

**Arizona Supreme Court  
Commission on Victims in the Courts**

**May 17, 2013 Meeting Agenda**  
1501 W. Washington St. Phoenix, AZ 85007  
State Courts Building, Conference Room 119 A/B  
Conference Phone Number: (602) 452-3192 Access Code: 1114  
[WebEx Link](#)

**Call to Order**

10:00 a.m.	Announcements	Hon. Ron Reinstein, Chair
	<i>Welcome New Members</i> <i>Recognize service of out-going members</i>	
	<i>Approval of January 2013 Meeting Minutes**</i>	
	Remaining 2013 COVIC meeting dates October 25, 2013	

**Old Business**

10:05 a.m.	Victim ID Protection Rule Implementation Update	Aaron Nash
10:20 a.m.	Strategic Agenda Recommendations	Carol Mitchell
10:30 a.m.	Arizona Case Processing Standards Steering Committee **	Hon. Tony Riojas
10:55 a.m.	Amended Rule Petition from Wireless Committee	Carol Mitchell for Mark Meltzer

**New Business**

11:05 a.m.	Juvenile Detention/Advisory Hearings w/in 24 hours	Pam Moreton
11:30 a.m.	Sentencing rules/statutes in misdemeanor cases	Kirstin Flores
11:55 a.m.	Call to the Public	

**Adjourn**

***\*\*Important Voting items***

*All times are approximate. The Chair reserves the right to set the order of the agenda. For any item on the agenda, the Committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration §1-202. Please contact Carol Mitchell at (602) 452-3965 with any questions concerning this agenda. Persons with a disability may request a reasonable accommodation by contacting Kelly Gray at (602) 452-3647. Requests should be made as early as possible to allow time to arrange for the accommodation.*

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
May 17, 2013	<input checked="" type="checkbox"/> <b>Formal Action Request</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Other</b>	COVIC January 2013 meeting minutes

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**FROM:** Arizona Supreme Court

**PRESENTER(S):** Hon. Ron Reinstein

**DISCUSSION & TIME ESTIMATE:**

Review and approve the COVIC meeting minutes from January 23, 2013.

**RECOMMENDED MOTION (IF ANY):** Approve minutes

## Commission on Victims in the Courts

**Friday, January 25, 2013**

10:00 a.m. to 12:00 p.m.

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 119 A/B

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**Present:** Judge Ronald Reinstein, Chair; Michael Breeze, Judge Peter Cahill, Dr. Kathryn Coffman, Sydney Davis, Karen Duffy, Captain Larry Farnsworth, Judge Elizabeth Finn, Kirstin Flores, Leslie James, Keli Luther, Judge Evelyn Marez, Judge Anna Montoya-Paez-*telephonically*, Pam Moreton, Elizabeth Ortiz, Doug Pilcher, Judge Richard Weiss, Chief Cindy Winn

**Absent/Excused:** James Belanger, Shelly Corzo Shaffer, Jim Markey, Judge William O'Neil, Judge Antonio Riojas Jr., and JoAnn Del Colle.

**Presenters/Guests:** Renee Werner, MCSO Victims Unit; Kathleen Cheechi, MCSO Victims Unit; Aaron Nash, Clerk of the Court Maricopa County; Kim Knox, Maricopa County Collections; Dan Levy, POMC; Theresa Barrett, AOC; Cindy Cook, AOC; Cindy Trimble, AOC

**Staff:** Carol Mitchell, AOC; Jerri Medina, AOC

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### **I. Regular Business**

#### **A. Welcome and Opening Remarks**

The January 25, 2013 meeting of the Commission on Victims in the Courts was called to order by Chair, Honorable Ronald Reinstein, at 10:01 a.m.

The Chair asked for Commission member roll call and introductions of staff and guests.

Membership appointment cycles will expire soon and Carol Mitchell will be in touch with those eligible and interested in applying for reappointment. The Chair also acknowledged the following people for their service to our committee: Daisy Flores and Judge Doug Rayes. Ms. Daisy Flores started private practice in Gila County and Judge Doug Rayes is no longer the Presiding Criminal Judge. Dan Levy, also in attendance today was recognized for his past years of service on COVIC and accomplishments with victim issues on a national basis.

The American Probation & Parole Association's Winter Conference was held in Phoenix last week and several members of COVIC participated in a town hall-style presentation to discuss victim issues.

The Chair thanked Judge Cahill, Keli Luther, Judge Reinstein, Shelly Corzo Shaffer, Chief Cindy Winn, Carol Mitchell and Judge O'Neil for their time and participation. The session received good feedback from people, and two of our committee members were able to tell their victim impact story which we hope will encourage other jurisdictions across the nation that came to the conference to sponsor a victim's commission in their respective jurisdictions.

## **B. Approval of September 21, 2012 Minutes**

The draft minutes from the September 21, 2012, meeting of the Commission on Victims in the Courts were presented for approval. The chair called for any omissions or corrections to the minutes from September 21, 2012 meeting.

- Motion was called for the approval of minutes presented; seconded and passed unanimously.

The Chair reminded members of future meeting dates for 2013 and a fourth meeting may be added if necessary.

Kirstin Flores, Chair for the Attorney General's Office Victim Advisory Committee reviewed legislation that is pending in both victims' rights and domestic violence related proposals. She reported that at the Advisory committee meeting, the AZ Department of Corrections brought up the issue involving defendants sentenced after 1994 (after the law changed) to 25 years to life. 2019 marks the year when the first of those cases will reach 25 years and concern is raised because defendants believe they are eligible for parole, but may have been misinformed about their chance of parole either in court minute entries, by a defense attorney, etc. This issue has been on the Department of Corrections and Board of Clemency radar for a while and hopes to work with the Appeals Division at the Attorney General's Office to address concerns of victims and defendants regarding this change.

## **II. Old Business**

### **A. Victim ID Protection Rule Petition Update**

Honorable Ronald Reinstein gave an update on COVIC's petition submitted to the Arizona Supreme Court regarding victims and court records. The workgroup reworked the petition due to feedback from the Supreme Court and other stakeholders who wanted to allow limited media access. The Supreme Court ordered restricting electronic access to criminal cases with victims of all adult sex crimes under ARS Title 13, Chapters 14, 32, 35 & 35.1 and all juvenile victims of any crimes. Additionally, all appellate cases (digital and paper records including decisions, opinions) will use a victim identifier in place of a victim's name, with the exception of deceased victims. COVIC may consider submitting another rule petition to expand victim protection in the future.

The Supreme Court provided a nine month implementation period with the effective date set for September 1, 2013. COVIC wants to discuss impact on various stakeholders in the process especially the prosecutors which will have an additional responsibility to notify the court of these case types.

Judge Reinstein introduced Aaron Nash, Special Counsel with the Maricopa County Clerk of the Superior Court. Aaron shared that for implementation considerations, various stake holders across agencies (IT folks for programming needs, county and attorney general prosecutors, criminal court administration, court room clerks) and customer service people that primarily deal with access to the court records, need to be consulted about the impact of this rule change. Currently, criminal minute entries are the only documents online with the majority of documents filed from Maricopa County. The prosecutor would notify the clerk that the case falls under the "victim ID" exclusion category, and then the IT staff will work behind the scenes with programming to set a flag, so that minute entry doesn't show up in any online searches. It would be the same with sentencing minute entries.

When looking at implementation, courts need to have a clear understanding that it is any child victim in any case. The programming will be simple for specific statutes that involve child in the title, but for other cases, such as a DUI crash with a minor in the car, that case may not be as easily identifiable.

COVIC would like to start a state-wide implementation workgroup to help facilitate this petition rule. An important recommendation would be to ensure the Arizona Prosecuting Attorneys Advisory Council (APAAC) reviews the notification process from prosecutors, especially in the smaller counties. COVIC would like to facilitate that process or come up with "best practices" guidance for prosecutors and courts. The workgroup should include representation from the AG's Office, APAAC, IT from AOC, Criminal Court Administration, a judge and several people from COVIC. COVIC will also plan to revisit the issue after implementation to assess the real impact and determine any relevant issues that would support another rule petition.

- Motion presented:  
Move to form a workgroup (including key stake holders) to make implementation recommendations to report back at our May meeting and have Aaron Nash serve as chair. Seconded by Breeze/Cahill; unanimously passed. Other volunteers included: Karen Duffy; Pam Moreton; Elizabeth Ortiz; Lori Ash and Kristin Flores.

Does ECR (Electronic Court Records) fall under this protection? With ECR is there going to be an exception the public can have access. The rule change is geared to the general public not someone that has special court access and is registered to look at their own case through electronic court records (ECR). This rule is also not expected to impact lower courts or tribal courts.

### **III. New Business**

#### **A. Maricopa County Sherriff's Office (MCSO) – Victim Assistance and Notification Unit (VANU)**

At the last COVIC meeting Captain Farnsworth and Keli Luther talked about creating a victim notification similar to the form police now use. Commander Kathleen Checchi and Officer Renee Warner are here today to speak about victim notification rights in IA (Initial Appearance) court and the work that the MCSO does with the VANU. VANU has been in around for 22 years and has done a tremendous amount of work on behalf of victims. The VANU phone number is (602) 876-8276.

