

# AZ JUDICIAL CONFERENCE

*Hot Topics in  
Limited Jurisdiction  
Courts*



**HOT TOPICS IN LIMITED JURISDICTION COURTS**

Hot Topics in LJ Courts ..... 1

NEW Topics in LJ Courts Handouts ..... 58

# Hot Topics in Limited Jurisdiction Courts

- Hon. Sherwood Johnston, III, AOC Judicial Education Officer
- Hon. Charles J. Adornetto, Wickenburg Town Magistrate
- Hon. Craig L. Jennings, Presiding Judge, Avondale and Litchfield Park Courts
- Hon. Jerry G. Landau, Acting Presiding Judge, La Paz County Superior Court
- Hon. Lauren M. Ramirez, Judge, Gilbert Municipal Court

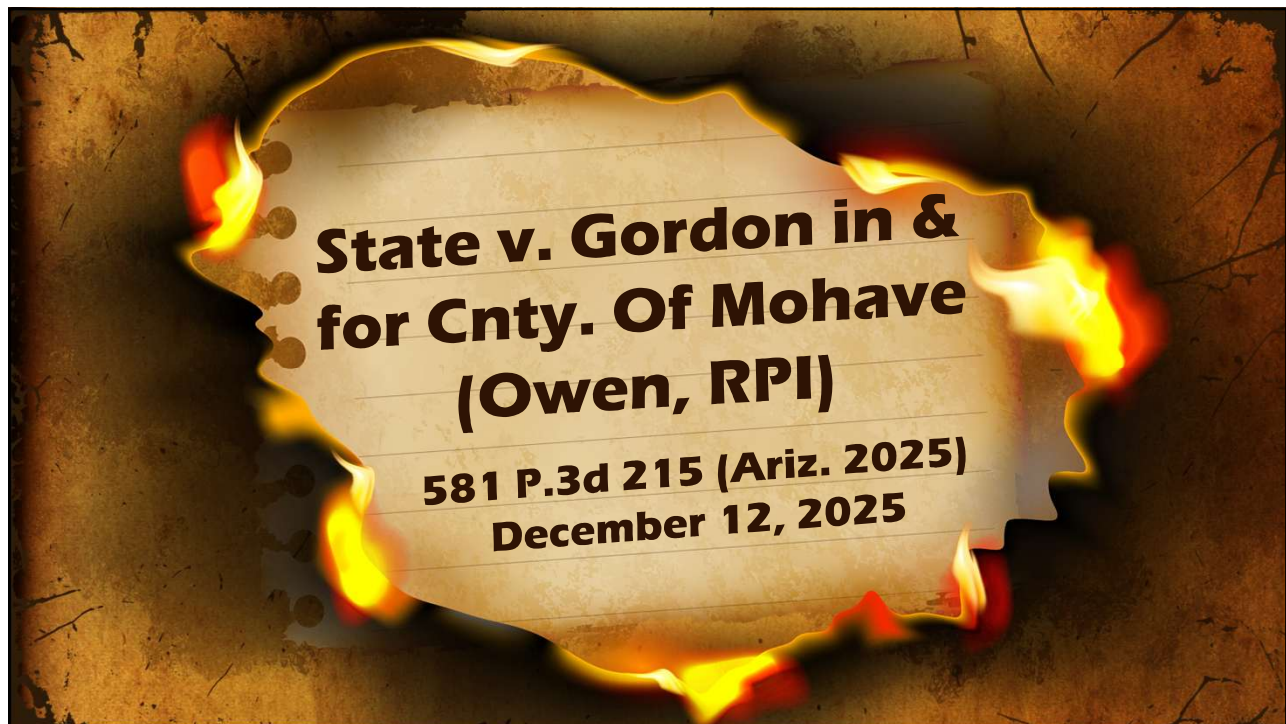
Jones Fire, Wickenburg, May 11, 2026



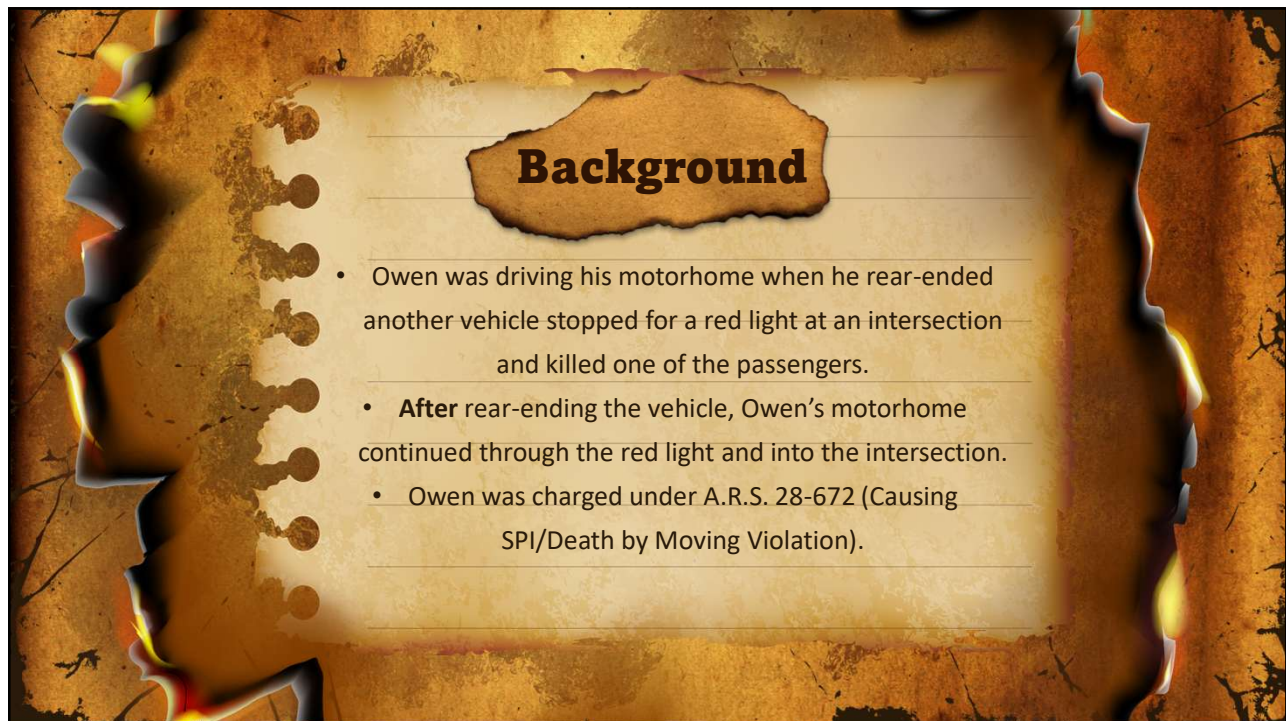
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**Issue & Holding**

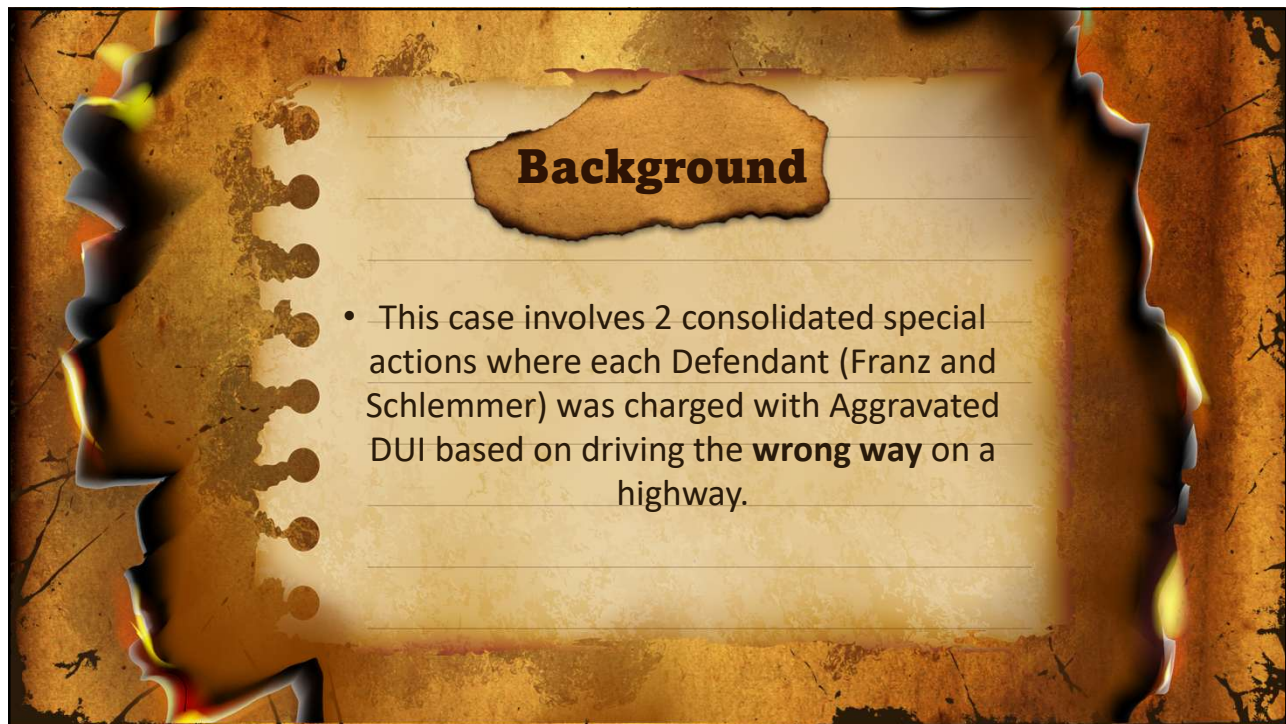
- Is someone in violation of 28-672 where the fatality occurs **before** the listed traffic violation (even if in the same “series of events”)?
- **HOLDING:** “[B]ecause a red-light violation can only be committed once the vehicle enters an intersection, the enhanced penalty statute cannot apply to a fatal accident that occurs before an intersection, **whether the accident consists of a single collision or the first in a series of events.**”

