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IN THE SUPREME COURT

STATE OF ARIZONA

PETITION TO AMEND APPENDIX A)
OF THE RULES OF PROCEDURE FOR) Supreme Court No. R-10-____
TRAFFIC CASES AND BOATING)
CASES)
_____)

Pursuant to Rule 28 of the Rules of the Supreme Court, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully petitions this Court to adopt the proposed amendment to Appendix A of the Rules of Procedure for Traffic and Boating Cases. This proposed amendment is required to implement a new statutory provision regarding the traffic complaint form, as adopted by House Bill 2534 (see 2010 Ariz. Sess. Laws, ch. 155, 2nd Reg. Sess.).

I. Background and Purpose of the Proposed New Rule. House Bill 2534 amends A.R.S. § 28-1557 by prohibiting the display of an offender’s social security number on a traffic complaint that is issued to that person. The prohibition does not apply to copies of the traffic complaint that are retained by law enforcement or that are filed with the court.

II. Contents of the Proposed New Rule. The subject of Rule 3 of the Rules of Procedure for Traffic Cases and Boating Cases is the Arizona Traffic Ticket and Complaint (the “ATTC”). Rule 3(a) provides that the ATTC must be in triplicate, consisting of the original complaint that is filed with the court, a violator/defendant copy, and a law enforcement copy. These documents must be “*substantially in the form set forth in Appendix A annexed to these rules.*” Rule 3(b) provides that “any substantial variation” from the form of the ATTC must first be approved by the Supreme Court.

This petition seeks approval for a variation in the violator/defendant copy, which is shown in Appendix A of the Rules of Procedure for Traffic Cases and Boating Cases, in order to implement HB 2534. The change sought by this petition is straight-forward. The defendant’s social security number is currently at the top of the violator/defendant copy of the ATTC in a box labeled “SSN”. The request is that the box be redacted on the violator’s copy.¹ No changes are required for the court or law enforcement copies of the ATTC.

III. Preliminary Comments. This petition has not been sent to the court communities for pre-filing comments because of the short period of time since

¹ The triplicate forms are typically carbonless, so that an impression on the original will show on the two copies (the violator copy and the law enforcement copy) that are underneath the original. Accordingly, the triplicate form should be printed with the SSN box on the violator’s copy “blacked out.” This will prevent the impression of the social security number that is transferred from the original from being legible on the violator’s copy, yet this will still permit a legible transfer of the number from the original to the law enforcement copy.

enactment of the legislation, and because the proposed rule only modifies an existing form so that it will conform to a statutory amendment.

IV. Request for Emergency Adoption. HB 2534 has an effective date of July 29, 2010. Petitioner accordingly requests expedited adoption of the proposed new rule with a formal comment period to follow, as permitted by Supreme Court Rule 28(G).

RESPECTFULLY SUBMITTED this 11th day of June, 2010.

By _____
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Appendix

Rules of Procedure for Traffic Cases and Boating Cases, Appendix A:

Current first line of data on the front side of the violator/defendant copy:

(Insert here the name and symbol of the law-enforcement agency, city or town or court under whose authority arrest is made.)

Arizona Traffic Ticket and Complaint

Complaint No.	SSN	Military	<input type="checkbox"/> Accident <input type="checkbox"/> Fatality	<input type="checkbox"/> Commercial	Agency Use or Report Number
			<input type="checkbox"/> Serious Physical Injury	<input type="checkbox"/> Haz. Material	

Proposed change to the first line of data on the violator/defendant copy:

(Insert here the name and symbol of the law-enforcement agency, city or town or court under whose authority arrest is made.)

Arizona Traffic Ticket and Complaint

Complaint No.		Military	<input type="checkbox"/> Accident <input type="checkbox"/> Fatality	<input type="checkbox"/> Commercial	Agency Use or Report Number
			<input type="checkbox"/> Serious Physical Injury	<input type="checkbox"/> Haz. Material	

[The balance of the violator/defendant copy is unchanged.]

[No changes to the complaint copy, to the law enforcement copy, or to the court report copy.]