

Hon. Ronald Reinstein, Ret.
Chair, Supreme Court Commission on Victims in the Courts
1501 W. Washington, Phoenix, AZ 85007
602-452-3965

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:)
PETITION TO AMEND RULES) Supreme Court Rule No. ____
2.3, 13.2, 16.1, 26.4, 31.13, &)
35.1, RULES OF CRIMINAL)
PROCEDURE; RULE 111, RULES)
OF THE SUPREME COURT, AND)
RULES 15, 24, 34, 106, & 107,)
RULES OF PROCEDURE FOR)
THE JUVENILE COURT)
_____)

Pursuant to Arizona Supreme Court Rule 28, Ronald Reinstein, Chair of the Supreme Court Commission on Victims in the Courts, respectfully petitions this Court to adopt the attached proposed rule amendments to the Arizona Rules of Criminal Procedure, the Rules of the Supreme Court and the Rules of Procedure for the Juvenile Court.

Arizona’s Victims’ Bill of Rights provides that crime victims are entitled “to be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process.” Ariz. Const. art. 2, §2.1(A)(1).

The amendments to the aforementioned rules will encourage a heightened awareness of and respect for the needs of victims and reduce unnecessary exposure to re-victimization that may occur from online access to embarrassing references in court records and “subsequent sharing” through social media outlets.

The Commission on Victims in the Courts has been made aware of some local, recent cases highlighting victim privacy concerns, and therefore recommends the judicial system take action to strike the appropriate balance of public versus private information. The proposed amendments to the criminal and juvenile court rules will protect juvenile victims’ names in all criminal cases and will protect the names of adult victims in criminal cases involving sex offenses. The proposed amendment to Supreme Court Rule 111 will offer similar protections in all opinions and memorandum decisions issued by the appellate courts.

While the proposed amendments reflect current practices in some jurisdictions, a statewide standard is needed to ensure victims will receive consistent treatment regarding disclosure of personal information in parties’ pleadings, briefs, and motions, and judicial rulings.

To date, the commission shared the proposal with a limited number of Supreme Court committees and relevant suggestions have been received, including the suggestion of a mandatory confidential data sheet that would contain the victim’s full name. These issues, in addition to any comments received during the

comment period will be addressed by an ad-hoc workgroup, comprised of judges, attorneys and other justice professionals and any changes to the petition will be addressed through the filing of an amended petition.

Additionally, due to the complexity of the issues the commission faced, and the abbreviated timeframe in which the commission had to take action, the commission was unable to circulate the proposed rule changes to the broader court community for input prior to filing this petition. Therefore, the commission respectfully requests this court order a modification to the usual rule petition schedule as follows:

April 2 Initial comments to the petition due.

May 7 The commission's workgroup may modify the rule petition by filing an amended petition, as necessary.

June 4 Second round of comments to any amended petition due.

July 9 The commission's workgroup reply to comments due.

This proposed schedule will then allow the court to address the petition, comments, and replies in September 2012.

Therefore, Petitioner requests this court modify the rule petition schedule as set forth herein, and accept the proposed amendments.

RESPECTFULLY SUBMITTED this 6th day of January, 2012.

By _____
Hon. Ronald Reinstein, Chair,
Commission on Victims in the Courts
1501 W. Washington, Phoenix, AZ 85007
602-452-3965

APPENDIX A
(proposed new language is underlined)

1. ARIZONA RULES OF CRIMINAL PROCEDURE

Rule 2. Commencement of Criminal Proceedings

Rule 2.3. Content of Complaint

a. A complaint is a written statement of the essential facts constituting a public offense, that is either signed by a prosecutor, or made upon oath before a magistrate, or made in accordance with A.R.S. § 13-3903.

b. Upon filing a charging document in a criminal case in which a juvenile is alleged to be the victim of any offense listed in A.R.S Title 13, chapters 14 or 35.1, the prosecuting agency shall advise the clerk that the case is subject to the provisions of Supreme Court Rule 123(g)(1)(C)(ii)(h).

c. All charging documents shall use the victim's initials in place of the victim's name in any case in which the defendant is charged with any offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense.

Rule 13. Indictment and Information

Rule 13.2 Nature and contents

a. In General. The indictment or information shall be a plain, concise statement of the facts sufficiently definite to inform the defendant of the offense charged.

b. Charging the Offense. The indictment or information shall state for each count the official or customary citation of the statute, rule, regulation or other provision of law which the defendant is alleged to have violated.

c. Notice of Necessarily Included Offenses. Specification of an offense in an indictment, information, or complaint shall constitute a charge of that offense and of all offenses necessarily included therein.

d. Protecting Names of Victims. The indictment, information, or complaint shall use the victim's initials in place of the victim's name in any case in which the defendant is charged with any offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense.

Rule 16 Pretrial Motion Practice; Omnibus Hearing

Rule 16.1. General provisions

a. Scope of Rule. This rule shall govern the procedure to be followed in cases between arraignment and trial, unless specifically provided by another rule. Rules 16.1 and 16.2 shall apply to criminal proceedings in all courts.

b. Making of Motions Before Trial. All motions shall be made no later than 20 days prior to trial, or at such other time as the court may direct. The opposing party shall have 10 days within which to file a response, unless the opposing party waives response. Lack of jurisdiction may be raised at any time.

An omnibus hearing will be held only if affirmatively requested in writing by either or both parties within 45 days of the date of arraignment in the Superior Court or 10 days after receipt of disclosure required by Rule 15.1(c), whichever is later; 10 days after receipt of disclosure required by Rule 15.1(e); or as ordered by the court on its own motion. The omnibus hearing shall be set at the earliest convenient date following the filing of the request but no later than 20 days prior to the trial date.

c. Effect of Failure to Make Motions in Timely Manner. Any motion, defense, objection, or request not timely raised under Rule 16.1(b) shall be precluded, unless the basis therefor was not then known, and by the exercise of reasonable diligence could not then have been known, and the party raises it promptly upon learning of it.

d. Finality of Pretrial Determinations. Except for good cause, or as otherwise provided by these rules, an issue previously determined by the court shall not be reconsidered.

e. Protecting Names of Victims. All written motions, defenses, objections and requests shall use the victim's initials in place of the victim's name in any case in which the defendant is charged with any offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense.

Rule 26. Judgment, Pre-Sentence Report, Pre-Sentencing Hearing, Sentence

Rule 26.4. Pre-sentence report

a. When Prepared. The court shall require a pre-sentence report in all cases in which it has discretion over the penalty to be imposed, except that requiring such a report is discretionary in those cases in which the defendant can only be sentenced to imprisonment for less than one year, in which a request under Rule 26.3(a) is granted, or in which a pre-sentence report concerning the defendant is already available. A pre-sentence report shall not be prepared until after the determination of guilt has been made or the defendant has entered a plea of guilty or no contest.

b. When Due. Except when a request under Rule 26.3(a) has been granted, the pre-sentence report shall be delivered to the sentencing judge at least 2 days before the date set for sentencing.

c. Protecting Names of Victims. The pre-sentence report shall use the victim's initials in place of the victim's name in any case in which the defendant is charged with any offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense.

Rule 31. Appeal from Superior Court

Rule 31.13. Appellate briefs

a. and b. [no changes]

c. Contents.

(1) *Appellant.* The appellant's brief shall include:

(i) A table of contents with page references.

(ii) A table of citations, which shall alphabetically arrange and index the cases, statutes, and other authorities cited, with references to the pages of the brief on which they are cited.

(iii) A statement of the case, indicating briefly the basis of the appellate court's jurisdiction, the nature of the case, the course of the proceedings and the disposition in the court below.

(iv) A statement of facts relevant to the issues presented for review, with appropriate references to the record. The statement shall not contain evidentiary matter unless material to a proper consideration of the issues presented, in which instance a reference shall be made to the record or page of the transcript where such evidence appears. The statement of facts may be combined with the statement of the case.

(v) A statement of the issues presented for review. The statement of an issue presented for review will be deemed to include every subsidiary issue fairly comprised therein.

(vi) An argument which shall contain the contentions of the appellant with respect to the issues presented, and the reasons therefore, with citations to the authorities, statutes and parts of the record relied on. The argument may include a summary. With respect to each contention raised on appeal, the proper standard of review on appeal shall be identified, with citations to relevant authority, at the outset of the discussion of that contention. Citation of authorities shall be to the volume and page number of the official reports and also when possible to the unofficial reports.

(vii) A short conclusion stating the precise relief sought.

(viii) An appendix if desired.

(2) *Appellee*. The appellee's brief shall be of like character and arrangement as that of the appellant except that no statement of the case is required unless the appellee finds the statement presented by the appellant to be insufficient or incorrect.

(3) *Reply Brief*. The reply brief shall be confined to a response to questions of law or fact raised by the appellee's brief.

(4) *Appendix*.

(i) The appellate brief for either party may include an appendix of pertinent statutes, treaties, regulations, rules, and instructions.

(ii) In addition, the appendix to an appellate brief may include extended quotations from cases and authorities where such quotations are required for proper presentation of the issues.

(5) *Protecting Names of Victims*. Appellate briefs shall use the victim's initials in place of the victim's name in any case in which the defendant was charged with any offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense.

d. through f. [no changes]

Rule 35. Form, Content and Service of Motions and Requests

Rule 35.1 Motions: form, content and rights of reply

a. Unless otherwise specified in these rules, all motions shall be typewritten, double-spaced on 8.5 x 11 inch paper and shall contain a short, concise statement of the precise nature of the relief requested, shall be accompanied by a brief memorandum stating the specific factual grounds therefore and indicating the precise legal points, statutes, and authorities relied upon, and shall be served to all other parties. Each party may within 10 days file and serve a response, and the moving party may within 3 additional days file and serve a reply, which shall be directed only to matters raised in a response. Responses and replies shall be in the form required for motions. If no response is filed, the motion shall be deemed submitted on the record before the court

b. Unless otherwise permitted by the court, a motion, including its supporting memorandum, and the response, including its supporting memorandum, shall not exceed 10 pages, exclusive of attachments. Unless otherwise permitted by the court, a reply, including its supporting memorandum, shall not exceed 5 pages, exclusive of attachments.

c. All motions requests and proposed orders shall use the victim's initials in place of the victim's name in any case in which the defendant was charged with any offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense.

2. Rules of the Supreme Court of Arizona

Rule 111. Publication of Opinions of the Supreme Court and Court of Appeals; Depublication

(a) Definitions.

1. An opinion is a written disposition of a matter which is intended for publication under (4) below.
2. A memorandum decision is a written disposition of a matter not intended for publication.
3. An order is any disposition of a matter before the court other than by opinion or memorandum decision.
4. Publication is the distribution of opinions for reporting by publishing companies in compliance with the provisions of A.R.S. §§ 12-107, 12-108, and 12-120.07.

(b) When disposition to be by opinion. Dispositions of matters before the court requiring a written decision shall be by written opinion when a majority of the judges acting determine that it:

1. Establishes, alters, modifies or clarifies a rule of law, or
2. Calls attention to a rule of law which appears to have been generally overlooked, or
3. Criticizes existing law, or
4. Involves a legal or factual issue of unique interest or substantial public importance, or if the disposition of matter is accompanied by a separate concurring or dissenting expression, and the author of such separate expression desires that it be published, then the decision shall be by opinion.

(c) Dispositions as Precedent. Memorandum decisions shall not be regarded as precedent nor cited in any court except for (1) the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case or (2) informing the appellate court of other memorandum decisions so that the court can decide whether to issue a published opinion, grant a motion for reconsideration, or grant a petition for review. Any party citing a memorandum decision pursuant to this rule must attach a copy of it to the motion or petition in which such decision is cited.

(d) Designation of written disposition. The written disposition of the case shall contain in the caption thereof the designation "Opinion", "Memorandum Decision", or "Order."

(e) This rule shall be effective as of 1 September 1973.

(f) Publication of dissenting vote on denial of petition for review. If a Petition for Review is denied and a justice of the Supreme Court voted to grant review, such justice's dissenting vote shall be reported in the caption of the decision of the Court of Appeals, if such decision is published in accordance with these rules.

(g) Depublication. Notwithstanding Rule 111 (b), the Supreme Court may order that an opinion certified for publication by the Court of Appeals either not be published in its entirety or that a specified portion of the opinion not be published.

(h) Memorandum Decision. When the Court issuing a decision concludes that only a portion of that decision meets the criteria for publication as an opinion, the Court shall issue that portion of the decision as a published opinion and shall issue the remainder of the decision as a separate memorandum decision not intended for publication.

(i) Protecting Names of Victims. All opinions, memorandum decisions, and orders shall use the victim's initials in place of the victim's name in any case concerning a defendant or juvenile charged with any offense listed in A.R.S. Title 13, Chapters 14, 32, 35.1 and in any case concerning a crime victim who was a juvenile at the time of the offense.

3. Rules of Procedure for the Juvenile Court

Rule 15. Motions

A. Form. All motions shall be in writing, unless otherwise authorized by the court, and shall set forth the basis for the relief sought.

B. Filing. All motions shall be filed with the clerk of the court and copies provided to the assigned judge at the time of filing. All parties and the assigned probation officer shall be served copies by mail, hand delivery, fax or by electronic means.

C. Motion to Continue. Any motion to continue shall advise the court of impending expiration of time limits and shall be granted only upon a showing that good cause exists and that delay is indispensable to the interests of justice. A continuance may be granted only for so long as is necessary to the interests of justice. The court shall consider the victim's views and the victim's right to a timely adjudication of the juvenile in determining whether to grant a continuance. If a continuance is granted, the court shall state on the record the reason for the continuance.

D. Protecting Names of Victims. All written motions and requests shall use the victim's initials in place of the victim's name in any case in which the juvenile is charged with any offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense.

Rule 24. Content of Petition

A. Content. A petition alleging delinquent or incorrigible acts shall be in writing, under oath, captioned: "In the Matter of ___, a person under the age of 18 years," and may be upon information and belief and filed by the prosecutor. It shall set forth:

1. The facts, in concise language with reasonable particularity as to the time, date, place and manner of the alleged acts of the juvenile and the law or standard of conduct allegedly violated by such acts, which bring the juvenile within the jurisdiction of the court;

2. The name, age, gender and address of the juvenile named in the petition;
3. The names and addresses, if known, of the parent, guardian or custodian of the juvenile or of the juvenile's spouse, if any; and
4. The place of detention and the date and time the juvenile was taken into custody, if the juvenile in custody.

B. Amendment to Petition. A petition may be amended by order of the court in response to the motion of any party at any time before adjudication, provided the parties are granted sufficient time to meet the new allegations. A copy of the motion shall be provided to the parties pursuant to Rule 15.

C. Protecting Names of Victims. A petition shall use the victim's initials in place of the victim's name in any case in which the juvenile is charged with any offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense.

Rule 34. Transfer for Criminal Prosecution

A. Initiation. If, in the opinion of the prosecutor, the juvenile is not a proper person over whom the juvenile court should retain jurisdiction, the prosecutor may file a motion with the clerk of the court requesting that the juvenile court waive jurisdiction and order the transfer of the juvenile to the appropriate court for criminal prosecution.

B. Motion and Complaint. A copy of the motion for transfer shall be accompanied by a criminal complaint which clearly designates the offense or offenses for which transfer is sought. The motion and complaint shall be filed with the clerk of the court.

1. Amendment to Complaint. Upon motion by the prosecutor, the court may amend the petition at any time before the transfer decision is made to conform to the evidence, but the juvenile shall not be transferred or held to answer for an offense different from the offense for which probable cause was found at the transfer hearing.

C. Protecting Names of Victims. The motion and complaint shall use the victim's initials in place of the victim's name in any case in which the juvenile is charged with any offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense.

¶D. Service. Copies of the motion and complaint shall be served pursuant to Rule 15. An amended complaint shall be served upon the parties in the same manner as the original motion and complaint.

D. through F. [renumber]

Rule 106. Briefing, Consideration and Disposition in the Court of Appeals

- (A)** ARCAP 13 and 14 shall apply in appeals from final orders of the juvenile court, except that
- (1) briefs shall be stapled or otherwise securely fastened in the upper left corner and need not have covers;
 - (2) a principal brief prepared in a proportionately spaced typeface may not exceed 7,000 words, and a reply brief so prepared may not exceed 3,500 words; and
 - (3) a principal brief prepared in a monospaced typeface may not exceed 20 pages, and a reply brief so prepared may not exceed 10 pages.

The word and page limits specified in this subsection do not include the table of contents, table of citations, certificate of service, certificate of compliance, and any appendix. The appellate court may strike a brief that does not substantially conform to the requirements of this rule.

- (B)** ARCAP 15 shall apply in appeals from final orders of the juvenile court, except that
- (1) appellant's opening brief shall be filed with the clerk of the court of appeals within 20 days after the mailing of the notice required by Rule 105(e);
 - (2) each appellee shall file an answering brief with the clerk of the court of appeals within 20 days after service of the appellant's opening brief;
 - (3) appellant may file a reply brief within 10 days after service of appellee's answering brief, or appellant may file a notice stating that no reply brief will be filed; and
 - (4) the appeal will be deemed "at issue" upon the filing of the reply brief, upon the filing of a notice that no reply brief will be filed, or 10 days after service of the answering brief, whichever first occurs.

(C) ARCAP 16 shall apply in appeals from final orders of the juvenile court, except that briefs amicus curiae shall be stapled or otherwise securely fastened in the upper left corner and need not have covers. A brief amicus curiae shall not exceed 6,000 words if prepared in a proportionately spaced typeface or 18 pages if prepared in a monospaced typeface, exclusive of pages containing the table of contents, the table of citations, certificate of service, certificate of compliance, and any appendix.

(D) ARCAP 19 shall apply in appeals from final orders of the juvenile court, except that a party's petition for transfer of the appeal to the supreme court shall be filed on or before the earlier of the date the reply brief is due or filed.

(E) Appellate briefs shall use the victim's initials in place of the victim's name in any case in which the juvenile is charged with an offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense.

(E) through (G) [renumber]

Rule 107. Petition for Review

(A) Any party may, within 30 days after the clerk of the court of appeals has given notice that a decision or final order disposing of the appeal has been rendered, file with the clerk of the court of appeals a petition for review of the case by the supreme court. No motion for reconsideration in the court of appeals shall be permitted. A cross-petition for review may be filed with the clerk of the supreme court within 15 days after service of a petition for review.

(B) The petition for review and cross-petition for review shall be bound or fastened and shall comply with ARCAP 6(c). The parties shall be designated as in the court of appeals.

A copy of the decision of the court of appeals shall be attached to the petition. Except by permission of the court, (1) a petition for review or cross-petition prepared in a proportionately spaced typeface may not exceed 3,500 words, including footnotes and quotations; (2) a petition for review or cross-petition prepared in a monospaced typeface may not exceed 10 pages and may not exceed an average of 350 words per page, including footnotes and quotations; and (3) a handwritten petition for review or cross-petition may not exceed 12 pages. The petition or cross-petition shall be accompanied by a certificate of compliance that states either (1) that the petition or cross-petition uses a proportionately spaced typeface of 14 points or more, is double spaced using a roman font, and contains [blank] words, or (2) that the petition or cross-petition uses a monospaced typeface of no more than 10.5 characters per inch and does not exceed 10 pages, or (3) that the petition or cross-petition was handwritten and does not exceed 12 pages.

The petition for review or cross-petition shall contain concise statements of the following:

1. The issues that were decided by the court of appeals and that the petitioner wishes to present to the supreme court for review. The petitioner shall also list, separately and without argument, any additional issues that were presented to but not decided by the court of appeals and may need to be decided if review is granted.

2. The facts material to a consideration of the issues presented to the supreme court for review with appropriate references to the record on appeal. No evidentiary matter shall be included unless material to a proper consideration of the issues presented, in which instance a reference shall be made to the record or page of the certified transcript where such evidence appears.

3. The reasons why the petition should be granted, which may include, among others, the fact that no Arizona decision controls the point of law in question, that a decision of the supreme court should be overruled or qualified, that conflicting decisions have been rendered by the court of appeals, or that important issues of law have been incorrectly decided.

4. Petitions for review shall use the victim's initials in place of the victim's name in any case in which the juvenile was charged with an offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense.

45. If the record on appeal contains documents that are necessary for a determination of the issues raised by the petition or cross-petition, the petitioner or cross-petitioner shall file, simultaneously with a copy of the petition or cross-petition, an appendix that contains only those documents. If the appendices exceed 15 pages in length, they shall be bound or fastened together separately from the petition and attached the copy of the decision of the court of appeals or from the cross-petition. An original and two copies of any separately bound or fastened appendices shall be filed with the petition or cross-petition.

The clerk of the appellate court may in his or her discretion return to the petitioner or cross-petitioner any petition for review or cross-petition for review presented for filing that does not substantially comply with this rule. The clerk of the appellate court shall include with the returned petition written instructions to the petitioner or cross-petitioner to file a proper petition or cross-petition within 30 days from the date on which the clerk of the appellate court mails the written instructions to the petitioner or cross-petitioner.

