

**CASE PROCESSING STANDARDS ANALYSIS
CRIMINAL – DUI MISDEMEANOR CASES**

National Center for State Courts Model Time Standards for Misdemeanor Cases:

- 75% within 60 days
- 90% within 90 days
- 98% within 180 days

Measurement: Filing of complaint through disposition (e.g., dismissal, acquittal, or judgment and sentencing).

Arizona Criminal – DUI Misdemeanor Cases Only

The following case processing time standards have been adopted for DUI cases in the justice and municipal courts:

- 85% within 180 days**
- 93% within 240 days**

- ✓ Criminal misdemeanor, criminal traffic (non-DUI), and criminal local ordinance cases are excluded.

Measurement: Filing of complaint through disposition (e.g., dismissal, acquittal, or judgment and sentencing).

Excluded Time: The following time will be excluded from measurement: pre-adjudication warrant time, Rule 11 competency issues, pre-adjudication diversions, specialty courts/programs, and pre-adjudication special actions/appeals.

Background: In 2005, Chief Justice McGregor established the DUI Case Processing Committee which conducted a detailed review of how courts throughout Arizona process DUI cases. The committee examined the entire Arizona criminal justice system as it relates to DUI cases and recommended specific improvements to court processes, rules, and statutes. One of these recommendations was to establish a pilot court program to implement the committee recommendations and determine which recommendations were effective in improving DUI case processing. After 11 courts successfully piloted the program, Phase II was implemented through Administrative Order 2007-94. By May 2008, all of the justice and municipal courts in Arizona were participating in the DUI Program. The DUI misdemeanor case processing standard in Arizona differs from the national standard for several reasons. First, there are substantial penalties involved, and a large number of these cases go to trial. Second, the discovery process is lengthy because of expert testimony and the required technical testing and re-testing of blood and breath by the crime labs. Third, the number of offenses for driving under the influence of prescription drugs has increased, and physician testimony must be included in the discovery process. In April 2025, Chief Justice Timmer signed Administrative Order 2025-67 extending each tier by 60 days due to external factors impacting DUI case processing and the criminal justice system, including redaction of police officer body camera footage.

Arizona Rules and Statutes	Timelines under Statute and Rule
Complaint Filed:	(Measurement Starts Here)
<p>Initial Appearance: Rule 4.1, Ariz.R.Crim.P.¹</p> <p>Rule 4.2(c), Ariz.R.Crim.P.</p> <p>Rule 14.2(e), Ariz.R.Crim.P.</p>	<p>If the person is arrested, the initial appearance must held within 24 hours of arrest.</p> <p>Initial Appearance and Arraignment: At the initial appearance, the defendant may be arraigned in the manner prescribed by Rule 14, if counsel is present or waived.</p> <p>Combined Proceedings: When the defendant's first court appearance occurs after the filing of the complaint, the arraignment may be held in conjunction with the initial appearance before the magistrate, if the initial appearance is held in the trial court. If the initial appearance is not held in the trial court, the defendant must be ordered to appear for arraignment in the trial court within 10 days, and a written notice of the arraignment date must be delivered to the defendant.</p>
<p>Arraignment: Rule 14.2(a), Ariz.R.Crim.P.</p> <p>Rule 14.2(c), Ariz.R.Crim.P.</p>	<p>Defendant in custody: Arraignment must be held within 10 days after filing of complaint.</p> <p>Defendant not in custody: Arraignment must be held within 30 days after filing of complaint.</p> <p>Exceptions: An arraignment need not be held in cases where the defendant’s attorney has appeared and entered a plea of not guilty, or the court permits a defendant to enter a plea of not guilty by mail and receive a court date by mail.</p>
<p>Pre-Trial Conference: Rule 16.3(b), Ariz.R.Crim.P.</p> <p>Rule 17.1, Ariz.R.Crim.P.</p> <p>Rule 17.1(f)(1), Ariz.R.Crim.P.</p>	<p>The purpose of the pretrial conference is to provide a forum for the fair and orderly disposition of cases without trial. If the case cannot be fairly disposed without a trial, the court may set a date certain for trial.</p> <p>A plea of guilty or no contest may be accepted by a court having jurisdiction to try the offense. Such plea can be accepted only when made by the defendant personally, except as otherwise provided in the rules, unless the defendant is a corporation, in which case the plea may be entered by defense counsel or a corporate officer.</p> <p>Telephonic Pleas: Courts of limited jurisdiction have discretion to accept a telephonic plea of guilty or no contest. “Telephonic” includes voice only and audio-video communications between the court and the parties. This also applies to pleas submitted through an online dispute resolution (“ODR”) system. The documents the defendant submits for</p>

