exonerate the appearance bond and order the return of any security deposited.
- (2) The court shall exonerate the bond if the surety, in compliance with the requirements of A.R.S. § 13-3974,:
  - i. The surety surrenders the defendant to the sheriff of the county in which the prosecution is pending on or before the day and time the defendant is ordered to appear in court, 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.
  - ii. The defendant is in the custody of the sheriff of the county in which the prosecution is pending on or before the day and time the defendant is ordered to appear in court, the surety provides an affidavit of surrender of the appearance bond to the sheriff, and the sheriff reports the affidavit of surrender of the appearance bond and the defendant's custody to the court.
  - iii. Before the defendant was released to the custody of the surety, the defendant was released or transferred to the custody of another government agency, preventing the defendant from appearing in court on the day and time the defendant was ordered to appear in court, and the surety establishes both of the following:

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\*Additions are shown by underlining; deletions by ~~strikeouts~~.

a. The surety did not know and could not have reasonably known of the release or transfer or that a release or transfer was likely to occur; and

b. The defendant's failure to appear was a direct result of the release or transfer.

The court is not required to exonerate the bond under this subsection if a detainer was placed on the defendant before the bond was posted or the release or transfer to another government agency was for a period of twenty-four hours or less.

(3) 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].