(C) through (J) [no changes]



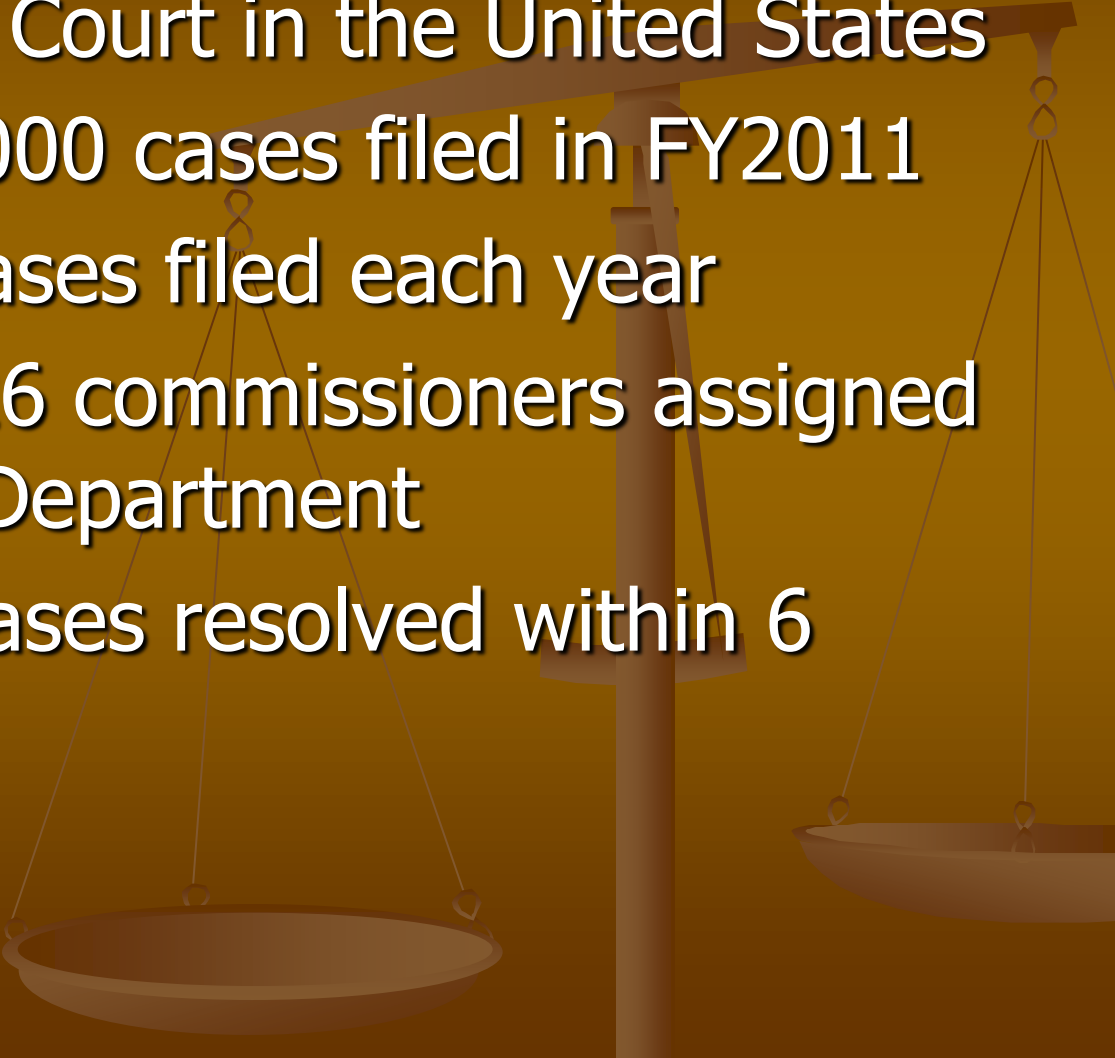
South Court Tower

Courthouse Design with Victims in Mind

1/20/2012 Presentation to COVIC

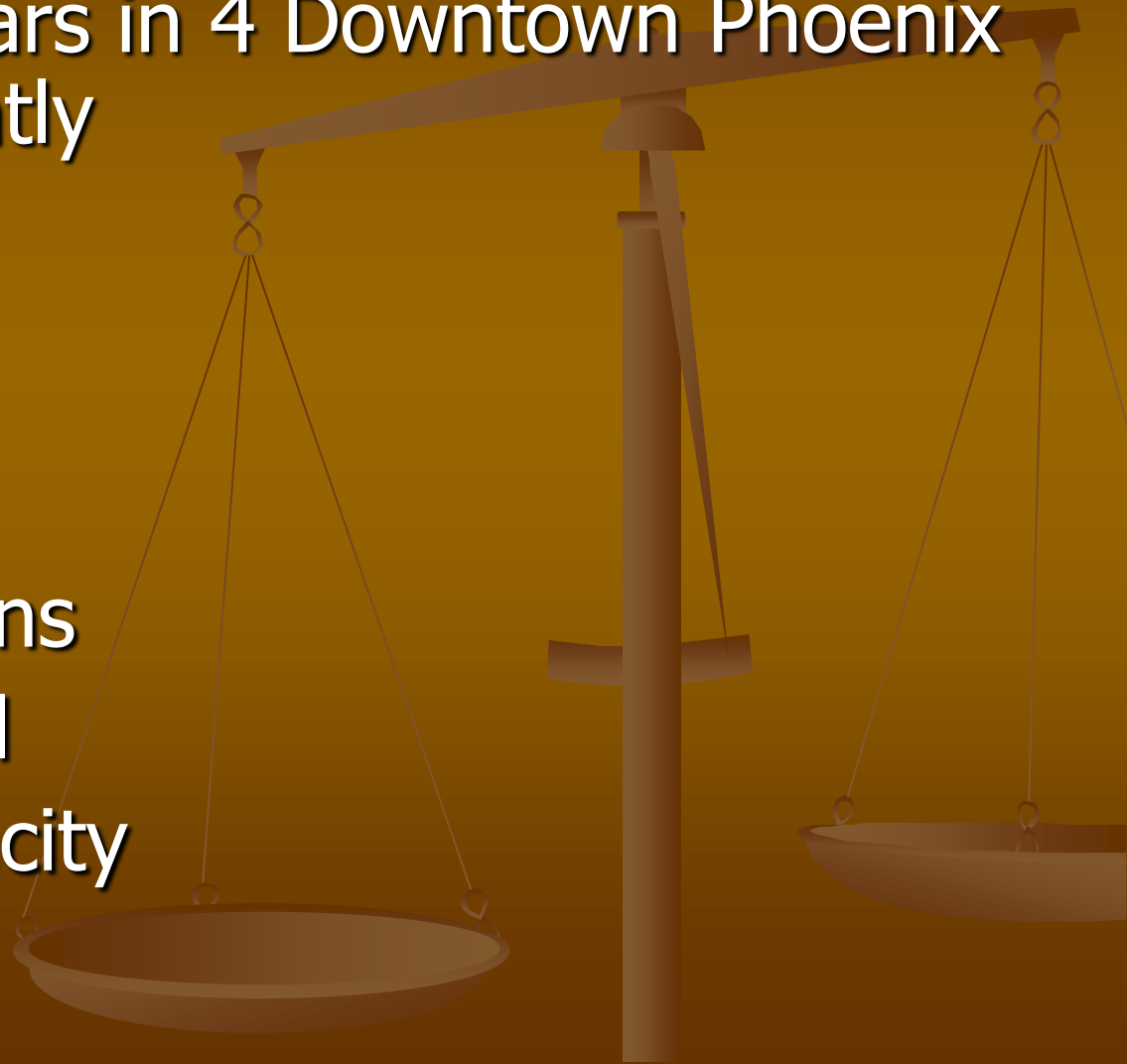
*Hon. Douglas Rayes, Criminal Presiding Judge
Superior Court of Arizona in Maricopa County*

Court Facts

- 4th Largest Trial Court in the United States
 - More than 222,000 cases filed in FY2011
 - 40,000 felony cases filed each year
 - 28 judges and 26 commissioners assigned to the Criminal Department
 - 8 of 10 felony cases resolved within 6 months
- 

Criminal Courthouses

- Criminal calendars in 4 Downtown Phoenix buildings currently
 - CCB
 - ECB
 - 1WM
 - 4AJ
- Security Concerns
- One-Size Fits All
- No growth capacity

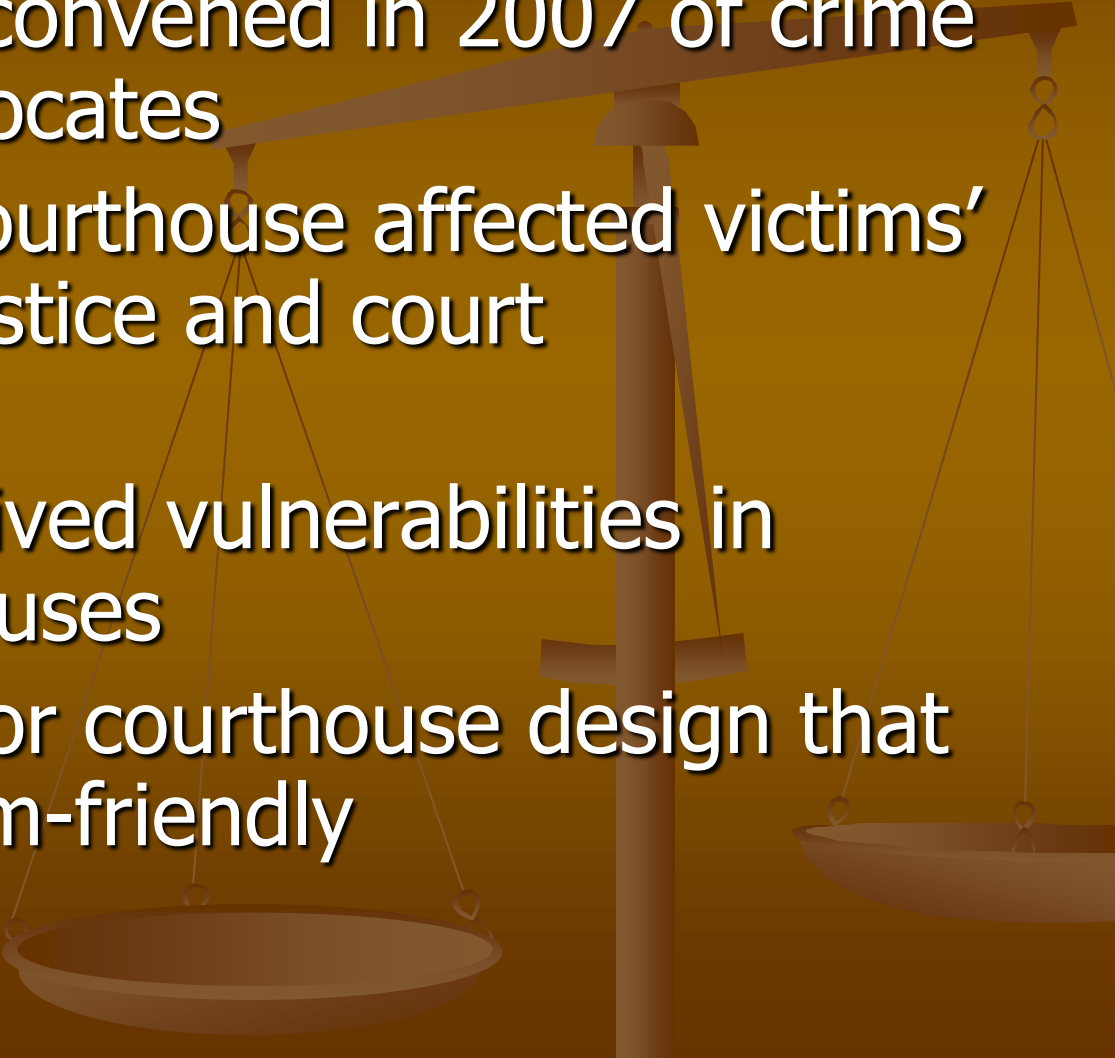


South Court Tower

- Allows consolidation of criminal calendars to 2 buildings (CCB, SCT)
- Separate Traffic Flows
 - Public
 - Judicial Officers/Staff
 - In-custody defendants
- Courtrooms Designed for Different Needs of Criminal cases (4 floorplans)
- Adds 22 courtrooms to the downtown Sup. Ct. complex
- Opens February, 2012

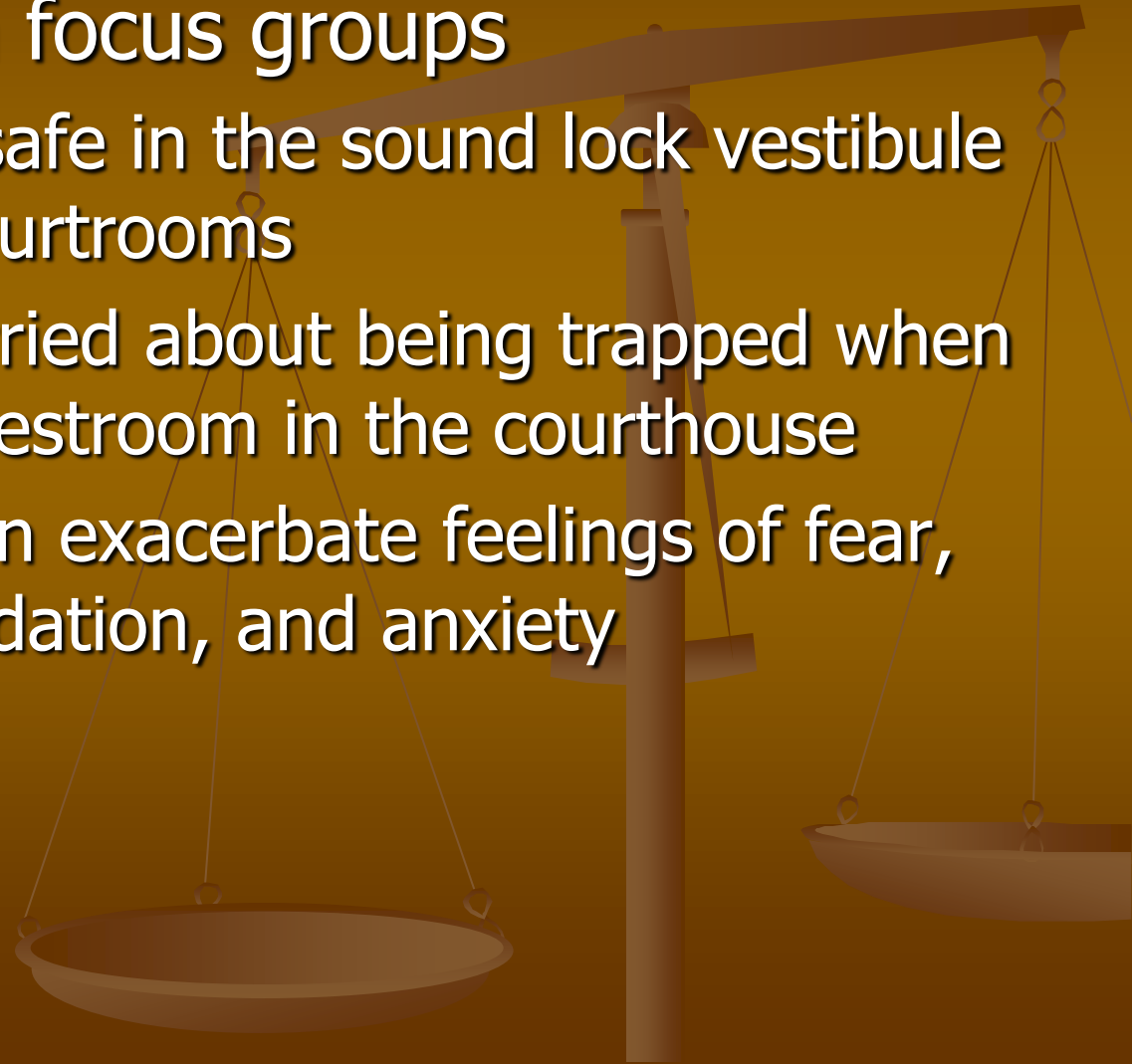


Designing for Victims – Our Process

- 9 focus groups convened in 2007 of crime victims and advocates
 - Explored how courthouse affected victims' perception of justice and court proceedings
 - Identified perceived vulnerabilities in existing courthouses
 - Solicited ideas for courthouse design that were more victim-friendly
- 

Designing for Victims – Their Words

- Key Points from focus groups
 - Victims feel unsafe in the sound lock vestibule entrances to courtrooms
 - Victims are worried about being trapped when using a public restroom in the courthouse
 - Courthouses can exacerbate feelings of fear, isolation, intimidation, and anxiety



Designing for Victims – The Result

Separate victim entrance for each courtroom



Designing for Victims – The Result

Viewing room with closed circuit audio/video for each courtroom



Designing for Victims – The Result

Victim-only restrooms throughout the courthouse



Designing for Victims – The Result

Victim Waiting Rooms on the Main Floor



Questions?



**Arizona Supreme Court
Commission on Victims in the Courts
Legislative Update
January 20, 2012**

HB2432: secured appearance bond exoneration; remission (Rep. Gowan)

<http://www.azleg.gov/legtext/50leg/2r/bills/hb2432p.pdf>

Mandates the surety be relieved from liability, if the defendant fails to appear as required, so long as the defendant is surrendered by the surety or bail bond agent before or within thirty days after the defendant's failure to appear. Requires that the surrender be reported by the sheriff, surety or bail bond agent to the court by affidavit. Allows a judicial officer to order a forfeiture of no more than \$1000 if the defendant was surrendered within thirty days after their failure to appear.

Title affected: 13

HB2550: victims' rights; criminal offense; interviews (Rep. Vogt)

<http://www.azleg.gov/legtext/50leg/2r/bills/hb2550p.pdf>

Expands the scope of the definition of "criminal offense" in relation to crime victims' rights to include any misdemeanor, petty offense, or violation of local ordinance whereas previously it only meant felonies or misdemeanors involving personal injury or the threat of physical injury or sexual assault. Repeals language that excluded on-duty peace officers from being considered victims. An amendment will clarify that local ordinances apply only to criminal offenses

Title affected: 13

HB2556: criminal restitution order (Rep. Vogt)

<http://www.azleg.gov/legtext/50leg/2r/bills/hb2556p.pdf>

Requires the court to retain jurisdiction for the purposes of ordering and enforcing the manner in which court ordered restitution is paid until paid in full or completion of the defendant's sentence. Authorizes the court, in its discretion to enter criminal restitution orders at the time the defendant is ordered to pay restitution instead of at the completion of the defendant's sentence or probation. Mandates the criminal restitution orders be recorded as any civil judgment.

Title affected: 13

HB2558: victim restitution; civil actions (Rep. Vogt)

<http://www.azleg.gov/legtext/50leg/2r/bills/hb2558p.pdf>

Clarifies that an order of restitution in favor of a person does not preclude that person from bringing a separate civil action proving damages in excess of the amount of the restitution order that is actually paid. The statute previously read "...in excess of the amount of the restitution order," not only what was actually paid.

Title affected: 13

HB2559: victims' rights; courtroom posting (Rep. Vogt)

<http://www.azleg.gov/legtext/50leg/2r/bills/hb2559p.pdf>

Extends the posting of victims' rights and the reading of victims' rights at the daily commencement of the regular criminal docket by superior court judges to include being read by limited jurisdiction court judges.

Title affected: 13

HB2615: civil actions; time limits; crimes (Rep. Judd)

<http://www.azleg.gov/legtext/50leg/2r/bills/hb2615p.pdf>

A civil action for recovery of damages for physical, psychological, or other injury suffered by a minor as a result of sexual offense, sexual exploitation, or incest may be commenced at any time. A cause of action barred because the period of limitation has expired as of the effective date is revived and may be commenced within one year of the effective date of this legislation if commenced for conduct that was committed against the minor 35 years or less before the date of this legislation or commenced within 35 years after the minor reaching 18.

Requires a certificate of merit be filed by the plaintiff's attorney for each action including a notarized statement from a qualified psychologist or behavioral health professional affirming a reasonable basis to believe the plaintiff was subject to one or more offending acts.