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**Franz v. State**

**576 P.3d 716 (Ariz. Ct. App. 2025),  
as amended (Sept. 24, 2025),  
review denied (Jan. 6, 2026)**

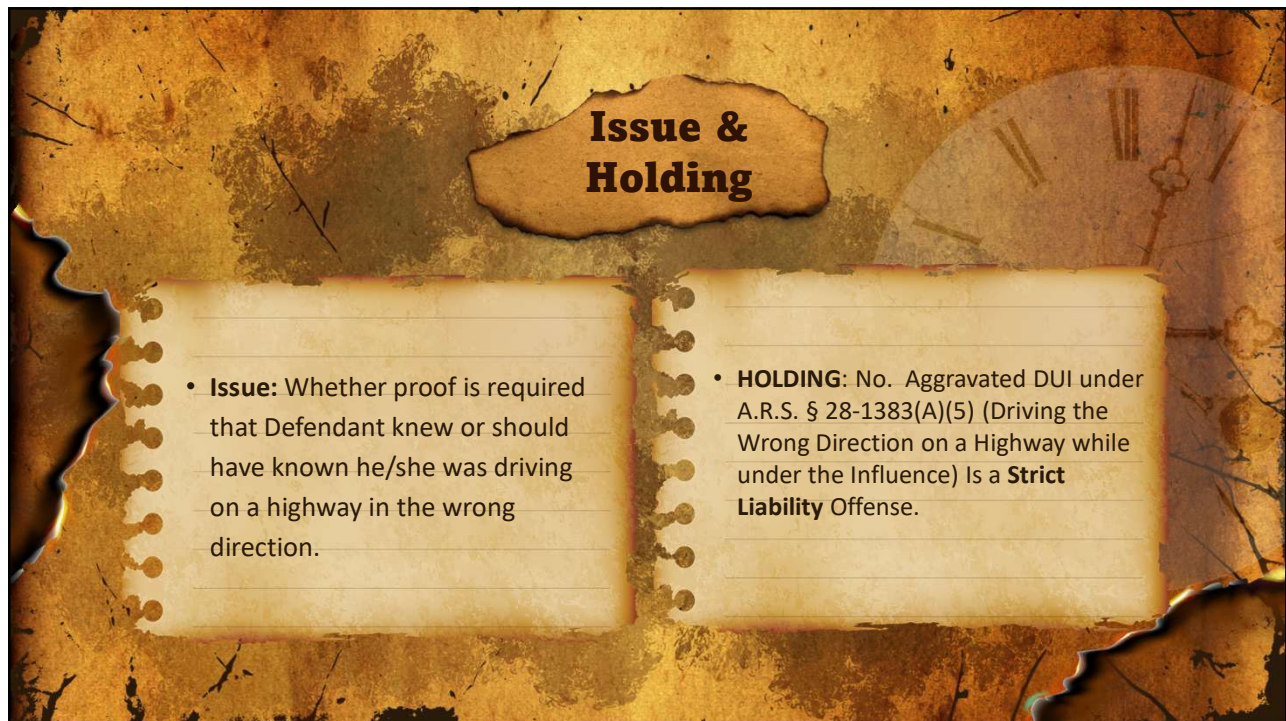
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## Background

- This case involves 2 consolidated special actions where each Defendant (Franz and Schlemmer) was charged with Aggravated DUI based on driving the **wrong way** on a highway.

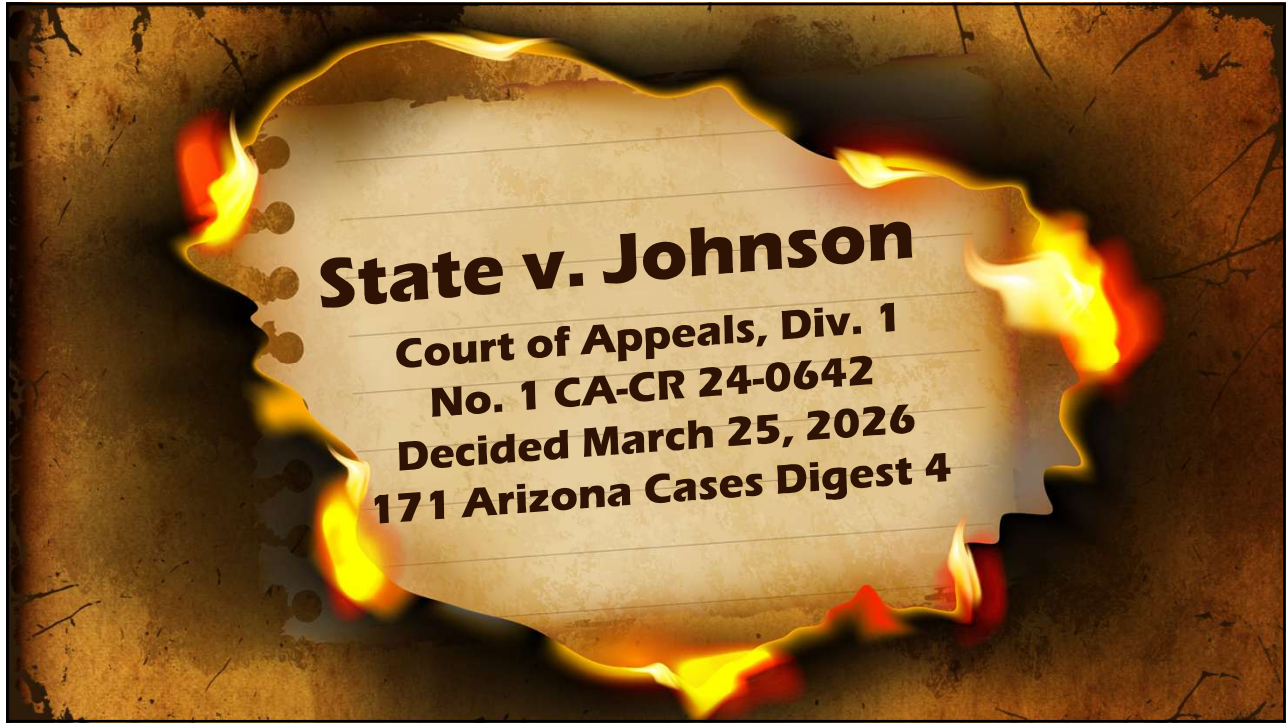
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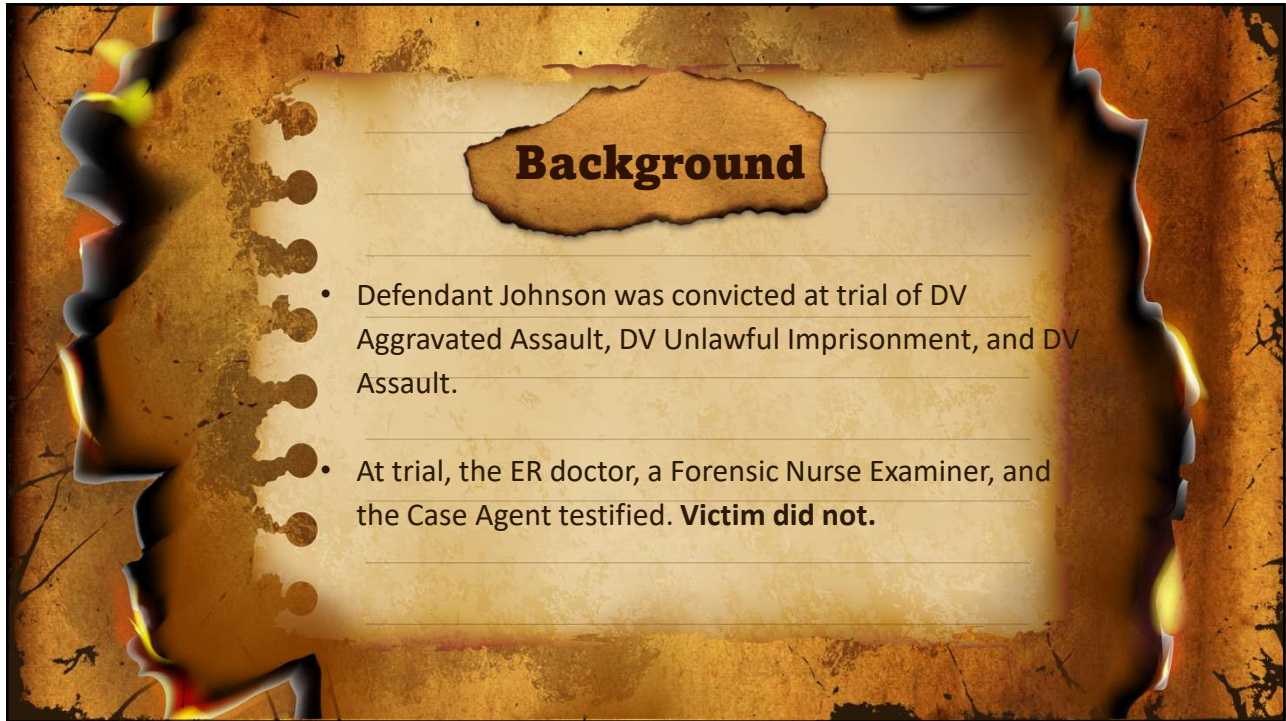
## Issue & Holding

- **Issue:** Whether proof is required that Defendant knew or should have known he/she was driving on a highway in the wrong direction.
- **HOLDING:** No. Aggravated DUI under A.R.S. § 28-1383(A)(5) (Driving the Wrong Direction on a Highway while under the Influence) is a **Strict Liability** Offense.

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## Background

**ER doctor testified:** Victim made statements that the injuries on and around her eye occurred when Defendant hit her. **No mention of strangulation.**

**Case Agent testified:** did not go to the hospital but arranged for a forensic examination at a family advocacy center in a Phx PD station.

- **Forensic Examiner testified:** During examination, Victim made statements regarding Def hitting her near her eyebrow and stated the day prior that Def strangled her and impeded her breathing.

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## Issues

- **Issue:** Whether Victim's statements regarding the injuries fall under the hearsay exception for statements made for purposes of medical diagnosis or treatment (Ariz. R. Evid. 803(4)); and
- **Issue:** Whether Victim's statements are "testimonial" for Confrontation Clause purposes.

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**Holding**

- **HOLDING:** The statements made to the **ER doctor** fall under the hearsay exception and were non-testimonial as the primary purpose of the statements was to secure medical treatment.