Commander Checchi shared the process victims have to speak in IA court. When MCSO is on the scene of a victim crime, they complete a victim notification form and advise the victim that VANU is their first point of contact. VANU is a 24/7 operation, they can guide the victim to services such as shelters, rape crisis counseling, domestic abuse centers, safe houses, community information, and statutory rights. VANU is immediately notified that the criminal is going to a hearing and reach out to victims for notification. The victim form gives victims the option to “opt” in for notification. This form is maintained and updated through the Attorney General's Office.

VANU staff is scheduling presentations across the valley to get a consistent message out to the community and give victims needed information. VANU is in the process of creating a standalone victim assistance website which is expected to rollout in March 2013. A demonstration of the new website was provided and received positive feedback from commission members. Currently, on the MCSO website under the “Are you a victim” tab you can also find various resources and the VANU contact information. Victims will be able to access information regarding their case via the internet and update their contact information in a confidential manner.

Other counties may also have the opportunity to use the MSCO template for in the future. This website is still a work in progress and all ideas and suggestions are welcome.

A critical link to the success of victim notification is law enforcement officer training on the use of this form and the importance is that officers constantly need reminding about distributing the form to victims at the scene of the crime. VANU continue to educate officers out in the field in the use of this form and victim rights information. MSCO has an annual training process over the use of forms and this form will be added to that training curriculum.

#### **B. Juvenile cases and victim notice**

Pam Moreton tabled this item until the next meeting.

### **C. Arizona Case Processing Standards Steering Committee**

Judge Peter Cahill and Cindy Cook provided handouts and spoke about the ongoing committee effort toward developing model time standards for processing court cases.

Model time standards have been developed at the national level through the National Center for State Courts (NCSC) and our state formed a committee to begin evaluating appropriate standards for our judicial system. These standards are intended to be used as a management tool for the courts to assess delivery of judicial services. The goal is to determine how our judicial system is doing and where improvements can be made. The standards are not to be considered rules governing individual cases or as creating rights for individual litigants; but rather any deviation of the standards should be justified by serving justice. The committee identified 19 different case types within both general and limited jurisdiction court cases including: civil cases; probate; mental health; juvenile delinquency; child welfare and criminal cases.

The standards are set usually in tiers; the first set being those that we expect to be quickly resolved. The next set of cases to measure would be the biggest group of cases and they should be resolved within a specific period. The third tier would be the more difficult or complex cases that usually go to trial. All of our standards have left room for a very small amount of "outlier" cases, such as death penalty cases.

The committee has spent considerable time evaluating whether the national standards were reasonable for our courts and what was the acceptable method of tracking time standards. Some excluded time exceptions within the case types were identified such as warrant time, diversion cases.

Some of the case types were highlighted and discussed including misdemeanors and DUIs and criminal matters with victims.

On February 15, 2012, a website will be available listing the nineteen case types and their corresponding recommended case processing time standards with a public comments forum. Please forward the information in the handout to anyone within the legal community that you think has some expertise in this area and can provide feedback. Once the comment period is completed, an update will be provided to all the standing committees for review and approval prior to submission to the Arizona Judicial Council.

Some COVIC members expressed an interest in more specifics within case types, such as how long child victim cases take in the system. Although the committee did not drill down to that level of detail for their work, it may be something COVIC would consider as a future research or investigative project. Specifically, a question was raised about how long child victim cases are taking to move through the justice system and particularly sex crime cases that utilize expert testimony become very complex and take a long time to hear. The Chair recalled that Arizona has a statute citing the use

of a “certificate of special public importance” in which you can use to put a trial on the fast track.

#### **D. Strategic Agenda 2015**

The Chair acknowledged that COVIC was created by Chief Justice McGregor as a result of being part of the strategic plan goal involving the administration of justice for children and victims. Carol Mitchell addressed COVIC about the Supreme Court’s upcoming Strategic Agenda planning process. In 2015, Vice Chief Justice Bales will become the new Chief Justice and a new strategic agenda will be put in place. A PowerPoint presentation was reviewed and several goals from the current agenda were highlighted, demonstrating that the strategic agenda produces quality ideas and results. All the Supreme Court’s standing committees are being asked to submit ideas and recommendations.

The workgroup may want to look at current court trends and issues that affect our environment over the next five years. Recommend new goals and objectives to strengthen that agenda and then recommend projects and initiatives. Give a voice to any thoughts, ideas and things that have been stirring that would impact not just victims but the justice system as a whole and what might improve our process. Sydney Davis suggested that COVIC’s prior year’s strategic initiatives list be reviewed and serve as the basis for potential recommendations. Additionally, the following ideas were raised:

- Developing best practices for working with child victims in a violent crime cases
- Addressing needs of Non-English speaking victims and victims’ families
- Expand and improve restitution and collection on judgments
- Automate the victim notification form
- Suggest victim-related interview questions for judicial selection process
- Improve initial appearance notifications

Motion by Michael Breeze to create workgroup with the authority to make recommendations for the 2015 Strategic Agenda on behalf of COVIC.

- Seconded by Keli Luther; passed unanimously.

Interested volunteers included: Mike Breeze, Dr. Coffman, Kirstin Flores, Keli Luther, Judge Ron Reinstein and Carol Mitchell, Kim Knox and Judge Richard Weiss.

### **IV. Call to Public**

#### **A. Good of the Order/Call to the Public**

Kim Knox, Maricopa County Collections Department gave an update on HB 2256, which goes into effect April 1, 2013 and changes a portion of criminal restitution. HB 2256 moves restitution from the end of the sentence to the beginning which is strictly a procedural change with no additional punishment. Kim is aware of at least one Public

Defender's office that has recently authored an article in opposition to the bill to collecting interest from the time of sentencing and imposing a lien on property.

Kim also discussed the restitution liens process involving vehicles and the Automobile Dealership Association is looking to change the law. Dealers have the ability to run a \$4.00 records search for a clouded title. Individual consumers are unable to get this information and has caused several problems of people buying vehicles and later unable to register them due to outstanding liens. DMV liens have been one of the most valuable victim restitution tools and were often the only time that victims actually get paid for restitution. Several victim groups will be monitoring this bill to try to avoid losing this viable reimbursement stream for crime victims.

The Chair excused himself to attend another meeting and asked Honorable Peter Cahill to serve as acting chair for the remainder of the meeting.

Judge Elizabeth Finn spoke about the upcoming multi-disciplinary summit for domestic violence on March 15<sup>th</sup> and will share information via email to the members of COVIC.

## **V. Adjourn**

A. **Motion:** To adjourn at 12:24pm. Motion was seconded and passed.

**B. Next Committee Meeting Date:**

Friday, May 17, 2013

10:00 a.m. to 12:00 p.m.

State Courts Building, Room 119 A/B

1501 W. Washington St., Phoenix, AZ 85007

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
May 17, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input type="checkbox"/> <b>Information Only</b> <input checked="" type="checkbox"/> <b>Other</b>	Victim ID Protection Implementation Workgroup Update

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**FROM:** COVIC Victim Identification workgroup

**PRESENTER(S):** Aaron Nash, Chair

**DISCUSSION & TIME ESTIMATE:**

Review workgroup's recommendations and discuss implementation considerations prior to September 1, 2013 effective date. 20 minutes

<http://www.azcourts.gov/Portals/20/2012Rules/120512/R120004.pdf>

**RECOMMENDED MOTION (IF ANY):**

## **Use of Victim Names in Court Records and Online**

The Arizona Supreme Court approved changes to the criminal, juvenile, and supreme court rules that will take effect on September 1, 2013. These rules include important protections for victims that change the way documents are prepared, filed, and maintained.

### **Information Online**

A new rule requirement states that no documents shall be accessible to the general public online in any case in which a victim was a juvenile at the time of the offense. This restriction is based on the status of the victim as a juvenile, regardless of the underlying court or case type. Additionally, no documents shall be accessible to the general public online in criminal cases in which the defendant is charged with any offense listed in A.R.S. Title 13, chapters 14, 32, 35 or 35.1.

### **Prosecutors and Clerks**

When filing a case, prosecutors must notify court clerks that the case falls within the parameters above. Clerks will need to carefully enter victim and other information in their case management systems to ensure accurate coding that will prevent case records from appearing online. Prosecutors and the courts in which they file must work together to ensure accurate and consistent notification and coding.

### **Defense, Juvenile, and Appellate Court Practitioners**

Although the rules allow a victim's name to appear in superior court records, it is standard practice to use a substitute identifier for juveniles rather than their true name. All victims' true names must be replaced with a substitute identifier in appellate briefs and in the appellate courts' opinions, memorandum decisions and orders.

### **Victim identifier**

The rules define a victim identifier as a victim's initials, a pseudonym, or other substitute for the victim's true full name. Remembering that the intent of the rule is to protect victims, practitioners are urged to consider all aspects of a case when selecting a victim identifier. For example, in smaller communities, using a victim's initials would identify the victim as if their full name had been used. A rule implementation workgroup of the Commission on Victims in the Courts recommended chronological numbering of victims in court documents. For example: Victim 1, Victim 2, etc.

The approved rule petition (R-12-0004) with the final version of the rules is available online at: <http://www.azcourts.gov/Portals/20/2012Rules/120512/R120004.pdf>.

## Commission on Victims in the Courts

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May 17, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input checked="" type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Other</b>	Strategic Agenda 2015 Recommendations

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**FROM:** Arizona Supreme Court

**PRESENTER(S):** Hon. Ron Reinstein & Carol Mitchell

**DISCUSSION & TIME ESTIMATE:**

Review and discuss recommendations submitted by COVIC's strategic agenda workgroup for the future Supreme Court's Strategic Agenda.