Title affected: 12

**Arizona Supreme Court
Commission on Victims in the Courts**

May 11, 2012 Meeting Agenda
1501 W. Washington St. Phoenix, AZ 85007
State Courts Building, Conference Room 119
Conference Phone Number: 602.452.3192, ID# 1114

Call to Order

10:00 a.m. Announcements Hon. Ron Reinstein, Chair

*Approval of September 2011 Meeting Minutes***

2012 Reappointments

Presentations

10:10 a.m. Voice of the Victim-Probation perspective Chief Barbra Broderick

10:30 a.m. Address Confidentiality Program Ms. Betty McEntire

11:00 a.m. Legislative Session Update Ms. Amy Love

Old Business

11:20 a.m. Victim ID Protection Rule petition update ** Hon. Ron Reinstein/
Carol Mitchell

11:50 a.m. Solicitation for future Commission issues and projects Hon. Ron Reinstein

Call to the Public/Adjourn

*****Important Voting items***

Lunch

Workgroups are NOT scheduled to meet.

All times are approximate. The Chair reserves the right to set the order of the agenda. For any item on the agenda, the Committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration § 1-202. Please contact Carol Mitchell at (602) 452-3965 with any questions concerning this agenda. Persons with a disability may request a reasonable accommodation by contacting Jerri Medina at (602) 452-3647. Requests should be made as early as possible to allow time to arrange for the accommodation.

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
May 11, 2012	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	APPA Report on Victims

FROM: Journal of the American Probation and Parole Association

PRESENTER(S): Chief Barbara Broderick, Maricopa County Adult Probation Department

DISCUSSION & TIME ESTIMATE: Chief Broderick will share a PowerPoint presentation with information taken APPA's *Perspectives* Journal entitled "Voice of the Victim". 20 minutes

RECOMMENDED MOTION (IF ANY): N/A

the journal of the American Probation and Parole Association

PERSPECTIVES



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V

VOICE of the VICTIM

a perspectives spotlight issue



Innovation • Partnerships
Safely Neighborhoods



JUSTICE FOR VICTIMS
JUSTICE FOR ALL

Office for Victims of Crime
OVC

CHANGE.



RESTITUTION COURT: A VICTIM CENTERED APPROACH TO RESTITUTION COLLECTION IN MARICOPA COUNTY, ARIZONA

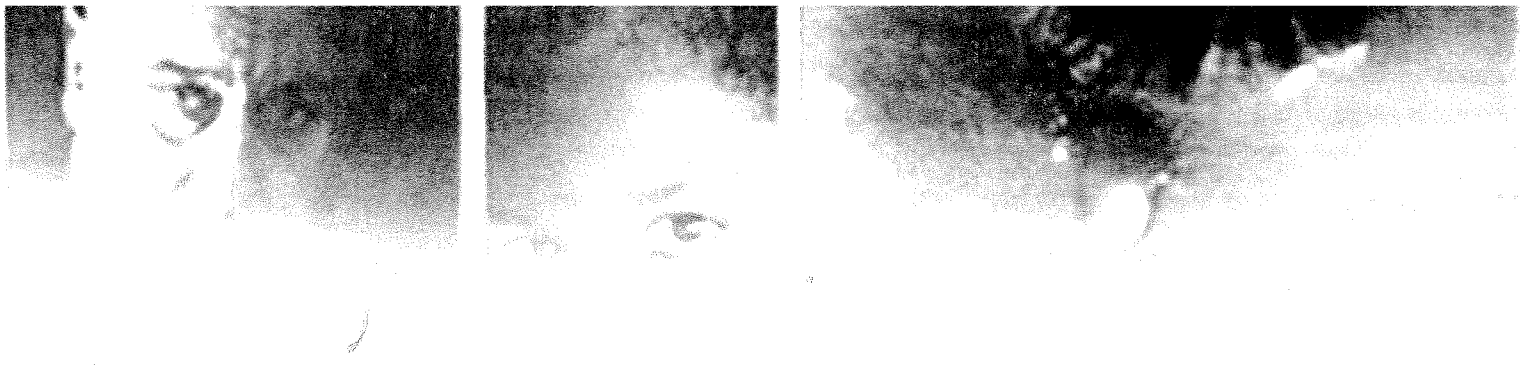
BY CATHY WYSE AND STEPHEN HARTLEY

Restitution repays victims for financial losses resulting from a crime. Restitution payment is routinely ordered as a condition of probation and victims and the general community expect the criminal justice system to hold offenders accountable for their court-ordered payments. The Maricopa County Adult Probation Department established extensive and generally effective procedures to collect court-ordered payments, yet found that specific individuals, who had the ability to pay restitution, were persistently and willfully noncompliant with court orders to do so. A unique program known as Restitution Court was implemented by the Maricopa County Adult Probation Department and the Superior Court in Maricopa County targeting probationers with a significant delinquency in restitution payment. Instead of appearing before the Court for a probation violation, probationers appear in Restitution Court for a civil contempt hearing to determine contempt for nonpayment. The program has been highly effective in obtaining restitution payments. Since September of 2008, Restitution Court has seen 330 individuals for nonpayment and collected \$583,820.65 in delinquent restitution payments. The County incurred no new costs to implement the program, which has already been replicated by two other counties in Arizona.

RESPONDING TO A NEED

Maricopa County, Arizona has a population of four million people and encompasses the Phoenix metropolitan area. The Maricopa County Adult Probation Department oversees 56,000 probation cases, over 80% are felony level cases. It is estimated that 19% of the individuals sentenced to probation have been ordered by the Superior Court to pay restitution.

The need to hold individuals accountable in the payment of court-ordered restitution is imperative. Restitution repays victims for financial losses resulting from the crime. Victims often feel violated, lose a feeling of security, suffer emotional and physical pain, suffer financial losses, and lose resources. Receipt of restitution may not solve all of the above ramifications of a crime, but it does provide financial restoration and can allow for healing to begin. Victims and the community as a whole often rate the criminal justice system on its ability to hold probationers accountable to the orders of the court, and perhaps especially to collect the monies they are owed. If the criminal justice system fails to fulfill this basic responsibility, it significantly lowers the trust and confidence of victims and the community.



A secondary problem with the nonpayment of restitution is that it lowers the amount of monies received for court-ordered fines and fees, which are used by many government agencies to augment shrinking budgets. The conditions of probation typically include multiple financial obligations, such as restitution, probation service fees, and fines, with a monthly payment amount established for each of these financial obligations. In Arizona, once a probationer falls behind in the payment of restitution, all monies received are justifiably mandated for restitution. When the probationer brings his restitution payment current, monies can again be credited to various accounts as the court ordered. This can be a significant financial benefit to government entities. For example, the Maricopa County Adult Probation Department funds 174 positions and all of its risk management costs from the collections of probation service fees.

When individuals are granted probation by the Superior Court in Maricopa County, they often struggle with meeting the court-ordered financial obligations. The Maricopa County Adult Probation Department (MCPAD) hired professional collectors, creating a collections unit (FINCOM), and implemented extensive procedures for enforcing financial compliance. Steps taken to assist probationers in meeting their financial obligations, as well as to enforce financial compliance, include use of a Payment Ability Form to determine the ability of a probationer to pay, a free budget class offered to probationers by the probation staff, court notification of failure to pay, and the utilization of a formal process including telephone calls,

letters and individual meetings. During 2008, it became apparent to FINCOM that even with this effort, special attention needed to be given to specific cases in which the probationers were willfully noncompliant towards payment of restitution. In these cases, individuals had financial resources, but deliberately made court-ordered restitution payments a low or nonexistent priority.

During the same time period, the Judiciary was frustrated with the lack of resources available to address nonpayment of restitution. The only method available was for the Adult Probation Department to file a Petition to Revoke Probation, which would initiate a series of formal court hearings to determine if the conditions of probation had been violated and if so, what sanctions would be imposed. In the process, significant costs were incurred, including prosecutor and defense attorney involvement. In addition, the available sentencing sanctions were limited and often resulted in more costs, especially if incarceration was ordered as part of the defendant's reinstatement on probation.

RESTITUTION COURT PROGRAM DESCRIPTION

In May 2008, the Maricopa County Adult Probation Department, the Superior Court in Maricopa County, and the Attorney General of Arizona's Office of Victim Services formed a cooperative effort to address the issue of individuals that were significantly delinquent in restitution payments. The plan for Restitution Court was conceived and developed over the next few months.

In September 2008, the first session of Restitution Court was held. The purpose of Restitution Court is to hold probationers accountable for the payment of restitution. The program targets the “worst of the worst” among individuals who have demonstrated long-term noncompliance towards restitution payment. The criteria used for referrals to Restitution Court are:

1. The probationer is at least six (6) months delinquent on restitution. Given special circumstances, this can be a shorter period.
2. The probationer has demonstrated “willful noncompliance” regarding payment of restitution; and
3. The probationer has been referred to FINCOM (collections) and extensive steps have already been taken by the Probation Department to address the delinquency.

Typically, a probationer is 10 months behind in restitution payments before being referred to Restitution Court. In addition, “willful noncompliance” toward payment of restitution has been demonstrated by completion of a payment ability form showing considerable discretionary expenses and by the probation officer’s observation that there are expensive possessions in the probationer’s residence.

The Adult Probation Department monitors accounts and identifies probationers who meet the referral criteria for Restitution Court. Collectors make the majority of referrals, but referrals are also received from probation officers, the Adult Probation Department’s victim assistant, the Attorney General’s victim

advocate, and judges. A probation supervisor prepares a list of the referred cases to be placed on the court calendar. A judicial clerk prepares the Restitution Court calendar and mails each scheduled probationer a minute entry ordering the probationer to appear for an Order to Show Cause (OTSC) hearing. The probation supervisor and the assigned probation officer also provide the probationer with notifications to attend the hearing.

Uniquely, Restitution Court is not designed to address the issues of probation violations or normal probationary matters. A civil Order to Show Cause (OTSC) hearing is held to determine if the probationer is in contempt of the Court’s order to make restitution payments. As it is a civil contempt procedure, the County Attorney’s Office and the Public Defenders Office are not involved. On the day of the hearing, the Adult Probation Department, represented by a probation supervisor, provides the amount in arrears and the documentation and evidence of failure to pay. The probationer is then allowed to explain his/her position and reasons for nonpayment. Most probationers represent themselves, although they can be represented by private counsel. During this process, both the Adult Probation Department and the probationer are subject to questioning from the Bench.

The judge makes a determination regarding the ability and willingness of the probationer to pay. The judge can rule that the probationer is not in Contempt and the matter is dismissed. If the matter is not dismissed, the Court has several other options, which include:

- Delay a finding of Contempt and order the probationer to meet with FINCOM and develop a plan to address the financial delinquency. Often times, the Court orders payments to start pending the creation of this plan.
- The Court rules the probationer is in Civil Contempt, but is allowed to remain free and address the delinquency. This has occurred eighty-seven (87) times since the inception of the Court.
- The Court finds the probationer in Contempt and takes him/her into custody until a purge amount is paid. That purge amount is often equal to the delinquency. Since the Court's inception, only thirty (30) of the 330 individuals who have appeared before the Court have been taken into custody.

The probationer continues under the jurisdiction of the Court and reports monthly for a review hearing until the Court is satisfied that the probationer is no longer in Contempt. This is usually demonstrated by the delinquency being eliminated or by the individual making several months' worth of significant payments. The average individual has three to five follow-up hearings to ensure compliance before being released from Restitution Court.

The OTSC hearings and review hearings are scheduled on a dedicated court calendar and are presided over by a Superior Court judge. Restitution Court sessions occur monthly for approximately one to one-and-a-half hours. There are typically 20 to 25 hearings per session. The court calendar is set so that the

cases continued from the previous month are heard first. This scheduling allows probationers who are new attendees at Restitution Court to see what has worked, or failed, for other probationers. In addition, probation officers send probationers to observe Restitution Court and have found that this experience is a useful tool for encouraging compliance with restitution payment.

The program started with one judge holding a monthly Restitution Court session. There are now three judges who hold a monthly Restitution Court.

A probation supervisor is the program manager for Restitution Court. This supervisor tracks all cases referred to Restitution Court, actions taken by the Court, and program outcomes.

USE OF TECHNOLOGY

The Adult Probation Department and the Court take advantage of the existing record management system for tracking adult probation case information (APETS), along with the Clerk of the Court's payment tracing system (RFR) and the Integrated Court Information System (ICIS). A spreadsheet is used to track and identify all referrals and a scoring document has been developed to establish a priority list. A spreadsheet is also used to track the number of hearings, court actions, and the amount of restitution collected.

THE COST OF THE PROGRAM

The Adult Probation Department, Superior Court, and Maricopa County incurred no direct increase in cost associated with the development and operation of the Restitution Court. The

program uses existing staff, equipment and Court time. Approximately thirty (30) hours of probation staff time is devoted to the Restitution Court per month. The judicial time for the three sessions per month is limited to approximately nine (9) hours per month. This results in a cost to operate the Court of approximately \$30,000 per year or \$10,000 per Judge. This figure is based on the hourly salary costs of Court employees, probation staff, office supplies and normal business expenses. However, these are costs that Maricopa County already would incur for existing staff and work hours.

Restitution Court saves the county money as compared to probation violation hearings. As the procedure is a civil matter, the individuals are not entitled to free legal representation and no county attorney is present.

PROGRAM RESULTS AND SUCCESS

The program was designed to identify probationers who are significantly delinquent and willfully noncompliant in the payment of Court-ordered restitution payments and to enforce their payment of the restitution. Once individuals have been identified, the success of the program can, to a large part, be determined by the increase in monies collected.

As of November 2011, sixty-nine (69) sessions of Restitution Court have been held since its beginning in September 2008. During that time, three hundred and thirty (330) individuals were summoned to the Court. This has resulted in one thousand three hundred and seventy-two (1,372) hearings and the collection of \$583,820.65 in restitution payments.

Given that the individuals who appeared before the Restitution Court were, on average, at least 10 months behind on payments, it is likely that without the Court's intervention, little, if any, of this money would have been collected and forwarded to victims. Due to the initial success of Restitution Court, it has expanded to include three (3) Superior Court Judges who each hold a monthly session.

The program manager for Restitution Court often hears from victims that this Court assists them in feeling that the criminal justice system can be responsive. In one case, the victim's husband had been murdered. The probationer appearing in Restitution Court had plead guilty to the theft of some of his property. When the victim had an opportunity to speak in Court and to see that the probationer was being held accountable, it greatly assisted the victim in the healing process. In another matter, the victim was so impressed by the changes made in the probationer's attitude and accountability that the victim was willing to accept a lower monthly payment since the probationer was actually complying with the Court's order.

A secondary positive effect has been observed with probationers who are delinquent in restitution payments, but have not reached the point of being referred to Restitution Court. These individuals have been directed to attend Restitution Court and observe the process. This experience has had a positive effect on their willingness to cooperate and begin making payments. In addition, as the word of the program has spread, probationers are asking how to avoid Restitution Court.

Although the exact impact on other accounts such as probation service fees and fines is not known, once delinquency in restitution payment is satisfied, a probationer's monthly payments can be allocated to the various accounts as ordered by the Court, thereby having a positive impact on government operations that rely on these revenues.

Two other Arizona counties have begun operating variations of Restitution Court. In addition, two more counties are in the process of finalizing plans to bring Restitution Court to their respective counties. If and when that occurs, Restitution Court will be active in one-third of all Arizona counties.

Due to the success of this program and the Court's dedication to this effort, the Court has expanded the program and changed the process to enable each Judge on the Criminal Bench to be able to hold similar hearings to address restitution delinquency.

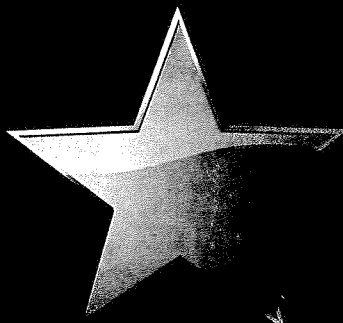
CONCLUSION

Restitution Court is a positive example of what occurs when governmental agencies

jointly identify a problem, explore new and innovative ways of addressing the issue, and ultimately cooperate in the implementation of a solution. The resources of the Maricopa County Adult Probation Department and the Superior Court in Maricopa County were effectively combined to implement a unique program and to successfully collect a significant amount of restitution for victims of crime. These monies would not have been collected using existing methods as those methods had already proven insufficient. This money was collected without Maricopa County incurring any increase in operational expenses. Furthermore, the Restitution Court enabled increased county revenue because when restitution payments are current, other fine and fee accounts receive their appropriate allocations from the probationers' court-ordered payments.

The Restitution Court is a replicable program as evidenced by two other Arizona counties that have adopted the model and two additional counties that are planning to do so.▷▷▲

CATHY WYSE is a Management Analyst and **STEPHEN HARTLEY** is a Probation Officer Supervisor with the Maricopa County Adult Probation Department in Phoenix, Arizona.



MARICOPA COUNTY'S RESTITUTION COURT — AN AWARD WINNING PROGRAM

Because of its unique features, multi-agency cooperation, and the victim services provided, Restitution Court was presented at the 2010 and 2011 national conferences for both the National Organization for Victim Assistance (NOVA) and National Center for Victims of Crime (NCVC). It also was a finalist for the 2010 Council of State Governments Innovations award, Western region. The Honorable Roland Steinle, the founding Judicial Officer of the Restitution Court, received the 2010 Arizona Attorney General's Distinguished Service award for Innovative Practices for his role in developing the Court. The National Association of Counties (NACO) awarded Restitution Court its 2011 Achievement Award.



AMERICAN PROBATION AND PAROLE ASSOCIATION
c/o THE COUNCIL OF STATE GOVERNMENTS
P.O. Box 11910
LEXINGTON, KY 40578-1910

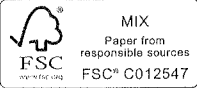
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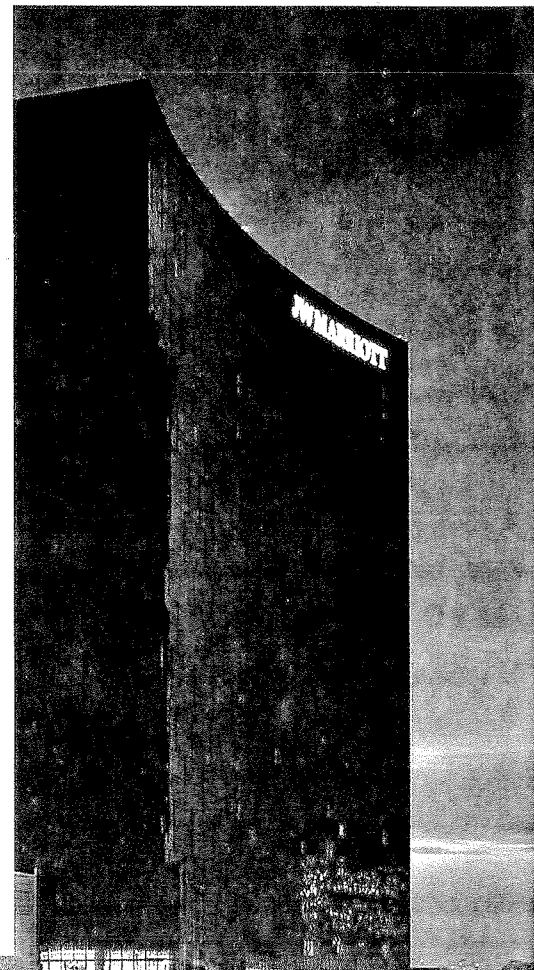
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Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
May 11, 2012	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Address Confidentiality Program

FROM: Secretary of State Office, Address Confidentiality Program

PRESENTER(S): Betty McEntire, Executive Director

DISCUSSION & TIME ESTIMATE: Provide a brief overview of the Address Confidentiality Program. This will include requirements of the law for both participants enrolled into the program, as well as state and local government agencies. There will be time for questions and answers. 30 minutes.

RECOMMENDED MOTION (IF ANY): N/A



Office of Secretary of State- Ken Bennett



Arizona Address Confidentiality Program

What is the Arizona Address Confidentiality Program?

The Address Confidentiality Program (ACP) will provide survivors of domestic violence, sexual offenses and stalking with a means to prevent abusers and potential abusers from locating them through public records. The goal of ACP is to help survivors stay safe by protecting their location. We are a *part* of an overall safety plan.

The ACP was signed into law April 19, 2011 and is administered by the Secretary of State Office. Laws governing the program are located in Title 41, Article 3. The program is funded by a \$50 assessment levied on persons convicted of crimes outlined in statute. We will start to enroll and certify participants on June 4, 2012.

The ACP will provide two critical services:
(ARS §41-162)

- 1) **A legal substitute mailing address**, which may be used as a residential, school or work address. This address will be reflected on their ACP authorization card, which will be carried by ACP participants, and has no reflection of their actual address. When presented with a current and valid authorization card, state and local government agencies are required to accept the substitute address as their lawful address of record.
- 2) **A mail forwarding service**. When ACP participants use the substitute address, their mail is sent to the substitute address. The ACP will receive participant's 1st class mail and forward the mail to the participant's actual confidential mailing address. The ACP can also accept registered, certified and legal mail on behalf of the participants. There will be no cost to participants for this service. ACP will not forward on magazines, junk mail or packages.

