

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-18-0031
RULES 4.2 and 7.2, ARIZONA)
RULES OF CRIMINAL PROCEDURE)
) **FILED 06/08/2018**
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_____)

O R D E R

**AMENDING RULES 4.2 AND 7.2, ARIZONA RULES OF CRIMINAL PROCEDURE
CONCERNING THE GRANTING OF BAIL ON AN EMERGENCY BASIS**

The Administrative Office of the Courts filed a petition on June 1, 2018 proposing to amend Rules 4.2 and 7.2 of the Arizona Rules of Criminal Procedure on an emergency basis. Upon consideration,

IT IS ORDERED that Rules 4.2 and 7.2 of the Arizona Rules of Criminal Procedure be amended on an emergency basis pursuant to Rule 28(G), Rules of the Supreme Court, in accordance with the attachment to this Order, effective July 1, 2018.

IT IS FURTHER ORDERED opening this matter for public comment in accordance with Rule 28(G)(2), Rules of the Supreme Court. Comments are due September 28, 2018, and any Reply is due October 19, 2018.

DATED this 8th day of June, 2018.

_____/s/_____
SCOTT BALES
Chief Justice

TO:

Rule 32 Distribution List
David K Byers

Attachment

Arizona Rules of Criminal Procedure

Rule 4.2. Initial Appearance

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

(1) - (7) [No change]

(8) determine whether probable cause exists to believe:

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

(B) [No change]

(9) - (11) [No change]

Rule 7.2. Right to Release

(a) [No change]

(b) Before Conviction: Defendants Charged with an Offense Not Eligible for Bail.

(1) Not Eligible Based on Commission of a Specified Felony or Any Felony While on Pretrial Release. A defendant must not be released if the court finds the proof is evident or the presumption great that the defendant committed:

(A) a capital offense; ~~or a sexual assault; or~~

(B) [No change]

(2) - (4) [No change]

(c) - (d) [No change]