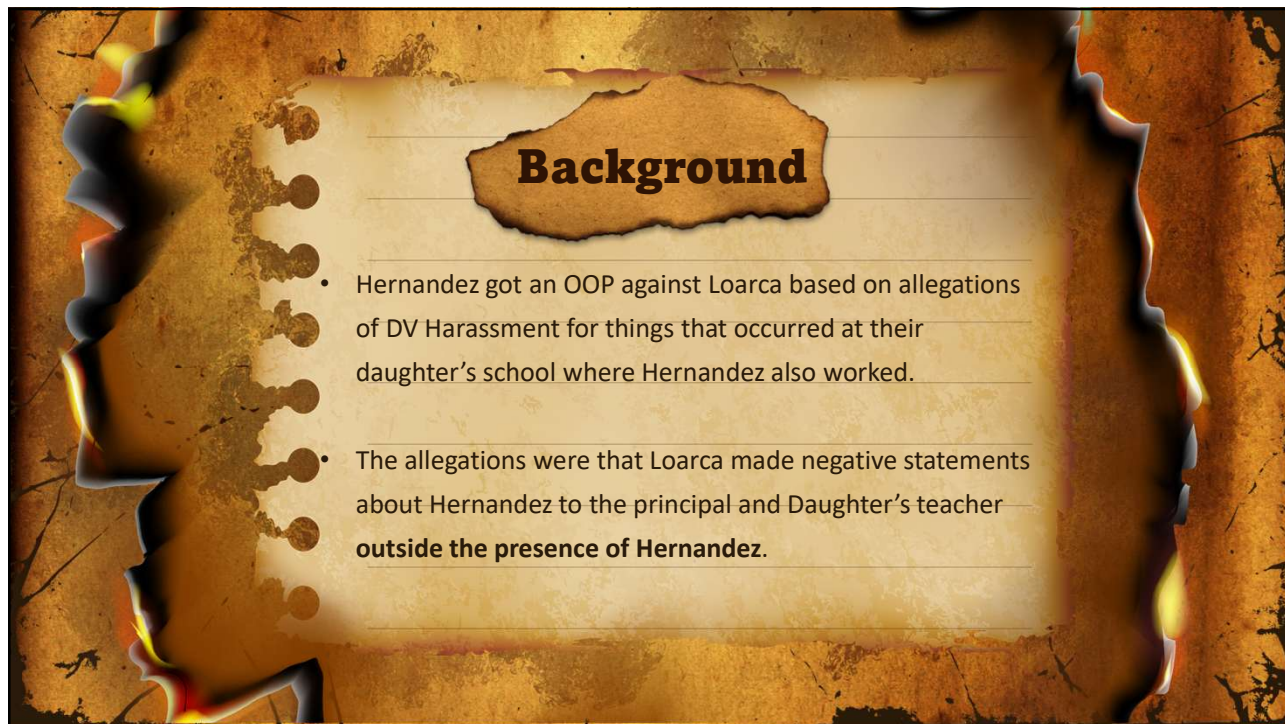
• **HOLDING:** In analyzing the statements to the **Forensic Examiner**, the Court considered whether the exam's primary purpose was for creating an out-of-court substitute for trial testimony. The Court considered the *Trinidad* factors and determined in this case that the statements to the forensic examiner did not fall under the hearsay exception and were testimonial.

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**Hernandez v. Loarca**

**Supreme Court of Arizona**  
**No. CV-25-0161-PR**  
**2026 WL 1130096**  
**April 27, 2026**

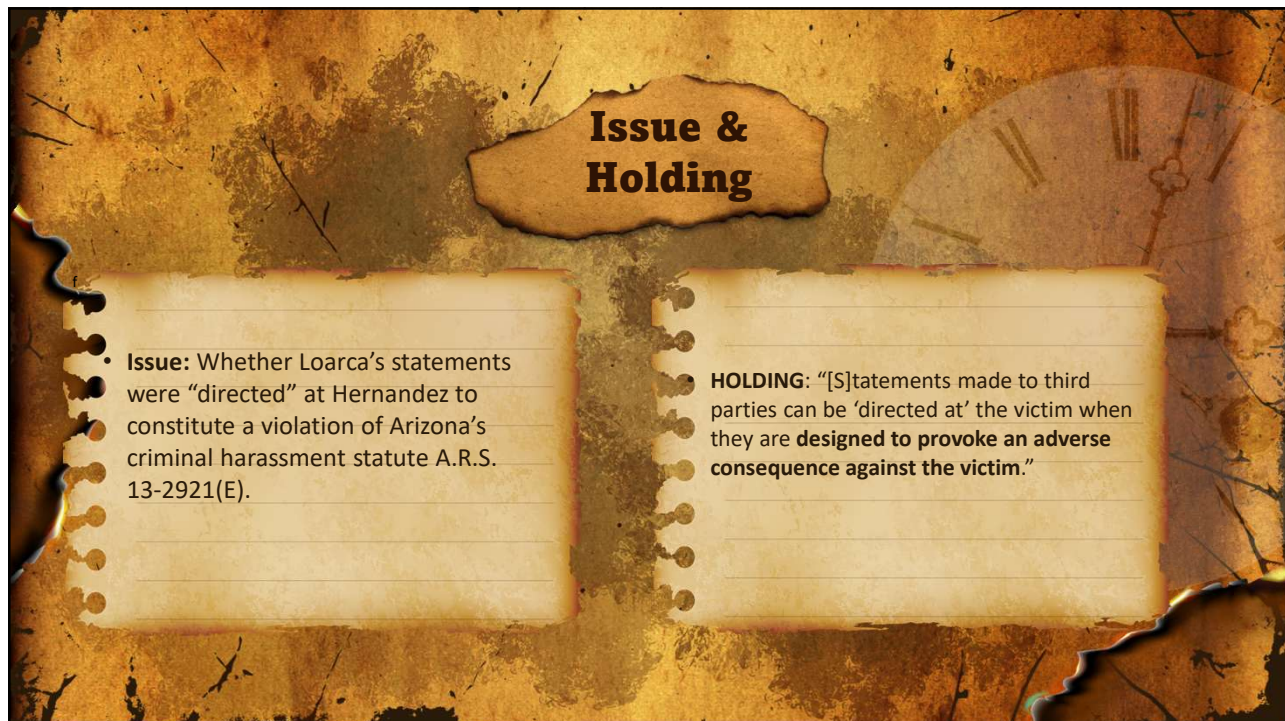
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## Background

- Hernandez got an OOP against Loarca based on allegations of DV Harassment for things that occurred at their daughter's school where Hernandez also worked.
- The allegations were that Loarca made negative statements about Hernandez to the principal and Daughter's teacher **outside the presence of Hernandez.**

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## Issue & Holding

- **Issue:** Whether Loarca's statements were "directed" at Hernandez to constitute a violation of Arizona's criminal harassment statute A.R.S. 13-2921(E).
- **HOLDING:** "[S]tatements made to third parties can be 'directed at' the victim when they are **designed to provoke an adverse consequence against the victim.**"

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# Criminal Rule 6.1 Appointment of Counsel



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Rule 6.1

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## Rule 6.2(a)

The presiding judge of each county must establish a procedure for the superior court and limited jurisdiction courts to appoint counsel for indigent defendants.

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## Rule 6.1

**Rule 6.1. Right to Counsel; Right to Appointment of an Attorney; Waiver of the Right to Counsel; Authority of a Legal Paraprofessional**

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## Rule 6.1

**(a) Right to Be Represented by Counsel.** A defendant has the right to be represented by counsel in any criminal proceeding. The right to be represented by counsel includes the right to consult privately with counsel, or the counsel's agent, as soon as feasible after a defendant has been taken into custody, at reasonable times after being taken into custody, and sufficiently in advance of a proceeding to allow counsel to adequately prepare for the proceeding.

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## Rule 6.1

**(b) Right to Appointment of an Attorney.**

(1) *As of Right.* An indigent defendant is entitled to a court-appointed attorney in any criminal proceeding:

(A) that may result in punishment involving a loss of liberty; or

(B) *while incarcerated because of a bond imposed at the initial appearance.* The appointment will terminate upon the defendant's release from incarceration unless continued appointment is otherwise required by law or ordered by the court.

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## Rule 6.1

### **(b) Right to Appointment of an Attorney.**

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(2) *Discretionary.* In any other criminal proceeding, the court may appoint an attorney for an indigent defendant if required by the interests of justice.

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## Rule 6.1

**(c) Waiver of Right to Counsel.** A defendant may waive the right to counsel if:

- The waiver is **in writing**
- The court finds that the defendant's waiver is knowing, intelligent, and voluntary.

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## Motions for Change of Judge for “Bias”

**Do Not Set a Hearing!**



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## What is Bias and Prejudice?

- To obtain a change of judge, it is defendant's responsibility to allege and prove interest or prejudice, and the PJ is required to grant a hearing only when defendant's motion alleges facts which, if taken as true, would entitle defendant to relief. State v. Eastlack, 180 Ariz. 243, 254, 883 P.2d 999, (1994) cert. denied, 115 S.Ct. 1978, 514 U.S. 1118, 131 L.Ed.2d 866.

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## Extrajudicial Source

- In Smith v. Smith, 115 Ariz. 299, 564 P.2d 1266 (App. 1977), the Arizona Court of Appeals recognized that, “the bias and prejudice necessary to disqualify a judge must arise from an extra-judicial source and not from what the judge has done in his participation in the case. United States v. Grinnel Corp., 384 U.S. 563, 86 S.Ct. 1698, 16 L.Ed 2d 778 (1966).” *Id.* at 303. “[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion,” Liteky v. United States, 510 U.S. 540, 555, 114 S.Ct. 1147(1994), without showing “[ ]either an extrajudicial source of bias [ ]or any deep-seated favoritism,” State v. Schackart, 190 Ariz. 238, 257, 947 P.2d 315, 334 (1997). See also State v Granados, 235 Ariz. 321, 332 P.3d 68 (App. 2014) (allegations of bias based solely on the trial judge's rulings and admonishments to defendant in the courtroom insufficient to establish bias).

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## BP: Limited Scope of Review on 10.1

- Bias must arise from an extra-judicial source and not from what the judge has done in his participation in the case.
- If an affidavit does not sufficiently allege an extra-judicial bias or prejudice and not just concerns about the judge’s participation in the case, you should not schedule or hold a hearing
- Same standard for civil and criminal cases
- The 3<sup>rd</sup> Judge can deny w/o a hearing!



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Effective January 1, 2026 (unless otherwise indicated)

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## Remote Criminal Proceedings

- **R24-0005**
- Criminal Rule 1.5(c): changed "videoconference" to "interactive audiovisual means" and 1.5(c)(4) to "interactive audiovisual proceeding"
- Amends 17(e) to allow telephonic and audiovisual sentencing if parties stipulate
- Adds 17.1(f)(3) for procedure for "remote pleas by interactive audiovisual means"
- 26.10(d): removes requirement that sentencing fingerprint must be the ~~right index~~ finger.

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(3) Remote Pleas by Interactive Audiovisual Means. For the purpose of Rule 17.1(f)(3), “remote plea” means a plea entered by a defendant appearing through audiovisual means using an interactive audiovisual system under Rule 1.5 and ACJA § 5-208. The plea can be a plea directly to the court or by plea agreement.

(A) Generally. To the extent they are consistent, Rule 17’s requirements apply to remote plea proceedings in the same manner as in-person plea proceedings.

(B) Procedure. The court must provide instructions to the participants on how to initiate the remote plea proceeding.

(C) Submission of Plea Documents. If the court authorizes it, the plea agreement and any other documents necessary for the court to accept the plea may be submitted to the court electronically.