Participation in The Address Confidentiality Program is not confidential, only participant's real address is confidential.

Eligibility and Enrollment Process (ARS §41-162 & §41-163)

A person who is interested in enrolling as an ACP participant will have to meet with an Applicant Assistant who is trained and registered by the ACP.

The following are the statutory requirements for enrollment:

- Adult or Child
- Must be a victim of domestic violence (as prescribed in ARS §13-3601), sexual offense (as offenses included in title 13, chapter 14 or 35.1) and stalking (as prescribed in ARS §13-2923) and is in fear of his or her safety
 - OR resides with someone who is an enrolled ACP participant.



Office of Secretary of State- Ken Bennett



Arizona Address Confidentiality Program

- Must have relocated within the past 90 days or be planning to relocate in the immediate near future
- Must provide evidence of victimization, such as police report, order of protection, agency document or a letter from a professional (*DV/Sexual Abuse Program, Religious, Medical or Other*) for whom the survivor has sought assistance for victimization

ACP Authorization Card

Authorization cards will be provided to participants who are enrolled in the program. Each authorization card will contain the ACP substitute address, the participant's name, signature (or the signature of the parent or guardian), an individual authorization code and a card expiration date. Participants will receive their authorization cards after their application has been received and certified.

Sample of the ACP Authorization Card:

Front Image:



State of Arizona
Address Confidentiality Program



Jane Smith
1901 W. Madison St.
Apt. # 000
Phoenix, AZ 85009

Date of Issuance: 00/00/2012
Date of Expiration: 00/00/2016

Pursuant to ARS 41-163, the above named person is authorized to use the following substitute address for all legal purposes. If you have any questions pertaining to this card and the program, please call the appropriate phone

Government Agencies Only: (602) 542-1892
Participant and General Information: (602) 542-1653

Back Image:

Signature of Participant or Parent/ Guardian

If a program participant submits a current and valid address confidentiality program authorization card to the state or local government entity, the state or local government entity shall accept the substitute address designation on the card as the program participant's address for use as the program participant's residential, work or school address when creating a new public record. The substitute address is considered the last known address of the participant. Government entities may make a photocopy of the card for their records, but shall immediately return the card to the participant. (ARS §41-166(B))

Cancellation of Certificate (ARS §41-164)

The certification of participation in ACP can be cancelled for a variety of reasons. A participant may choose to withdraw from the program, fails to notify ACP staff of a change in their name, address or telephone, applicant provided false information on the program application, or mail is returned as undeliverable. Participation expires four years from date of certification, unless participant renews their application.

State and Local Government Agencies

ACP participants will be able to use the ACP address when creating new government records or changing records with state and local agencies that were created up to 90 days prior to enrollment. When an ACP participant presents his/her ACP card, state and local agencies must accept the ACP address as his/her lawful address of record and cannot require the individual to disclose their actual address. Participants



Office of Secretary of State- Ken Bennett



Arizona Address Confidentiality Program

must show his/her authorization card when creating a new record or requesting an agency redact his/her previous address. Agencies are permitted to make a photocopy of the authorization card.

Record Redaction

Further, upon an ACP participant's request, an agency shall redact the participant's actual address information from any agency record created up to 90 days prior to the enrollment date or change the actual address to substitute address in the public record. [ARS §41-166 (O)]

Disclosure of Address Prohibited/ Violation (ARS §41-165(D)-(F))

A person shall not intentionally or knowingly obtain a program participant's actual address or telephone number from the secretary of state or a state or local government entity knowing that the person is not authorized to obtain the address information. An employee of the secretary of state or a state or local government entity shall not intentionally or knowingly disclose a program participant's actual address or telephone number unless the disclosure is permissible by law. This subsection only applies if an employee obtains a program participant's actual address or telephone number during the course of the employee's official duties and, at the time of disclosure, the employee has specific knowledge that the actual address or telephone number disclosed belongs to a program participant. Any person who intentionally or knowingly obtains or discloses information in violation of this section is guilty of a class 1 misdemeanor.

Request of Disclosure

ACP is not allowed to disclose a participant's address unless ordered by a court or receives a request for disclosure. There are two types of request of disclosures: Emergency and Standard. Emergency Requests of Disclosure are for the purposes of a criminal investigation, court proceedings or probation department are expedited. The Standard Request of Disclosure is for government agencies that need the address in order to provide services to the participant. Instructions for each of the request of disclosures will be found on our website.

Service of Process, Legal Documents by First Class, Registered, or Certified Mail

All ACP participants authorize the program to act as their legal agent for the receiving of mail and service of process when they enter into the program. If person service is needed, it can be served upon the Director of ACP or her designee. Instructions on service of process will be available on our website.

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
May 11, 2012	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Legislative Update

FROM: AOC Government Affairs Office

PRESENTER(S): Amy Love

DISCUSSION & TIME ESTIMATE: Overview of victim-related and relevant legislation passed this session. 20 minutes

RECOMMENDED MOTION (IF ANY): N/A

Commission on Victims In the Court
Legislative Update May 11, 2012

Chapter 65: transition programs; domestic violence (Sen. Biggs)

Prohibits an inmate convicted of a domestic violence offense from eligibility in the Arizona Department of Corrections transition program. Currently ADC has a transition program for eligible inmates who have not been convicted of a sexual or violent offense, arson or DUI.

Effective 3/21/12

Title affected: 31

Chapter 102: victim restitution; civil actions (Rep. Vogt)

An order of restitution in favor of a person does not preclude the person from bringing a separate civil action proving damages in excess of the amount of the restitution order that is actually paid. The statute previously read "...in excess of the amount of the restitution order," not only what was actually paid.

Title affected: 13

Chapter 153: crime advocates; privileged communications (Sen. Shooter)

Prohibits a crime victim advocate from disclosing any communication made by or with the victim including when others are present unless the victim provides written consent. Removes the ability for a crime victim advocate to disclose information regarding compensation or restitution unless the victim provides written consent.

Modifies the definition of "crime victim advocate".

A victim may provide written or verbal consent to allow the crime victim advocate to disclose any communication to a prosecutor or law enforcement agency. The information must be disclosed to the defense attorney only if it is exculpatory, rather than simply discoverable..

Titles affected: 8 and 13

Chapter 208: prisoners; payment for drug testing (Rep. Gowan)

Authorizes the Department of Corrections and the Board of Executive Clemency to require a person pay the reasonable costs for participation in a drug testing program as a condition of a person's probation (interstate compact), parole or community supervision.

Titles affected: 31, 41

Chapter 243: victims' rights; courtroom posting (Rep. Vogt)

Extends the requirement victims' rights be posted in each court to Justice of the Peace and Municipal Courts.

Statute Amended: A.R.S. § 13-4438

Title affected: 13

Chapter 268: victims' rights; criminal offense; interviews (Rep. Vogt)

Modifies the definition of *criminal offense* for victim's rights purposes to include a petty offense or a local criminal ordinance violation.

Titles affected: 8 and 13

Commission on Victims In the Court Legislative Update May 11, 2012

Chapter 269: criminal restitution order (Rep. Vogt)

Requires the court to retain jurisdiction for the purposes of ordering, modifying and enforcing the manner in which court ordered restitution is paid until paid in full or completion of the defendant's sentence. Authorizes the Superior Court, in its discretion to enter a criminal restitution order at the time the defendant is ordered to pay restitution instead of at the completion of the defendant's sentence or probation. Requires the defendant to make all payments on a criminal restitution order issued by the Superior Court to the Clerk of the Court.

Resets the priority of distribution on a criminal restitution order to monies owed on the order first, followed by interest. Applicable to all criminal restitution orders in effect on April 1, 2013. Clarifies that the priority provisions for a CRO do not impact other court obligations imposed pursuant to law

Delayed effective date: April 1, 2013.

Title affected: 13

Chapter 277: murder; domestic violence; inheritance (Rep. Mesnard)

Permits the decedent's estate to petition the court to establish a constructive trust on the property or estate of the killer in order to secure payment of all damages and judgments from conduct that resulted in the conviction of either spouse in which the other spouse or a child was the victim. Defines "felonious and intentional."

Title affected: 14

SB1127: child custody factors (Sen. Allen)

Makes enumerated changes to and reorganized the statutes governing custodial determinations. Changes references of "custody" to "legal decision-making" and references of "visitation" to "parenting time." Defines "in loco parentis," "joint legal decision-making," "legal decision-making," "legal parent," "parenting time," "sole legal decision-making," and "visitation."

Requires the court to adopt a parenting plan that is consistent with the child's best interests, provides for both parents to share legal decision-making and that maximizes each parents' respective parenting time. Prohibits the court from preferring one plan over the other because of the parent's or child's sex. Requires the court to consider whether one parent intentionally mislead the court to cause an unnecessary delay, to increase the cost of litigation, or to persuade the court to give a custody or a parenting time preference to that parent. Outlines what must be included in the proposed parenting plans. If the parents are unable to agree on any element to be included in a parenting plan then it is the court's responsibility to determine that element. Allows the court to determine other factors that are necessary to promote and protect the emotional and physical health of the child. Lists the factors that the court must consider when determining the level of decision-making.

Establishes a new section on third party rights. Lists examples of when the court must sanction a litigant for costs and reasonable attorney fees. Allows the court to take other actions against a litigant.

Title affected: 25

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
May 11, 2012	<input checked="" type="checkbox"/> Formal Action Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Victim ID Protection Rule Petition

FROM: Commission on Victims in the Courts Victim ID Ad-hoc workgroup

PRESENTER(S): Hon. Ron Reinstein

DISCUSSION & TIME ESTIMATE: Review amended petition as submitted by workgroup and rule petition filing schedule. Provide feedback prior to filing with court.

RECOMMENDED MOTION (IF ANY): Approve amended petition and give authorization to COVIC victim identification ad-hoc workgroup, to act on behalf of COVIC and file a final amended petition if necessary, based on additional comments or changes on or before July 9, 2012.

Hon. Ronald Reinstein, Ret.
Chair, Supreme Court Commission on Victims in the Courts
1501 W. Washington, Phoenix, AZ 85007
602-452-3965

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:)
AMENDED PETITION TO)
AMEND RULES) Supreme Court Rule No.
R-12-004
2.3, 13.2, 16.1, 26.4, 31.13, 38.1 &)
35.1, RULES OF CRIMINAL)
PROCEDURE; RULE 111 & 125)
RULES OF THE SUPREME COURT,))
AND RULES 15, 24, 34, 106, & 107,)
RULES OF PROCEDURE FOR)
THE JUVENILE COURT)
_____)

Pursuant to Arizona Supreme Court Rule 28, Ronald Reinstein, Chair of the Supreme Court Commission on Victims in the Courts, respectfully petitions this Court to adopt the revised proposal to amend Arizona Rules of Criminal Procedure, the Rules of the Supreme Court and the Rules of Procedure for the Juvenile Court.

As previously stated, the amendments to the aforementioned rules will encourage a heightened awareness of and respect for the needs of vulnerable victims and reduce unnecessary exposure to re-victimization.

The Commission on Victims in the Courts has created an ad-hoc workgroup, comprised of judges, attorneys and other justice professionals to address the comments received to date. As a result of their work, the following amended petition is respectfully submitted.

During the first public comment period, two written comments were submitted—one in favor and one opposed. The workgroup believes the concerns expressed in the comments have been adequately addressed in the rule amendment or associated comments. In particular, COVIC believes that victims should have the right to decide if they want either their names or those of their deceased loved ones to be made publically available. Should victims want their names used, they can submit a written waiver, but it is believed that in the interest of victim privacy, the information will remain private unless the victim petitions the court to do otherwise. Furthermore, if this rule is adopted, it is expected to impact those cases filed after the rule's effective date and not meant to be retroactive.

Therefore, Petitioner requests this court accept the proposed amendments as revised.

RESPECTFULLY SUBMITTED this ___ day of May, 2012.

By _____

Hon. Ronald Reinstein, Chair,
Commission on Victims in the Courts
1501 W. Washington, Phoenix, AZ 85007
602-452-3965

DRAFT

APPENDIX A

(proposed new language is underlined)

1. ARIZONA RULES OF CRIMINAL PROCEDURE

Rule 2. Commencement of Criminal Proceedings

Rule 2.3. Content of Complaint

a. A complaint is a written statement of the essential facts constituting a public offense, that is either signed by a prosecutor, or made upon oath before a magistrate, or made in accordance with A.R.S. § 13-3903.

b. Upon filing a charging document in a criminal case in which a juvenile is alleged to be the victim of any offense listed in A.R.S Title 13, chapters 14 or 35.1, the prosecuting agency shall advise the clerk that the case is subject to the provisions of Supreme Court Rule 123(g)(1)(C)(ii)(h).

C. SUBSTITUTE VICTIM INFORMATION

1. IN ANY CASE IN WHICH THE DEFENDANT IS CHARGED WITH AN OFFENSE LISTED IN A.R.S. TITLE 13, CHAPTER 14, 32, 35 OR 35.1 AND IN A CASE IN WHICH THE VICTIM WAS A JUVENILE AT THE TIME OF THE OFFENSE, THE FILING PARTY SHALL SUBSTITUTE THE VICTIM'S TRUE NAME WITH A VICTIM IDENTIFIER DESIGNATED BY THE PROSECUTING AGENCY. THE PROSECUTING AGENCY SHALL RECORD THE TRUE NAME AND THE VICTIM IDENTIFIER ON A SEPARATE CONFIDENTIAL VICTIM INFORMATION FORM WHICH SHALL BE FILED WITH THE CHARGING DOCUMENT AND MAINTAINED BY THE CLERK AS A CONFIDENTIAL RECORD. THE CONFIDENTIAL VICTIM INFORMATION FORM SHALL ONLY BE AVAILABLE TO THE STATE, VICTIM, DEFENDANT, COURT PERSONNEL, PROBATION DEPARTMENT, AND ANY PERSON OR AGENCY AUTHORIZED BY COURT ORDER. IN THE DISCRETION OF THE CLERK, THE CONFIDENTIAL VICTIM INFORMATION FORM MAY BE MAINTAINED EITHER IN PAPER OR ELECTRONIC FORMAT. IF THE FORM IS MAINTAINED ELECTRONICALLY, THE CLERK IS AUTHORIZED TO DESTROY ANY PAPER VERSION. UNLESS THE COURT ORDERS OTHERWISE, ANY DOCUMENT FILED WITH THE COURT SHALL REFER TO THE VICTIM BY VICTIM IDENTIFIER AND NOT REFER TO THE VICTIM BY THE VICTIM'S FULL TRUE NAME.

2. WHENEVER A VICTIM'S TRUE NAME OR OTHER IDENTIFYING INFORMATION HAS CHANGED, THE PROSECUTOR SHALL FILE AN UPDATED CONFIDENTIAL VICTIM INFORMATION FORM.

3. IF A DOCUMENT CONTAINING THE VICTIM'S TRUE NAME IS FILED WITH A COURT, ANY PARTY, THE VICTIM OR THEIR ATTORNEY MAY MOVE FOR AN ORDER SEALING THE DOCUMENT OR REPLACING IT WITH A MATERIALLY IDENTICAL DOCUMENT SUBSTITUTING THE VICTIM IDENTIFIER FOR THE VICTIM'S TRUE NAME.

4. IF A PROCEEDING IS ELECTRONICALLY RECORDED AND CONTAINS A VICTIM'S NAME, A PARTY, THE VICTIM OR THE VICTIM'S ATTORNEY MAY FOR GOOD CAUSE MOVE FOR AN ORDER SEALING THE ELECTRONIC RECORD OR A PORTION THEREOF. ANY ELECTRONIC RECORDING SEALED PURSUANT TO THIS PROVISION SHALL REMAIN AVAILABLE TO THE ATTORNEYS OF RECORD IN THE CASE. THE ELECTRONIC RECORDING MAY BE USED IN ANY FURTHER COURT PROCEEDINGS INCLUDING AN APPEAL, BUT SHALL NOT BE FURTHER DISSEMINATED WITHOUT A COURT ORDER. **

5. THE VICTIM MAY WAIVE THE REQUIREMENTS OF THIS RULE BY NOTIFYING THE COURT AND THE PROSECUTOR'S OFFICE IN WRITING, IN WHICH THE VICTIM CONSENTS TO THE USE OR RELEASE OF THE VICTIM'S TRUE FULL NAME IN COURT RECORDS.

6. FOR PURPOSES OF THIS RULE, "VICTIM IDENTIFIER" MEANS A VICTIM'S INITIALS, A PSEUDONYM, OR OTHER SUBSTITUTE FOR THE VICTIM'S TRUE FULL NAME.

7. A CONFIDENTIAL VICTIM INFORMATION FORM SUBSTANTIALLY SIMILAR TO FORM _____, (ATTACHED SAMPLE FORM) SHALL BE USED.

****COMMENT**

1. Rule 2.3(C)(4). Pursuant to caselaw, to seal any court records, the court must make specific findings that sealing the record is justified by identified compelling interests that outweigh the public interest in access to the court record. The findings should include the following:
 - (A) There exists a compelling interest that overcomes the right of public access to the record;
 - (B) The compelling interest supports sealing the record;
 - (C) A substantial probability exists that the compelling interest will be prejudiced if the record is not sealed;
 - (D) The proposed sealing is narrowly tailored; and
 - (E) No less restrictive means exist to achieve the compelling interest.
2. Nothing in this rule prevents the court from acting on a motion, to seal, unseal or redact records in the case which may identify the victim, such as a victim impact statement or a letter from the victim submitted for sentencing purposes.

Rule 13. Indictment and Information

Rule 13.2 Nature and contents

- a. In General.** The indictment or information shall be a plain, concise statement of the facts sufficiently definite to inform the defendant of the offense charged.
- b. Charging the Offense.** The indictment or information shall state for each count the official or customary citation of the statute, rule, regulation or other provision of law which the defendant is alleged to have violated.
- c. Notice of Necessarily Included Offenses.** Specification of an offense in an indictment, information, or complaint shall constitute a charge of that offense and of all offenses necessarily included therein.

d. SUBSTITUTE VICTIM INFORMATION

1. IN ANY CASE IN WHICH THE DEFENDANT IS CHARGED WITH AN OFFENSE LISTED IN A.R.S. TITLE 13, CHAPTER 14, 32, 35 OR 35.1 AND IN A CASE IN WHICH THE VICTIM WAS A JUVENILE AT THE TIME OF THE OFFENSE, THE FILING PARTY SHALL SUBSTITUTE THE VICTIM'S TRUE NAME WITH A VICTIM IDENTIFIER DESIGNATED BY THE PROSECUTING AGENCY. THE PROSECUTING AGENCY SHALL RECORD THE TRUE NAME AND THE VICTIM IDENTIFIER ON A SEPARATE CONFIDENTIAL VICTIM INFORMATION FORM WHICH SHALL BE FILED WITH THE CHARGING DOCUMENT AND MAINTAINED BY THE CLERK AS A CONFIDENTIAL RECORD. THE CONFIDENTIAL VICTIM INFORMATION FORM SHALL ONLY BE AVAILABLE TO THE STATE, VICTIM, DEFENDANT, COURT PERSONNEL, PROBATION DEPARTMENT, AND ANY PERSON OR AGENCY AUTHORIZED BY COURT ORDER. IN THE DISCRETION OF THE CLERK, THE CONFIDENTIAL VICTIM INFORMATION FORM MAY BE MAINTAINED EITHER IN PAPER OR ELECTRONIC FORMAT. IF THE FORM IS MAINTAINED ELECTRONICALLY, THE CLERK IS AUTHORIZED TO DESTROY ANY PAPER VERSION. UNLESS THE COURT ORDERS OTHERWISE, ANY DOCUMENT FILED WITH THE COURT SHALL REFER TO THE VICTIM BY VICTIM IDENTIFIER AND NOT REFER TO THE VICTIM BY THE VICTIM'S TRUE FULL NAME.

2. WHENEVER A VICTIM'S TRUE NAME OR OTHER IDENTIFYING INFORMATION HAS CHANGED, THE PROSECUTOR SHALL FILE AN UPDATED CONFIDENTIAL VICTIM INFORMATION FORM.

3. IF A DOCUMENT CONTAINING THE VICTIM'S TRUE NAME IS FILED WITH A COURT, ANY PARTY, THE VICTIM OR THEIR ATTORNEY MAY MOVE FOR AN ORDER SEALING THE DOCUMENT OR REPLACING IT WITH A MATERIALLY IDENTICAL DOCUMENT SUBSTITUTING THE VICTIM IDENTIFIER FOR THE VICTIM'S TRUE FULL NAME.

4. THE VICTIM MAY WAIVE THE REQUIREMENTS OF THIS RULE BY NOTIFYING THE COURT AND THE PROSECUTOR'S OFFICE IN WRITING, IN WHICH THE VICTIM CONSENTS TO THE USE OR RELEASE OF THE VICTIM'S TRUE FULL NAME IN COURT RECORDS.

