

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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|                                  |   |                           |
|----------------------------------|---|---------------------------|
| In the Matter of:                | ) |                           |
|                                  | ) |                           |
| AMENDING ARIZONA CODE OF         | ) | Administrative Order      |
| JUDICIAL ADMINISTRATION § 5-204: | ) | No. 2015 - <u>23</u>      |
| ADMINISTRATION OF VICTIMS'       | ) | (Affecting Administrative |
| RIGHTS                           | ) | Order No. 2012-69         |
| <hr/>                            | ) |                           |

Pursuant to the Arizona Code of Judicial Administration § 1-201 (E), the Chief Justice may adopt emergency administrative code proposals and technical changes in existing code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 5-204 is amended as indicated on the attached document. All other provisions of § 5-204 remain unchanged and in effect.

Dated this 4th day of March, 2015.

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SCOTT BALES  
Chief Justice

# ARIZONA CODE OF JUDICIAL ADMINISTRATION

## Part 5: Court Operations

### Chapter 2: Programs and Standards

#### Section 5-204: Administration of Victims' Rights

**A. Definitions.** In this section the following definitions apply:

“Court” means the superior court or any court of limited jurisdiction.

“Criminal Offense” means “conduct that gives a peace officer or prosecutor probable cause to believe that a felony, a misdemeanor, a petty offense or a violation of local criminal ordinance has occurred,” as provided by A.R.S. § 13-4401(6).

“Delinquent act” means an act committed by a juvenile that if committed by an adult would be either (1) a misdemeanor offense ~~involving physical injury, the threat of physical injury or a sexual offense;~~ or (2) a felony offense; (3) a petty offense; or (4) a violation of a local criminal ordinance, in accordance with A.R.S. §§ 8-381 and -382.

“Victim”, except as otherwise specified, means a person against whom a criminal offense or delinquent act has been committed, or if the person is killed or incapacitated, the person's spouse, parent, child, grandparent or sibling, any other person related to the person by consanguinity or affinity to the second degree or other lawful representative, except if the person's spouse, parent, child, grandparent, sibling, other person related to the person by consanguinity or affinity to the second degree or other lawful representative is in custody for an offense or is the accused as provided in Az. Const. Art. 2, § 2.1, A.R.S. §§ 8-382 and 13-4401.

**B. [no changes]**

**C. Notice of ~~Criminal~~ Proceedings.**

1. The court shall provide at least five business days' notice before the scheduled proceeding to the prosecutor, by written document, telephonic transmission followed up with a written confirmation, facsimile transmission, or any other electronically transmitted message or document which includes the transmittal date, case number, defendant's name, type of hearing, and the date, time and place of next hearing. The court may provide additional information. If notice is initially given by telephonic transmission, the court shall record the name of the person contacted on a confirming written notice.
2. In the superior court, continuances shall only be granted when extraordinary circumstances exist weighing these circumstances against the victim's right to a speedy trial. The court shall state on the record the reason for any continuance.
3. In the supreme court and court of appeals ~~cases~~, victims who have requested post-conviction or postadjudication notifications shall be sent a copy of the memorandum

decision or opinion from the issuing court concurrently with the parties. If the victim is represented by counsel, the notice shall be provided to the victim's counsel.

**D. through L.** [no changes].