(D) Sentencing. After entry and acceptance of a remote plea, the court may sentence the defendant, either on the same day or later, in-person, telephonically (if the parties stipulate to it), or using an interactive audiovisual system (if the parties stipulate to it under Rule 1.5(c)(3)).

(E) Fingerprint. If the court is sentencing the defendant for an offense described in A.R.S. § 13-607(A), the court must obtain the defendant’s fingerprint in compliance with Rule 26.10(d).

(F) Open Court. Any requirement that something be done in open court is met if it is done during a remote plea proceeding held according to Rule 17.1(f)(3).

(G) Continued Application. Rule 17.1(f)(3) continues to apply if, after the remote plea proceeding has started, a party’s video connection stops working but the person’s audio connection still works, and the court has sufficiently verified the person’s identity.

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## ARPOP: False Evidence

- **R25-0030, Sanctions and Guidance for False Evidence**
- Arizona Steering Committee on Artificial Intelligence and the Courts
- Added ARPOP Rule 36(c) to expressly provide that the court may impose sanctions if the court finds a party or attorney presented the court with false evidence.

(c) Sanctions. The court may impose sanctions, which may include granting a continuance, awarding monetary expenses including attorney fees, or dismissing an action, if the court finds that a party or attorney submits evidence that has been materially altered or generated with the intent to deceive the court.

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## Juvenile: False Evidence

- **R25-0030, Sanctions and Guidance for False Evidence**
- Paragraph g added to Rule 315 for sanctions:

**(g) Sanctions.** Upon a party's motion or on its own, the court may impose sanctions on a party who fails to disclose information in a timely manner. The court may also impose sanctions on a party who submits evidence that has been materially altered or generated with the intent to deceive the court. Sanctions may include granting a continuance, precluding evidence, directing that designated facts be taken as established for purposes of the action, prohibiting the disobedient party from supporting or opposing designated arguments or from introducing designated matters in evidence, striking pleadings in whole or in part, staying further proceedings until the order is obeyed, dismissing the action or proceeding in whole or in part unless dismissal would negatively bear on the child's best interest, scheduling a proceeding to treat the violation as contempt of court, or entering any order the court deems appropriate. Any sanction should accord with the intent of these rules as set forth in Rule 301 and should not exclude competent and potentially significant evidence that bears on the child's best interests.

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## Sup Ct Rules: Judicial Disqualification

- **R24-0056 Disclosure of Judicial Disqualification**
- From COJC, amended Rule 2.11(c), cmt. 5, of the Code to clarify a judge's disclosure of information relating to a potential disqualification.

5. A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification. "Reasonably" under this comment is an objective standard and means that an objective, disinterested, fully informed observer would consider the information relevant to a motion to disqualify. A judge need not recuse simply because a party files such a motion or requests recusal based on the information disclosed; disqualification is only required as set forth in subsection (A). In addition, a waiver under subsection (C) is not required unless the disclosure involves one of the circumstances described in paragraphs (A)(2) through (A)(6) or is such that an objective, disinterested, fully informed observer would reasonably question the judge's impartiality.

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## Supreme Court Rules: Technology

- **R24-0052 Judge Competence re Technology**
- From AOC, amended Rule 2.5, cmt. 1, of the Arizona Code of Judicial Conduct relating to judicial competence to discuss the use of technology relevant to a judicial officer's service.

1. Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office, including the use of, and knowledge of the benefits and risks associated with, technology relevant to service as a judicial officer.

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## Supreme Ct Rules: False Evidence

- **R25-0029, Guidance for Attorneys**
- Arizona Steering Committee on Artificial Intelligence and the Courts
- Amended Supreme Court Rule 42 (ER's 1.16 and 3.3), to provide guidance on situations where an attorney believes that evidence has been altered or generated with an intent to deceive the court.

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## Special Action

- Added 3.1

### **Rule 3.1. Original Special Actions Other Than Statutory Special Actions**

With respect to any original special action that is not a statutory special action as defined in Rule 3, a party may not seek special action relief if an equally plain, speedy, and adequate remedy exists at law.

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## Criminal: Victim Contact

- **R25-0035**
- Amended Rule 39

(A) the defense must communicate requests to interview a victim to the prosecutor, not the victim; Defense counsel or an unrepresented defendant may request an interview with the victim by filing a written request with the court or making the request at a court hearing. Thereafter:

(i) the prosecutor must act diligently to convey the request to the victim;

(ii) no later than 30 days after the notice of request is filed or made on the record before the court, the prosecutor must notify defense counsel or an unrepresented defendant and the court of: the date(s) the prosecutor conveyed or attempted to convey the request; the means by which the prosecutor conveyed or attempted to convey the request; whether the victim wants the prosecutor to be present at the defense interview; and the date the victim responded to the request;

(iii) a victim's response to such requests must be communicated through the prosecutor;

(iv) if a victim consents to or declines an interview after the prosecutor provides the notice described in (12)(A)(ii), the prosecutor must promptly notify defense counsel or unrepresented defendant and the court in accord with (12)(A)(ii).

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## Criminal: Victim Contact

(B) before the start of a defense interview, among other rights, the victim must be advised that the victim maintains:

- (i) the right to refuse an interview,
- (ii) the right to be treated with fairness, respect and dignity,
- (iii) the right to be free from intimidation, harassment, or abuse,
- (iv) the right to terminate the contact or interview at any time for any reason,
- (v) the right to confer with the prosecutor, and
- (vi) all other applicable statutory and constitutional rights;

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ONE RULE Petition  
TO RULE  
THEM ALL



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## R25-0044: Records Retention Re: Evidence

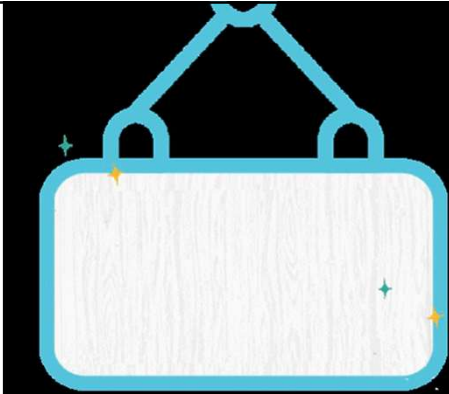
- Petition to Amend Criminal Rules 28.1 and 28.2 and Various Other Rule Sets Relating to Records Retention and Disposition of Evidence.
- AOC, from the November 2025 Docket
- Criminal 28.1, 28.2
- ARPOP 1, 3, 44
- Juvenile 110.1
- Civil Traffic 24.2
- Justice Court 103.1
- Small Claims 18.1
- Evictions 21



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Proposed

# Rules



On the August 2026 docket

Comments were due on May 1, 2026, unless otherwise noted

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## Criminal: Victim Sealing

- **R25-0046:** Would amend Arizona Rule of Criminal Procedure 36.1(d)(3) to permit victims and the State 60 days, instead of 30, in which to file a response to a petition to seal criminal case records pursuant to A.R.S. § 13-911
- Pima County Attorney's Office.
- **Criminal: Pre Charge Arrest Warrants**
- Jerry addressing later

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## Criminal: Remote Pleas

- **R25-0050:** Would amend Criminal Rules 17.1 and 41, Form 28 to combine subparts (f)(1) "telephonic pleas" and (f)(3) "remote pleas by interactive audiovisual means" to create one subpart, (f)(1) titled "remote pleas," that would apply the same procedures to plea proceedings conducted by telephone and those conducted using an interactive audiovisual system.
- Makes conforming changes to Form 28.
- Committee on Limited Jurisdiction Courts.

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## Criminal: Firearm Rights Restoration

- **R26-0001:** Would amend Criminal Rule 41, Forms 31(a) and 31(b) to clarify the text relating to firearm rights restoration.
- AOC



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## Criminal: Post-Conviction Relief

- **R26-0005:** Would amend Criminal Rules 32.4 and 33.4 of the Rules of Criminal Procedure to impose a seven-page limit on the length of a notice requiring post-conviction relief.
- MC Superior Court.



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## Criminal: Records Retention

- **R26-0027**: Would abrogate Rule 28.1(b)(2)(A), governing when a criminal case is no longer “subject to modification” for record retention purposes.
- Private attorney.
- Comments closed June 1, 2026.



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## Protective Orders: CIDVIC

- **R26-0004**: Would amend ARPOP Rules 12, 23, 25, 26, and 38 to protect the confidentiality of a plaintiff’s address, procedures to amend a petition, and procedures governing orders requiring a defendant to relinquish a firearm.
- Exact or approximate dates:
- Rules **23(b)(2)** (OP), **25(b)** (Injunction) and **26(b)** (Workplace I) would specify that the plaintiff must include “exact or approximate dates” of allegations

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## 26-0004: Addresses (\*\*Reply\*\*)

- Rule 12: add:
- **(c) Plaintiff Address.** In any protective order proceeding, the plaintiff should not include his or her residential address in any document filed with the court other than in a confidential document, unless the court orders otherwise or as prescribed by law. The court or clerk of the court is not required to redact the plaintiff's address contained in a non-confidential document filed with the court, but the court or clerk of the court may redact the address if practical. If redaction is not practical or cannot be accomplished without disclosing the protected information, the court may strike the filing.
- **(d) No Hearing Required.** A plaintiff's request to update his or her confidential residential address is not a request to modify the protective order and is not subject to the hearing requirements under Rule 40.

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## 26-0004: Credible Threat

- Rule 23
- **(i) Firearms.** A judicial officer must consider whether a defendant is a credible threat to the physical safety of the plaintiff or other protected persons under A.R.S. § 13-3602(G)(4).
  - (1) Access to Firearms. When issuing an Order of Protection, either *ex parte* or after a hearing, the judicial officer must ask the plaintiff about the defendant's use of or access to firearms.
  - (2) Factors to be Considered. To determine whether the defendant poses a credible threat to the physical safety of the plaintiff or other protected persons, the judicial officer **must** consider the following factors:
    - (i) Possession of or access to firearms by the defendant;
    - (ii) Allegations of strangulation or choking;
    - (iii) Physical violence that is increasing in severity or frequency;
    - (iv) The plaintiff is pregnant;
    - (v) The defendant has used an object or a weapon to hurt or threaten the plaintiff;
    - (vi) The defendant exhibits violent and constant jealousy and attempts to control the plaintiff's behavior;
    - (vii) The plaintiff believes the defendant is capable of killing them;
    - (viii) The defendant has attempted to kill the plaintiff in the past;
    - **Reply: if available** • **\*\***(ix) The results of a domestic violence risk assessment tool administered to the plaintiff; and
    - (x) Any other factor the judicial officer determines is relevant.

