

ATTACHMENT*

RULES OF PROCEDURE IN TRAFFIC CASES AND BOATING CASES

Rule 1. Definitions

As used in these Rules:

(a)-(e) [No change in text.]

(f) “Complaint” means the Arizona Traffic Ticket and Complaint or a substantial variation from the form which has been approved by the Supreme Court.

(g) “File” or “Filing” means the process of submitting a document for consideration by the Court.

(h) “Record” means any documentary material, regardless of physical form or characteristic, such as information maintained in a case management system that may be used to reproduce a document and any other case related data, including a photographic or electronic reproduction or image substituted for the original pursuant to rules of court.

(i) “Reproduction” means an identical copy made from an existing document on the same or alternative media.

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Rule 4. Responsibilities of Arresting Officer

The officer who arrests a person for a Traffic or Boating Offense shall properly complete, certify and ~~deliver~~ distribute the Arizona Traffic Ticket and Complaint as follows:

(a) ~~The Complaint and Defendant Copy.~~

(1) In Custody. When the person is taken before a Judge, as provided in ~~Section A.R.S. § 13-3898, Arizona Revised Statutes,~~ or is taken before a deputy designated by the Judge to set and collect ~~all~~ bail, as provided in ~~Sections A.R.S. §§ 22-112 and 22-424, Arizona Revised Statutes,~~ the officer ~~thereupon shall deliver~~ file the Complaint ~~to that Judge or deputy with the Court,~~ and shall ~~deliver the Defendant Copy~~ provide a reproduction of the Complaint to the person Defendant.

(2) Cite and Release. When the person is released from custody, as provided in ~~Section~~

* Changes or additions in text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

A.R.S. § 13-3903, Arizona Revised Statutes, upon the person's ~~written~~ promise appear in Court on a designated date and time, the officer, shall immediately ~~deliver~~ provide the Defendant-Copy a reproduction of the Complaint to the ~~person~~ Defendant and shall ~~prior to the designated date deliver~~ file the Complaint ~~to that~~ with the Court not less than 5 days prior to the designated date.

(b) Court Report. The officer shall ~~deliver~~ file a reproduction of the Court Report ~~to~~ with the Court, Judge or deputy at the same time the Complaint is ~~delivered~~ provided in accordance with (a), above.

(c) Enforcement Copy Retention. The officer may retain ~~the Enforcement Copy~~ a reproduction of the Complaint in accordance with instructions of his or her law-enforcement agency.

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Rule 6. Duties of Judge Court

When the Arizona Traffic Ticket and Complaint is ~~properly delivered or forwarded to~~ filed with the Court ~~or Judge~~ as provided in Rule ~~IV~~4(a) or ~~V~~5 hereof, the Court ~~or Judge~~ shall properly complete, certify (where required) and forward the Complaint and Court Report, as follows:

(a) Complaint. The ~~Judge or Court~~ shall ~~promptly file~~ enter the Complaint ~~and enter it in the docket of the Court~~ docket, and shall properly record the ~~Court~~ proceedings ~~on the reverse side of the Complaint~~.

(b) Court Report.

(1) Pursuant to ~~Section~~ A.R.S. § 28-1559, Arizona Revised Statutes, within 10 days after a judgment of conviction or judgment on a plea of guilty is pronounced, or a forfeiture of bail is declared, unless the forfeiture is sooner discharged as provided in the Rules of Criminal Procedure, or within the time prescribed by Rule ~~VI~~7(a) hereof, the ~~Judge Court~~ shall certify the appropriate disposition information inserted on the ~~front side of the~~ Court Report or on the documented list of Court Reports or any combination thereof, ~~by placing his or her signature~~ either by signing on the Court Report or by ~~a single certification placed at the bottom of a documented~~ placing a single certification on a list of Court Reports. The list shall identify each case by name and complaint number. The Court Report shall be forwarded to the Department of Transportation, Motor Vehicle Division.

(2) Notwithstanding the provisions of sub-paragraph (b)(1), any Court ~~which that~~ maintains the disposition information on computer may arrange with the Department of Transportation, Motor Vehicle Division, for the electronic forwarding of such disposition information without certification by the ~~Judge Court~~.

(3) The Court ~~or Judge~~ shall maintain a record, ~~which may be entered on the reverse side of the Complaint~~, of the date and manner of forwarding the Court Report.