5. A CONFIDENTIAL VICTIM INFORMATION FORM SUBSTANTIALLY SIMILAR TO FORM _____, (ATTACHED SAMPLE FORM) SHALL BE USED.

6. FOR PURPOSES OF THIS RULE, "VICTIM IDENTIFIER" MEANS A VICTIM'S INITIALS, A PSEUDONYM, OR OTHER SUBSTITUTE FOR THE VICTIM'S TRUE FULL NAME.

Rule 16 Pretrial Motion Practice; Omnibus Hearing

Rule 16.1. General provisions

a. Scope of Rule. This rule shall govern the procedure to be followed in cases between arraignment and trial, unless specifically provided by another rule. Rules 16.1 and 16.2 shall apply to criminal proceedings in all courts.

b. Making of Motions Before Trial. All motions shall be made no later than 20 days prior to trial, or at such other time as the court may direct. The opposing party shall have 10 days within which to file a response, unless the opposing party waives response. Lack of jurisdiction may be raised at any time.

An omnibus hearing will be held only if affirmatively requested in writing by either or both parties within 45 days of the date of arraignment in the Superior Court or 10 days after receipt of disclosure required by Rule 15.1(c), whichever is later; 10 days after receipt of disclosure required by Rule 15.1(e); or as ordered by the court on its own motion. The omnibus hearing shall be set at the earliest convenient date following the filing of the request but no later than 20 days prior to the trial date.

c. Effect of Failure to Make Motions in Timely Manner. Any motion, defense, objection, or request not timely raised under Rule 16.1(b) shall be precluded, unless the basis therefor was not then known, and by the exercise of reasonable diligence could not then have been known, and the party raises it promptly upon learning of it.

d. Finality of Pretrial Determinations. Except for good cause, or as otherwise provided by these rules, an issue previously determined by the court shall not be reconsidered.

e. SUBSTITUTE VICTIM INFORMATION. All written motions, defenses, objections and requests shall use a victim identifier, in place of the victim's name in any case in which the defendant is charged with an offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense. FOR PURPOSES OF THIS RULE, "VICTIM IDENTIFIER" MEANS A VICTIM'S INITIALS, A PSEUDONYM, OR OTHER SUBSTITUTE FOR THE VICTIM'S TRUE FULL NAME.

Rule 26. Judgment, Pre-Sentence Report, Pre-Sentencing Hearing, Sentence

Rule 26.4. Pre-sentence report

a. When Prepared. The court shall require a pre-sentence report in all cases in which it has discretion over the penalty to be imposed, except that requiring such a report is discretionary in those cases in which the defendant can only be sentenced to imprisonment for less than one year, in which a request under Rule 26.3(a) is granted, or in which a pre-sentence report concerning the defendant is already available. A pre-sentence report shall not be prepared until after the determination of guilt has been made or the defendant has entered a plea of guilty or no contest.

b. When Due. Except when a request under Rule 26.3(a) has been granted, the pre-sentence report shall be delivered to the sentencing judge at least 2 days before the date set for sentencing.

c. SUBSTITUTE VICTIM INFORMATION. The pre-sentence report shall use the victim identifier, used on the case's confidential victim information form filed with the clerk's office, in place of the victim's name in any case in which the defendant is charged with an offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense.

Rule 31. Appeal from Superior Court

Rule 31.13. Appellate briefs

a. and b. [no changes]

c. Contents.

(1) *Appellant.* The appellant's brief shall include:

(i) A table of contents with page references.

(ii) A table of citations, which shall alphabetically arrange and index the cases, statutes, and other authorities cited, with references to the pages of the brief on which they are cited.

(iii) A statement of the case, indicating briefly the basis of the appellate court's jurisdiction, the nature of the case, the course of the proceedings and the disposition in the court below.

(iv) A statement of facts relevant to the issues presented for review, with appropriate references to the record. The statement shall not contain evidentiary matter unless material to a proper consideration of the issues presented, in which instance a reference shall be made to the record or page of the transcript where such evidence appears. The statement of facts may be combined with the statement of the case.

(v) A statement of the issues presented for review. The statement of an issue presented for review will be deemed to include every subsidiary issue fairly comprised therein.

(vi) An argument which shall contain the contentions of the appellant with respect to the issues presented, and the reasons therefore, with citations to the authorities, statutes and parts of the record relied on. The argument may include a summary. With respect to each contention raised on appeal, the proper standard of review on appeal shall be identified, with citations to relevant authority, at the outset of the discussion of that contention. Citation of authorities shall be to the volume and page number of the official reports and also when possible to the unofficial reports.

(vii) A short conclusion stating the precise relief sought.

(viii) An appendix if desired.

(2) *Appellee*. The appellee's brief shall be of like character and arrangement as that of the appellant except that no statement of the case is required unless the appellee finds the statement presented by the appellant to be insufficient or incorrect.

(3) *Reply Brief*. The reply brief shall be confined to a response to questions of law or fact raised by the appellee's brief.

(4) *Appendix*.

(i) The appellate brief for either party may include an appendix of pertinent statutes, treaties, regulations, rules, and instructions.

(ii) In addition, the appendix to an appellate brief may include extended quotations from cases and authorities where such quotations are required for proper presentation of the issues.

(5) *SUBSTITUTE VICTIM INFORMATION*. Appellate briefs shall use a victim identifier, in place of the victim's name in any case in which the defendant was charged with an offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense. [FOR PURPOSES OF THIS RULE, "VICTIM IDENTIFIER" MEANS A VICTIM'S INITIALS, A PSEUDONYM, OR OTHER SUBSTITUTE FOR THE VICTIM'S TRUE FULL NAME.](#)

d. through f. [no changes]

Rule 31.8. The record on appeal; transcript; duty of the authorized transcriber

a. Composition of the Record on Appeal; Additions; Deletions.

(1) *Composition*. The record on appeal to the appellate court shall be a certified transcript, all documents, papers, books and photographs introduced into evidence, and all pleadings and documents in the file-- (other than subpoenas and praecipes not specifically designated), and if authorized by the appellate court, an electronic recording of the proceeding.

2. SUBSTITUTE VICTIM INFORMATION. TRANSCRIPTS SHALL USE A VICTIM IDENTIFIER, IN PLACE OF THE VICTIM'S NAME IN ANY CASE IN WHICH THE DEFENDANT WAS CHARGED WITH AN OFFENSE LISTED IN A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 AND IN ANY CASE IN WHICH THE VICTIM WAS A JUVENILE AT THE TIME OF THE OFFENSE. [FOR PURPOSES OF THIS RULE, "VICTIM IDENTIFIER" MEANS A VICTIM'S](#)

INITIALS, A PSEUDONYM, OR OTHER SUBSTITUTE FOR THE VICTIM'S TRUE FULL NAME.

(2-3) Additions and deletions.

(i) By the Appellant. Within 5 days after the filing of the notice of appeal the appellant may file with the clerk of the trial court a designation to include in the record the subpoenas and praecipes appellant deems necessary, and to delete from the record all the documents, papers, books and photographs he or she deems unnecessary.

(ii) By the Appellee. Within 12 days after the filing of the notice of appeal the appellee may file with the clerk of the trial court a designation to include in the record those subpoenas and praecipes appellee deems necessary, and any document, paper, book or photograph deleted by the appellant.

(iii) By the Appellate Court. An exhibit other than those listed in Section (a)(1) including the excised portion, if any, of a pre-sentence, diagnostic or mental health report may be added to the record on appeal only by order of the appellate court. Such an order may be made at any time.

b. Certified Transcript: Composition, Additions and Exclusions.

(1) For the purpose of these rules, an "authorized transcriber" is a certified court reporter or a transcriber under contract with an Arizona court.

(2) *Composition.* Except in cases where the death penalty has been imposed, a certified transcript of the following proceedings shall be provided:

(i) Any voluntariness hearing or hearing to suppress the use of evidence.

(ii) The trial, except that the record of voir dire of the jury and the opening and closing arguments of counsel shall not be included unless specifically designated by a party.

(iii) Entry of judgment and sentence.

(iv) Probation violation proceeding.

(v) Aggravation-mitigation hearing.

(3) *Composition where the death penalty has been imposed.* The certified transcript shall consist of all recorded proceedings, including grand jury proceedings.

(4) *Additions and deletions.* Within 5 days after the filing of the notice of appeal, the appellant may request the certified court reporter or the court's designated transcript coordinator, if the record was made by electronic or other means, to add to the certified transcript any proceeding not automatically included, and to exclude from the certified transcript any portion of the proceedings the appellant deems unnecessary for the proper hearing of his or her appeal.

Within 12 days after the filing of the notice of appeal, the appellee may request the certified court reporter or the court's designated transcript coordinator, if the record was made by electronic or other means, to add to the certified transcript any portion deleted by the appellant or not automatically included under paragraph (1).

c. Notice to Other Parties. Any designation or request made under Sections (a) or (b) shall be sent to all other parties at the time it is filed or submitted.

d. Duty of the Authorized Transcriber; Payment for Certified Transcript; Number of Copies.

(1) The authorized transcriber shall prepare the certified transcript promptly upon receipt of a notice of appeal by the state or a notice of appeal indicating that the appellant proceeded as an indigent at the determination of guilt or at sentencing.

(2) Within 5 days after the filing of the notice of appeal or within 5 days after denial or [\[FN1\]](#) a request to proceed as an indigent, an appellant who is not proceeding as an indigent shall make arrangements with the authorized transcriber to pay for the certified transcript. Thereupon the authorized transcriber shall promptly prepare the certified transcript. The authorized transcriber shall notify the appellate court if the appellant fails to make satisfactory arrangements within the prescribed time.

(3) The authorized transcriber shall promptly make any additions and deletions requested by the parties.

(i) *For non-electronically filed transcripts.* The authorized transcriber shall prepare an original and two copies of the certified transcript unless further copies are ordered. The authorized transcriber shall file the original certified transcript with the clerk of the appellate court within the time for the clerk to file the record pursuant to [Rule 31.9\(a\)](#). When the state is the appellee the authorized transcriber shall send one copy of the certified transcript to the Office of the Attorney General. When the state is the appellant, the authorized transcriber shall send one copy of the certified transcript to the agency that prosecuted the case in Superior Court. The authorized transcriber shall submit the copy for the defendant to the clerk of the Superior Court, who will retain the copy for release to the defendant's appellate counsel or to the defendant if he or she is proceeding *pro se*, unless there is a local rule or administrative order providing otherwise, in which case the authorized transcriber shall distribute the defendant's copy as provided by such rule or order. Notice of service of the certified transcript shall be filed with the appellate court reflecting when and upon whom service was made.

(ii) *For electronically filed transcripts.* In courts that accept electronic filings, the authorized transcriber shall file the original certified electronic transcript with the clerk of the appellate court within the time for the clerk to file the record pursuant to [Rule 31.9\(a\)](#). When the state is the appellee, the authorized transcriber shall send an electronic copy of the certified transcript to the Office of the Attorney General and the appropriate county attorney's office, if any. When the state is the appellant, the authorized transcriber shall send an electronic copy of the certified electronic transcript to the agency that prosecuted the case in Superior Court. The authorized transcriber shall submit the electronic transcript for the defendant to the clerk of the Superior Court, who will provide the electronic transcript to the defendant's appellate counsel or to the defendant if he or she is proceeding *pro se*. If a paper transcript is required or requested in lieu of an electronic transcript, the authorized transcriber shall submit the paper copy for the defendant to the clerk of the Superior Court, who will retain the copy for release to the defendant's appellate counsel or to the defendant if he or she is proceeding *pro se*, unless there is a local rule or administrative order providing otherwise, in which case the authorized transcriber shall distribute the defendant's copy as provided by such rule or order. Notice of service of the certified transcript shall be lodged with the appellate court reflecting when and upon whom service was made.

(iii) *Retention of transcript copies.* Copies of transcripts retained under this rule shall be retained for 90 days.

e. Responsibility for payment. Non-indigent parties shall pay for all portions of the record on appeal and certified transcript which they have designated or requested. In addition, non-indigent appellants shall pay for those portions of the record on appeal and certified transcript required under Sections (a)(1), (b)(1), and (b)(2) and not deleted.

f. Statement of the Evidence for Proceedings When No Report Was Made or When the Transcript Is Unavailable. If no report of the evidence or proceedings at trial was made or if the transcript is unavailable, the clerk of the trial court shall immediately serve notice of the unavailability upon the parties and upon the clerk of the Appellate Court. Within 10 days of receipt of such notice the appellant may prepare a statement of the evidence or proceedings from the best available means, including the appellant's recollection, which shall be filed with the trial court and sent to the appellee. Within 10 days after service of the appellant's statement, the appellee may prepare objections and propose amendments thereto and submit them to the trial court for approval. If the appellant does not prepare such a statement within the specified time, the appellee may prepare his or her own statement and submit it to the trial court for approval within 20 days of service of the notice of unavailability.

The statement, as approved, shall be included in the record on appeal.

g. Agreed Statement as the Record on Appeal. In lieu of the record on appeal as defined above, the parties may prepare and sign a statement of the case showing how the issues presented by the appeal arose and were decided in the trial court, setting forth only so many of the facts averred and proved or thought to be proved as are essential to a decision of the issues presented. Notice that a statement is being prepared shall be served promptly on the appropriate authorized transcriber and on the clerk of the trial court.

The agreed statement shall be submitted for the trial court's approval within 20 days of the filing of the notice of appeal. The court may make such additions as it considers necessary fully to present the appeal.

h. Correction or Modification of the Record. If any controversy arises as to whether the record discloses what actually occurred in the trial court, the difference shall be submitted to and settled by the trial court. If anything material to either party is omitted from the record or is misstated therein, the parties by stipulation, the trial court, either before or after the record is transmitted to the Appellate Court, or the Appellate Court on motion or on its own initiative, may direct that the omission or misstatement be corrected, and if necessary that a supplemental record be certified and transmitted. All other questions as to the form and content of the record shall be presented to the Appellate Court.

Rule 35. Form, Content and Service of Motions and Requests

Rule 35.1 Motions: form, content and rights of reply

a. Unless otherwise specified in these rules, all motions shall be typewritten, double-spaced on 8.5 x 11 inch paper and shall contain a short, concise statement of the precise nature of the relief requested, shall be accompanied by a brief memorandum stating the specific factual grounds therefore and indicating the precise legal points, statutes, and authorities relied upon, and shall be served to all other parties.

Each party may within 10 days file and serve a response, and the moving party may within 3 additional days file and serve a reply, which shall be directed only to matters raised in a response. Responses and replies shall be in the form required for motions. If no response is filed, the motion shall be deemed submitted on the record before the court

b. Unless otherwise permitted by the court, a motion, including its supporting memorandum, and the response, including its supporting memorandum, shall not exceed 10 pages, exclusive of attachments. Unless otherwise permitted by the court, a reply, including its supporting memorandum, shall not exceed 5 pages, exclusive of attachments.

c. All motions requests and proposed orders shall use a victim identifier, in place of the victim's name in any case in which the defendant was charged with an offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense. FOR PURPOSES OF THIS RULE, "VICTIM IDENTIFIER" MEANS A VICTIM'S INITIALS, A PSEUDONYM, OR OTHER SUBSTITUTE FOR THE VICTIM'S TRUE FULL NAME.

2. Rules of the Supreme Court of Arizona

Rule 111. Publication of Opinions of the Supreme Court and Court of Appeals; Depublication

(a) Definitions.

1. An opinion is a written disposition of a matter which is intended for publication under (4) below.
2. A memorandum decision is a written disposition of a matter not intended for publication.
3. An order is any disposition of a matter before the court other than by opinion or memorandum decision.
4. Publication is the distribution of opinions for reporting by publishing companies in compliance with the provisions of A.R.S. §§ 12-107, 12-108, and 12-120.07.

(b) When disposition to be by opinion. Dispositions of matters before the court requiring a written decision shall be by written opinion when a majority of the judges acting determine that it:

1. Establishes, alters, modifies or clarifies a rule of law, or
2. Calls attention to a rule of law which appears to have been generally overlooked, or
3. Criticizes existing law, or
4. Involves a legal or factual issue of unique interest or substantial public importance, or if the disposition of matter is accompanied by a separate concurring or dissenting expression, and the author of such separate expression desires that it be published, then the decision shall be by opinion.

(c) Dispositions as Precedent. Memorandum decisions shall not be regarded as precedent nor cited in any court except for (1) the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case or (2) informing the appellate court of other memorandum decisions so that the court can decide whether to issue a published opinion, grant a motion for reconsideration, or grant a petition for review. Any party citing a memorandum decision pursuant to this rule must attach a copy of it to the motion or petition in which such decision is cited.

(d) Designation of written disposition. The written disposition of the case shall contain in the caption thereof the designation "Opinion", "Memorandum Decision", or "Order."

(e) This rule shall be effective as of 1 September 1973.

(f) Publication of dissenting vote on denial of petition for review. If a Petition for Review is denied and a justice of the Supreme Court voted to grant review, such justice's dissenting vote shall be reported in the caption of the decision of the Court of Appeals, if such decision is published in accordance with these rules.

(g) Depublication. Notwithstanding Rule 111 (b), the Supreme Court may order that an opinion certified for publication by the Court of Appeals either not be published in its entirety or that a specified portion of the opinion not be published.

(h) Memorandum Decision. When the Court issuing a decision concludes that only a portion of that decision meets the criteria for publication as an opinion, the Court shall issue that portion of the decision as a published opinion and shall issue the remainder of the decision as a separate memorandum decision not intended for publication.

(i) SUBSTITUTE VICTIM INFORMATION. All opinions, memorandum decisions, and orders shall use a victim identifier, as deemed appropriate by the court, in place of the victim's name in any case concerning a defendant or juvenile charged with any offense listed in A.R.S. Title 13, Chapters 14, 32, 35.1 and in any case concerning a crime victim who was a juvenile at the time of the offense.

(j) THE VICTIM MAY WAIVE THE REQUIREMENTS OF THIS RULE BY NOTIFYING THE COURT IN WRITING, IN WHICH THE VICTIM CONSENTS TO THE USE OR RELEASE OF THEIR TRUE FULL NAME IN COURT RECORDS.

Rule 125. Defining Minute Entry, Order, Ruling, and Notice; Party Responsibility

(a) Minute entry. A minute entry is the memorialization, electronic or otherwise, either by form or narrative of events occurring during a court proceeding or of matters required to be performed by statute or rule. It is not intended to be a verbatim record of the court proceeding. A court proceeding includes those matters heard in chambers when one or more parties are present or represented by counsel. In addition to the date and starting and ending times of a proceeding and the identity of the certified court reporter, alternative recording method and operator, or the absence thereof, a minute entry shall include all official acts occurring during the proceeding, which may consist of any or all of the following as applicable:

- (1) nature of the hearing;
- (2) appearances of counsel and parties;
- (3) identification and admission of exhibits;
- (4) administration of oaths and to whom administered;
- (5) names of witnesses who are called to testify;
- (6) parties' motions;
- (7) findings of fact and conclusions of law by the court as required by law or rule;
- (8) court rulings, orders, decisions and notices to the parties made in the course of the proceeding;
- (9) verdicts; and/or
- (10) any other matter directed by the court.

Nothing in this rule shall be read to require minute entries in any proceeding or to inhibit innovations or programs that would eliminate minute entries.

(b) Court Order or Ruling. A court order or ruling is a record of any out-of-court decision by a judicial officer on a procedural or substantive issue.

(c) Notice. A notice is the memorialization of the scheduling of an event before the court or of an administrative action of the court.

(d) Copies. Parties shall provide the court with sufficient copies of orders or notices to serve all parties.

(e) Intent. This rule is not intended to allocate responsibility for preparing, processing or distributing rulings, orders or notices. Work assignments within each courthouse should be determined locally based on local resources and practice.

(f) SUBSTITUTE VICTIM INFORMATION. MINUTE ENTRIES AND COURT ORDERS SHALL USE A VICTIM IDENTIFIER, IN PLACE OF THE VICTIM'S NAME IN ANY CASE IN WHICH THE DEFENDANT WAS CHANGED WITH AN OFFENSE LISTED IN A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 AND IN ANY CASE IN WHICH THE VICTIM WAS A JUVENILE AT THE TIME OF THE OFFENSE. [FOR PURPOSES OF THIS RULE, "VICTIM IDENTIFIER" MEANS A VICTIM'S INITIALS, A PSEUDONYM, OR OTHER SUBSTITUTE FOR THE VICTIM'S TRUE FULL NAME. THE VICTIM MAY WAIVE THE REQUIREMENTS OF THIS RULE BY NOTIFYING THE COURT IN WRITING, IN WHICH THE VICTIM CONSENTS TO THE USE OR RELEASE OF THEIR TRUE FULL NAME IN COURT RECORDS.](#)

3. Rules of Procedure for the Juvenile Court

Rule 15. Motions

A. Form. All motions shall be in writing, unless otherwise authorized by the court, and shall set forth the basis for the relief sought.

