

Judge R. Michael Traynor, Chair
Committee on Limited Jurisdiction Courts
Chandler Municipal Court
200 E. Chicago St.
Chandler, Arizona 85225-2176

IN THE SUPREME COURT
STATE OF ARIZONA

IN THE MATTER OF:)
)
PETITION TO AMEND RULES 1, 4,)
and 6 ARIZONA RULES OF) Supreme Court No. R-07-0015
PROCEDURE IN TRAFFIC CASES)
AND BOATING CASES, AND RULE 29,)
RULES OF THE SUPREME COURT)
OF ARIZONA)

PETITIONER’S REPLY

Pursuant to Arizona Supreme Court Rule 28, the Committee on Limited Jurisdiction Courts (LJC) in the person of the Honorable R. Michael Traynor, LJC Chair, respectfully replies to the comments to his petition filed by the Maricopa County Attorney and Stewart Bruner, ITD, Supreme Court of Arizona.

1. ITD’s Comments

ITD supports the concept of retention of electronic records as an appropriate change. However, ITD expresses reservation about the destruction of the paper documents and requests that proposed Rule 29 (D) be heard another day.

In order to facilitate the adoption of the rest of the petition, LJC will remove the proposed Rule 29 (D) from this petition and file a separate petition to address the issue of destruction of paper documents. The rest of the proposed rule changes should be adopted.

2. Maricopa County Attorney’s Comment

Maricopa County Attorney’s comment generally supports the concept of moving the limited jurisdiction courts into an electronic environment with the exception of the destruction of

original paper documents; in particular, documents used for proving the identity of a defendant for allegations of prior convictions.

Given the change in our petition relating to Rule 29(D) which we concede above, the Committee on Limited Jurisdiction Courts expects to work with the Technical Advisory Committee (TAC) in the future to resolve the technical issues surrounding retrieval of identifying documents in a useable manner.

3. Conclusion

For the reasons set forth above, the Committee on Limited Jurisdiction Courts respectfully requests that the Court adopt the petition as modified.

RESPECTFULLY SUBMITTED this 26th day of June, 2008.

COMMITTEE ON LIMITED JURISDICTION
COURTS

By /s/ R. Michael Traynor, Chair
Judge R. Michael Traynor, Chair
Committee on Limited Jurisdiction Courts
Chandler Municipal Court
200 E. Chicago St.
Chandler, Arizona 85225-2176

Copies of the forgoing emailed
this 26th day of June, 2008 to:

Clerk of the Court
Arizona Supreme Court

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RULES OF PROCEDURE IN TRAFFIC CASES AND BOATING CASES

Rule 1. Definitions

(f) “Complaint” as used in these rules 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 the process of making an identical copy from an existing document on the same or alternative media.

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 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.

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(2) Cite and Release. When the person is released from custody, as provided in ~~Section~~A.R.S. § 13-3903, Arizona Revised Statutes, upon the person's ~~written~~ promise to 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 the Court Report to~~ A reproduction of the Complaint shall be filed 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.

Rule 6. Duties of JudgeCourt.

When the Arizona Traffic Ticket and Complaint is ~~properly delivered or forwarded~~ filed ~~to~~ 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~~ The Complaint and shall be entered in the ~~docket of the Court~~ docket, and shall ~~properly record the Court proceedings~~ shall be properly recorded ~~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,

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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 ~~VH~~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 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.