<http://www.azcourts.gov/justice2020/Justice2020.aspx>

**RECOMMENDED MOTION (IF ANY):**

Agenda	Recommendations
<b>Goal 1: Strengthening the Administration of Justice</b>	
<i>1A: Using Technology Efficiently</i>	Encourage the coordination of technology solutions to ensure victim safety by making terms and conditions of release readily accessible to law enforcement.
<i>1C: Improving Public Access, Transparency, and Accountability</i>	Create uniform procedures for processing and collecting on restitution judgments.
	Extend language access services to victims and victim families in court proceedings.
<b>Goal 3: Improving Communications</b>	
<i>3B: With Other Branches of Government and Justice System Partners</i>	Improve intra-court communications between judicial officers on family, juvenile and/or the criminal bench for cases involving child victims to reduce conflicting contact orders.
<b>Goal 4: Protecting Children, Families, and Communities</b>	
<i>4A: Protecting Vulnerable Children and Families</i>	Evaluate the resource entitled, <i>Multidisciplinary Protocol for the Investigation of Child Abuse</i> to suggest revisions to court-related victim impacts within the judicial, juvenile court, juvenile and adult probation, mental health and victim services chapters.
	Create online or brief written materials that will provide continuing education to judicial officers concerning best practices in working with child victims and confidentiality of victim information.
<i>4B: Protecting Communities</i>	Revise criminal benchbook for judicial officers to include information on impact of trauma on children, child accommodations for court proceedings and best practices that help reduce delay in processing violent crimes involving children.

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
January 25, 2013	<input checked="" type="checkbox"/> <b>Formal Action Request</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Other</b>	Arizona Case Processing Standards Steering Committee

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**FROM:** Arizona Case Processing Standards Steering Committee

**PRESENTER(S):** Honorable Antonio Riojas

**DISCUSSION & TIME ESTIMATE:**

Model case processing time standards provide a reasonable set of expectations for courts, lawyers and the public. The Arizona Supreme Court's Case Processing Standards Steering Committee has gathered input and feedback from all key justice partners regarding the establishment of case processing standards for Arizona courts. The steering committee has completed a review of the national time standards, Arizona rules and statutes and a recommendation for case processing standards has been developed. These recommendations are being presented to your committee for approval. The final recommendations will be presented to the Arizona Judicial Council on October 24, 2013.

**RECOMMENDED MOTION (IF ANY):**

Motion that the members of COVIC approve the case processing standards being recommended by the Arizona Case Processing Steering Committee for the following case types:

- 1) Criminal Felony Cases
- 2) Criminal Misdemeanor Cases
- 3) Criminal Misdemeanor DUI Cases

**CASE PROCESSING STANDARDS ANALYSIS  
CRIMINAL-FELONY**

**National Center for State Courts Model Time Standards:**

- 75% within 90 days
- 90% within 180 days
- 98% within 365 days

**Measurement:** Filing of initial complaint through disposition (e.g., dismissal, acquittal, sentencing)

**Arizona Criminal-Felony**

The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt a different standard:

- 65% within 90 days**
- 85% within 180 days**
- 96% within 365 days**

✓ Death Penalty cases will be included as part of the 4% disposed after 365 days.

**Measurement:** Filing of first charging document (e.g. information, indictment or complaint) in superior court through disposition (e.g. dismissal, acquittal or judgment and sentencing).

The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.

Arizona Rules and Statutes	Timelines under Statute and Rule
<p><b>Complaint Filed</b> Rule 3.1(a), Ariz.R.Crim.P.<sup>1</sup></p> <p>Rule 3.2, Ariz.R.Crim.P</p> <p><b>Indictment:</b> Rule 12.7, Ariz.R.Crim.P and Rule 3.1(a), Ariz.R.Crim.P</p> <p><b>Information Filed</b> Rule 13.1(c), Ariz.R.Crim.P</p>	<p style="text-align: center;"><b>(Measurement Starts Here in AJACS )</b></p> <p><b>Arrest warrant or summons issued:</b> Upon presentment of a complaint signed by a prosecutor, the court shall promptly issue a summons or notice of supervening indictment under rule 12.7(c) or, after a finding of probable cause, issue a warrant.</p> <p><b>Summons:</b> The defendant will be summoned to appear within <b>30 days</b> after the filing of an indictment, information or complaint.</p> <p>The indictment shall be returned in open court by the foreman in the presence of the grand jury and the prosecutor. If defendant has previously had an initial appearance under Rule 4.2, the court shall prepare and send to the defendant and defendant’s counsel a notice of supervening indictment in lieu of issuing a warrant or summons.</p> <p>An information shall be filed in Superior Court within <b>10 days</b> after determination of probable cause or the defendant’s waiver of a preliminary hearing.</p>
<p><b>Initial Appearance:</b> Rule 4.1(a), Ariz.R.Crim.P.</p>	<p>Initial Appearance held within <b>24 hours</b> of arrest.</p>

<sup>1</sup> Arizona Rules of Criminal Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
Rule 4.1(b), Ariz.R.Crim.P.	<p><b>Arrest without a warrant:</b> If complaint has not already been filed, a complaint shall be promptly prepared and filed. If a <b>complaint</b> is not <b>filed within 48 hours from the time of the initial appearance</b> before the magistrate, the defendant shall be released from jail, and the preliminary hearing date, if any, shall be vacated.</p> <p style="text-align: center;"><b>(Measurement Starts Here in AJACS )</b></p>
<p><b>Preliminary Hearing:</b> Rule 5.1(a), Ariz.R.Crim.P.</p> <p>Rule 5.1(c), Ariz.R.Crim.P.</p>	<p><b><u>Defendant in custody:</u></b> When a complaint is filed, a preliminary hearing shall be held within <b>10 days</b> following defendant’s initial appearance.</p> <p><b><u>Defendant not in custody:</u></b> When a complaint is filed, a preliminary hearing shall be held within <b>20 days</b> following defendant’s initial appearance.</p> <p><b>Postponement:</b> Upon a finding of extraordinary circumstances, the preliminary hearing may be postponed beyond the 20-day limit.</p>
<p><b>Arraignment:</b> Rule 14.1, Ariz.R.Crim.P.</p>	<p style="text-align: center;"><b>(Measurement Starts Here for Speedy Trial Rules)</b></p> <p><b><u>Defendant in custody:</u></b> Arraignment held within <b>10 days</b> after filing of indictment, information, or complaint.</p> <p><b><u>Defendant not in custody:</u></b> Arraignment held within <b>30 days</b> after filing of indictment, information, or complaint.</p>
<p><b>Discovery:</b> Rule 15.1 (b), Ariz.R.Crim.P.</p> <p>Rule 15.1(d), Ariz.R.Crim.P.</p> <p>Rule 15.1(e), Ariz.R.Crim.P.</p> <p>Rule 15.2(d), Ariz.R.Crim.P.</p>	<p><b>Supplemental Disclosure</b> of evidence by the Prosecutor must occur:</p> <ul style="list-style-type: none"> <li>• <u>In Superior Court:</u> <b>30 days</b> after arraignment.</li> <li>• <u>In Limited Jurisdiction Courts:</u> at the first pre-trial conference.</li> </ul> <p><b><u>Prior Felony Convictions:</u></b> At least <b>30 days</b> prior to trial or <b>30 days</b> after request from defendant.</p> <p><b><u>Additional disclosure upon request:</u></b> Prosecutor shall provide within <b>30 days</b> upon written request.</p> <p><b><u>Time for disclosure by defendant:</u></b></p> <ul style="list-style-type: none"> <li>• <u>In Superior Court:</u> <b>40 days</b> after arraignment or within <b>10 days</b> after prosecutor’s disclosure pursuant to Rule 15.1(b), whichever occurs first.</li> <li>• <u>In Limited Jurisdiction Courts:</u> <b>20 days</b> after prosecutor’s disclosure pursuant to Rule 15.1(b).</li> <li>•</li> </ul>
<p><b>Trial:</b> Rule 8.2 Ariz.R.Crim.P. [Excluded time, such as a competency determination, are specified in Rule 8.4]</p>	<p><b><u>Defendant in custody:</u></b> Within <b>150 days</b> from arraignment.</p> <p><b><u>Defendant not in custody:</u></b> Within <b>180 days</b> from arraignment.</p> <p><b><u>Complex cases:</u></b> Within <b>270 days</b> from arraignment.</p> <p><b><u>Capital cases:</u></b> Within <b>24 months</b> from filing of a notice of intent to seek the death penalty.</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
<p><b>Sentencing:</b> Rule 26.3(a), Ariz.R.Crim.P.</p>	<p><b><u>In Superior Court:</u></b> Upon determination of guilt, the court shall set a date for sentencing. Sentence shall be pronounced <b>not less than 15 nor more than 30 days</b> after determination of guilt unless the court, after advising the defendant of the right to a pre-sentence report, grants the request that sentence be pronounced earlier.</p>
<p>Rule 26.3(a), Ariz.R.Crim.P.</p>	<p><b><u>In Limited Jurisdiction Courts:</u></b> Sentence may be pronounced immediately upon determination of guilt unless the court on its own motion or upon request of the party or victim, orders that sentence should be pronounced at a later date, not more than <b>30 days</b> after determination of guilt.</p>
<p>Rule 26.3(b), Ariz.R.Crim.P.</p>	<p>If a pre-sentencing hearing is requested under Rule 26.7 or if good cause is shown, the trial court may reset the date of the sentencing within <b>60 days</b> after determination of guilt. <b>(Measurement Stops Here)</b></p>

**CASE PROCESSING STANDARDS ANALYSIS  
CRIMINAL - MISDEMEANOR**

**National Center for State Courts Model Time Standards:**

- 75% within 60 days
- 90% within 90 days
- 98% within 180 days

**Measurement:** Filing of complaint through disposition (e.g., dismissal, sentencing)

**Arizona Criminal - Misdemeanor**

The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt the national model time standard as follows:

- 75% within 60 days**
- 90% within 90 days**
- 98% within 180 days**

- ✓ Criminal traffic cases are included.
- ✓ Criminal local ordinances cases are included.
- ✓ Petty offenses are included.
- ✓ DUI cases are excluded; these cases have separate case processing standards.