B. Filing. All motions shall be filed with the clerk of the court and copies provided to the assigned judge at the time of filing. All parties and the assigned probation officer shall be served copies by mail, hand delivery, fax or by electronic means.

C. Motion to Continue. Any motion to continue shall advise the court of impending expiration of time limits and shall be granted only upon a showing that good cause exists and that delay is indispensable to the interests of justice. A continuance may be granted only for so long as is necessary to the interests of justice. The court shall consider the victim's views and the victim's right to a timely adjudication of the juvenile in determining whether to grant a continuance. If a continuance is granted, the court shall state on the record the reason for the continuance.

D. SUBSTITUTE VICTIM INFORMATION. All written motions and requests shall use a victim identifier, in place of the victim's name in any case in which the juvenile is charged with any offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense. [FOR PURPOSES OF THIS RULE, "VICTIM IDENTIFIER" MEANS A VICTIM'S INITIALS, A PSEUDONYM, OR OTHER SUBSTITUTE FOR THE VICTIM'S TRUE FULL NAME.](#)

Rule 24. Content of Petition

A. Content. A petition alleging delinquent or incorrigible acts shall be in writing, under oath, captioned: "In the Matter of ___, a person under the age of 18 years," and may be upon information and belief and filed by the prosecutor. It shall set forth:

1. The facts, in concise language with reasonable particularity as to the time, date, place and manner of the alleged acts of the juvenile and the law or standard of conduct allegedly violated by such acts, which bring the juvenile within the jurisdiction of the court;
2. The name, age, gender and address of the juvenile named in the petition;
3. The names and addresses, if known, of the parent, guardian or custodian of the juvenile or of the juvenile's spouse, if any; and
4. The place of detention and the date and time the juvenile was taken into custody, if the juvenile in

custody.

B. Amendment to Petition. A petition may be amended by order of the court in response to the motion of any party at any time before adjudication, provided the parties are granted sufficient time to meet the new allegations. A copy of the motion shall be provided to the parties pursuant to Rule 15.

C. SUBSTITUTE VICTIM INFORMATION.

1. IN ANY CASE IN WHICH THE DEFENDANT IS CHARGED WITH AN OFFENSE LISTED IN A.R.S. TITLE 13, CHAPTER 14, 32, 35 OR 35.1 AND IN A CASE IN WHICH THE VICTIM WAS A JUVENILE AT THE TIME OF THE OFFENSE, THE FILING PARTY SHALL SUBSTITUTE THE VICTIM'S TRUE NAME WITH A VICTIM IDENTIFIER DESIGNATED BY THE PROSECUTING AGENCY. THE PROSECUTING AGENCY SHALL RECORD THE TRUE NAME AND THE VICTIM IDENTIFIER ON A SEPARATE CONFIDENTIAL VICTIM INFORMATION FORM WHICH SHALL BE FILED WITH THE CHARGING DOCUMENT AND MAINTAINED BY THE CLERK AS A CONFIDENTIAL RECORD. THE CONFIDENTIAL VICTIM INFORMATION FORM SHALL ONLY BE AVAILABLE TO THE STATE, VICTIM, DEFENDANT, COURT PERSONNEL, PROBATION DEPARTMENT, AND ANY PERSON OR AGENCY AUTHORIZED BY COURT ORDER. IN THE DISCRETION OF THE CLERK, THE CONFIDENTIAL VICTIM INFORMATION FORM MAY BE MAINTAINED EITHER IN PAPER OR ELECTRONIC FORMAT. IF THE FORM IS MAINTAINED ELECTRONICALLY, THE CLERK IS AUTHORIZED TO DESTROY ANY PAPER VERSION. UNLESS THE COURT ORDERS OTHERWISE, ANY DOCUMENT FILED WITH THE COURT SHALL REFER TO THE VICTIM BY VICTIM IDENTIFIER AND NOT REFER TO THE VICTIM BY THE VICTIM'S FULL TRUE NAME.

2. WHENEVER A VICTIM'S TRUE NAME OR OTHER IDENTIFYING INFORMATION HAS CHANGED, THE PROSECUTOR SHALL FILE AN UPDATED CONFIDENTIAL VICTIM INFORMATION FORM.

3. IF A DOCUMENT CONTAINING THE VICTIM'S TRUE NAME IS FILED WITH A COURT, ANY PARTY, THE VICTIM OR THEIR ATTORNEY MAY MOVE FOR AN ORDER SEALING THE DOCUMENT OR REPLACING IT WITH AN MATERIALLY IDENTICAL DOCUMENT SUBSTITUTING THE VICTIM IDENTIFIER FOR THE VICTIM'S TRUE NAME.

4. IF A PROCEEDING IS ELECTRONICALLY RECORDED AND CONTAINS A VICTIM'S NAME, ANY PARTY, THE VICTIM OR THEIR ATTORNEY MAY MOVE FOR AN ORDER SEALING THE ELECTRONIC RECORD. ANY ELECTRONIC RECORDING SEALED PURSUANT TO THIS PROVISION SHALL REMAIN AVAILABLE TO THE ATTORNEYS OF RECORD IN THE CASE BUT SHALL REMAIN CONFIDENTIAL. THE ATTORNEYS MAY USE THE ELECTRONIC RECORDING IN ANY FURTHER COURT PROCEEDINGS INCLUDING AN APPEAL, BUT SHALL NOT FURTHER DISSEMINATE ANY RECORDING SEALED PURSUANT TO THIS PROVISION ABSENT A COURT ORDER ALLOWING FOR THE FURTHER DISSEMINATION. **

5. FOR PURPOSES OF THIS RULE, "VICTIM IDENTIFIER" MEANS A VICTIM'S INITIALS, A PSEUDONYM, OR OTHER SUBSTITUTE FOR THE VICTIM'S TRUE FULL NAME.

6. A CONFIDENTIAL VICTIM INFORMATION FORM SUBSTANTIALLY SIMILAR TO FORM _____, (ATTACHED SAMPLE FORM) SHALL BE USED.

7. THE VICTIM MAY WAIVE THE REQUIREMENTS OF THIS RULE BY NOTIFYING THE COURT AND PROSECUTOR'S OFFICE IN WRITING, IN WHICH THE VICTIM CONSENTS TO THE USE OR RELEASE OF THEIR TRUE FULL NAME IN COURT RECORDS.

****COMMENT**

1. Rule 2.3(C)(4). Pursuant to caselaw, to seal any court records, the court must make specific findings that sealing the record is justified by identified compelling interests that outweigh the public interest in access to the court record. The findings should include the following:

- (A) There exists a compelling interest that overcomes the right of public access to the record;
- (B) The compelling interest supports sealing the record;
- (C) A substantial probability exists that the compelling interest will be prejudiced if the record is not sealed;
- (D) The proposed sealing is narrowly tailored; and

(E) No less restrictive means exist to achieve the compelling interest.

2. Nothing in this rule prevents the court from acting on a motion, to seal, unseal or redact records in the case which may identify the victim, such as a victim impact statement or a letter from the victim submitted for sentencing purposes.

Rule 34. Transfer for Criminal Prosecution

A. Initiation. If, in the opinion of the prosecutor, the juvenile is not a proper person over whom the juvenile court should retain jurisdiction, the prosecutor may file a motion with the clerk of the court requesting that the juvenile court waive jurisdiction and order the transfer of the juvenile to the appropriate court for criminal prosecution.

B. Motion and Complaint. A copy of the motion for transfer shall be accompanied by a criminal complaint which clearly designates the offense or offenses for which transfer is sought. The motion and complaint shall be filed with the clerk of the court.

1. Amendment to Complaint. Upon motion by the prosecutor, the court may amend the petition at any time before the transfer decision is made to conform to the evidence, but the juvenile shall not be transferred or held to answer for an offense different from the offense for which probable cause was found at the transfer hearing.

C. SUBSTITUTE VICTIM INFORMATION.

1. IN ANY CASE IN WHICH THE DEFENDANT IS CHARGED WITH AN OFFENSE LISTED IN A.R.S. TITLE 13, CHAPTER 14, 32, 35 OR 35.1 AND IN A CASE IN WHICH THE VICTIM WAS A JUVENILE AT THE TIME OF THE OFFENSE, THE FILING PARTY SHALL SUBSTITUTE THE VICTIM'S TRUE NAME WITH A VICTIM IDENTIFIER DESIGNATED BY THE PROSECUTING AGENCY. THE PROSECUTING AGENCY SHALL RECORD THE TRUE NAME AND THE VICTIM IDENTIFIER ON A SEPARATE CONFIDENTIAL VICTIM INFORMATION FORM WHICH SHALL BE FILED WITH THE CHARGING DOCUMENT AND MAINTAINED BY THE CLERK AS A CONFIDENTIAL RECORD. THE CONFIDENTIAL VICTIM INFORMATION FORM SHALL ONLY BE AVAILABLE TO THE STATE, VICTIM, DEFENDANT, COURT PERSONNEL, PROBATION DEPARTMENT, AND ANY PERSON OR AGENCY AUTHORIZED BY COURT ORDER. IN THE DISCRETION OF THE CLERK, THE CONFIDENTIAL VICTIM INFORMATION FORM MAY BE MAINTAINED EITHER IN PAPER OR ELECTRONIC FORMAT. IF THE FORM IS MAINTAINED ELECTRONICALLY, THE CLERK IS AUTHORIZED TO DESTROY ANY PAPER VERSION. UNLESS THE COURT ORDERS OTHERWISE, ANY DOCUMENT FILED WITH THE COURT SHALL REFER TO THE VICTIM BY VICTIM IDENTIFIER AND NOT REFER TO THE VICTIM BY THE VICTIM'S FULL TRUE NAME.

2. WHENEVER A VICTIM'S TRUE NAME OR OTHER IDENTIFYING INFORMATION HAS CHANGED, THE PROSECUTOR SHALL FILE AN UPDATED CONFIDENTIAL VICTIM INFORMATION FORM.

3. IF A DOCUMENT CONTAINING THE VICTIM'S TRUE NAME IS FILED WITH A COURT, ANY PARTY, THE VICTIM OR THEIR ATTORNEY MAY MOVE FOR AN ORDER SEALING THE DOCUMENT OR REPLACING IT WITH AN MATERIALLY IDENTICAL DOCUMENT SUBSTITUTING THE VICTIM IDENTIFIER FOR THE VICTIM'S TRUE NAME.

4. IF A PROCEEDING IS ELECTRONICALLY RECORDED AND CONTAINS A VICTIM'S NAME, A PARTY, THE VICTIM OR THE VICTIM'S ATTORNEY MAY FOR GOOD CAUSE MOVE FOR AN ORDER SEALING THE ELECTRONIC RECORD OR A PORTION THEREOF. ANY ELECTRONIC RECORDING SEALED PURSUANT TO THIS PROVISION SHALL REMAIN AVAILABLE TO THE ATTORNEYS OF RECORD IN THE CASE. THE ELECTRONIC RECORDING MAY BE USED IN ANY FURTHER COURT PROCEEDINGS INCLUDING AN APPEAL, BUT SHALL NOT BE FURTHER DISSEMINATED WITHOUT A COURT ORDER. **

5. FOR PURPOSES OF THIS RULE, "VICTIM IDENTIFIER" MEANS A VICTIM'S INITIALS, A PSEUDONYM,

OR OTHER SUBSTITUTE FOR THE VICTIM'S TRUE NAME.

6. A CONFIDENTIAL VICTIM INFORMATION FORM SUBSTANTIALLY SIMILAR TO FORM _____, (ATTACHED SAMPLE FORM) SHALL BE USED.

7. THE VICTIM MAY WAIVE THESE PROTECTIONS BY NOTIFYING THE COURT OR COUNTY ATTORNEY'S OFFICE IN WRITING, IN WHICH THE VICTIM CONSENTS TO THE USE OR RELEASE OF THEIR FULL NAME IN COURT RECORDS.

¶D. Service. Copies of the motion and complaint shall be served pursuant to Rule 15. An amended complaint shall be served upon the parties in the same manner as the original motion and complaint.

D. through F. [renumber]

Rule 106. Briefing, Consideration and Disposition in the Court of Appeals

(A) ARCAP 13 and 14 shall apply in appeals from final orders of the juvenile court, except that (1) briefs shall be stapled or otherwise securely fastened in the upper left corner and need not have covers;

(2) a principal brief prepared in a proportionately spaced typeface may not exceed 7,000 words, and a reply brief so prepared may not exceed 3,500 words; and

(3) a principal brief prepared in a monospaced typeface may not exceed 20 pages, and a reply brief so prepared may not exceed 10 pages.

The word and page limits specified in this subsection do not include the table of contents, table of citations, certificate of service, certificate of compliance, and any appendix. The appellate court may strike a brief that does not substantially conform to the requirements of this rule.

(B) ARCAP 15 shall apply in appeals from final orders of the juvenile court, except that

(1) appellant's opening brief shall be filed with the clerk of the court of appeals within 20 days after the mailing of the notice required by Rule 105(e);

(2) each appellee shall file an answering brief with the clerk of the court of appeals within 20 days after service of the appellant's opening brief;

(3) appellant may file a reply brief within 10 days after service of appellee's answering brief, or appellant may file a notice stating that no reply brief will be filed; and

(4) the appeal will be deemed "at issue" upon the filing of the reply brief, upon the filing of a notice that no reply brief will be filed, or 10 days after service of the answering brief, whichever first occurs.

(C) ARCAP 16 shall apply in appeals from final orders of the juvenile court, except that briefs amicus curiae shall be stapled or otherwise securely fastened in the upper left corner and need not have covers. A brief amicus curiae shall not exceed 6,000 words if prepared in a proportionately spaced typeface or 18 pages if prepared in a monospaced typeface, exclusive of pages containing the table of contents, the table of citations, certificate of service, certificate of compliance, and any appendix.

(D) ARCAP 19 shall apply in appeals from final orders of the juvenile court, except that a party's petition for transfer of the appeal to the supreme court shall be filed on or before the earlier of the date the reply brief is due or filed.

(E) Appellate briefs shall use a victim identifier, as deemed appropriate by the court, in place of the victim's name in any case in which the juvenile is charged with an offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense. FOR PURPOSES OF THIS RULE, "VICTIM IDENTIFIER" MEANS A VICTIM'S INITIALS, A PSEUDONYM, OR OTHER SUBSTITUTE FOR THE VICTIM'S TRUE FULL NAME.

(E) through (G) [renumber]

Rule 107. Petition for Review

(A) Any party may, within 30 days after the clerk of the court of appeals has given notice that a decision or final order disposing of the appeal has been rendered, file with the clerk of the court of appeals a petition for review of the case by the supreme court. No motion for reconsideration in the court of appeals shall be permitted. A cross-petition for review may be filed with the clerk of the supreme court within 15 days after service of a petition for review.

(B) The petition for review and cross-petition for review shall be bound or fastened and shall comply with ARCAP 6(c). The parties shall be designated as in the court of appeals.

A copy of the decision of the court of appeals shall be attached to the petition. Except by permission of the court, (1) a petition for review or cross-petition prepared in a proportionately spaced typeface may not exceed 3,500 words, including footnotes and quotations; (2) a petition for review or cross-petition prepared in a monospaced typeface may not exceed 10 pages and may not exceed an average of 350 words per page, including footnotes and quotations; and (3) a handwritten petition for review or cross-petition may not exceed 12 pages. The petition or cross-petition shall be accompanied by a certificate of compliance that states either (1) that the petition or cross-petition uses a proportionately spaced typeface of 14 points or more, is double spaced using a roman font, and contains [blank] words, or (2) that the petition or cross-petition uses a monospaced typeface of no more than 10.5 characters per inch and does not exceed 10 pages, or (3) that the petition or cross-petition was handwritten and does not exceed 12 pages.

The petition for review or cross-petition shall contain concise statements of the following:

1. The issues that were decided by the court of appeals and that the petitioner wishes to present to the supreme court for review. The petitioner shall also list, separately and without argument, any additional issues that were presented to but not decided by the court of appeals and may need to be decided if review is granted.
2. The facts material to a consideration of the issues presented to the supreme court for review with appropriate references to the record on appeal. No evidentiary matter shall be included unless material to a proper consideration of the issues presented, in which instance a reference shall be made to the record or page of the certified transcript where such evidence appears.
3. The reasons why the petition should be granted, which may include, among others, the fact that no Arizona decision controls the point of law in question, that a decision of the supreme court should be overruled or qualified, that conflicting decisions have been rendered by the court of appeals, or that important issues of law have been incorrectly decided.
4. Petitions for review shall use a victim identifier in place of the victim's name in any case in

which the juvenile was charged with an offense listed in A.R.S. Title 13, Chapter 14, 32, 35 or 35.1 and in any case in which the victim was a juvenile at the time of the offense. FOR PURPOSES OF THIS RULE, "VICTIM IDENTIFIER" MEANS A VICTIM'S INITIALS, A PSEUDONYM, OR OTHER SUBSTITUTE FOR THE VICTIM'S TRUE FULL NAME.

45. If the record on appeal contains documents that are necessary for a determination of the issues raised by the petition or cross-petition, the petitioner or cross-petitioner shall file, simultaneously with a copy of the petition or cross-petition, an appendix that contains only those documents. If the appendices exceed 15 pages in length, they shall be bound or fastened together separately from the petition and attached the copy of the decision of the court of appeals or from the cross-petition. An original and two copies of any separately bound or fastened appendices shall be filed with the petition or cross-petition.

The clerk of the appellate court may in his or her discretion return to the petitioner or cross-petitioner any petition for review or cross-petition for review presented for filing that does not substantially comply with this rule. The clerk of the appellate court shall include with the returned petition written instructions to the petitioner or cross-petitioner to file a proper petition or cross-petition within 30 days from the date on which the clerk of the appellate court mails the written instructions to the petitioner or cross-petitioner.

(C) through (J) [no changes]

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

COUNTY OF _____

THE STATE OF ARIZONA,)
)
 Plaintiff,)
)
 vs.)
)
 _____,)
)
 Defendant)
 _____)

Case No. _____

CONFIDENTIAL VICTIM INFORMATION FORM

Victim True Full Name: _____

Victim Identifier: (initials, minor relative, minor relative #2, pseudonym)

Victim's Attorney, if any:

This confidential information form will not be made part of the Court's public record.



REPUBLIC MEDIA

200 E. Van Buren St. • Phoenix, AZ 85004

April 2, 2012

Janet Johnson
Acting Clerk
Arizona Supreme Court
1501 West Washington Street
Phoenix, Arizona 85007-3329

Re: Phoenix Newspapers, Inc. / KPNX Broadcasting Co.
(Comment on Petition No. R-12-0004 Regarding Victim
Identification)

Dear Ms. Johnson:

On behalf of KPNX Broadcasting Co., which produces “12 News,” and Phoenix Newspapers, Inc., which publishes *The Arizona Republic* (collectively, “Republic Media”), we write to oppose certain draft amendments to the Arizona Rules of the Supreme Court (Rules of Criminal Procedure and Rules of Procedure for the Juvenile Court) regarding victim identification (Petition No. R-12-0004). These sweeping changes would remove from public court records the names of juvenile victims and adult victims of sex offenses. For the reasons set forth below, the proposed amendments are overbroad and would restrict the flow of information to the public in a way that is contrary to Arizona’s tradition of open court records. *See* Ariz. R. Sup. Ct. 123(c)(1).

According to the Petition, the proposed amendments are designed to address “re-victimization that may occur from online access to embarrassing references in court documents and ‘subsequent sharing’ through social media outlets.” [Petition, at 2] Yet recent amendments to Rule 123 already restrict online access to case information. For example, Ariz. R. Sup. Ct. 123(g)(1)(C)(ii) prohibits remote access to records involving juvenile victims of sexual offenses. Moreover, the Rule prohibits remote electronic access by registered users of court computer systems to: (1) booking-related documents, (2) warrants, (3) charging documents, (4) pre-sentence reports, (5) the defendant’s financial statement, (6) disposition reports, and (7) transcripts. *See* Ariz. R. Sup. Ct. 123(g)(1)(C)(ii). Currently, Rule 123 provides *less* access for members of the general public who are not registered users of court computer systems, than for registered users. Simply put, most of the documents accessible online by the public do *not* contain victims’ identities or victim-related information.

