

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-20-0004
RULE 3.2, 4.1, AND RULE 41,)
RULES OF CRIMINAL PROCEDURE) **FILED: 8/26/2020**
)
)
)
_____)

ORDER

**AMENDING RULE 3.2, RULE 4.1, AND RULE 41 FORMS 2(a) AND 2(b),
RULES OF CRIMINAL PROCEDURE**

A petition having been filed proposing to amend Rule 3.2, Rule 4.1, and Rule 41 Forms 2(a) and 2(b) of the Arizona Rules of Criminal Procedure, the Court having considered the petition and the comments,

IT IS ORDERED that Rule 3.2, Rule 4.1, and Rule 41 Forms 2(a) and 2(b) of the Arizona Rules of Criminal Procedure are amended in accordance with the attachment to this order, effective January 1, 2021.

DATED this 26th day of August, 2020.

_____/s/_____
ROBERT BRUTINEL
Chief Justice

TO:

Rule 28 Distribution

David K. Byers

Lisa M. Panahi

Armando Nava

Elizabeth Burton Ortiz

ATTACHMENT¹

RULES OF CRIMINAL PROCEDURE

Rule 3.2. Content of a Warrant or Summons

(a) **Warrant.** ~~A warrant must:~~

~~(1) be signed by the issuing magistrate;~~

(1) Mandatory Provisions. A warrant must:

(A) be signed with an electronic or other signature by the issuing magistrate or by a deputy clerk of the superior court;

~~(2B)~~ contain the defendant's name or, if the defendant's name is unknown, any name or description by which the defendant can be identified with reasonable certainty;

~~(3C)~~ state the charged offense and whether the offense is one to which victims' rights provisions apply; and

~~(4D)~~ command that the defendant be arrested and brought before the issuing magistrate or, if the issuing magistrate is absent or unable to act, the nearest or most accessible magistrate in the same county or in the county of arrest if the defendant is arrested outside the county where the warrant was issued;

~~(5) state the amount of an appearance bond, if the defendant is bailable as a matter of right.~~

(2) Bond for Felony Warrants. If the defendant is eligible for release at the initial appearance, the issuing magistrate may include on the felony warrant a recommended deposit, cash, unsecured, or secured appearance bond and a recommended bond amount. However, when the warrant is issued for a felony offense, the defendant must not be released on bond without having an initial appearance before a magistrate.

(3) Bond for Misdemeanor Warrants. If the warrant is issued for a misdemeanor offense, the warrant may state the amount of deposit, cash, unsecured, or secured appearance bond.

(b) Summons. [No change]

¹ Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike through~~.

Rule 4.1. Procedure upon Arrest

(a) Prompt ~~Initial~~ Appearance Before a Magistrate. An arrested person must be promptly taken before a magistrate for an initial appearance. At the initial appearance, the magistrate will advise the arrested person of those matters set forth in Rule 4.2. If the initial appearance does not occur within 24 hours after arrest, the arrested person must be immediately released from custody. If a misdemeanor warrant states the amount of a deposit, cash, unsecured, or secured appearance bond as provided in Rule 3.2(a)(3), and the arrested person has posted the bond prior to the initial appearance, the arrested person must be promptly released from custody.

(b)-(e). [No change]

Rule 41, Form 2(a) is deleted and replaced with the form on the following page.

Form 2(a): Felony Arrest Warrant

COURT _____

County, Arizona

STATE OF ARIZONA, Plaintiff
-vs
Defendant(s) (First, MI, Last)
Address:

ARREST WARRANT
CASE NO.
<input type="checkbox"/> DV [check if applicable]
Fingerprint instruction upon arrest:
<input type="checkbox"/> 01 criminal history [check if required]

For Court Use

TO: ANY AUTHORIZED LAW ENFORCEMENT OFFICER

YOU ARE COMMANDED to arrest and bring the defendant before this court. If this court is unavailable, you must take the defendant to the nearest or most accessible magistrate in this county. If the arrest is made in another county, you must take the defendant before the nearest or most accessible magistrate in that county.