**Measurement:** Filing of complaint through disposition (e.g., dismissal, acquittal or judgment and sentencing).

The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.

**COMMENT:** These standards are based on the assumption that most of these cases are resolved without an attorney. These standards should be revisited if penalties on misdemeanor cases continue to become more stringent and attorney involvement increases.

Arizona Rules and Statutes	Timelines under Statute and Rule
<b>Complaint Filed:</b>	<b>(Measurement Starts Here if Complaint has been filed)</b>
<b>Initial Appearance:</b> Rule 4.1, Ariz.R.Crim.P. <sup>1</sup>	Initial Appearance held within <b>24 hours</b> of arrest
Rule 4.2(b), Ariz.R.Crim.P.	<b><u>Initial Appearance and Arraignment:</u></b> At initial appearance defendant may be arraigned in the manner prescribed by Rule 14, if counsel is present or waived.
Rule 14.1(e), Ariz.R.Crim.P.	<b><u>Combined Proceedings:</u></b> When the first court appearance occurs after the filing of the complaint, the arraignment may be held in conjunction with the initial appearance before the magistrate, if the initial appearance is held in the trial court. If the initial appearance is not held in trial court, the defendant shall be ordered to appear for arraignment in the trial court within <b>10 days</b> , and written notice of the arraignment date shall be delivered to defendant.
<b>Arraignment:</b>	

\* **Timelines or rules are different for superior court.**

<sup>1</sup> Arizona Rules of Criminal Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>Rule 14.1(a), Ariz.R.Crim.P.</p> <p>Rule 14.1(c), Ariz.R.Crim.P.</p>	<p><b><u>Defendant in custody:</u></b> Arraignment shall be held within <b>10 days</b> after filing of complaint.</p> <p><b><u>Defendant not in custody:</u></b> Arraignment shall be held within <b>30 days</b> after filing of complaint.</p> <p><b><u>Exceptions:</u></b> An arraignment need not be held in cases where: The defendant’s attorney has appeared and entered a plea of not guilty, or the court permits a defendant to enter a plea of not guilty by mail and receive a court date by mail.*</p>
<p><b>Pre-Trial Conference:</b> Rule 16.5, Ariz.R.Crim.P.</p> <p>Rule 17.1, Ariz.R.Crim.P.</p> <p>Rule 17.1(a)(3), Ariz.R.Crim.P.</p> <p>Rule 17.1(a)(4), Ariz.R.Crim.P.</p>	<p>The purpose of the pretrial conference is to provide a forum for the fair and orderly disposition of cases without trial. If the case cannot be disposed without a trial the court may set a date certain for trial.</p> <p>A plea of guilty or no contest may be accepted by a court having jurisdiction to try the offense. Such plea shall be accepted only when made by the defendant personally, unless the defendant is a corporation, in which case the plea may be entered by counsel or a corporate officer.</p> <p><b><u>Telephonic Pleas:</u></b> The court may accept a telephonic plea of guilty or no contest. *</p> <p><b><u>Pleas by Mail:</u></b> The courts can accept pleas by mail to a misdemeanor or petty offense if the court is satisfied that a personal appearance by the defendant would constitute an undue hardship.*</p>
<p><b>Discovery:</b> Rule 15.1 (c), Ariz.R.Crim.P.</p> <p>Rule 15.1(e), Ariz.R.Crim.P.</p> <p>Rule 15.2(d)(2), Ariz.R.Crim.P.</p> <p>Rule 10.1(a), Ariz.R.Crim.P.</p>	<p><b><u>Supplemental Disclosure:</u></b> of evidence by the prosecutor must occur at the first pre-trial conference.*</p> <p><b><u>Additional Disclosure Upon Request:</u></b> Prosecutor shall provide within <b>30 days</b> upon written request.</p> <p><b><u>Time for Disclosure by Defendant:</u></b> <b>20 days</b> after prosecutor’s disclosure pursuant to Rule 15.1(b).*</p> <p><b><u>Change of Judge:</u></b> Prior to the commencement of a hearing or trial, the state or any defendant shall be entitled to a change of judge if a fair and impartial hearing or trial cannot be had by reason of the interest or prejudice of the assigned judge.</p>
<p><b>Trial:</b> Rule 8.2, Ariz.R.Crim.P. [Excluded time, such as a competency determination, are specified in Rule 8.4]</p>	<p><b><u>Defendant in custody:</u></b> Within <b>150 days</b> from arraignment</p> <p><b><u>Defendant not in custody:</u></b> Within <b>180 days</b> from arraignment</p>
<p><b>Sentencing:</b> Rule 26.3(a), Ariz.R.Crim.P.</p>	<p>Sentence may be pronounced immediately upon determination of guilt unless the court on its own motion, or upon request of the party or victim, orders that sentence should be pronounced at a later date, not more than <b>30 days</b> after determination of guilt.*</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
Rule 26.3(b), Ariz.R.Crim.P.	<p><b><u>Pre-Sentence Hearing:</u></b> If a pre-sentencing hearing is requested under Rule 26.7, or if good cause is shown, the trial court may reset the date of the sentencing within <b>60 days</b> after determination of guilt.</p> <p><b>(Measurement Stops Here)</b></p>

\* **Timelines or rules are different for superior court.**

**CASE PROCESSING STANDARDS ANALYSIS  
CRIMINAL – DUI MISDEMEANOR CASES**

**National Center for State Courts Model Time Standards for Misdemeanor Cases:**

- 75% within 60 days
- 90% within 90 days
- 98% within 180 days

**Measurement:** Filing of complaint through disposition (e.g., dismissal, sentencing)

**Arizona Criminal – DUI Misdemeanor Cases Only**

The Arizona Case Processing Standards Steering Committee recommends that Arizona continue to use the existing case processing standards as follows:

- 85% within 120 days**
- 93% within 180 days**

- ✓ Criminal misdemeanor cases are excluded.
- ✓ Criminal traffic cases are excluded.
- ✓ Criminal local ordinance cases are excluded.

**Measurement:** Filing of complaint through disposition (e.g., dismissal, acquittal or judgment and sentencing).

The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.

**Background:** In the summer of 2005, Chief Justice McGregor established the DUI Case Processing Committee which conducted a detailed review of how courts throughout Arizona process DUI cases. The committee examined the entire Arizona criminal justice system as it relates to DUI cases and recommended specific improvements to court processes, rules, and statutes. One of these recommendations was to establish a pilot court program to implement the committee recommendations and determine which recommendations were effective in improving DUI case processing. After eleven courts successfully piloted the program, Phase II was implemented through Administrative Order 2007-94. By May 2008 all the Justice and Municipal Courts in Arizona were participating in the DUI Program and it is still in place today. The DUI misdemeanor case processing standard in Arizona exceeds the national standard for several reasons. First, there are substantial penalties involved, and a large number of these cases go to trial. Second, the discovery process is lengthy because of expert testimony and the required technical testing and re-testing of blood and breath by the crime labs. Third, the number of offenses for driving under the influence of prescription drugs has increased, and physician testimony must be included in the discovery process

Arizona Rules and Statutes	Timelines under Statute and Rule
<b>Complaint Filed:</b>	<b>(Measurement Starts Here if Complaint has been filed)</b>
<b>Initial Appearance:</b> Rule 4.1, Ariz.R.Crim.P. <sup>1</sup>	Initial Appearance held within <b>24 hours</b> of arrest
Rule 4.2(b), Ariz.R.Crim.P.	<b><u>Initial Appearance and Arraignment:</u></b> At initial appearance defendant may be arraigned in the manner prescribed by Rule 14, if