A less-restrictive alternative to the proposal would be to prohibit online posting in judicial records of all victim-related information, but not to ban all such information from court records generally. *E.g.*, *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 13-14 (1986) (requiring use of less-restrictive alternative before sealing court proceedings). This would be a more “narrowly tailored” solution to concerns about online access to victims’ identities than prohibiting the use of victims’ names in virtually all judicial records from charging documents to appellate opinions. *Id.*

By contrast, prohibiting the use of victims’ identities in *all* judicial records is inconsistent with Arizona’s tradition of open government, especially in the judicial branch. Ariz. R. Sup. Ct. 123(c)(1) (“Historically, this state has always favored open government and an informed citizenry.”). By restricting access to basic details of the State’s prosecution of a crime, the proposal would undercut the media’s ability to inform the public about important matters involving the judicial branch. *See Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 572-73 (1980) (“Instead of acquiring information about trials by firsthand observation or by word of mouth from those who attended, people now acquire it chiefly through the print and electronic media.”).

For example, although most news organizations (including KPNX and *The Arizona Republic*) maintain ethics policies that generally prohibit the publication of identities of sexual assault victims, this information in court records is critical to newsgathering and reporting about crimes, such as accurately linking a suspect to a particular crime. Prohibiting access to this information could lead to *less* accurate reporting – and *less* public information – about the criminal justice system.

In addition, the proposal would prohibit the use of names even where victims are deceased. This protects no direct privacy interests, but would severely hamper journalists’ ability to gather news and information about matters of acute public concern, including child abuse cases that result in fatalities and near-fatalities. Indeed, the proposal would conflict with statutes that govern disclosure of information and records relating to fatalities and near-fatalities of children in the custody of Child Protective Services. *See* A.R.S. § 8-807.

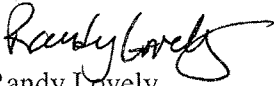
PNI and KPNX are sensitive to the rights of crime victims contained in the Victims’ Bill of Rights, and recognize that these rights are sometimes at odds with the public’s right to be informed about government. But as the U.S. Supreme Court observed over 60 years ago, “[a] trial is a public event. What transpires in the court room is public property.” *Craig v. Harney*, 331 U.S. 367, 374 (1947). The courts should resist the temptation to censor information currently in the public domain when more narrowly-tailored alternatives exist. *See id.* (“There is no special prerogative of the judiciary which enables it, as distinguished from other institutions of democratic government, to suppress, edit, or censor events which transpire in proceedings before it.”). Ironically, these proposed changes may have the effect of denying certain rights to victims that they would otherwise be guaranteed under the Arizona Constitution – for example, a right to have


their presence known and a reasonable belief that “fairness, respect, and dignity” requires openness, not anonymity. Ariz. Const. Art. II, Sec. 2.1(A).

Simply put, court records provide “basic data of governmental operations” that journalists rely upon to inform the public. *Cox Broad. Corp. v. Cohn*, 420 U.S. 469, 492 (1975) (“Without the information provided by the press[,] most of us and many of our representatives would be unable to vote intelligently or to register opinions on the administration of government generally.”). This proposal cuts too broadly against our tradition of open government and may well need further study. For example, the Court recently established an ad hoc committee to study the impact of wireless mobile technology and social media on court proceedings, which could consider the issue further. *See* Admin. Order No. 2012-22. At a minimum, less-restrictive alternatives – such as additional limitations on online access to victim-related information – should be considered before removing so much information from the public record at every phase of a criminal proceeding.

For these reasons, we urge the Court to reject these proposed amendments to Arizona’s court rules regarding the identification of victims in judicial records.

Respectfully submitted,


Randy Lovely
Senior Vice President
News and Audience Development
Phoenix Newspapers, Inc.


Mark Casey
Vice President and News Director
KPNX Broadcasting Co.

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
May 11, 2012	<input type="checkbox"/> Formal Action Request <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Other	Future COVIC issues and projects

FROM: Commission on Victims in the Courts

PRESENTER(S): Hon. Ron Reinstein

DISCUSSION & TIME ESTIMATE: Members are asked to come prepared to share potential future issues for COVIC to address related to enhancing victim rights in the criminal justice system.

RECOMMENDED MOTION (IF ANY):

**Arizona Supreme Court
Commission on Victims in the Courts**

September 21, 2012 Meeting Agenda
1501 W. Washington St. Phoenix, AZ 85007
State Courts Building, Conference Room 119 B
Conference Phone Number: 602.452.3193, ID# 1112

Call to Order

10:00 a.m.	Announcements	Hon. Ron Reinstein, Chair
	<i>Approval of May 2012 Meeting Minutes**</i>	
	<i>Approval of 2013 COVIC meeting dates**</i>	
	January 25, 2013	
	May 17, 2013	
	October 25, 2013	

Presentations

10:10 a.m.	Criminal Restitution Orders-Frequently Asked Questions	Kim Knox, Maricopa County Finance
10:30 a.m.	Update from the Committee on the Impact of Wireless Mobile Technology and Social Media on Court Proceedings	Mark Meltzer, AOC
10:50 a.m.	Technical Revisions to A.C.J.A. § 5-204	Carol Mitchell, AOC
11:00 a.m.	Language Access and Victim Issues	
	Services for Crime Victims and Next of Kin	Scott Loos, Maricopa County Superior Court
	Language Access Update	Carol Mitchell, AOC

Old Business

11:40 a.m.	Victim ID Protection Rule Petition Update	Hon. Ron Reinstein
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Call to the Public/Adjourn

*****Important Voting items***

All times are approximate. The Chair reserves the right to set the order of the agenda. For any item on the agenda, the Committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration §1-202. Please contact Carol Mitchell at (602) 452-3965 with any questions concerning this agenda. Persons with a disability may request a reasonable accommodation by contacting Jerri Medina at (602) 452-3647. Requests should be made as early as possible to allow time to arrange for the accommodation.

Maricopa County Department of Finance County Collections Unit Frequently Asked Questions

Date Published: July 18, 2012

Criminal Restitution Order and Restitution

What is a Criminal Restitution Order (CRO)?

A CRO is a restitution lien that is created on all post probation, post prison and probation absconders that have remaining financial sanctions. CROs are further discussed in the Criminal Code within Arizona Revised Statute (A.R.S.) §13-805. A.R.S. can be found at the following link: <http://www.azleg.state.az.us/>

What is a Restitution Lien?

A CRO is a restitution lien against all current and future interests in property which includes personal property, real estate, mobile homes, vehicles, boats, all-terrain vehicles, etc., within the State of Arizona. The CRO would need to be paid in full in order for the lien to be released. Maricopa County does not subordinate.

Restitution Liens are not financial liens in which the lienholder is typically a bank, finance company, or other financial institution whom you have a signed agreement to borrow money using a particular asset as collateral.

Where can I find a copy of the CRO?

A CRO is a recorded public document and can be found by accessing the Maricopa County Recorder's website at the following link: www.recorder.maricopa.gov.

How are CROs enforced?

CROs are enforced by filing a lien against interests in personal property. This is done by filing the lien with the secretary of state, except for titled motor vehicles which are filed with Arizona Department of Transportation (ADOT) Motor Vehicles Division (MVD). A CRO is placed against real property by filing the lien with the Maricopa County Recorder's Office in which the property is located.

Pursuant to A.R.S. §13-806, CROs do not expire until paid in full and are not dischargeable in bankruptcy.

County Collection Unit

What is the purpose of the Maricopa County Department of Finance County Collections Unit (CCU)?

CCU collects on the amounts owed for all CROs that are ordered by the Maricopa County Superior Court. The CCU sends a series of letters in an effort to make contact with the debtor and establish a payment plan. If no payment is received, the CCU sends the account to a collection agency for further collections. If payments are made, the CCU will send a billing acknowledgment letter that the payment was received.

Do you report to the credit bureaus?

The CCU does not report to the credit bureaus; however CROs are recorded public documents.

Why does the balance on the letter I received seem higher than what I thought I owed?

In addition to the remaining court ordered financial sanction (principal), pursuant to A.R.S §13-805, a CRO accrues interest at a rate of 10% per annum (from the date the CRO was signed). Also a collection fee may be added which is calculated as a percentage of the principal.

How is the interest calculated?

The interest is accrued on a daily basis at an annual rate of 10%. For demonstration purposes only, if the outstanding principal is \$1,375.00, then the interest is figured as follows:

- $\$1,375.00 \times 10\% = \137.50 per year/365 days = \$0.38 per day (rounded)
- $\$0.38$ per day \times 30 day month = \$11.40 per month

How can I contact CCU about my CRO?

The CCU can be reached by:

- Phone: 602-506-0073
- Email: www.collections@mail.maricopa.gov
- Mail: P.O. Box 20187, Phoenix, AZ 85036-0187

Can I set up a payment plan?

Yes, call or email and the CCU will assist you. Keep in mind that in order to see your outstanding financial obligation decrease, your monthly payments will need to be more than your monthly accrued interest and any collection fees.

What forms of payment do you accept?

The CCU will accept personal checks, cashier's checks, and money orders (preferred method). The CCU is able to accept credit or debit cards for cases that do not have victim restitution. The CCU cannot accept cash and/or title to property for payment. The Clerk of the Superior Court will accept cashier's checks, money orders, and cash.

Where can I make a payment?

In most cases, payments can be made to:

- In Person: Clerk of the Superior Court at 175 W Madison, 12th Floor, Phoenix, AZ 85003.
- By Mail: P.O. Box 20187, Phoenix, AZ 85036-0187

If you make a payment in person, you will need to inform the CCU of the payment. This can be done preferable by phone, 602-506-0073, or email, www.collections@mail.maricopa.gov. Notification can also be made in person at Maricopa County, 301 W Jefferson, 9th Floor, Phoenix, AZ 85003

What if I made an overpayment?

If it is determined that an overpayment is due, a refund check will be issued and mailed by the Clerk of the Superior Court.

What if I can't make a payment?

If the account is delinquent, the CCU will send your account to a private collection agency. The collection agencies have additional fees (collection fees) that will be added to your outstanding financial obligation.

Why did the CCU take my Arizona State Tax Refund?

The CCU can intercept your Arizona State Tax Refund and lottery winnings for all non-current (delinquent) accounts. At this time, the CCU cannot intercept Federal Tax Refunds and casino winnings.

Once I pay the CRO in full, what happens?

The CCU will create, record, and file with the Court, a Satisfaction of Judgment. The CCU will also release the restitution liens and holds placed with the Maricopa County Recorder's Office and MVD as a result of the CRO.

Maricopa County Clerk of the Superior Court (COSC)

Where can I obtain a copy of my payment history?

You will need to contact the COSC, Criminal Financial Obligation (CFO) Unit by email, CFOResponse@mail.maricopa.gov, or phone, 602-506-8621. The CFO charges a fee to obtain your payment history.

What if I don't agree with the balance or I think there are missing payments?

You will need to compare your payments with the Courts payment history and provide evidence that your account is in error. Examples of "evidence" would be COSC receipts or front and backs of cancelled checks or money orders.

Can I negotiate or settle my debt for less than what is owed?

The debt is based on a criminal sanction, neither the COSC nor the CCU is able to collect or negotiate, less than what has been ordered by the Court.

As a victim, how can I update my address with the Court?

You will need to contact the COSC, CFO by email, CFOResponse@mail.maricopa.gov, or phone, at 602-506-8621.

Maricopa County Superior Court

How do I file a motion with the Court?

The CCU cannot provide legal advice and this "Frequently Asked Questions" is for informational purposes only.

It is best if you contact an attorney or you may visit the Maricopa County Law Library or a Public Library for additional research. The Maricopa County Law Library is located at 101 W Jefferson, 1st Floor, Phoenix, AZ 85003 or they can be reached at 602-506-3461.

How do I get my rights restored or get my undesignated felony reduced to a misdemeanor?

Once all of the terms of your sentence are met, you should contact the Criminal Filing Counter at 602-506-4919.

What if I have a CRO and my case is joint and severally liable?

All co-defendants are responsible for the same financial obligation of the restitution. If you have a CRO against you it will be for the entire amount that is due for all co-defendants. If for some reason you need to have a lien lifted, then the entire amount will have to be paid in full.

Arizona Department of Transportation Motor Vehicle Division (MVD)

I have already sold my vehicle and I can't transfer my title to the buyer.

Chances are you have a CRO against the vehicle and this has stopped the title transfer. The CCU files all CROs directly with the MVD. Pursuant to A.R.S. §13-806, in order to transfer the title out of your name, the debt must be paid in full.

I bought a vehicle and MVD will not let me transfer the title into my name.

Chances are the person on the title has a CRO against them and this is preventing the title transfer. Pursuant to A.R.S. §13-806, in order to transfer the title into your name, the debt must

be paid in full. The CCU suggests that you contact the person that you bought the vehicle from and speak to them about the situation.

What options do I have as either the buyer or the seller?

Aside from paying the debt in full, you can file a motion with the court. The County is not a financial lien holder so we can't take possession of the vehicle in lieu of payment. The CCU cannot release the CRO lien without either the debt being paid in full or a Court order to release.

How long does it take for the hold to be released once the debt is paid in full?

All releases are done electronically. Typically the hold is released by MVD within a few hours, but it may take up to 24 to 48 hrs.

How can I protect myself from buying a vehicle that has a lien on it?

It is recommended that you contact MVD prior to the exchange of money. MVD should be able to tell you whether there is any reason the vehicle can't be transferred into your name. You will need to have the Vehicle Identification Number (VIN) when contacting MVD.

Helpful Links and References:

Arizona Judicial Branch
www.azcourts.gov/restitution

Arizona State Legislature
<http://www.azleg.state.az.us/>

Maricopa County
www.maricopa.gov

Maricopa County Clerk of Superior Court
www.clerkofcourt.maricopa.gov

Maricopa County Recorder's Office
www.recorder.maricopa.gov

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
September 21, 2012	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Update from the Committee on the Impact of Wireless Mobile Technology and Social Media on Court Proceedings

PRESENTER: Mark Meltzer, committee staff

DISCUSSION & TIME ESTIMATE: Administrative Order 2012-22 established the Committee on the Impact of Wireless Mobile Technology and Social Media on Court Proceedings. Justice Brutinel serves as committee chair. The committee has discussed revisions to Supreme Court Rule 122 concerning the use of cameras in the courtroom. Although the current version of Rule 122 does not contain a specific provision concerning victims, the committee's revised version has such a provision.

Staff will discuss this draft provision and request COVIC's informal comments.

Time estimate: 15 minutes

RECOMMENDED MOTION (IF ANY): None

Rule 122. Use of a Camera during a Court Proceeding

a. Purpose. This rule allows the use of a camera during a court proceeding, subject to specified limitations and only after approval of the judge conducting the proceeding.

b. Definitions. The following definitions apply in this rule:

1. “*Camera*” is any electronic or mechanical device used to photograph, record, or broadcast still or moving images. The singular of “*camera*” includes the plural.
2. “*Court proceedings*” are events conducted in courtrooms. Court proceedings do not include events conducted in judicial chambers, in anterooms, in rooms where jurors assemble or deliberate, or in other areas of the courthouse.
3. “*Cover*” and “*coverage*” refer to the use of a camera.
4. A “*person*” includes an organization.

c. Request to cover a court proceeding. A person who wishes to use a camera during a court proceeding must file a written request asking the judge conducting the proceeding to approve camera coverage. The person must file the request with the presiding judge or a designated office of the court, and must specify the case number, the court proceeding, and the date(s) of the proposed coverage. The filing of a request to cover a court proceeding provides a person with standing under this rule, but it does not confer upon the person the status of a party to the case. If the specified proceeding is a trial, the request must be filed at least seven calendar days before the trial date; otherwise, the request must be filed as soon as possible, and no less than forty-eight hours, before the specified proceeding to allow the judge to consider the request in a timely manner. The judge will promptly hold a hearing if the judge intends to deny the request or a portion of the request, or if a party objects to a request.

d. Time for objection to a request. A party must object to the request in writing or on the record no later than the conclusion of a hearing held under section (c) or the commencement of the specified proceeding, whichever occurs first, or any objection is waived. A non-party witness may object to coverage of his or her appearance or testimony at any time before or during the witness’ appearance or testimony.

e. Factors to be considered. In deciding whether to approve a request to cover a court proceeding, the judge conducting the proceeding must consider the following factors:

- (1) The impact of coverage upon the right of any party to a fair trial;
- (2) The impact of coverage upon the right of privacy of any party or witness;
- (3) The impact of coverage upon the safety and well-being of any party, witness or juror;

Revised Supreme Court Rule 122
Draft for COVIC Meeting 09.21.2012

- (4) The likelihood that coverage would distract participants, or that coverage would detract from the dignity of or disrupt a proceeding;
- (5) The adequacy of the physical facilities of the court;
- (6) The timeliness of the request pursuant to section (c) of this rule;
- (7) Whether the person making the request is engaged in the dissemination of news to a broad community; and
- (8) Any other factor affecting the fair administration of justice.

f. Findings when a request for coverage is limited or denied. The judge conducting the proceeding may limit or prohibit coverage only after making specific, on-the-record findings that there is a likelihood of harm arising from one or more of the above factors, and that the harm outweighs the benefit of camera coverage to the public. A judge may prohibit coverage of the appearance or testimony of a particular witness only upon a determination that it would have a greater adverse impact upon the witness or his or her testimony than other traditional methods of news reporting. A judge's decision to limit or to deny a request for coverage under this rule is reviewable only by special action.

g. Manner of coverage. The judge conducting the proceeding will preserve the dignity of the proceeding by designating the placement of equipment and personnel for photographing, recording, or broadcasting that proceeding, and all equipment and personnel will be restricted to the designated area. Photographers and camera operators may not move about the courtroom while court is in session. All persons and affiliated individuals engaged in the coverage must avoid conduct or dress that may detract from the dignity of the proceeding. The judge conducting the proceeding may order a restriction or cessation of camera coverage during a proceeding in furtherance of the interests of justice.

h. Equipment. Whenever possible, media equipment must remain outside the courtroom. Equipment must not be installed, moved or taken from the courtroom during a court proceeding. Wiring must be hidden as much as possible and must not cause an inconvenience or a hazard. Equipment used to provide coverage may be connected to existing courtroom sound systems, if possible, but equipment must not be connected to a court's digital recording system. A person must not bring flash devices, strobe lights or other artificial lights of any kind into the courtroom. If a person wishes to use additional standard light fixtures or higher wattage light bulbs, additional microphones, or other modifications or improvements concerning lighting or sound, the person must submit this information in the request under section (c). The judge may direct whatever modifications or improvements deemed necessary, and may require that public funds not be used to make or to maintain any such modifications or improvements. Cameras and microphones used for coverage must meet current industry standards, so that they are as unobtrusive and as equivalent in technical quality and sensitivity as equipment in general use by major broadcast stations in the community where the courtroom is located. Cameras that

produce distracting sounds are not permitted. Any questions concerning whether particular equipment complies with this rule will be resolved by the presiding judge or a designee.

i. Number of cameras; pool cameras. A request submitted under section (c) may ask the judge to approve coverage by video camera or by still camera. The presumptive limits are one video camera and/or one still camera, but the judge conducting the proceeding has discretion to approve a request for more than one video camera. If a judge approves requests by more than one person to cover a court proceeding, those persons must pool their resources to limit cameras in the courtroom to the number approved by the judge. Those persons have the responsibility to settle their own disputes, to facilitate pooling as necessary, and to implement procedures that meet the approval of the assigned judge prior to any coverage and without disruption to the court.

j. Recording not admissible as evidence. No video, photograph, or audio reproduction of a judicial proceeding that is obtained pursuant to this rule may be used to modify or supplement the official court record of that proceeding, nor is it admissible at that or any subsequent proceeding unless it is offered for another purpose allowed under the Arizona Rules of Evidence.

k. Informal approval of camera use. Notwithstanding other provisions of this rule, a person may informally request, and a judge may informally approve, use of a camera in a courtroom to photograph or to record celebratory or ceremonial court proceedings, or use of a camera in a courtroom while court is not in session.

l. Prohibitions. Recording or broadcasting is not permitted in the following circumstances.

1. Jurors. Cameras must be placed to avoid showing jurors in any manner. Audio or video recordings or broadcasts of juror interviews, statements, or conversations are also prohibited, except that a juror may expressly consent to an interview after the jury has been discharged.

2. Attorney conferences. Audio recordings or broadcasts of bench conferences between a judge and counsel, or off-the-record conferences between attorneys and their clients, or between attorneys, anywhere in the courthouse are prohibited.

3. Other areas of the courthouse. A person whose request under this rule has been granted may not photograph, record in, or broadcast from, locations in a court building where a court proceeding is not being conducted, without the judge's express approval.

4. Juvenile proceedings. Photographing, recording, or broadcasting of juvenile court proceedings is prohibited, except as provided in section (k).

5. Criminal proceedings. The victim or the next of kin in a criminal proceeding may request the judge that he or she not be photographed, recorded, or broadcast while in the courtroom, or that only audio coverage of his or her testimony be permitted.