The defendant is accused of an offense or violation based on the following (examples: initial arrest warrant, failure to appear in court, probation violation): _____

This offense or violation is described as follows:

Offense Date	Statute/Rule & Literal Description	Class
_____	_____	_____

The defendant must NOT be released on bond without having an initial appearance before a magistrate.

If the defendant is eligible for release at the initial appearance, the recommended amount for a

secured appearance *unsecured appearance* *deposit* or *cash* bond is \$ _____

Explanation regarding the recommended amount: _____

There is no recommendation.

The defendant is not eligible for release on bond. [Explain / add additional orders of the court]

Yes No Unknown The offense is, or is materially related to, a victims' rights applicable offense.

BY ORDER OF: The Honorable _____, *Judge of* _____ *Court. [If signed by Superior Court Deputy Clerk]*

Date _____ **Printed name of the Judge or Deputy Clerk of the Superior Court:** _____

SEX:	RACE:	DOB:	HGT:	WGT:	EYES:	HAIR:
ADDRESS: [TYPE:]						
COURT ORI:		WARRANT #: *		LE AGENCY: [Arresting Agency]		
CITATION #: *		EXTRADITION: *		PURGE DATE: *		
DL#: *		STATE: *		SSN (LAST 4)		
VIN:	YEAR:	MAKE:	MODEL:	STYLE:		
DR #: *						

[*optional information can vary by court and may include the last four digits of the defendant's SSN]

CERTIFICATE OF EXECUTION

I certify that the defendant was arrested at _____ a.m./p.m. on _____, 20____,
(month) (day) (year)

and presented defendant before Judge _____ at _____.

Date

Agency

Deputy Sheriff / Officer

Badge #

Rule 41, Form 2(b) is deleted and replaced with the form on the following page.

Form 2(b): Misdemeanor Arrest Warrant

COURT _____

County, Arizona

STATE OF ARIZONA, Plaintiff
-vs
Defendant(s) (First, MI, Last)
Address:

ARREST WARRANT
CASE NO.
[] DV [check if applicable]
Fingerprint instruction upon arrest:
[] 01 criminal history [check if required]

For Court Use

TO: ANY AUTHORIZED LAW ENFORCEMENT OFFICER

YOU ARE COMMANDED to arrest and bring the defendant before this court. If this court is unavailable, you must take the defendant to the nearest or most accessible magistrate in this county. If the arrest is made in another county, you must take the defendant before the nearest or most accessible magistrate in that county.

The defendant is accused of an offense or violation based on the following: (examples: initial arrest warrant, failure to appear in court, probation violation): _____

This offense or violation is described as follows:

Offense Date	Statute/Rule & Literal Description	Class
_____	_____	_____

Yes No The defendant may be released without having an initial appearance before a magistrate upon the posting of a [secured appearance] [unsecured appearance] [deposit] or [cash] bond in the amount of \$ _____.

Yes No Unknown The offense is, or is materially related to, a victims' rights applicable offense.

BY ORDER OF: The Honorable _____, Judge of _____ Court. [If signed by Superior Court Deputy Clerk]

Date _____ Printed name of the Judge or Deputy Clerk of the Superior Court: _____

SEX:	RACE:	DOB:	HGT:	WGT:	EYES:	HAIR:
ADDRESS: [TYPE:] _____						
COURT ORI:		WARRANT #: *		LE AGENCY: [Arresting Agency]		
CITATION #: *		EXTRADITION: *		PURGE DATE: *		
DL#: *		STATE: *		SSN (LAST 4)		
VIN:	YEAR:	MAKE:	MODEL:	STYLE:		
DR #: *						

[*optional information can vary by court and may include the last four digits of the defendant's SSN]
CERTIFICATE OF EXECUTION

I certify that the defendant was arrested at _____ a.m./p.m. on _____, 20____,
(month) (day) (year)
and presented defendant before Judge _____ at _____.

Date Agency

Deputy Sheriff / Officer