\* **Timelines or rules are different for superior court.**

<sup>1</sup> Arizona Rules of Criminal Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
Rule 14.1(e), Ariz.R.Crim.P.	<p>counsel is present or waived.</p> <p><b>Combined Proceedings:</b> When the first court appearance occurs after the filing of the complaint, the arraignment may be held in conjunction with the initial appearance before the magistrate, if the initial appearance is held in the trial court. If the initial appearance is not held in trial court, the defendant shall be ordered to appear for arraignment in the trial court within <b>10 days</b>, and written notice of the arraignment date shall be delivered to defendant.</p>
<p><b>Arraignment:</b> Rule 14.1(a), Ariz.R.Crim.P.</p> <p>Rule 14.1(c), Ariz.R.Crim.P.</p>	<p><b>Defendant in custody:</b> Arraignment shall be held within <b>10 days</b> after filing of complaint.</p> <p><b>Defendant not in custody:</b> Arraignment shall be held within <b>30 days</b> after filing of complaint.</p> <p><b>Exceptions:</b> An arraignment need not be held in cases where: The defendant’s attorney has appeared and entered a plea of not guilty, or the court permits a defendant to enter a plea of not guilty by mail and receive a court date by mail.*</p>
<p><b>Pre-Trial Conference:</b> Rule 16.5, Ariz.R.Crim.P.</p> <p>Rule 17.1, Ariz.R.Crim.P.</p> <p>Rule 17.1(a)(3), Ariz.R.Crim.P.</p> <p>Rule 17.1(a)(4), Ariz.R.Crim.P.</p>	<p>The purpose of the pretrial conference is to provide a forum for the fair and orderly disposition of cases without trial. If the case cannot be disposed without a trial the court may set a date certain for trial.</p> <p>A plea of guilty or no contest may be accepted by a court having jurisdiction to try the offense. Such plea shall be accepted only when made by the defendant personally, unless the defendant is a corporation, in which case the plea may be entered by counsel or a corporate officer.</p> <p><b>Telephonic Pleas:</b> The court may accept a telephonic plea of guilty or no contest. *</p> <p><b>Pleas by Mail:</b> The courts can accept pleas by mail to a misdemeanor or petty offense if the court is satisfied that a personal appearance by the defendant would constitute an undue hardship.*</p>
<p><b>Discovery:</b> Rule 15.1 (c), Ariz.R.Crim.P.</p> <p>Rule 15.1(e), Ariz.R.Crim.P.</p> <p>Rule 15.2(d)(2), Ariz.R.Crim.P.</p> <p>Rule 10.1(a), Ariz.R.Crim.P.</p>	<p><b>Supplemental Disclosure:</b> of evidence by the prosecutor must occur at the first pre-trial conference.*</p> <p><b>Additional Disclosure Upon Request:</b> Prosecutor shall provide within <b>30 days</b> upon written request.</p> <p><b>Time for Disclosure by Defendant:</b> <b>20 days</b> after prosecutor’s disclosure pursuant to Rule 15.1(b).*</p> <p><b>Change of Judge:</b> Prior to the commencement of a hearing or trial, the state or any defendant shall be entitled to a change of judge if a fair and impartial hearing or trial cannot be had by reason of the interest or prejudice of the assigned judge.</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
<p><b>Trial:</b>            Rule 8.2, Ariz.R.Crim.P.            [Excluded time, such as a competency determination, are specified in Rule 8.4]</p>	<p><b><u>Defendant in custody:</u></b> Within <b>150 days</b> from arraignment</p> <p><b><u>Defendant not in custody:</u></b> Within <b>180 days</b> from arraignment</p>
<p><b>Sentencing:</b>            Rule 26.3(a), Ariz.R.Crim.P.</p> <p>Rule 26.3(b), Ariz.R.Crim.P.</p>	<p>Sentence may be pronounced immediately upon determination of guilt unless the court on its own motion, or upon request of the party or victim, orders that sentence should be pronounced at a later date, not more than <b>30 days</b> after determination of guilt.*</p> <p><b><u>Pre-Sentence Hearing:</u></b> If a pre-sentencing hearing is requested under Rule 26.7, or if good cause is shown, the trial court may reset the date of the sentencing within <b>60 days</b> after determination of guilt.  <b>(Measurement Stops Here)</b></p>

\* **Timelines or rules are different for superior court.**

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
May 17, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input type="checkbox"/> <b>Information Only</b> <input checked="" type="checkbox"/> <b>Other</b>	Amended Rule Petitions from the Wireless Committee

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**FROM:** Committee on the Impact of Wireless Mobile Technologies and Social Media on Court Proceedings (the “Wireless Committee”)

**PRESENTER(S):** Mark Meltzer, Wireless Committee staff, is submitting written materials to COVIC in lieu of a presentation during the May 17 meeting.

**DISCUSSION & TIME ESTIMATE:** Supreme Court Rule 122 concerns the use of cameras in the courtroom. The Court adopted this rule in 1993. The Wireless Committee reviewed Rule 122 as part of its charge under A.O. 2012-22. Wireless Committee staff made a presentation to COVIC at its September 2012 meeting regarding a draft of proposed amendments to Rule 122. The Wireless Committee considered COVIC’s input on that draft, and filed its rule petition in January 2013, rule petition R-13-0012. The Wireless Committee filed a second rule petition in January, R-13-0013, proposing a new Supreme Court Rule 122.1 concerning the use of portable electronic devices in the courthouse. The Court opened both petitions for an initial, formal comment period. The Wireless Committee reconvened following the close of the initial comment period, and on May 7, 2013, it filed amended rule petitions. The proposed rules submitted with the Wireless Committee’s amended petitions are included on pages following this cover sheet. Please note:

Rule 122: There is no mention of victims in the current rule. The Wireless Committee’s proposed rule mentions victims over a dozen times, as shown by boldface font and highlight on the attachment.

Rule 122.1: There is no specific mention of victims in this proposed rule. However, please see section (c)(2), which is highlighted. This provision prohibits a person from taking a photo or making a recording of any individual (including a victim) outside a courtroom without the individual’s consent. (Rule 122 governs photography inside a courtroom.)

**RECOMMENDED MOTION (IF ANY):** The comment period for the amended petitions closes on June 5, 2013. Comments from COVIC are welcome.

**Rule 122. Use of Recording Devices in a Courtroom** (This is a “clean” version of proposed amendments to Supreme Court Rule 122, as set forth in rule petition R-13-0012.)

**a. Purpose.** This rule allows the use of recording devices in a courtroom, subject to specified requirements and limitations. A court must use reasonable means to inform the public of the provisions of this rule.

**b. Definitions.** The following definitions apply in this rule. A term defined in the singular includes the plural.

(1) A “*camera*” is an electronic or mechanical device used to photograph, record, or broadcast still or moving images.

(2) A “*courtroom*” is an area of a “*courthouse*,” which is defined in Rule 122.1, where a judge or judicial officer conducts a proceeding.

(3) “*Cover*” and “*coverage*” refer to a person’s use of a recording device during a proceeding.

(4) A “*judge*” is a judicial officer in an appellate, superior, or limited jurisdiction court presiding over a proceeding.

(5) A “*person*” includes an individual and any organization except the court.

(6) A “*personal audio recorder*” is a device used to record audio only, and that is on, held by, or immediately next to, the person who is operating the device.

(7) A “*proceeding*” is an event concerning a court case that takes place in a courtroom.

(8) A “*recording device*” is an electronic or mechanical apparatus and related equipment used to capture and store sound or images, or both, or from which a person can retrieve or broadcast sound or images. A camera, a smart phone, and an audio recorder are examples of recording devices.

(9) A “**victim**” has the same meaning as set out in Rule 39 of the Rules of Criminal Procedure.

**c. Request to cover a proceeding.** Except as provided in sections (h) and (i) of this rule, a person who wishes to use a recording device during a proceeding must submit a written or electronic request to cover the proceeding, as follows.

(1) *Requirements for submission of a request:* The person must submit the request to the judge who will conduct the proceeding, or to an office of the court authorized to receive requests under this rule. A person who submits a request to

cover a proceeding has standing on the request, but the submission of a request does not confer upon that person the status of a party to the case.

(2) *Time limit for submission of a request:* A person must submit a request sufficiently in advance of the proceeding to allow the judge to consider it in a timely manner.

(A) If the specified proceeding is a trial, a person must submit a request at least seven calendar days before the trial date.

(B) If the proceeding is not a trial, a person must submit a request as soon as possible, and no less than forty-eight hours before the start of the proceeding.

(C) If the court schedules any proceeding on less than seventy-two hours notice, a person must file the request as soon as reasonably possible before the proceeding as not to delay or interfere with it.

(3) *Court action upon receiving a request:* The court will notify the parties of its receipt of a request for coverage. The judge will promptly hold a hearing if the judge intends to deny the request or a portion of the request, or if a party objects to a request.

(4) *Time for a party to object to a request:* A party waives an objection to a request for coverage of a proceeding if the party does not object to the request in writing or on the record no later than the start of the proceeding.

(5) *Time for a **victim** or witness to object to a request:* A **victim** or a witness may object to coverage at any time. A **victim's** attorney, a prosecutor's **victim** advocate, as well as anyone who calls a witness to testify, has a responsibility to notify that **victim** or witness of coverage, and his or her right to object, prior to the **victim's** appearance or the witness' testimony at the proceeding.

**d. Denial or limitation of coverage.** A properly submitted request for coverage should generally be approved, but a judge may deny or may limit the request as provided in this section. A judge's decision on a coverage request, or on an objection to coverage, is reviewable only by special action.

(1) *Denial of coverage:* A judge on his or her own motion may deny a request for coverage, or may sustain a party's objection to coverage, only after making specific, on-the-record findings that there is a likelihood of harm arising from one or more of the following factors, and that the harm outweighs the benefit of coverage to the public.

(A) The impact of coverage upon the right of any party to a fair hearing or trial;

(B) The impact of coverage upon the right of privacy of any party, **victim**, or witness;

(C) The impact of coverage upon the safety and well-being of any party, **victim**, witness, or juror;

(D) The likelihood that coverage would distract participants or that coverage would detract from the dignity of, or would disrupt, a proceeding;

(E) The adequacy of the physical facilities of the court;

(F) The timeliness of the request pursuant to section (c)(2) of this rule;

(G) Whether the person making the request is engaged in the dissemination of news to a broad community; and

(H) Any other factor affecting the administration of justice.