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## 26-0004: Credible Threat, cont'd

- Rule 23, cont'd
  - ~~(34)~~ *Transfer of Firearms*. If a firearms prohibition is ordered, the court must include the approved firearms transfer information and instruction documents and a blank Affidavit of Firearms Transfer form in the packet provided to law enforcement.
  - (5) *Violation of Order to Transfer Firearms*. A plaintiff who reports a violation of the order to transfer firearms must be referred to the appropriate law enforcement agency.
  - **RULES COMMENTS:**
- **Rule 23(i)(2)**. These risk factors are based on the Arizona Supreme Court-approved evidence-based APRAIS risk assessment. *See* Rules of Criminal Procedure, Rule 7.3(d), Rule 41, Form 4(c).
- **Rule 23(i)(3)**. The appropriate law enforcement agency referenced in subpart (32)(B) is generally the police department or the sheriff's office with jurisdiction over the location of the defendant or the firearm.

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## 26-0004: Contested Hearings (\*\*Reply\*\*)

- Rule 38(d)(1): Amended Petition
  - (1) allow the plaintiff to amend the petition once in writing on a form provided by the court. **The amendment may include allegations of events that occurred prior to the commencement of the contested hearing, a copy of which the court must immediately provide a copy of the form to the defendant; and**
- (f) Appearance at the Contested Hearing.
  - (2) *Plaintiff Fails to Appear*. If the defendant appears for the contested hearing and the plaintiff fails to appear, and the plaintiff received actual notice of the hearing, the protective order will be dismissed. The plaintiff's failure to appear does not preclude the plaintiff from applying for another protective order based on the same allegations.

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(Mandatory Form:)

Directive 2021-19

All Courts in Arizona/NCIC#/DPS#	Address	City, AZ	Zip Code	Telephone No.
Plaintiff _____	Case No. _____	<b>SUPPLEMENT TO PETITION</b> (Rule 38(d), ARPOP)		
v.				
Defendant _____				

Rule 38(d), Rules of Protective Order Procedure, allows a plaintiff to file an amended petition at a contested hearing. If you file an amended petition and add more allegations here, the judge must allow the defendant an opportunity to ask for the hearing to be continued to another day or grant a brief recess so the defendant can review and prepare for these additional allegations. The defendant may also choose to waive a continuance or a recess, and the contested hearing will proceed as scheduled.

Tell the judge additional information that you did not include on your original petition. Any events you add must have occurred before you applied for the protective order. Print both the dates and a brief description of what happened.

Approx. Date	(Do not write on back or in the margin. Attach additional paper if necessary.)
required	
required	
required	53

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## 26-0004: Contested Hearings, cont'd

- (g) Procedures.
  - (4) Firearms. The judicial officer must ask the plaintiff about the defendant's use of or access to firearms.
  - (5) Credible Threat. The judicial officer must determine whether the defendant is a credible threat to the physical safety of the plaintiff or other protected persons by considering the factors listed in Rule 23(i)(2). If the judicial officer finds the defendant is a credible threat, the judicial officer may issue an order under Rule 23(i)(3). If such an order is issued, the court **must** proceed with ordering a firearms transfer and provide the defendant with the approved firearms transfer information and instruction documents and a blank Affidavit of Firearms Transfer form.

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## ARPOP: Injunction Firearms

- **R26-0013:** Would abrogate Rule 25(g), which authorizes a court to prohibit a defendant from possessing, purchasing, or receiving a firearm during the duration of an injunction against harassment.
- Citizen.



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## Supreme Court Rules: Oaths

- **R25-0058:** Would amend Rule 41 of the Rules of the Supreme Court of Arizona to add additional duties and obligations of State Bar members.
- Add to attorney oath:
  - “I will respect and promote the rule of law and democracy;
  - I will comply with court orders”
- Private attorney.

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## Supreme Court Rules: Opinions

- **R25-0060:** Would amend Rule 111 of the Rules of the Supreme Court of Arizona to authorize the Supreme Court to order that certain Court of Appeals memorandum decisions may not be cited as persuasive authority.
- Supreme Court Staff Attorney's Office.

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## Supreme Court Rules: Recordings

- **R26-0003:** Would amend Rules 122 and 122.1 of the Rules of the Supreme Court of Arizona to revise the rules governing the use of recording devices and portable electronic devices in courtrooms and court facilities.
- Task Force on Rules of the Supreme Court of Arizona.

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## Supreme Ct Rules: Out of State Attorneys

- **R26-0006:** Would amend Rule 34(e) of the Rules of the Supreme Court to eliminate or modify certain restrictions on admission on motion of out-of-state lawyers.
- Goldwater Institute.

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## Supreme Court Rules: Generative AI

- **R26-0020:** Would adopt a new Rule 135 of the Rules of the Supreme Court of Arizona to impose a moratorium through 2029 on the use of generative AI for core judicial work.
- Ct of Appeals.
- Many judges are opposed

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## Evictions: Amend REIS

- R26-0030: Would amend the Residential Eviction Information Sheet to add the following:
  - **Educational Rights.** State and local education agencies are required to remove barriers to the identification, immediate school enrollment, attendance, and academic success of children and youth experiencing homelessness. In the event that an eviction or economic hardship causes a loss of housing for you or your child(ren), including if you are not in the physical custody of a parent or court-appointed legal guardian, please visit: <https://www.azed.gov/homeless/parents-guardians-and-youth>.
- Senator Kiana Marie Sears
- Comments due June 29, 2026

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## Juvenile: Incorporating Rules 17.5 and 20

- **R25-0052:** Would amend Juvenile Rule 201 to incorporate by reference Rule 17.5 of the Rules of Criminal Procedure (governing withdrawal of pleas) and Rule 20 of the same rules (governing motions for judgment of acquittal or unproven aggravators).
- Maricopa Indigent Defense Offices.

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## Juvenile: Incorporating Rule 39

- **R25-0054:** Would incorporate by reference Rule 39 of the Rules of Criminal Procedure (governing victim's rights) except a prosecutor would be required to notify defense counsel within 10 days (and not 3) regarding a request for an interview with the victim.
- Maricopa Indigent Defense Offices.

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## Superior Court Rules of Appellate Procedure

- **R26-0021:** Civil
- **R26-0022:** Criminal
- Various amendments to update and clarify language to the Rules.
- Maricopa Commissioner Julie LaFave
- Judge Erik Thorson, Presiding Tax Judge

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## Other Limited Jurisdiction Rules?

- Evidence?
- Civil Traffic?
- Justice Court?
- Small Claims?



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## Extra: FYI

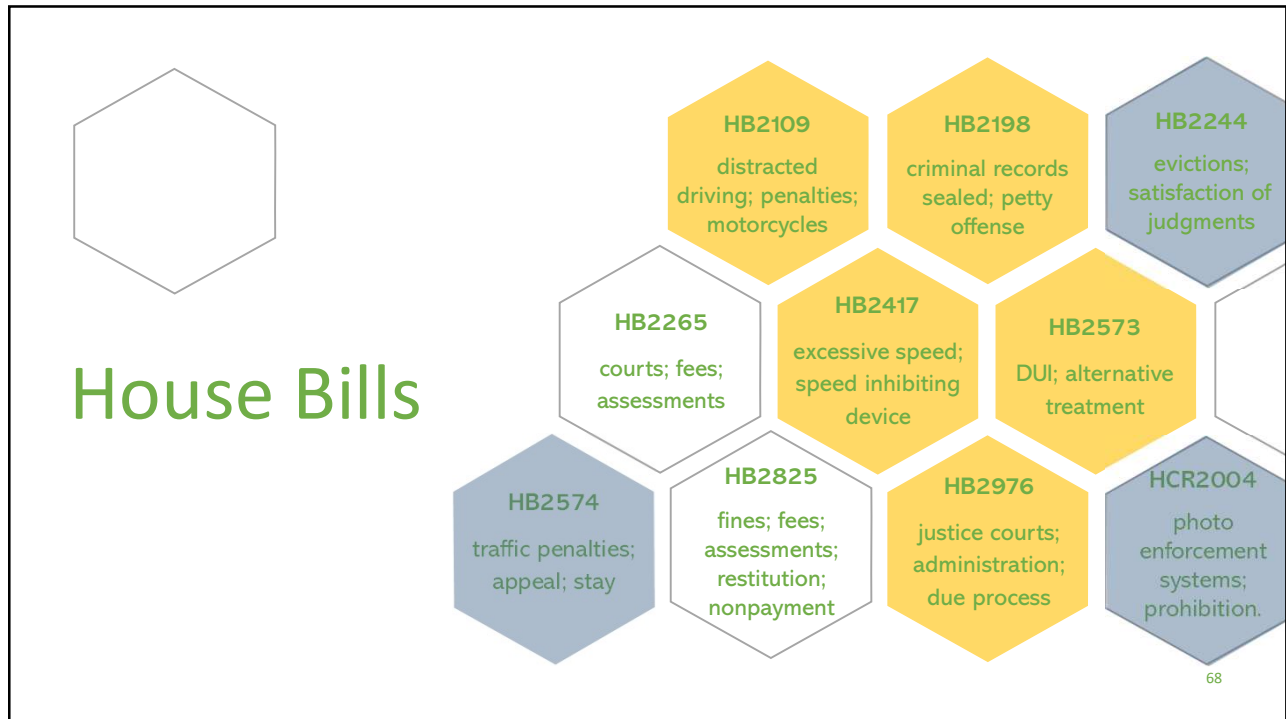
- **R25-0059** Adoption of entirely new rule package for Court Ordered Mental Health Screenings
- Task Force on the Arizona Rules for Court-Ordered Mental Health Proceedings
- Comments due June 1
  
- **R25-0048**: Amend service of process rules in ARCivP to make it easier to serve government officials
- Citizen; opposed by Scottsdale City Attorney

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distracted driving;  
penalties; motorcycles

- Increases the civil penalty for a second or subsequent violation using a portable wireless communication device while driving to \$400
- Adds an additional \$150 civil penalty if a violation results in an accident involving a motorcycle

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69



criminal records sealed; petty offense

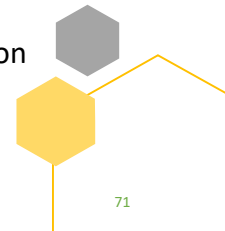
- Allows a person convicted of a petty offense to immediately petition the court to seal all related arrest, conviction, and sentencing records after completing all nonmonetary terms and conditions of the sentence
- Still need to pay off monetary obligations

70

## HB2244

### evictions; satisfaction of judgments

- Allows a tenant who paid an eviction judgment to file a motion to compel satisfaction of the judgment against a landlord
- If the landlord fails to respond within 15 days, the filing fee is waived, the court is prohibited from holding a hearing, and the judgment is deemed satisfied on proof of payment
- Judge may order all records related to the eviction action sealed
- Applies these requirements in both superior court and justice court eviction actions

