

**From:** [Roberson, Wanda](#)  
**To:** [Presiding Superior Court Judges](#); [Superior Court Administrators](#); [Superior Court Clerks](#); [Juvenile Court Directors](#); [Field Trainers](#)  
**Cc:** [Court Services](#); [Support Staff](#); [ITD - Managers](#)  
**Subject:** Legislative Automation Update-HB2162 (CH. 192) Eff. Date 7/1/2022  
**Date:** Wednesday, May 25, 2022 1:37:02 PM  
**Attachments:** [image001.png](#)

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Supreme Court of Arizona  
Administrative Office of the Courts  
Court Services Division  
1501 West Washington, Suite 410  
Phoenix, AZ. 85007

### MEMORANDUM

**TO:** Presiding Superior Court Judges  
Superior Court Administrators  
Clerks of Superior Court  
Juvenile Court Directors  
Field Trainers

**FROM:** Michael Malone, Director, Court Services Division

**DATE:** May 25, 2022

**SUBJECT:** **Legislative Automation Update-HB2162 (CH. 192) Eff. Date 7/1/2022**

This notice is to advise you of the general jurisdiction automation updates regarding the delayed effective date bill HB2162 (CH.192) from the 2021 Legislative Session. Automation updates will be completed by the AOC for all AJACS supported superior courts.

**[HB2162 \(CH. 192\) UNDESIGNATED OFFENSES; MISDEMEANOR STATUS; EXCEPTIONS](#)**

- Requires that an undesignated felony be treated as a misdemeanor for all purposes until the court designates the offense a felony.
- States until the court actually enters an order designating the offense as a misdemeanor, the offense will be treated as a felony conviction for all the following purposes:
  - a) Placing the defendant on felony probation;
  - b) Collecting DNA as required by statute;
  - c) Determining the defendant's right to possess a firearm;
  - d) Being used as a historical prior felony conviction;
  - e) Being admissible for impeachment purposes in another trial; and

- f) Being used to enhance a sentence.
- Requires the court to designate the undesignated offense as a misdemeanor upon the successful completion of probation, provided the defendant has paid all victim restitution and has not willfully failed to pay other monetary obligations.
- Delayed Effective Date: 7/1/2022

### **Automation Impacts:**

New Classification of “U = **Undesignated**” will be created.

The new classification will only be used as a placeholder until the violation is determined to be a felony or misdemeanor violation at the conclusion of the sentence.

- At the time of sentencing:
  - update classification to U (send/transmit to Criminal History with disposition and sentencing conditions)
- At the conclusion of sentencing:
  - Successful compliance – update from U to M (send/transmit to Criminal History)
  - Unsuccessful – update classification from U back to an F (send/transmit to Criminal History)

NOTE: AJACS will continue to generate warrants on undesignated violations utilizing Form 2(a) Felony Arrest Warrant.

Non-ACAP courts that report electronically to Criminal History are encouraged to contact DPS to start testing.

- DPS contact: Amber Sliwinski at [asliwinski@azdps.gov](mailto:asliwinski@azdps.gov) or (602) 223-2261
- Testing will begin mid-June

If you have any questions regarding automaton changes, please contact Michal Musgrove at [mmusgrove@courts.az.gov](mailto:mmusgrove@courts.az.gov).

### **Michael Malone**

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### **Wanda Roberson**

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CC: Court Services Division, AOC Support, ITD Managers