*(2) Limitation of coverage:* A judge may allow coverage as requested, or may impose the following limitations on coverage after making specific, on-the-record findings based on the factors in subsection (d)(1), or based on paragraph (C) below:

(A) In a criminal proceeding, a judge on his or her own motion or upon request of a defendant or a **victim** may order that no one may photograph, record, or broadcast the defendant or the **victim** in the courtroom.

(B) A judge on his or her own motion or upon request of a party, **victim**, or witness, may order that video coverage must effectively obscure the face and identity of that party, **victim**, or witness, or that there be only audio coverage of the testimony of a party or a witness.

(C) A judge on his or her own motion or upon request of a witness may prohibit coverage of the testimony of that witness upon a determination that coverage would have a substantial adverse impact upon that witness or his or her testimony.

**e. Manner of coverage.** The judge will preserve the dignity of the proceeding by designating the placement of equipment and personnel for photographing, recording, or broadcasting the proceeding, and all equipment and personnel will be restricted to the designated area. Recording devices may not be moved about the courtroom while court is in session. All persons and affiliated individuals engaged in the coverage must avoid conduct or dress that may disrupt or detract from the dignity of the proceeding. The

judge may order a restriction or cessation of coverage during a proceeding in furtherance of the interests of justice.

**f. Equipment.** A person must not install, move, or take recording equipment, other than a personal audio recorder, from the courtroom during a proceeding. A person must hide wiring as much as possible, and wiring must not cause an inconvenience or a hazard. A person may connect equipment used to provide coverage to an existing courtroom electronic system, if possible, but a person must not connect equipment to a court's digital recording system without the judge's express approval. A person must not bring flash devices, strobe lights, or other artificial lights of any kind into the courtroom. If a person wishes to use additional standard light fixtures or higher wattage light bulbs, additional microphones, or other modifications or improvements concerning lighting or sound, the person must submit this information in the request under section (c). The judge may direct whatever modifications or improvements are deemed necessary, but the judge may not require use of public funds to make or to maintain any such modifications or improvements. Microphones, cameras, and other equipment used for coverage must be as unobtrusive as recording devices in general use in the community where the courtroom is located, and must not produce distracting sounds or otherwise disrupt the proceeding.

**g. Number of recording devices; pooling.** A request submitted under section (c) may ask the judge to approve audio coverage, video camera coverage, or coverage by still camera. The presumptive limits are one microphone and recording device for audio coverage, or one video camera and one still camera, but the judge conducting the proceeding has discretion to approve a person's request to use additional recording devices. If a judge approves requests by more than one person to cover a proceeding, those persons must pool their resources to limit recording devices in the courtroom to the number approved by the judge. Those persons have the responsibility to settle their own disputes, to facilitate pooling as necessary, and to implement procedures that meet the approval of the assigned judge prior to any coverage and without disruption to the court.

**h. Personal audio recorders; required notice to the court.** A person may use a personal audio recorder during a proceeding, but the person must notify the judge or the judge's staff prior to using the device. A person who uses a personal audio recorder is not required to submit a request under section (c) of this rule, but a person who wishes to record or broadcast the audio portion of a proceeding with a device that is not on the person must do so. The use of a personal audio recorder must not be obtrusive, distracting, or otherwise prohibited, and use is subject to the prohibitions of section (k) of this rule.

**i. Approving use of a recording device for celebratory or ceremonial proceedings, or while court is not in session.** Notwithstanding other provisions of this rule, a person may verbally request, and a judge may verbally approve, use of a recording device in a courtroom to photograph or to record a celebratory or ceremonial proceeding. If a person wishes to use a recording device in any courtroom when that courtroom is not in session, prior to using the device, the person must obtain the express permission of the presiding

judge of that jurisdiction or an office of the court authorized by the presiding judge to approve requests under this section.

**j. Recording not admissible as evidence.** No video, photograph, or audio reproduction of a judicial proceeding that is obtained pursuant to this rule may be used to modify or supplement the official court record of that proceeding, nor is it admissible at that or any subsequent proceeding unless it is offered for another purpose allowed under the Arizona Rules of Evidence.

**k. Prohibitions.** A person is not permitted to photograph, record, or broadcast a proceeding in the following circumstances:

*(1) No use of recording devices while the judge is off the bench:* A person may use a recording device in a courtroom only when the judge is on the bench, and use of a recording device must terminate when the judge leaves the bench.

*(2) No jurors:* Cameras must be placed to avoid showing jurors in any manner. Audio recordings or broadcasts of jurors' statements or conversations are also prohibited, except that a juror may expressly consent to an interview after the jury has been discharged.

*(3) No attorney conferences:* Audio recordings or broadcasts of bench conferences between a judge and counsel, or off-the-record conferences between attorneys and their clients, or between attorneys, anywhere in the courthouse are prohibited.

*(4) No readable documents:* A person may not use a camera to take readable images of the contents of documents or other materials, whether in electronic or other form, that are located at counsel tables, the judge's bench, the work area of judicial staff, or the jury box.

*(5) No juvenile proceedings:* Photographing, recording, or broadcasting of juvenile court proceedings is only as allowed by Arizona law, or as provided in section (i).

**l. Other governing law.** A person whose request under section (c) of this rule has been approved may photograph, record in, or broadcast from, locations in a courthouse other than a courtroom as provided in Supreme Court Rule 122.1. The law generally applicable to inclusion or exclusion of the press or the public at court proceedings or during the testimony of a particular witness applies to persons who submit a request or notice under this rule. Nothing in this rule alters the obligation of any attorney to comply with the provisions of the Arizona Rules of Professional Conduct governing trial publicity.

**Rule 122.1: Use of portable electronic devices in a courthouse [New]** (This is a “clean” version of a new Supreme Court Rule proposed in rule petition R-13-0013.)

**a. Purpose.** This rule specifies the permitted and prohibited uses of portable electronic devices in a courthouse. A court must use reasonable means to advise courthouse visitors of the provisions of this rule. A violation of this rule may be punishable as contempt.

**b. Definitions.** The following definitions apply in this rule:

(1) A “*portable electronic device*” is a mobile device capable of electronically storing, accessing, or transmitting information. The term encompasses, among other things, a transportable computer of any size, including a tablet, a notebook, and a laptop; a smart phone, a cell phone, or other wireless phone; a camera and other audio or video recording devices; a personal digital assistant (PDA); other devices that provide internet access; and any similar items.

(2) A “*courthouse*” includes all areas within the exterior walls of a court building, or if the court does not occupy the entire building, that portion of the building used for the administration and operation of the court.

(3) *Other definitions:* This rule incorporates other definitions found in Supreme Court Rule 122(b).

**c. Photography and audio or video recording.** Photography, audio recording, and video recording in a courthouse are permitted, but the following restrictions apply:

(1) *In a courtroom:* In a courtroom, no one may use a portable electronic device to take photographs or for audio or video recording unless that use is allowed under Rule 122.

**(2) *Outside a courtroom:* In areas of a courthouse other than courtrooms, no one may photograph or record an individual without that individual’s express consent.**

(3) *Local orders:* By local administrative order, a court may adopt further reasonable limits on photography and audio or video recording in a courthouse that are not inconsistent with this rule or with Rule 122.

**d. Jurors and witnesses.** The following restrictions apply to use of portable electronic devices by jurors, including prospective jurors, and by witnesses.

(1) *Jurors:* Jurors must turn off their portable electronic devices while present in a courtroom and while present in a jury room during the jury’s deliberations and discussions concerning a case. Jurors may use their devices for allowable purposes during breaks.

(2) *Witnesses:* A witness must silence any portable electronic device while in a courtroom, and may use a device while testifying only with permission of a judge.

**e. Attorneys, parties, and members of the public.** The following provisions apply to use of portable electronic devices in a courtroom by attorneys, parties, and members of the public. Any allowed use of a portable electronic device under this section is subject to the authority of a judge to terminate activity that may be disruptive or distracting to a court proceeding, or that may otherwise be contrary to the administration of justice.

(1) *Allowed uses:* Attorneys, parties, and members of the public may use a portable electronic device in a courtroom to retrieve or to store information, to access the internet, and to send and receive text messages or information.

(2) *Prohibited uses.* A portable electronic device may not be used, without permission of the court, to make or to receive telephone calls or for other audible functions while court is in session, and attorneys, parties, and members of the public must silence portable electronic devices while in the courtroom.

(3) *Use of a personal audio recorder:* Attorneys, parties, and members of the public may use a personal audio recorder in a courtroom only as provided by Rule 122.

**f. Use of a portable electronic device outside a courtroom; limitations.** Except as provided in sections (c), (d) and (e) of this rule, a person may use a portable electronic device in a courthouse, subject to the authority of judges, court administrators, or court security officers to limit or terminate activity that may be disruptive to court operations or that may compromise courthouse security.

## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
May 17, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input checked="" type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Other</b>	Juvenile Detention/Advisory hearings w/in 24 hours

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**FROM:** Yavapai County Attorney's Office

**PRESENTER(S):** Pam Moreton, Yavapai County Victim Services

**DISCUSSION & TIME ESTIMATE:**

Discussion of the potential conflict between Rules of Juvenile Court, Rule 28 (B) and the Victims' Rights statutes §8-389 and §8-390.

20 minutes

**RECOMMENDED MOTION (IF ANY):**

# Juvenile Procedure

If a juvenile is detained, the advisory hearing shall be held within 24 hours of the filing of the petition.