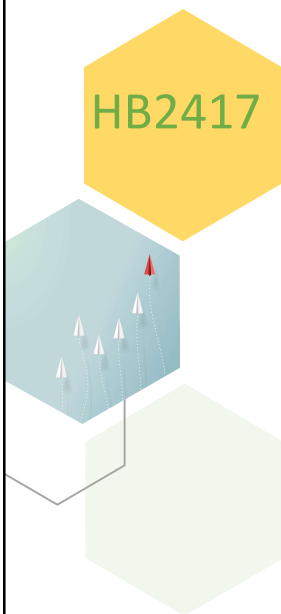


71

## HB2417

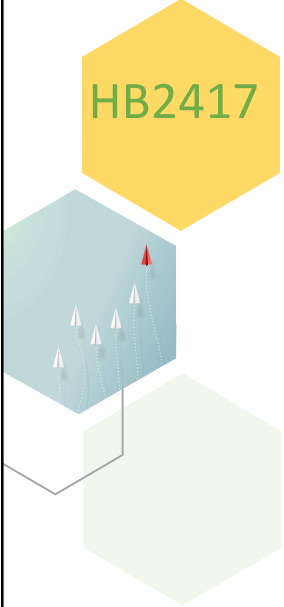
### excessive speed; speed inhibiting device

- Authorizes a court, in lieu of suspending a person's driver license for specified excessive speed violations, to order the installation of a certified speed inhibiting device on any motor vehicle the person operates for a period equivalent to the otherwise applicable suspension
- Requires drivers subject to an order to install and maintain a certified device on all operated vehicles, pay associated costs and comply with monitoring and reporting requirements, and establishes penalties for noncompliance or tampering



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**HB2417**

**excessive speed; speed inhibiting device**

- Expands vehicle immobilization and impoundment laws to apply when a required speed inhibiting device is not installed or functioning as ordered.
- Effective July 1, 2027

73

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**HB2573**

**DUI;  
alternative  
treatment**

- Authorizes a court to order "evidence-based psychotherapy" as part of required alcohol or drug screening, education or treatment for certain driving under the influence offenses
- Requires ADOT to accept proof that a person is participating satisfactorily in that program before reinstating driving privileges
- Current law but now defines "evidence - based psychotherapy"
- Conforms all portions of the DUI law

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**DUI;  
alternative  
treatment**

- Eliminates the requirement that a person complete 45 days of the revocation period before becoming eligible for a special ignition interlock restricted driver license after a second conviction for DUI
- Requires ADOT to treat court-ordered evidence-based psychotherapy the same as court-ordered alcohol or other drug screening, education, or treatment for reinstating driving privileges and beginning the ignition interlock requirement

75

75



**traffic penalties; appeal; stay**

- Requires a court that grants an appeal of a traffic violation judgment to report a stay of enforcement of the judgment ADOT (MVD)  
Prohibits ADOT from pursuing administrative action related to the judgment while the stay is in effect or until an appellate court affirms the judgment

76

## HB2825

**finances; fees;  
assessments;  
restitution;  
nonpayment**

- At a § 13-810 hearing for default in failure to pay a monetary obligation, including restitution the court must issue a summons to appear and cannot issue an arrest warrant for failure to appear at that hearing
- If a person fails to appear at a hearing, the court may enter a civil default determination for nonpayment
- The state or a restitution recipient may pursue civil collection remedies without further court order.
- OSC is no longer permitted
- Incarceration for non-payment is no longer permitted

77

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## HB2825

**finances; fees;  
assessments;  
restitution;  
nonpayment**

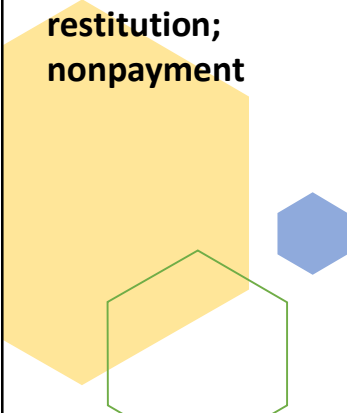
- If the Court finds the defendant has the ability to pay the court may:
  - Refer the person for revocation of probation, parole or community supervision
  - Enter an order or a civil enforcement remedy
  - Order community restitution

78

78

## HB2825

**finances; fees;  
assessments;  
restitution;  
nonpayment**




- If the Court finds the defendant cannot pay the court may:
  - Modify the way a monetary obligation is to be paid
  - Enter any reasonable order that would assure compliance with the order to pay
  - Order the defendant to perform community restitution
  - Order a civil enforcement remedy

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## HB2825

**finances; fees;  
assessments;  
restitution;  
nonpayment**



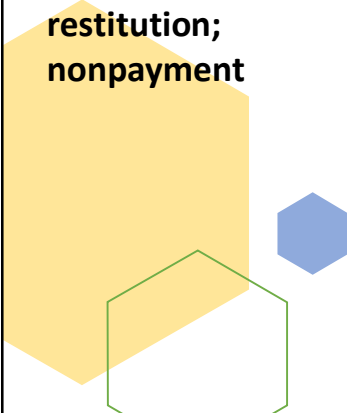
- When issuing a summons the court must provide the defendant with a written notice, in plain language stating:
  - The purpose of the hearing is to determine whether the defendant has the present ability to pay and has wilfully refused to pay
  - The defendant has the right to present evidence of financial hardship, including any evidence listed in § 13-825
  - No person may be incarcerated solely because of the person's inability to pay a fine, a surcharge, a fee, an assessment restitution or incarceration costs due to being indigent

80

80

## HB2825

**finances; fees;  
assessments;  
restitution;  
nonpayment**




- Allows a defendant to move to set aside a civil default determination.
- Civil default may be stayed under specified circumstances.
- "Civil enforcement remedy" includes:
  - Restitution liens pursuant to §13-806
  - Garnishment pursuant to § 13-812
  - Participation in a liability setoff program established pursuant to § 42-1122
  - The interception of winnings pursuant to Title 5
  - Any other civil remedy that is authorized by law for the collection of a debt, judgment or monetary obligation

81

81

## HB2825

**finances; fees;  
assessments;  
restitution;  
nonpayment**



- If the person authorized to make disbursement from assets of the enterprise fails to make a payment, the court, on motion of the prosecutor, on petition of any person entitled to restitution or on its own motion, shall require the defendant to show cause why the defendant's default should not be treated as contempt

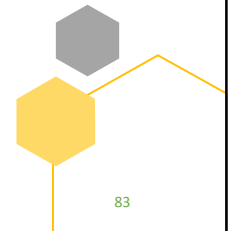
82

82

## HB2976

### justice courts; administration; due process

- Established requirements for taking administrative action that materially affect a Justice of the Peace's statutory authority
- Did not get a hearing in the Senate

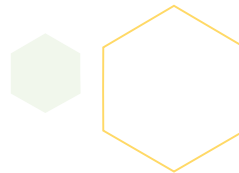


83

## HCR2004

### photo enforcement systems; prohibition.

- Defines "Photo Enforcement System"
- Prohibits state agencies and local authorities from using photo enforcement systems to identify violations of traffic control signals and speed restrictions (Title 28, Chapter 3, Articles 3 & 6) unless, by December 31, 2026, the agency or authority has a signed contract to operate a photo enforcement system.
- Requires local authorities who have the contracts to seek voter approval at the next general election.



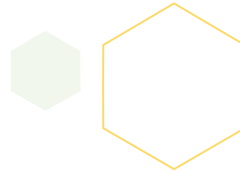
84

84

## HCR2004 photo enforcement systems; prohibition.



- Requires photo enforcement system operation to cease within 90 days if the voters fail to approve the operation
- Allows the local authority to continue operation for ten years if approved by the voters, then bring the question back to the ballot
- Repeals current statutes authorizing and regulating photo enforcement systems
- Referendum – Legislature can submit to voters at the 2026 general election



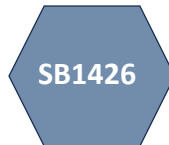
85

85

## Senate Bills



expungement of misdemeanor records



unlawful occupants; forcible entry; detainer

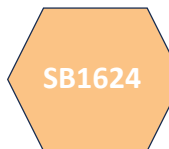


photo radar enforcement; civil penalty

86

86

## SB1140

### expungement of misdemeanor records

- A person may petition a court to expunge misdemeanor arrest, charge or conviction records after specified waiting periods:
  - Three years after an arrest without charges, dismissal or not guilty verdict
  - Five years after completing the conditions of a misdemeanor sentence
  - Sets forth the requirements for the petition

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## SB1140

### expungement of misdemeanor records

- Most of the language is taken from the current Set Aside and Sealing statutes.
- Specifies in which court the petition must be filed based upon the status of the case.
- Requires courts to seal expunged records, vacate the judgment of conviction and restrict public access to the records.
- Allows the person to state that the conviction did not occur; certain exceptions.

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## SB1140

### expungement of misdemeanor records

- Excludes certain offenses:
  - Domestic violence
  - DUI
  - Sex Offenses
  - Violent crime as defined in § 13-901.03
  - Felony charged with a misdemeanor
- Adds expungement petitions filed under this process to the calculation of judicial productivity credits used to determine justice of the peace salaries
- Effective January 1, 2027

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## SB1426

### unlawful occupants; forcible entry; detainer

- Expands the definition of forcible detainer to include:
  - An unauthorized person who unlawfully occupies a residential property and refuses to leave after a reasonable request by the property owner or the owner's authorized agent and nine additional requirements

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## SB1426

### unlawful occupants; forcible entry; detainer



- An unauthorized person who unlawfully occupies a residential property and refuses to leave after a reasonable request by the property owner or the owner's authorized agent, if the property was not open to the public when the person entered and the person is not a current or former tenant, an immediate family member, or someone with a prior agreement to cohabitate with the owner, and no litigation is pending between the owner and the person



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## SB1426

### unlawful occupants; forcible entry; detainer



- The expanded law does not apply to or modify landlord and tenant rights and remedies under the residential landlord and tenant laws
- For the expanded law, requires the court to issue a writ of restitution immediately after the court signs a judgment against an unauthorized person
- Requires the Supreme Court to adopt rules for the "expeditious resolution of the claims"



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## SB1624

### photo radar enforcement; civil penalty

- If a person is found responsible for an excessive speed violation (§ 28-701.02) that results from a photo enforcement system, the person is guilty of a Class 3 misdemeanor



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## SB1624

### photo radar enforcement; civil penalty

- A person who is charged may not be issued a civil complaint for a violation of § 28-1602 if the civil complaint alleges a violation arising out of the same circumstances



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## SB1624

### photo radar enforcement; civil penalty

- Caps the civil penalty for a photo enforcement traffic violation at \$75
- \$15 deposited in Peace Officer Training and Equipment Fund



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## SB1624

### photo radar enforcement; civil penalty

- Prohibits state departments (ADOT) or agencies from using a photo enforcement violation to suspend or revoke a driver license
- Court does not transmit abstract
- Prohibits insurers from using a photo enforcement violation to increase insurance rates, cancel coverage, or deny renewal