¹ Arizona Rules of Criminal Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>Rule 17.1(f)(2), Ariz.R.Crim.P.</p>	<p>a telephonic plea must include the following: (i) a statement by the defendant that the defendant has read and understands the information in the form, waives applicable constitutional rights for a plea, and enters a plea of guilty or no contest to each of the offense(s) in the complaint, or to the offense(s) described in a written plea agreement (ii) a legible photocopy of the defendant’s driver’s license or other government-issued photo identification that contains the defendant’s name and birth date; and (iii) any other forms the prosecutor provides that are deemed necessary by the parties for completing a plea under the circumstances of the case.</p> <p>If the defendant is entering a plea to an offense described in A.R.S. § 13-607(A), Form 28 must contain a signed certification from a law enforcement officer in the state in which the defendant resides that the defendant personally appeared before the officer and signed Form 28, and that the officer affixed the defendant’s fingerprint to the form.</p> <p>Before accepting a plea, the court must hold an in-person or telephonic hearing with the parties, advise the defendant of the items set forth in Form 28, inform the defendant that the offense(s) may be used as a prior conviction, and find: (i) a factual basis exists for believing the defendant is guilty of the offense(s); and (ii) the defendant’s plea is knowingly, voluntarily, and intelligently entered.</p> <p><u>Pleas by Mail:</u> Courts of limited jurisdiction may accept a written plea of guilty or no contest to a misdemeanor or petty offense if the court is satisfied that a personal appearance by the defendant would constitute an undue hardship such as illness, physical incapacity, substantial distance to travel, or incarceration.</p> <p>A court may not accept a plea by mail in a case: (i) involving a victim; (ii) in which the court may impose a jail term, unless the defendant is sentenced to time served or the defendant is currently incarcerated and the proposed term of incarceration would be served concurrently and not extend the period of incarceration; (iii) in which the court may sentence the defendant to a term of probation; (iv) involving an offense for which the Arizona Revised Statutes (ARS) § 13-607 requires the taking of a fingerprint upon sentencing; or (v) in which this method of entering a plea would not be in the interests of justice.</p>
<p>Disclosure and Change of Judge: Rule 15.1(c), Ariz.R.Crim.P.</p> <p>Rule 15.1(e), Ariz.R.Crim.P.</p>	<p><u>Time for Disclosure:</u> The prosecutor must disclose the materials and information listed in Rule 15.1(b) no later than at the first pre-trial conference.</p> <p><u>Disclosures Upon Request:</u> The prosecutor must provide the additional disclosures listed in Rule 15.1(e) within 30 days of</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>Rule 15.2(d)(2), Ariz.R.Crim.P.</p> <p>Rule 10.1(a), Ariz.R.Crim.P.</p>	<p>receiving a defendant’s written request.</p> <p><u>Time for Disclosure by Defendant:</u> The defendant must disclose the materials and information listed in Rules 15.2(b) and 15.2(c) not later than 20 days after the prosecutor's disclosure pursuant to Rule 15.1(b).</p> <p><u>Change of Judge:</u> Prior to the commencement of a hearing or trial, the State or any defendant is entitled to a change of judge if the assigned judge’s interest or prejudice would prevent a fair and impartial hearing or trial.</p>
<p>Trial: Rule 8.2, Ariz.R.Crim.P. (Excluded periods from the timeframes set forth in Rule 8.2 are specified in Rule 8.4)</p>	<p><u>Defendant in custody:</u> Trial must take place 150 days from arraignment, except as specified in Rule 8.2(a)(3).</p> <p><u>Defendant not in custody:</u> Trial must take place 180 days from arraignment, except as specified in Rule 8.2(a)(3).</p>
<p>Sentencing: Rule 26.3(a), Ariz.R.Crim.P.</p> <p>Rule 26.3(b), Ariz.R.Crim.P.</p>	<p>Sentence may be pronounced immediately upon determination of guilt unless the court on its own motion, or upon request of a party or victim, orders that sentence should be pronounced at a later date, not more than 30 days after determination of guilt.</p> <p><u>Pre-Sentencing Hearing:</u> If a pre-sentencing hearing is requested under Rule 26.7, or if good cause is shown, the trial court may reset the date for sentencing, but the new date should be within 60 days of the determination of guilt.</p> <p style="text-align: center;">(Measurement Stops Here)</p>