# Juvenile Procedure

Rule 23. Detention and probable cause hearing.

- **C. Length of detention.** No juvenile shall be held in detention for more than 24 hours unless a petition... or criminal complaint has been filed.

# Juvenile Procedure

## Rule 28. Advisory Hearing

- **A. Purpose.**

This paragraph does not address the victim or their rights.

- **B. Time Limits.**

- **1. Detained Juvenile.** If the juvenile is detained, the advisory hearing shall be held within 24 hours of the filing of the petition.

# Juvenile Procedure

## Rule 28. Advisory Hearing

- **C. Procedure.** At the advisory hearing the court shall:
  - 6. Determine whether the victim of the offense has requested to be present and be heard if a plea agreement is to be presented to court...
    - a. The prosecutor advises the court that reasonable efforts were made to confer with the victim...
    - b. Reasonable efforts were made to advise the victim of the plea proceeding and of the victim's right to be present and heard....

# Juvenile Procedure

## Victims' Rights

- Statute 8-389. Preliminary notice of rights
  - A. If the victim has requested notice and if the accused is in custody at the time of charging, or seven days after the prosecutor charges a delinquent offense if the accused is not in custody, the prosecutor's office shall give the victim notice of the following...

# Juvenile Procedure

## Victims' Rights

- Statute 8-390. Notice of proceedings
  - B. Except for detention hearings the court shall provide notice of all proceedings to the prosecutor's office at least five days before a scheduled proceeding.

# Juvenile Procedure

## Conflicts

- Rule 23 does not indicate an advisory hearing only that a hearing take place. A detention hearing complies.
- Rule 28 has conflicts with itself. A. Purpose does not mention victim participation and C.6 (a) & (b) direct the court to comply with Victims' Rights.
- Statute 8-389.A "at the time of the charging... prosecutor shall give victim notice" is confusing
- Statute 8-390.B only provides for the detention hearing to be exempt from 5 days notice from the courts.

## Juvenile Procedure

### **8-389. Preliminary notice of rights**

A. If the victim has requested notice and if the accused is in custody at the time of charging, or seven days after the prosecutor charges a delinquent offense if the accused is not in custody, the prosecutor's office shall give the victim notice of the following:

1. All of the victim's rights through disposition under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, this article and court rules.

2. The charge or charges against the accused and a clear and concise statement of the procedural steps involved in a delinquency prosecution.

3. The procedures a victim shall follow to invoke the victim's right to confer with the prosecuting attorney pursuant to section 8-399.

4. The person within the prosecutor's office to contact for more information.

B. Notwithstanding subsection A of this section, if a prosecutor declines to proceed with a prosecution after the final submission of a case by a law enforcement agency at the end of an investigation, the prosecutor, before the decision not to proceed is final, shall notify the victim and provide the victim with the reasons for declining to proceed with the case. The notice shall inform the victim of the victim's right on request to confer with the prosecutor before the decision not to proceed is final.

### **8-390. Notice of proceedings**

A. The court shall give notice to the prosecutor's office in a timely manner of any changes in scheduled proceedings.

B. Except for detention hearings the court shall provide notice of all proceedings to the prosecutor's office at least five days before a scheduled proceeding.

C. If the court finds that it is not reasonable to provide the five days' notice to the prosecutor's office pursuant to subsection B, the court shall state in the record why it was not reasonable to provide five days' notice.

D. On receiving the notice from the court, the prosecutor's office shall, on request, provide notice to the victim in a timely manner of scheduled proceedings, any changes in the schedule and that a predisposition or disposition proceeding may occur immediately following adjudication.

## Juvenile Procedure

17B A.R.S. Juv.Ct.Rules of Proc., Rule 23

Arizona Revised Statutes Annotated [Currentness](#)  
Rules of Procedure for the Juvenile Court ([Refs & Annos](#))

▣ Part II. Delinquency and Incurrigibility

▣ 2. Delinquency and Incurrigibility Proceedings

### ➡ **Rule 23. Detention and Probable Cause Hearing**

**A. Report To Court.** Except for an arrest pursuant to a warrant, any person who brings a juvenile to a juvenile court detention facility shall make a report to the authorized juvenile court officer in the manner prescribed by the juvenile court in each county setting forth the reasons why the juvenile should be detained.

**B. Admission to detention.** Upon admission to the detention facility, the authorized juvenile court officer shall:

1. Notify the juvenile of the reason for admission;
2. Notify the parent, guardian or custodian of the juvenile of the reason for admission and inform such persons of the location, date and time of the detention hearing. The detention hearing may be held without the presence of the juvenile's parent, guardian or custodian, if they cannot be located or fail to appear for the hearing;
3. Make a written record of the time and manner of notification;
4. Make a determination of whether the juvenile's conduct endangers or could endanger the safety of other detained juveniles and if so, restrict the juvenile's contact with other detained juveniles;
5. Advise the juvenile of the right to telephone a parent, guardian or custodian and counsel immediately after admission to a detention facility;
6. Advise the juvenile of the right to visitation, in private, by the parent, guardian or custodian and counsel. After the initial visit, the juvenile may be visited during normal visiting hours or by special appointment if required to prepare for a hearing and;
7. If the juvenile was arrested for an offense listed in A.R.S. Section 13-610(O)(3), obtain from the arresting agency proof of compliance with A.R.S. Section 13-610(K).

**C. Length of Detention.** No juvenile shall be held in detention for more than twenty-four (24) hours unless a petition alleging incorrigible or delinquent conduct or a criminal complaint has been filed. No juvenile shall be held longer than twenty four (24) hours after the filing of a petition unless so ordered by the court after a hearing. If a hearing is not held within twenty-four (24) hours of the time of filing of the petition, the juvenile shall be released from the detention facility to a parent, guardian, custodian or other responsible person. If no parent, guardian, custodian or other responsible person can be located, the court shall release the juvenile to the Department of Economic Security.

**D. Detention Hearing.** Probable cause may be based upon the allegations in a petition, complaint or referral filed by a law enforcement official, along with a properly executed affidavit or sworn testimony. If the charging document is an Arizona Ticket and Complaint form, the complaint shall also serve as an affidavit. The affidavit may serve as the oath before a magistrate for purposes of Rule 2.4, Ariz. R. Crim. P. The victim of the offense has the right to be heard at the detention hearing, as provided by law. A juvenile shall be detained only if there is probable cause to believe that the juvenile committed the acts alleged in the referral, petition, or complaint, and there is probable cause to believe;

1. The juvenile otherwise will not be present at any hearing; or

## Juvenile Procedure

2. The juvenile is likely to commit an offense injurious to self or others; or
3. The juvenile must be held for another jurisdiction; or
4. The interests of the juvenile or the public require custodial protection; or
5. The juvenile must be held pending the filing of a complaint pursuant to A.R.S. 13-501.

**E. Release From Detention.** The court may release the juvenile and set such terms and conditions of release as deemed appropriate. Upon release from any detention facility, the court shall advise the juvenile that any violation of release conditions or the failure to appear at future proceedings could result in the issuance of a warrant for the arrest and detention of the juvenile and that the court may proceed with future hearings in the juvenile's absence. Upon request of the victim, the court shall provide the victim with a copy of the terms and conditions of the juvenile's release, as provided by law.

**F. Violation of Conditions of Release.** The juvenile probation officer responsible for supervising the juvenile or the prosecutor may file a written request with the court to revoke the juvenile's release if there is probable cause to believe the juvenile has violated a condition of release. The request shall state the substance of the conduct which is alleged to have violated the conditions of release previously imposed. The court shall proceed in accordance with the requirements of this rule. If the probation officer or prosecutor does not file a motion to revoke release, nothing shall preclude the victim from filing the request directly with the court, as provided by law.

**G. Revocation of Release; DNA Testing.** The juvenile probation officer responsible for supervising the juvenile or the prosecutor may file a written request with the court to revoke the juvenile's release if there is probable cause to believe that a juvenile who has been ordered as a condition of release to provide a DNA sample pursuant to A.R.S. § 8-238 and to provide proof of compliance has not complied with that order, and the court having jurisdiction over the juvenile shall issue a warrant or summons to secure the juvenile's presence in court. The court shall proceed in accordance with the requirements of this rule and A.R.S. § 8-238.

**H. Order for DNA Testing.** Upon petition of an arresting authority or custodial agency, submitted under penalty of perjury, stating that the juvenile is detained for an offense listed in A.R.S. § 13-610(O)(3) and that the juvenile refused to provide a sample of buccal cells or other bodily substances, the court shall order that the juvenile appear at a designated time and place and permit the taking of a sample of buccal cells or other bodily substances for DNA testing. The arresting authority or custodial agency shall provide to the juvenile a copy of the court order prior to or at the time of taking the sample.

**I. Release to County Jail.** Upon the filing of a criminal complaint charging a juvenile with an offense listed in A.R.S. § 13-501, the juvenile may be released from the juvenile detention facility to the county jail. The filing of a criminal complaint shall be the date of arrest for purposes of Rules 4 & 8.2, Ariz. R. Crim. P.

**J. Review of Detention.** The court may review the detention status of a juvenile upon written motion of the juvenile, the prosecutor or upon the court's own motion. The motion must allege material facts not previously presented to the court. A hearing on the motion to review detention status shall be held within five (5) days of the filing of the motion. The victim has the right to be heard concerning the release of the juvenile and the conditions of release, as provided by law. Acceleration of the motion may be granted upon written request demonstrating extraordinary circumstances and that the acceleration is necessary in the interests of justice.

