

amendments on a permanent basis during its November 2025 Rules Agenda.

DATED this 27th day of August, 2025.

/s/
ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution
David K Byers

Attachment A

ATTACHMENT A¹
RULES OF CRIMINAL PROCEDURE

Rule 2.4. Duty of Magistrate upon Presentation of Complaint; Affidavit Under A.R.S. § 13-3897

(a)-(b) [No change]

(c) Affidavit Under A.R.S. § 13-3897. If an affidavit is presented under A.R.S. § 13-3897, the magistrate must determine whether there is probable cause to believe a felony offense has been committed and whether the defendant committed it. If the magistrate finds probable cause, the magistrate must proceed under Rule 3.1. If the magistrate does not find probable cause, the magistrate must deny the request.

* * *

Rule 3.1. Issuance of Summons or Warrant

(a) [No change in text]

(1) [No change]

(2) *Finding of Probable Cause.* If a magistrate makes a finding of probable cause under Rule 2.4(a), the court must promptly issue a warrant or summons. If a magistrate makes a finding of probable cause under Rule 2.4(c), the court must promptly issue a warrant

(3) [No change]

(b) Preference for Summons. Unless there is good cause to issue a warrant or a warrant is otherwise required by law, a court should issue a summons if the defendant is not in custody, the offense charged isailable as a matter of right, and there is reason to believe that the defendant will appear. If a prosecutor requests a warrant, the prosecutor must state the reasons for issuing a warrant rather than a summons.

(c) Initial Arrest Warrant. Before issuing a warrant, the magistrate must determine that probable cause exists that the defendant committed the offense or find that such a determination was previously made. If an affidavit is presented under A.R.S. § 13-3897, the court must issue a warrant and not a summons. In all other cases, ~~the~~ the court may issue an initial arrest warrant if:

(1)-(3) [No change]

(d)-(e) [No change]

(f) Expiration. Any warrant a magistrate issues after making a probable cause finding under rule 2.4(c) expires 90 days after it is issue, unless the magistrate orders otherwise.

* * *

¹ Additions to the text of the rule are shown by underscoring and deletions are shown by ~~strike through~~.

Rule 3.2. Content of a Warrant or Summons

(a) Warrant.

(1) *Mandatory Provisions.* A warrant must:

(A)-(B) [No change]

(C) state the alleged or charged offense and whether the office is one to which victims' right provisions apply; and

(D) command that the defendant be arrested and brought before ~~the issuing magistrate or, if the issuing magistrate is absent or unable to act,~~ the nearest or most accessible magistrate in the same county, except that if the defendant is not eligible for release on bond, the defendant must be brought before the issuing magistrate. If the issuing magistrate is unable or unable to act, the person must be taken to the nearest or most accessible magistrate in the county where the warrant issued. If the defendant is arrested outside the county where the offense was committed, the person must be taken to the nearest or most accessible magistrate or in the county of arrest or to a magistrate in the county where the offense was committed if the defendant is arrested outside the county where the warrant was issued.

(2)-(3) [No change]

(b) [No change]

* * *

Rule 4.1. Procedure upon Arrest

(a) and (b) [No change]

(c) On Arrest with a Warrant.

(1) *Arrest in the County of Issuance Offense.* A person arrested in the county where the ~~warrant was issued~~ alleged offense was committed must be taken ~~before the magistrate who issued the warrant for an initial appearance. If the magistrate is absent or unable to act, the arrested person must be taken to~~ the nearest or most accessible magistrate in the same county of arrest, except that if the warrant provides that the person is not eligible for release on bond, the person must be taken before the issuing magistrate. If the issuing magistrate is unavailable or unable to act, the person must be taken to the nearest or most accessible magistrate in the county where the warrant originated.

(2) *Arrest in Another County.* If a person is arrested in a county other than the one where the ~~warrant~~ offense was issued committed, the person must be taken either before the nearest or most accessible magistrate in the county of arrest or in the county where the offense was committed. If eligible for release as a matter of right, the person must then be released under Rule 7.2. If not released immediately, the arrested person must be taken to the issuing magistrate in the county where the warrant originated, or, if that magistrate is absent or unable to act, before the nearest or most accessible magistrate in the county where the warrant originated.

(d)-(e) [No change]

(v) [No change]

* * *

Rule 4.2. Initial Appearance.