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# **Criminal Rule 2.7 Pre-Charge Arrest Warrants**



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Rule 2.7, Rules of Criminal Procedure

## **Rule 2.7. Pre-Charge Arrest Warrants (A.R.S. § 13-3897(A))**

This rule applies only to pre-charge arrest warrants  
(A warrant issued under A.R.S. § 13-3897(A))

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## Rule 2.7, Rules of Criminal Procedure

If a magistrate makes a probable cause finding under Rule 2.4(c), the magistrate **must** issue a warrant for the person's arrest

99

## Rule 2.7, Rules of Criminal Procedure

- A person presenting an affidavit under A.R.S. § 13-3897(A) **must use Form 2(d) or a substantially equivalent form**
- The person may sign the affidavit using an electronic signature

100

## Rule 2.7, Rules of Criminal Procedure

- A person requesting a pre-charge arrest warrant **must** provide a pre-filled Form 2(c) to the magistrate
- The person requesting the warrant **must** complete Form 2(c) to the greatest extent possible

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## Rule 2.7, Rules of Criminal Procedure

### **Electronically Transmitted Warrants.**

- With the court's approval, any forms required to request or issue a pre-charge arrest warrant may be transmitted through a secure internet connection
- Court may use an electronic oath for electronically transmitted warrants
- The electronic copy of the warrant with the electronic signature will be considered the original order

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## Rule 2.7, Rules of Criminal Procedure

A person requesting a pre-charge arrest warrant may appear virtually or telephonically if permitted by the magistrate

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## Rule 2.7, Rules of Criminal Procedure

### **Release Conditions**

A person arrested on a pre-charge arrest warrant must not be released on bond or OR without having an initial appearance under Rule 4.2

### **Expiration**

Any warrant a magistrate issues under A.R.S. § 13-3897(A) expires 90 days after it is issued, unless the magistrate orders a shorter expiration (**cannot be longer**)

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## Rule 2.7, Rules of Criminal Procedure

### **Return of Warrant**

- A pre-charge arrest warrant must be returned to the issuing court after the warrant is executed, expires, or there is a request to quash the warrant
- The return must be made no later than 72 hours after the arrest or expiration
- The return must be made in person or by facsimile or electronically, or in another manner permitted by the court.

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## CIDVIC Proposal: DV Training

- Not yet posted for comment



ARIZONA CODE OF JUDICIAL ADMINISTRATION  
Part 1: Judicial Branch Administration  
Chapter 3: Judicial Officers and Employees  
Section 1-302: Education and Training  
*(new text shown in underline, deletions shown in ~~strikethrough~~)*

A. through G. [No change]

H. General Requirements for Compliance.

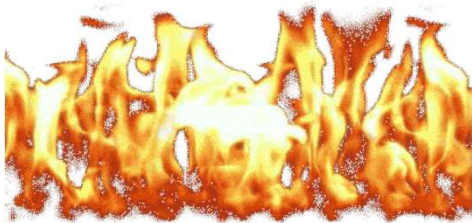
1. and 2. [No change]

3. Specialized training. ~~Judicial judges officers, clerks and staff who serve the court in the areas of family law, juvenile law, probate, criminal law, and process—Orders of Protection and Injunctions Against Harassment shall~~ must receive ten hours of attend training on topics on domestic violence within a year of taking the bench and three hours of training on topics of domestic violence every year afterward. Court staff and clerks who serve the court in these areas must receive three hours of training every year on domestic violence topics. Topics should include but are not limited to: ~~such orders and injunctions on a regular basis.~~

- i. trauma;
- ii. victim and perpetrator behavior, patterns, and relationship dynamics;
- iii. physical abuse, including strangulation;
- iv. emotional abuse;
- v. coercive control;
- vi. procedural justice and courthouse safety
- vii. implicit and explicit bias, including biases relating to parents with disabilities;
- viii. child sexual abuse;
- ix. long and short-term impacts of domestic violence and child abuse on children.

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Open  
Microphone  
!



107

SCRAP Process

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## Attachments

- Criminal Rule 6.1
- Best Practice: Limited Scope of Review on 10.1 Motions
- Supreme Court Administrative Directive 2021-19
- Criminal Rule 2.7
- CIDVIC Proposal ACJA 1-302(H)



109

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Questions?  
Thoughts?  
Feelings?

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[shejohnston@courts.az.gov](mailto:shejohnston@courts.az.gov)  
[cjennings@avondaleaz.gov](mailto:cjennings@avondaleaz.gov)  
[Lauren.Ramirez@gilbertaz.gov](mailto:Lauren.Ramirez@gilbertaz.gov)

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110

Attachments: Hot Topics In LJ Courts

Criminal Rule 6.1

Best Practice: Limited Scope of Review on 10.1 Motions

Supreme Court Administrative Directive 2021-19

Criminal Rule 2.7

CIDVIC Proposal ACJA 1-302(H)

[Home Table of Contents](#)

*Rule 6.1. Right to Counsel; Right to Appointment of an Attorney; Waiver of the Right to Counsel...* Arizona Revised  
Statutes Annotated

Rules of Criminal Procedure

Effective: August 22, 2024

Arizona Revised Statutes Annotated  
Rules of Criminal Procedure (Refs & Annos)  
III. Rights of Parties  
Rule 6. Right to Counsel; Duties of Counsel; Court-Appointed Attorneys, Investigators, and Experts (Refs & Annos)

Effective: August 22, 2024

16A A.R.S. Rules Crim.Proc., Rule 6.1

## Rule 6.1. Right to Counsel; Right to Appointment of an Attorney; Waiver of the Right to Counsel; Authority of a Legal Paraprofessional

### [Currentness](#)

**(a) Right to Be Represented by Counsel.** A defendant has the right to be represented by counsel in any criminal proceeding. The right to be represented by counsel includes the right to consult privately with counsel, or the counsel's agent, as soon as feasible after a defendant has been taken into custody, at reasonable times after being taken into custody, and sufficiently in advance of a proceeding to allow counsel to adequately prepare for the proceeding.

**(b) Right to Appointment of an Attorney.**

(1) *As of Right.* An indigent defendant is entitled to a court-appointed attorney in any criminal proceeding:

(A) that may result in punishment involving a loss of liberty; or

(B) while incarcerated because of a bond imposed at the initial appearance. The appointment will terminate upon the defendant's release from incarceration unless continued appointment is otherwise required by law or ordered by the court.

(2) *Discretionary.* In any other criminal proceeding, the court may appoint an attorney for an indigent defendant if required by the interests of justice.

**(c) Waiver of Right to Counsel.** A defendant may waive the right to counsel if the waiver is in writing and if the court finds that the defendant's waiver is knowing, intelligent, and voluntary. After a defendant waives the right to counsel, the court may appoint advisory counsel for the defendant at any stage of the proceedings. In all further matters, the court must give advisory counsel the same notice that is given to the defendant.

**(d) Unreasonable Delay in Retaining Counsel.** If a defendant appears at a proceeding without counsel, the court may proceed if:

(1) the defendant is indigent and has refused appointed counsel; or

(2) the defendant is not indigent and has had a reasonable opportunity to obtain counsel.

**(e) Withdrawal of Waiver.** A defendant may withdraw a waiver of the right to counsel at any time. But the fact that counsel is later appointed or retained does not alone establish a basis for repeating any proceeding previously held or waived.

**(f) Right to Be Represented by a Legal Paraprofessional.** A defendant may be represented by a legal paraprofessional in criminal cases and proceedings as provided in ACJA § 7-210. This does not affect the right to appointment of an attorney under (b)(1)(B). A legal paraprofessional must be permitted to consult privately with the defendant as soon as feasible after a defendant has been taken into custody, at reasonable times after being taken into custody, and sufficiently in advance of a proceeding to allow a legal paraprofessional to adequately prepare for the proceeding. A legal paraprofessional must comply with all duties in Rule 6.3(a), (c), and (d).

**(g) Definition of Indigency.** For the purposes of this rule, "indigent" means a person who is not financially able to retain counsel.



MARICOPA COUNTY JUSTICE COURTS  
BEST PRACTICES

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SUBJECT: LIMITED SCOPE OF REVIEW ON RULE 10.1 MOTIONS

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EFFECTIVE: 07/31/2019

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1. **RATIONALE:** Judges who are assigned to Rule on Motions to Change Judge for Cause pursuant to Rule 10.1, Arizona Rules of Criminal Procedure should employ the appropriate standard of review and ensure that a hearing is actually necessary before scheduling one.
2. **PURPOSE:** The purpose of any “best practice” is to foster excellence regarding case processing, form development and control, and other operating procedure throughout the Maricopa County Justice Court system (“MCJC”). Implementation of a “best practice” is strongly recommended to promote consistency and efficiency throughout the MCJC but is voluntary by any individual Justice of the Peace (“JP”) Court.
3. **ISSUE:** Rule 10.1 requires that the Presiding Judge (“PJ”) reassign to another court a decision on a Motion to Change a Judge for Cause. A large number of these motions are supported only by allegations pertaining to the participation of the Original Judge (“OJ”) in the existing case. Caselaw establishes that such allegations are insufficient to support such a motion and that, in fact, a hearing may not even be necessary.
4. **LEGAL AUTHORITY:** Rule 10.1, Arizona Rules of Criminal Procedure, and the cases discussed below.
5. **BEST PRACTICE:**  
  
Rule 10.1 requires that a party seeking a change of judge for cause must file a motion no later than 10 days after discovering that grounds exist, but may not file a motion after a hearing or trial begins. In addition, the motion must state specific grounds for the change of judge and be supported by an

affidavit.

Before setting an evidentiary hearing to resolve disputed issues on the alleged bias, prejudice, or interest of the OJ, the Temporarily Assigned Judge (“TAJ”) should first determine whether or not the affidavit as a matter of law states grounds that, if proven, would justify disqualification. See, e.g. Mervyn’s v. Superior Court, 179 Ariz. 359, 361, 879 P.2d 367, 369 (App. 1994). To obtain a change of judge, it is defendant's responsibility to allege and prove interest or prejudice, and the PJ is required to grant a hearing only when defendant's motion alleges facts which, if taken as true, would entitle defendant to relief. State v. Eastlack, 180 Ariz. 243, 254, 883 P.2d 999, (1994) cert. denied , 115 S.Ct. 1978, 514 U.S. 1118, 131 L.Ed.2d 866.