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Draft for COVIC Meeting 09.21.2012

m. Personal audio recorders. A credentialed journalist, without approval of the judge conducting the proceeding, may use a personal audio recorder in the courtroom if that use is not obtrusive or distracting.

n. Camera use prohibited without prior approval; signs. Use of a camera during court proceedings is forbidden except as allowed by this rule. Every courtroom must have at least one sign that informs the public: *“Use of a camera during court proceedings without permission of the judge may be punished as contempt of court and require surrender of the camera.”*

o. Other governing law. The law generally applicable to inclusion or exclusion of the press or public at court proceedings or during the testimony of a particular witness applies to persons who submit a request under this rule. Nothing in this rule alters the obligation of any attorney to comply with the provisions of the Arizona Rules of Professional Conduct governing trial publicity.

p. Appellate courts. For coverage of proceedings in the Arizona Supreme Court and Courts of Appeal, any reference in this rule to the *“judge conducting the proceeding”* or to the *“presiding judge”* means the Chief Justice of the Arizona Supreme Court or the Chief Judge of the Court of Appeals, as applicable.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

v.

[REDACTED]

[REDACTED]

[REDACTED]

ORDER RE CAMERA COVERAGE / CAPITAL CASE

The request of In Session for camera coverage having been considered,

IT IS ORDERED granting In Session's request and permitting camera/audio coverage at the time of trial in this matter, limited to the courtroom in which the proceeding is being held. There shall be no use of cameras in any hallway, stairwell, elevator, cafeteria, or other public or private area of the courthouse, without specific judicial approval. No jurors, victims or next of kin shall be filmed or recorded. There shall be no use of flashbulbs, strobe lights or other artificial lights anywhere in the courthouse. All authorized persons with cameras shall comply with all provisions of Rule 122, of the Rules of the Supreme Court of Arizona, whether court is in session or not.

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
September 21, 2012	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	A.C.J.A. §5-204 Revision

FROM: Administrative Office of the Courts

PRESENTER(S): Carol Mitchell, Caseflow Management Unit

DISCUSSION & TIME ESTIMATE:

Review of minor technical changes to A.C.J.A. §5-204: Administration of Victim Rights

RECOMMENDED MOTION (IF ANY):

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, 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. Purpose and Applicability. This section defines the role and responsibility of courts in preserving and protecting victims' rights to justice and due process as provided by Az. Const. Art. 2, § 2.1, Art. 6 § 3 and A.R.S. §§ 13-603, -804, -4401 et seq. and 8-381 et seq.

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 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. Notice of Victim Rights. The statement of victim rights shall be prominently posted in each superior, justice of the peace, and municipal court in this state and, in superior court, shall be read out loud by the judge at the daily commencement of the regular criminal or delinquent docket.

E. Victim Statements. Any victim requests and victim statements received by court offices shall be forwarded to the appropriate court or prosecuting agency.

F. Transcripts for Crime Victims. On the request of the victim, the court or clerk shall provide at no charge, the minute entry or portion of the record of any proceeding in the case that is reasonably necessary for the purpose of pursuing a claimed victim's right.

G. Inspection of Pre-sentence/Disposition Report. Each court in conjunction with the prosecutor shall develop a written plan and procedures to allow the victim to inspect the pre-sentence/disposition report. When requested by the victim, the pre-sentence/disposition report should be made available to the victim within the same time frame it is available to the sentencing judge as prescribed in Rule 26.4, Rules of Criminal Procedure and Rule 30.A.1., Rules of Procedure for the Juvenile Court.

H. Criminal History Record Information. Pursuant to Rule 123, Rules of the Supreme Court, all criminal history record information in court files shall be included as an addendum to the pre-sentence report and shall not be made available for review by the victim. The clerk shall maintain a filing system that will ensure that confidential criminal history information does not become part of the public record and that criminal history and other confidential information is made available only to authorized criminal justice agencies.

I. Minimizing Victim Contacts.

1. The court shall work closely with law enforcement officials, prosecutors, and defense attorneys to assist with separation of defendant and defendant's family from the victim and victim's family or representative.
2. When new court facilities are constructed or renovated, provisions shall be made for separation of the victim and victim's family or representative from the defendant and the defendant's family or representative.

J. Victim Right to Privacy. The court shall develop a written plan and procedures to ensure that victim information is not improperly disclosed.

K. Restitution Payment Processing.

1. Collection of restitution should be done pursuant to ACJA §§ 3-401 and 4-301.
2. The clerk of court or other court entity responsible for receipting and disbursing restitution shall forward all restitution payments made by cash, cashiers' check, credit card or money order to victims within ten business days, unless the amount of any single disbursement is less than thirty dollars. The court, clerk of court, or other court agency responsible for receipting and disbursing restitution shall disburse all personal check payments within 21 calendar days of receipt. Where a single disbursement is less than thirty dollars the court may develop a clearly defined business system routine to hold funds received for individual victims until the aggregate total in an account reaches a minimum of thirty dollars.
3. Notwithstanding subsection (2) above, courts receiving restitution payments shall remit all amounts collected over one dollar to victims not less than once each calendar year. In cases where victims cannot be located, courts, clerks or other agencies responsible for restitution payments shall follow state unclaimed property provisions.
4. For purposes of this subsection (K), "victim" also includes any person, including the surviving dependent of a person, who has suffered physical injury or pecuniary loss resulting from the crime or delinquent act of the accused or a corporation, partnership, association or other legal entity.

L. Nonpayment of Restitution. Upon notice from the clerk, regarding a defendant's default in payment of restitution, the court, on motion of the prosecutor, on petition of any person entitled to restitution pursuant to a court order or on its own motion, shall require the defendant to show cause why the defendant's default should not be treated as contempt and may issue a summons or warrant for arrest of the defendant's appearance.

Adopted by Administrative Order 2004-94, effective November 10, 2004. Amended by Administrative Order 2008-23, effective February 28, 2008. The former subsection K(4) was removed from this code section due to its suspension by Administrative Order 2008-55, effective June 12, 2008. Amended by Administrative Order 2009-129, effective December 23, 2009. Amended by Administrative Order 2012-69, effective August 15, 2012.

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
September 21, 2012	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Language services for crime victims and next of kin in court process

FROM:

PRESENTER(S): Scott Loos, Interpreter, Maricopa County Superior Court

DISCUSSION & TIME ESTIMATE:

30 minutes

RECOMMENDED MOTION (IF ANY): Mr. Loos will present information about available services and potential oversight of same in the future

The provision of foreign language services for victims, next of kin and prosecution witnesses varies from court to court and county to county. Among the administrative and professional procedures to be implemented are:

- Appointment of interpreter for the duration of the process
 - *Early notice of the need for an interpreter, specifying the role of the person requiring the interpreter (victim, victim as witness, next of kin) allowing for early preparation and tracking of the case. The tendency of having an advocate give a summary in the absence of an interpreter is to be avoided.*
- Provision of interpreter for any and all proceedings, not just trial and not just witness-stand testimony
 - *The interpreter is thus present and interpreting for the individuals during settlement conferences, motions to modify release conditions or any pretrial or post-trial proceeding. Often the service is limited to witness-stand only.*
- Translation [written] of materials for the victim or next of kin
 - *Professional translation of brochures, letters, case-related materials is essential.*
- Appointment of a separate interpreter for defendant, avoidance of sharing of interpreter between defendant and State's parties, whether electronically or not
 - *Even though it is not a conflict of interest for an interpreter to interpret for both, the risk of privileged information being transmitted, as well as the ability of either side to have a private conversation with their clients/interested parties is impacted negatively if only one interpreter is present.*
- Provision of interpreter for prosecution in its meetings with victims and next of kin
 - *This allows the prosecuting attorney to foresee factual issues on the witness stand, competently examine the witness on direct and resolve communication issues outside of the courtroom. The presumption that the use of bilingual staff as interpreter [paralegals, police officers, advocates, etc.] is a good match is incorrect.*
- Maintenance of continuity as to interpreter for the pendency of the case [avoidance of switching of interpreters each event]
 - *Assigning one interpreter to the State's victims and next of kin allows the parties to become comfortable with the speech habits of the interpreter, allows the interpreter to become familiar with the facts of the case and the speech style of the parties and allows the opportunity to iron out any language issues early on, not at trial.*

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
September 21, 2012	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Language Access Update

FROM: Administrative Office of the Courts

PRESENTER(S): Carol Mitchell, Caseflow Management Unit

DISCUSSION & TIME ESTIMATE:

Administrative Order No. 2011-96 required courts to develop formal, written language access plans that describe court services for non-English speaking court users. This presentation will highlight important elements of submitted plans and remind courts of available resources and potential educational projects to assist in enhancing language access services.

Link to AJIN Interpreter Resources Page:

http://supreme22/ctserv/CMU/CMU_CourtInterpreter.htm

RECOMMENDED MOTION (IF ANY):

AOC's Language Access Update

COVIC Meeting September 21, 2012

Language Access Plans

- Administrative Order 2011-96
- Continue to review current services and identify plans for enhancements
- Analyze language requests to help quantify impact for future budget requests
- Annual review/update of plan and submission to AOC, if necessary

Interpreter Coordinator Summit (June 2012)

- Highlights
- DOJ enforcement
 - Colorado experience; North Carolina
- Workgroups established
 - Code of Professional Responsibility
 - Translated Forms Repository

Resources

Spoken Language Benchcard
Court sharing ideas (vital document translations/signage- i.e. victim notice)
AOC registry and E-mail listserv
Contracting with other agencies (telephonic services, i.e. Language Line)

Potential future projects

AOC Language Access/Interpreter Webpage
Educational opportunities in conjunction with Education Services
National Summit in October
Remote Video Interpretation pilot

For more information on interpreter/language access:

AJIN Interpreter page: http://supreme22/ctserv/CMU/CMU_CourtInterpreter.htm

CSD Staff Contact: Carol Mitchell 602-452-3965

Email: cmitchell@courts.az.gov

Arizona Judiciary

Working with Spoken Language Interpreters

In accordance with Arizona Revised Statute §12-241, and Title VI of the 1964 Civil Rights Act, Limited-English proficient speakers (hereinafter LEP speakers) are entitled to interpreter services during court hearings. Moreover, Arizona case law (see *State v. Natividad*, 111 Ariz. 191, 526 P.2d 730 (1974)) requires that the interpreter services offered to LEP speakers be effective. The provision of interpreter services to LEP speakers protects their due process rights and allows them access to the Arizona courts. Please consult A.O. 2011-96 and your local court's language access plan for more information.

How Can I Facilitate Communication in an Interpreted Proceeding?

Prior to the start of the proceeding:

- Determine if the LEP speaker requires interpreting services.
- Utilize two (2) interpreters for proceedings lasting longer than one hour; this is a best practice that ensures accuracy of the record.
- Allow the interpreter to converse with the LEP speaker prior to the proceeding to ensure effective communication and to identify concerns.
- Allow interpreters to view, well in advance of proceedings, court files, printed materials, audio, and video in order to prepare for and to render efficient interpretation in court. Interpreters should be familiar with relevant case information including names, charges, dates, quantities, locations and items.
- Provide the interpreter, prior to their introduction and use, a copy of any printed material to be used during trial such as the list of potential jurors, opening and closing jury instructions, all exhibits, expert witness reports, any other records/materials that will be the basis of testimony and the jury verdict form.
- Allow the interpreter to move freely about the courtroom and close to the speaker in order to clearly hear any utterance.

For the LEP speaker:

- Ask if the LEP speaker is able to understand and communicate with the interpreter.
- Instruct the LEP speaker to inform you if something is not understood.

Reminders for the Judge and Counsel:

- Instruct participants to speak clearly, at a normal pace and allow only one person to speak at a time.
- Speak directly to the LEP speaker, using the "first person", not to the interpreter. Use of the "first person" by the interpreter allows the speaker to be accurately reflected in the record.
- Do not ask the interpreter to explain or restate anything the party or witness says; rather ask the party or witness to do so.
- Advise the interpreter to notify the court when breaks are needed.
- Advise attorneys and other parties that it is the duty and responsibility of the interpreter to render every utterance made on the record.

The checklist, provided below, contains recommended scripts that may be utilized during court proceedings, particularly when working with non-staff interpreters or interpreters of lesser used languages.

Judicial Checklist

- a) Determine the need for an interpreter and the number of interpreters required. (See 1)
- b) Determine what equipment may be needed, including assistive listening devices. ADA needs should be referred to your court's ADA coordinator.
- c) Confirm the Interpreter's Qualifications (see 2)
- d) Administer the Interpreter's Oath (see 3)
- e) Clarify the Role of the Interpreter (see 4)
- f) Assess interpreter performance (see 5)
- g) Schedule future proceedings allowing sufficient time to procure interpreter services or, preferably, confirm that the interpreter present will be available for the next proceeding.

1. LEP Assessment

- What is your name?
- How comfortable are you proceeding with this matter in English? If not, which language are you most comfortable in communicating?
- Would you like the court to provide an interpreter to help you communicate and to understand what is being said?

Arizona Judiciary

Working with Spoken Language Interpreters

2. Interpreter Voir Dire:

- What professional credentials do you hold? (FCIC, NAJIT, NCSC, Your Court)
- Describe your formal training related to legal interpretation.
- How many times and what types of cases have you interpreted in court?
- What Code of Ethics do you subscribe to? (Federal, NAJIT, NCSC, Your Court)
- Are you related to or know any parties involved in this case?
- Are you a potential party or witness in this case?
- Are there any professional or personal issues that may influence your interpretation given the nature of this case?
- When interpreting errors occur, how do you intend to inform the court?

3. Interpreter Oath:

Before the proceeding starts, it is recommended that you confirm the interpreter's oath is on record. If it is not, then this oath is provided for your use.

Do you solemnly swear or affirm that you will interpret from _____ to English and English to _____ accurately, completely and impartially, using your best skill and judgment in accordance with the standards prescribed by law and the Interpreter Code of Ethics; that you will follow all official guidelines established by this court for legal interpreting or translating, and discharge all of the solemn duties and obligations of legal interpretation and translation?

4. Clarify the Role of the Interpreter:

Judges may use the following scripts to clarify the role of the interpreter prior to the beginning of the proceedings:

For the Defendant/Witness:

An official court interpreter is going to assist today in these proceedings. The court interpreter is an officer of the court and not a party in this case. The interpreter is neutral and impartial and is here only to interpret the proceedings accurately between two languages without adding, omitting or summarizing anything.

The interpreter will interpret everything you state, so do not say anything you do not want everyone to hear.

When speaking, speak directly to the attorney or to me. Do not ask the interpreter for any advice, legal or otherwise. If you do not understand the interpreter, then please tell me. If you need a question or answer repeated, tell me. Allow the interpreter to finish interpreting the entire utterance before you answer. Do you have any questions?

For the Jury:

Modes of communication other than spoken English may be used during this trial. The only evidence you are to consider is that provided through the official court interpreter(s).

Although some of you may understand the witness that speaks a language other than English, it is important for all jurors to consider the same evidence. Therefore, you must base your decision only on the evidence presented via the interpretation.

5. Assess Interpreter Performance

A judge's observation can aid in the evaluation of an interpreter's performance. Accordingly, consider the following to determine if the interpreter is effectively facilitating the communication during the proceeding:

- Are there significant differences in the length of interpretation as compared to the original testimony?
- Does the individual needing the interpreter appear to be asking questions of the interpreter?
- Is the interpreter acting in a professional manner?
- Is the interpretation being done in the first person?
- If the interpreter or bilingual speaker has a question or comment, is it addressed to the Court in the third-person (e.g. "Your honor the interpreter could not hear your last question...") to keep a clear record?

Credit: Special thanks to *The Supreme Court of Ohio*, and *The New York State Unified Court System*. This document was adapted from their model bench cards.

SUMMARY OF AMENDED PETITION R-12-0004
See www.azcourts.gov>AzSupreme Court>court rules forum

Petitioner: Judge Ronald Reinstein (Retired), Chair of the Supreme Court Commission on Victims in the Courts.

Status: Ruling by the Arizona Supreme Court continued until December 2012 to allow interested parties to meet and work toward mutually agreeable revisions to the petition. Revisions due November 16, 2012.

Scope: Applies to victims of offenses listed in A.R.S. Title 13, Chapters 14 (Sexual Offenses), 32 (Prostitution), 35 (Obscenity), or 35.1 (Sexual Exploitation of Children) or victims who were juveniles at the time of the offense.

Requirements, if adopted:

>The party/prosecuting agency filing a criminal complaint shall substitute the victim's name with a victim identifier.

>The prosecuting agency shall record the true name and identifier on a confidential victim information (CVI) form, which shall be maintained as a confidential record and be updated whenever the victim's name changes.

>The CVI form is only available to the State, victim, defendant, court personnel, probation department **or any person or agency authorized by court order.**

>The victim may waive the requirement, and allow use of victim's name, by notifying the court and the prosecutor's office.

>Any document filed with the court shall refer to the victim identifier.

>Similar provisions would require use of victim identifier for indictments, pre-trial motions, pre-sentence reports, briefs and motions on appeal, transcripts on appeal, opinions and memorandum decisions of the Supreme Court and Court of Appeals, minute entries and court orders in all courts, and juvenile delinquency petitions and other filings in juvenile delinquency and juvenile transfer cases.

Victims' Rights Training

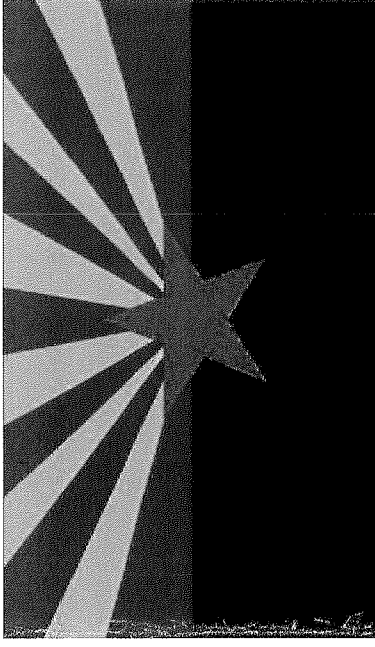
The Arizona Attorney General's Office provides training throughout Arizona to criminal justice agencies that are mandated by law to provide assistance to crime victims regarding their rights. The Victims' Rights Trainer, in collaboration with the Arizona Criminal Justice Commission (ACJC) and County Victim Compensation Administrators, provides training to those agencies, as well as private non-profit organizations that work with victims of crime.

- The trainings are presented in 3 hour sessions, with a one-hour break for lunch.
- There is no charge for the training but registration is required.
- These trainings are approved for AZ POST, Continuing Training Credit, and COJET Credit. This may also qualify for training hours towards attorney annual CLE requirements.

Please remember to check our website www.azag.gov for future webinars and trainings.

PLACE STAMP
HERE

Renu Sapra, Victims' Rights Trainer
C/O ATTORNEY GENERAL'S OFFICE of VICTIM SERVICES
1275 WEST WASHINGTON STREET
PHOENIX, AZ 85007



DETACH HERE AND MAIL IN FORM

2012 - 2013

Arizona Attorney General
Tom Horne
Defending Arizona
1275 West Washington Street
Phoenix, AZ 85007
www.azag.gov

Registration Form

Mail/Fax or Email

Name: _____

Agency: _____

Address: _____

Phone: _____ (____) _____

Email: _____

Please Select a Victims' Rights Training:

Victims' Rights 101

Victims' Right Advanced

Location: _____

Date: _____

You will be contacted via email to confirm your registration.

If you have additional questions, please contact:

Renu Sapra

State Victims' Rights Trainer

Arizona Attorney General's Office of Victim Services

1275 West Washington

Phoenix, AZ 85007

Phone 602.542.8456

Fax 602.542.8453

OVSTraining@azag.gov

Victims' Rights Training 101

This training is recommended for employees new to the criminal justice field who want to gain a better knowledge of victims' rights.

Who Should Attend?

- New victim advocates
- Victim assistance providers and justice practitioners
- Anyone wanting a refresher course about Arizona Victims' Rights

Agenda

- A brief history of victims' rights
- Who is the victim in the eyes of the law
- Victims' journey through the justice system
- Victim compensation programs

Available Trainings

9am-noon

- Flagstaff February 21, 2013
- Phoenix November 15, 2012
- Phoenix March 14, 2013
- Tucson December 14, 2012
- Tucson TBA 2013
- Yuma May 9, 2013

Victims' Rights Advanced Training

This training is for experienced victim service providers, 101 graduates, and anyone interested in gaining a deeper understanding of victims' rights.

Who Should Attend?

- Victim Advocates
- Prosecutors
- Judges
- Court Personnel
- Law Enforcement
- Juvenile Justice Professionals
- Community Corrections Personnel

Agenda

- 2012 legislative updates
- Review of case law
- Identity theft
- Mental health/ Rule 11

Available Trainings

1pm-4pm

- Flagstaff February 21, 2013
- Phoenix November 15, 2012
- Phoenix March 14, 2013
- Tucson December 14, 2012
- Tucson TBA 2013
- Yuma May 9, 2013

Specific locations will be provided with registration.
Dates and training topics are subject to change