

**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, acquittal, or judgment and sentencing).

**Arizona Criminal – DUI Misdemeanor Cases Only**

The following case processing time standards have been adopted for DUI cases in the justice and municipal courts:

- 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).

**Excluded Time:** The following time will be excluded from measurement: pre-adjudication warrant time, Rule 11 competency issues, pre-adjudication diversions, specialty courts/programs, and pre-adjudication special actions/appeals.

**Background:** In 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 11 courts successfully piloted the program, Phase II was implemented through Administrative Order 2007-94. By May 2008, all of the justice and municipal courts in Arizona were participating in the DUI Program. 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)</b>
<b>Initial Appearance:</b> Rule 4.1, Ariz.R.Crim.P. <sup>1</sup>	If the person is arrested, the initial appearance must held within <b>24 hours</b> of arrest.

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

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>Rule 4.2(b), Ariz.R.Crim.P.</p> <p>Rule 14.1(e), Ariz.R.Crim.P.</p>	<p><b><u>Initial Appearance and Arraignment:</u></b> At the initial appearance, the defendant may be arraigned in the manner prescribed by Rule 14, if counsel is present or waived.</p> <p><b><u>Combined Proceedings:</u></b> When the defendant's 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 the trial court, the defendant shall be ordered to appear for arraignment in the trial court within <b>10 days</b>, and a written notice of the arraignment date shall be delivered to the defendant.</p>
<p><b>Arraignment:</b></p> <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></p> <p>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 fairly 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> Courts of limited jurisdiction may accept a telephonic plea of guilty or no contest to the offense when: (1) the defendant certifies in writing that he or she is an out-of-state resident or resides more than one hundred miles from the court in which the plea is being taken; (2) the plea is in writing, complies with the requirements of Rule 17, and is signed by the defendant; and (3) a law enforcement officer in the defendant's state of residence, or if a resident of Arizona the county of residence, certifies that the defendant personally appeared, signed a guilty plea form, and that the officer affixed the defendant's fingerprint to the document.</p> <p><b><u>Pleas by Mail:</u></b> Courts of limited jurisdiction may accept a written plea of guilty or no contest to a misdemeanor or petty offense if the court is satisfied that a personal appearance by the defendant would constitute an undue hardship such as illness, physical incapacity,</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
	substantial distance to travel, or incarceration.
<p><b>Disclosure and Change of Judge:</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>Time for Disclosure:</u></b> The prosecutor shall disclose the materials and information listed in Rule 15.1(b) not later than at the first pre-trial conference.</p> <p><b><u>Additional Disclosure Upon Request:</u></b> The prosecutor shall provide additional disclosure within <b>30 days</b> of a written request.</p> <p><b><u>Time for Disclosure by Defendant:</u></b> The defendant shall disclose the materials and information listed in Rules 15.2(b) and 15.2(c) not later than <b>20 days</b> after the 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 periods from the timeframes set forth in Rule 8.2 are specified in Rule 8.4)</p>	<p><b><u>Defendant in custody:</u></b> Trial must take place <b>150 days</b> from arraignment, except as specified in Rule 8.2(a)(3).</p> <p><b><u>Defendant not in custody:</u></b> Trial must take place <b>180 days</b> from arraignment, except as specified in Rule 8.2(a)(3).</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 a 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 sentencing within <b>60 days</b> after the determination of guilt.</p> <p style="text-align: center;"><b>(Measurement Stops Here)</b></p>