In Smith v. Smith, 115 Ariz. 299, 564 P.2d 1266 (App. 1977), the Arizona Court of Appeals recognized that, “the bias and prejudice necessary to disqualify a judge must arise from an extra-judicial source and not from what the judge has done in his participation in the case. United States v. Grinnel Corp., 384 U.S. 563, 86 S.Ct. 1698, 16 L.Ed 2d 778 (1966).” Id. at 303. “[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion,” Liteky v. United States, 510 U.S. 540, 555, 114 S.Ct. 1147(1994), without showing “[ ]either an extrajudicial source of bias [ ]or any deep-seated favoritism,” State v. Schackart, 190 Ariz. 238, 257, 947 P.2d 315, 334 (1997). See also State v Granados, 235 Ariz. 321, 332 P.3d 68 (App. 2014) (allegations of bias based solely on the trial judge's rulings and admonishments to defendant in the courtroom insufficient to establish bias).

If the motion is untimely or the affidavit only alleges concerns about the OJ’s participation in the case, the TAJ may deny the motion without a hearing and return the matter to the PJ for returning the matter to the OJ, The TAJ should complete Form ADMIN-030 and, in the space after “Further noted,” write in that the motion was untimely or that the allegations were insufficient to require a hearing.

If the affidavit does sufficiently allege an extra-judicial bias or prejudice and not just concerns about the OJ’s participation in the case, the TAJ should schedule and hold a hearing. The TAJ must decide the issues by a preponderance of the evidence and enter an order stating findings and ruling on the motion. The TAJ should then complete Form ADMIN-030 for returning to the PJ to either return to the OJ or reassign to a new judge.

6. **IMPLEMENTATION:** The above best practice was recommended on July 31, 2019. The practice may be implemented immediately and remain effective until superseded or abolished.

IN THE SUPREME COURT OF THE STATE OF ARIZONA  
ADMINISTRATIVE OFFICE OF THE COURTS

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In the Matter of: )  
 )  
PROTECTIVE ORDER FORM ) Administrative Directive  
 ) No. 2021 - 19  
 )  
 )  
 )  
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 )  
 )  
\_\_\_\_\_ )

The Arizona Code of Judicial Administration (ACJA) § 5-207 authorizes the Administrative Director of the Administrative Office of the Courts (AOC) to approve or modify protective order forms in response to changes in state or federal laws or procedures and make other necessary administrative amendments or corrections.

The Arizona Supreme Court recently adopted an amendment to Rule 38, Rules of Protective Order Procedure. The rule will allow a plaintiff to a protective order to file an amended petition at a contested hearing. The rule further requires the court to make a form available for this purpose.

Therefore, to implement the requirements of amended Rule 38, Rules of Protective Order Procedure,

IT IS DIRECTED that, effective January 1, 2022, all Arizona courts shall implement the Supplement to Petition form as provided by this administrative directive.

Dated this 15th day of November, 2021.

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DAVID K. BYERS  
Administrative Director

## APPENDIX A

All Courts in Arizona/NCIC#/DPS#	Address	City, AZ	Zip Code	Telephone No.
_____ Plaintiff v. _____ Defendant	_____ Case No.			<b>SUPPLEMENT TO PETITION</b> <b>(Rule 38(d), ARPOP)</b>

Rule 38(d), Rules of Protective Order Procedure, allows a plaintiff to file an amended petition at a contested hearing. If you file an amended petition and add more allegations here, the judge must allow the defendant an opportunity to ask for the hearing to be continued to another day or grant a brief recess so the defendant can review and prepare for these additional allegations. The defendant may also choose to waive a continuance or a recess, and the contested hearing will proceed as scheduled.

Tell the judge additional information that you did not include on your original petition. Any events you add must have occurred before you applied for the protective order. Print both the dates and a brief description of what happened.

Approx. Date	(Do not write on back or in the margin. Attach additional paper if necessary.)
required	_____
required	_____
required	_____
required	_____
required	_____

Under penalty of perjury, I swear or affirm that the above statements are true to the best of my knowledge. I request an order or an injunction granting relief as allowed by law.

Attest: \_\_\_\_\_

_____ Plaintiff	Date	_____ Judicial Officer/Clerk	Date
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[Home Table of Contents](#)*Rule 2.7. Pre-Charge Arrest Warrants (A.R.S. § 13-3897(A))*

Arizona Revised Statutes Annotated

Rules of Criminal Procedure

Effective: December 1, 2025

Arizona Revised Statutes Annotated  
 Rules of Criminal Procedure (Refs & Annos)  
 II. Preliminary Proceedings  
 Rule 2. Commencement of Criminal Proceedings (Refs & Annos)

Effective: December 1, 2025

16A A.R.S. Rules Crim.Proc., Rule 2.7

**Rule 2.7. Pre-Charge Arrest Warrants (A.R.S. § 13-3897(A))**[Currentness](#)

**(a) Scope and Applicability.** This rule applies only to pre-charge arrest warrants. For purposes of these rules, a “pre-charge arrest warrant” means a warrant issued under A.R.S. § 13-3897(A).

**(b) Generally.** If a magistrate makes a probable cause finding under Rule 2.4(c), the magistrate must issue a warrant for the person's arrest.

**(c) Affidavit Under A.R.S. § 13-3897(A).** A person presenting an affidavit under A.R.S. § 13-3897(A) must use Form 2(d) or a substantially equivalent form. The person may sign the affidavit using an electronic signature.

**(d) Warrant Form.** A person requesting a pre-charge arrest warrant must provide a pre-filled Form 2(c) to the magistrate. The person requesting the warrant must complete Form 2(c) to the greatest extent possible.

**(e) Electronically Transmitted Warrants.**

(1) *Electronic Requests.* Upon the court's approval, any forms required to request or issue a pre-charge arrest warrant may be transmitted through a secure internet connection.

(2) *Electronic Oaths.* The court may use an electronic oath for electronically transmitted warrants.

(3) *Orders.* The electronic copy of the warrant with the electronic signature will be considered the original order.

**(f) Appearance by Virtual or Telephonic Means.** A person requesting a pre-charge arrest warrant may appear by virtual or telephonic means if the magistrate permits it.

**(g) Pre-Charge Arrest Warrants Issued After Hours.** If a pre-charge arrest warrant is issued outside normal court hours, the magistrate must transmit the court's copy of documents the next business day to the court in order to comply with Rule 2.7(1).

**(h) Alternative to Written Affidavit; Authorization for Magistrate Signature.** If a peace officer is appearing by telephonic or virtual means and is unable, due to technological capability, to receive a signed pre-charge arrest warrant from the magistrate:

(1) *Oral Recital.* When requesting the warrant, in lieu of a peace officer submitting a written affidavit to the magistrate, if the magistrate permits it, the peace officer may prepare Form 2(d), be sworn under oath, and recite the affidavit to the magistrate verbatim. The recital must be recorded on tape, wire, or other comparable method by the peace officer reciting the affidavit to the magistrate. This recital may be made by telephone, virtual appearance, or other means of electronic communication. Reciting the affidavit to the magistrate meets the requirements for presentation of an affidavit for the purposes of issuing a pre-charge arrest warrant. The recording must be transcribed at the court's or either party's request. Any transcript produced under this provision must be certified by the magistrate and submitted to the court to maintain as provided in Rule 2.7(1).

(2) *Authorization to Sign the Magistrate's Name.* The magistrate may orally authorize a peace officer requesting a pre-charge arrest warrant to sign the magistrate's name on the warrant. A warrant signed using this procedure is deemed an arrest warrant and satisfies the requirements of Rule 3.2(a)(1)(A).

(3) *Name to be Signed; Expiration; Victim Indication; Warrant Number.* The magistrate must inform the peace officer of the exact name the magistrate wants the peace officer to sign on the pre-charge arrest warrant. The peace officer must sign the magistrate's name so that the signature reflects the magistrate's instructions. The magistrate must also inform the peace officer of the expiration date if the warrant expires sooner than 90 days and whether the offense is, or is materially related to, a victims' rights applicable offense. The peace officer must include this information on the warrant as directed by the magistrate and inform the magistrate of the warrant number.

(4) *Magistrate's Duties.* The magistrate must record the exact time of issuance of the pre-charge arrest warrant, the name and date of birth of the person to be arrested, the warrant number, and the expiration date.

(5) *Providing the Pre-Charge Arrest Warrant to the Court.* The peace officer who signs the magistrate's name under Rule 2.7(h)(3) must provide a copy of the affidavit and warrant to the court the next business day. The court must maintain the copy as provided in Rule 2.7(1). The warrant must be returned as provided in Rule 2.7(k).

**(i) Release Conditions.** A person arrested on a pre-charge arrest warrant must not be released on bond or the person's own recognizance without having an initial appearance under Rule 4.2.

**(j) Expiration.** Any warrant a magistrate issues under A.R.S. § 13-3897(A) expires 90 days after it is issued, unless the magistrate orders a shorter expiration.

**(k) Return of Warrant.** A pre-charge arrest warrant must be returned to the issuing court after the warrant is executed, expires, or there is a request to quash the warrant. The return must be made to the issuing court no later than 72 hours after the arrest or expiration. The return must be made in person or by facsimile or electronic means, or in another manner permitted by the court.

**(l) Warrant Records.** The clerk of court, or in the case of a limited jurisdiction court, the court, must maintain records relating to pre-charge arrest warrants, including a copy of the warrant, affidavit, and related documents, and must use a tracking or indexing system in which each warrant is assigned a unique identifier.

### **Credits**

Added on an emergency basis, effective Dec. 1, 2025.

16A A. R. S. Rules Crim. Proc., Rule 2.7, AZ ST RCRP Rule 2.7

State Court Rules and the Code of Judicial Administration are current with amendments received through May 1, 2026. Some rules may be more current, see credits for details.

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END OF DOCUMENT

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 1: Judicial Branch Administration**  
**Chapter 3: Judicial Officers and Employees**  
**Section 1-302: Education and Training**  
*(new text shown in underline, deletions shown in ~~strikethrough~~)*

**A. through G. [No change]**

**H. General Requirements for Compliance.**

1. ~~and 2.~~ [No change]

3. Specialized training. ~~Judicial Judges officers, clerks and staff who~~ serve the court in the areas of family law, juvenile law, probate, criminal law, and process Orders of Protection and Injunctions Against Harassment shall ~~must~~ attend training on topics on domestic violence within a year of taking the bench and three hours of training on topics of domestic violence every year afterward. Court staff and clerks who serve the court in these areas must receive three hours of training every year on domestic violence topics. Topics should include but are not limited to: ~~such orders and injunctions on a regular basis.~~

- i. trauma;
- ii. victim and perpetrator behavior, patterns, and relationship dynamics;
- iii. physical abuse, including strangulation;
- iv. emotional abuse;
- v. coercive control;
- vi. procedural justice and courthouse safety
- vii. implicit and explicit bias, including biases relating to parents with disabilities;
- viii. child sexual abuse;
- ix. long and short-term impacts of domestic violence and child abuse on children.

4. [No change]

**I. through N. [No change]**