(a) Generally. At an initial appearance, a magistrate must:

(1)-(5) [No change]

(6) unless the magistrate determines under (a)(87) that release on bail is prohibited, determine the conditions of release under Rule 7.2(a);

(7) determine whether probable cause exists to believe:

(A) the defendant committed a capital offense or any felony offense committed while the person was on pretrial release for a separate felony charge; or

(B) the defendant committed a felony for which release on bail is prohibited because the defendant poses a substantial danger and no conditions of release will reasonably assure the safety of the victim, any other person, or the community based on the considerations provided in Rule 7.2(b)(3);

(8) if the court determines that the defendant is not eligible for bail based on a determination under (a)(87)(A) or (B), schedule a bail eligibility hearing in superior court as required under Rule 7.2(b)(4);

(9)-(10) [No change]

(b)-(c) [No change]

(v) [No change]

Attachment B

Form 2(a). Felony Arrest Warrant

COURT

County, Arizona

STATE OF ARIZONA, Plaintiff
 -vs
Defendant(s) (First, MI, Last)
 Address:

ARREST WARRANT
CASE NO.
 DV [check if applicable]
Fingerprint instruction upon arrest:
 01 criminal history [check if required]

For Court Use

TO: ANY AUTHORIZED LAW ENFORCEMENT OFFICER

YOU ARE COMMANDED to arrest and bring the defendant ~~before this court. If this court is unavailable, you must take the defendant~~ to the nearest or most accessible magistrate in this county except that if the defendant is not eligible for release on bond as indicated below, you must bring the defendant before this court. If this court is unavailable, you must take the defendant to the nearest or most accessible magistrate in this county. If the arrest is made in another county, you must take the defendant before the nearest or most accessible magistrate in that county or a magistrate in the county where the offense was committed.

The defendant is accused of an offense or violation based on the following (examples: initial arrest warrant, failure to appear in court, probation violation): _____

This offense or violation is described as follows:

Offense Date	Statute/Rule & Literal Description	Class
_____	_____	_____

The defendant must NOT be released on bond without having an initial appearance before a magistrate.

If the defendant is eligible for release at the initial appearance, the recommended amount for a [secured appearance] [unsecured appearance] [deposit] or [cash] bond is \$ _____

- Explanation regarding the recommended amount: _____
- There is no recommendation.

The defendant is not eligible for release on bond.[Explain / add additional orders of the court]

Yes No Unknown The offense is, or is materially related to, a victims' rights applicable offense.

BY ORDER OF: The Honorable _____, Judge of _____ Court. [If signed by Superior Court Deputy Clerk]

Date _____ Printed name of the Judge or Deputy Clerk of the Superior Court: _____

SEX:	RACE:	DOB:	HGT:	WGT:	EYES:	HAIR:
ADDRESS: [TYPE:]						
COURT ORI:			WARRANT #: *		LE AGENCY: [Arresting Agency]	
CITATION #: *			EXTRADITION: *		PURGE DATE: *	
DL#: *			STATE: *		SSN (LAST 4)	
VIN:			YEAR:	MAKE:	MODEL:	STYLE:
DR #: *						

[*optional information can vary by court and may include the last four digits of the defendant's SSN]

Form 2(b). Misdemeanor Arrest Warrant

_____ **COURT** _____ **County, Arizona**

STATE OF ARIZONA, Plaintiff -vs Defendant(s) (First, MI, Last) Address: _____

ARREST WARRANT CASE NO. <input type="checkbox"/> DV [check if applicable] Fingerprint instruction upon arrest: <input type="checkbox"/> 01 criminal history [check if required]

For Court Use

TO: ANY AUTHORIZED LAW ENFORCEMENT OFFICER

YOU ARE COMMANDED to arrest and bring the defendant ~~before this court. If this court is unavailable, you must take the defendant~~ to the nearest or most accessible magistrate in this county. If the arrest is made in another county, you must take the defendant before the nearest or most accessible magistrate in that county or a magistrate in the county where the offense was committed.

The defendant is accused of an offense or violation based on the following: (examples: initial arrest warrant, failure to appear in court, probation violation):

_____ This offense or violation is described as follows:

Offense Date	Statute/Rule & Literal Description	Class
_____	_____	_____

Yes No The defendant may be released without having an initial appearance before a magistrate upon the posting of a [*secured appearance*] [*unsecured appearance*] [*deposit*] or [*cash*] bond in the amount of

\$ _____.

Yes No Unknown The offense is, or is materially related to, a victims' rights applicable offense.

BY ORDER OF: The Honorable _____, Judge of _____ Court. [If signed by Superior Court Deputy Clerk]

_____ **Date** _____ **Printed name of the Judge or Deputy Clerk of the Superior Court:**

SEX:	RACE:	DOB:	HGT:	WGT:	EYES:	HAIR:
ADDRESS: [TYPE:]						
COURT ORI:			WARRANT #: *		LE AGENCY: [Arresting Agency]	
CITATION #: *			EXTRADITION: *		PURGE DATE: *	
DL#: *			STATE: *		SSN (LAST 4)	
VIN:			YEAR:	MAKE:	MODEL:	STYLE:
DR #: *						

[*optional information can vary by court and may include the last four digits of the defendant's SSN]