CREDIT(S)

Added Oct. 27, 2000, effective Jan. 1, 2001. Amended nunc pro tunc, Jan. 11, 2001, effective Jan. 1, 2001. Amended on emergency basis effective Sept. 26, 2008. Adopted on a permanent basis and amended September 3, 2009, effective Jan. 1, 2010.

## Juvenile Procedure

### APPLICATION

<Rules 9 through 35 shall apply to cases in which the offense occurred on or after January 1, 2001; Rules 36 through 66 shall apply to cases filed on or after January 1, 2001; and, Rules 67 through 87 shall apply to actions commenced on or after January 1, 2001.>

### HISTORICAL NOTES

Former Rule 23, Local Rules by the Juvenile Court, was repealed by order dated Oct. 27, 2000, effective Jan. 1, 2001.

17B A. R. S. Juv. Ct. Rules of Proc., Rule 23, AZ ST JUV CT Rule 23

Current with amendments received through 2/15/13

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## Juvenile Procedure

17B A.R.S. Juv.Ct.Rules of Proc., Rule 28

Arizona Revised Statutes Annotated [Currentness](#)  
Rules of Procedure for the Juvenile Court ([Refs & Annos](#))

Part II. Delinquency and Incurrigibility

2. Delinquency and Incurrigibility Proceedings

### ➔Rule 28. Advisory Hearing

**A. Purpose.** After the filing of a petition alleging delinquent or incurrigible acts, including a petition filed pursuant to Rule 40, Ariz. R.Cr.Pr., the court shall set an advisory hearing for the purpose of advising the juvenile, parent, guardian or custodian of the allegations against the juvenile as set forth in the petition and determining whether the juvenile admits or denies the allegations. Copies of the petition shall be given to the juvenile, parent, guardian or custodian and counsel representing any party unless the parties were served notice pursuant to Rule 26.

### **B. Time Limits.**

**1. Detained Juvenile.** If the juvenile is detained, the advisory hearing shall be held within twenty-four (24) hours of the filing of the petition.

**2. Juvenile Not Detained.** If the juvenile is not detained, the hearing shall take place within thirty (30) days of the filing of the petition.

**C. Procedure.** At the advisory hearing the court shall:

1. Advise the juvenile, parent, guardian or custodian of the right of the juvenile to be represented by counsel, including the right to be appointed counsel if the juvenile is indigent, as provided by law;
2. Advise the parties of the juvenile's right to remain silent throughout the proceeding;
3. Advise the parties of the juvenile's right to call witnesses on the juvenile's behalf;
4. Advise the parties of the right to confront witnesses presented by the state;
5. Determine whether the juvenile understands the constitutional rights set forth by the court and whether the juvenile knowingly, intelligently and voluntarily wishes to waive those rights;
6. Determine whether the victim of the offense has requested to be present and be heard if a plea agreement is to be presented to the court. The court shall not accept a plea agreement unless:
  - a. The prosecutor advises the court that reasonable efforts were made to confer with the victim concerning the proposed plea;
  - b. Reasonable efforts were made to advise the victim of the plea proceeding and of the victim's right to be present and to be heard; and
  - c. The prosecutor advises the court that to the best of the prosecutor's knowledge the notice requirements were complied with and the prosecutor advises the court of the victim's position, if known, regarding the proposed plea agreement.
7. Determine whether the juvenile wishes to admit or deny the allegations;

**a. Admission.** If the juvenile wishes to admit to allegations, the court shall accept the admission or plea if supported by a factual basis and a finding that the juvenile knowingly, intelligently and voluntarily waives the rights enumerated above. The factual basis may include evidence other than the statements of the juvenile.

## Juvenile Procedure

**b. Denial.** If the juvenile denies the allegations in the petition, the court shall set an adjudication hearing as required by these rules.

8. Set conditions of release, if any, and advise the juvenile that any violation of the terms and conditions of release may result in the issuance of a warrant for the arrest and detention of the juvenile. If the juvenile has been arrested for an offense listed in A.R.S. section 13-610(O)(3) and the juvenile has been summoned to appear at an advisory hearing, the judicial officer shall order as a condition of release that the juvenile report within five days to the law enforcement agency that arrested the juvenile, or to the agency's designee, and submit to DNA testing, and provide proof of compliance at the next scheduled court proceeding. The judicial officer shall advise the juvenile that willful failure to comply with this order shall result in revocation of the juvenile's release, including arrest and detention for violation of a condition of release, as provided in Rule 23 G.

9. Determine how a verbatim record of the adjudication hearing will be made.

**D. Findings and Orders.** At the conclusion of the hearing, the court shall make its findings in writing, in the form of a minute entry or order. If the juvenile admits the allegations in the petition, the court must find there was a valid waiver of constitutional rights and that a factual basis in support of the admission exists.

**E. Disposition.** Following an admission, the court shall adjudicate the juvenile delinquent or incorrigible and proceed with a disposition hearing or may set a disposition hearing. The court may defer acceptance of the plea until the time of disposition. The juvenile shall be subject to orders of the court under the supervision of a probation officer pending the adjudication or disposition hearing.

CREDIT(S)

Added Oct. 27, 2000, effective Jan. 1, 2001. Amended Sept. 18, 2006, effective Jan. 1, 2007. Amended and effective Dec. 14, 2007. Amended on emergency basis effective Sept. 26, 2008. Adopted on a permanent basis and amended Sept. 3, 2009, effective Jan. 1, 2010.

APPLICATION

<Rules 9 through 35 shall apply to cases in which the offense occurred on or after January 1, 2001; Rules 36 through 66 shall apply to cases filed on or after January 1, 2001; and, Rules 67 through 87 shall apply to actions commenced on or after January 1, 2001.>

HISTORICAL NOTES

Former Rule 28, Petition for Review, was adopted Dec. 31, 1971, effective Feb. 1, 1972, was amended May 7, 1985, effective July 1, 1985; Sept. 15, 1987, effective Nov. 15, 1987; April 19, 1988, effective May 1, 1988; May 24, 1989, effective Aug. 1, 1989; March 28, 1990, effective July 1, 1990; Feb. 28, 1996, effective June 1, 1996; Oct. 21, 1997, effective Jan. 1, 1998, and was repealed by order dated Oct. 27, 2000, effective Jan. 1, 2001.

17B A. R. S. Juv. Ct. Rules of Proc., Rule 28, AZ ST JUV CT Rule 28

Current with amendments received through 2/15/13

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## Commission on Victims in the Courts

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<b>Meeting Date:</b>	<b>Type of Action Required:</b>	<b>Subject:</b>
May 17, 2013	<input type="checkbox"/> <b>Formal Action Request</b> <input type="checkbox"/> <b>Information Only</b> <input checked="" type="checkbox"/> <b>Other</b>	Sentencing rules/practice in misdemeanor cases

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**FROM:** Arizona Attorney General's Office of Victim Services

**PRESENTER(S):** Kirstin Flores, Director of Victim Services

**DISCUSSION & TIME ESTIMATE:**

Discussion of conflict between statute requirements and actual practice of victim notification in misdemeanor cases and potential solutions.

**RECOMMENDED MOTION (IF ANY):**

## Reference material for Victims' Rights compliance agenda item

### **RULE 26.3. DATE OF SENTENCING; EXTENSION**

#### a. Date of Sentencing.

(1) Superior Court. Upon a determination of guilt, the court shall set a date for sentencing. Sentence shall be pronounced not less than 15 nor more than 30 days after the determination of guilt unless the court, after advising the defendant of his or her right to a pre-sentence report, grants his or her request that sentence be pronounced earlier.

(2) Courts of Limited Jurisdiction. In limited jurisdiction courts, sentence may be pronounced immediately upon determination of guilt unless the court on its own motion, or upon request of a party or victim, orders that sentence should be pronounced at a later date, not more than 30 days after determination of guilt.

b. Extension of Time. If a pre-sentencing hearing is requested under [Rule 26.7](#), or if good cause is shown, the trial court may reset the date of sentencing within 60 days after the determination of guilt.

### **RELEVANT STATUTES**

#### 13-4409. [Notice of criminal proceedings](#)

A. Except as provided in subsection B, the court shall provide notice of criminal proceedings, for criminal offenses filed by information, complaint or indictment, **except initial appearances and arraignments**, to the prosecutor's office at least five days before a scheduled proceeding to allow the prosecutor's office to provide notice to the victim.

B. If the court finds that it is not reasonable to provide the five days' notice to the prosecutor's office under subsection A, the court shall state in the record why it was not reasonable to provide five days' notice.

C. On receiving the notice from the court, the prosecutor's office shall, on request, give notice to the victim in a timely manner of scheduled proceedings and any changes in that schedule, including any continuances.

#### 13-4408. [Pretrial notice](#)

A. **Within seven days after the prosecutor charges a criminal offense** by complaint, information or indictment and the accused is in custody or has been served a summons, the prosecutor's office shall give the victim notice of the following:

1. The victim's rights under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, any implementing legislation and court rule.
2. The charge or charges against the defendant and a clear and concise statement of the procedural steps involved in a criminal prosecution.
3. The procedures a victim shall follow to invoke his right to confer with the prosecuting attorney pursuant to section 13-4419.
4. The person within the prosecutor's office to contact for more information.