

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of: )  
 )  
AUTHORIZING MODIFICATION OF ) Administrative Order  
SENTENCING PROCEDURE DURING A ) No. 2020 - 83  
PUBLIC HEALTH EMERGENCY )  
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Due to concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona declared a statewide emergency pursuant to A.R.S. § 26-303 and in accordance with A.R.S. § 26-301(15). This Court has issued a series of administrative orders directing Arizona’s courts to continue whenever possible to conduct business in a manner that reduces the risk associated with this public health emergency. The latest such order, Administrative Order No. 2020-79, was issued on May 20, 2020.

This Order adds to that direction for DUI cases in which defendants are eligible for a local home detention or continuous alcohol monitoring program to permit the court to resolve DUI cases and to permit eligible defendants to receive the benefits of these programs despite the unavailability of admission of these defendants to jail at the time of sentencing due to COVID-19 measures.

Therefore, pursuant to Article VI, Sections 3 and 5, of the Arizona Constitution,

IT IS ORDERED that the trial courts are authorized to sentence an otherwise eligible defendant to participate in a home detention or continuous alcohol monitoring program pursuant to either ARS § 9-499.07 or § 11-251.15 and order the jail confinement required by ARS §§ 28-1381 or -1382 to be served upon notice by the court.

IT IS FURTHER ORDERED that this Order applies only in those jurisdictions where the local jail authority is not accepting these defendants on a regular basis.

IT IS FURTHER ORDERED that the sentencing court is responsible for determining when jail admission is available and notifying these defendants when they must report for incarceration.

Dated this 3rd day of June, 2020.

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ROBERT BRUTINEL  
Chief Justice