

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-20-0039
RULE 2.1, RULES OF CRIMINAL)
PROCEDURE AND RULE 3, RULES OF)
COURT PROCEDURE FOR CIVIL TRAFFIC) **FILED: 8/26/2020**
AND CIVIL BOATING VIOLATIONS)
)
)
)
_____)

ORDER

**AMENDING RULE 2.1, ARIZONA RULES OF CRIMINAL PROCEDURE AND
RULE 3, ARIZONA RULES OF COURT PROCEDURE
FOR CIVIL TRAFFIC AND CIVIL BOATING VIOLATIONS**

On July 14, 2020, Dave Byers, Director of the Administrative Office of the Courts, filed a petition to amend Rule 2.1 of the Arizona Rules of Criminal Procedure and Rule 3, Arizona Rules of Court Procedure for Civil Traffic and Civil Boating Violations. Petitioner also requested expedited consideration to ensure that the rule is adopted and becomes effective by the December 31, 2020, effective date of the statute that the rule implements. On July 14, 2020, the petition was opened for public comment under Supreme Court Rule 28(h)(2), with comments due not later than October 1, 2020, and a reply (if any) due no later than October 15, 2020. Upon consideration,

IT IS ORDERED that to ensure that the rule is published in West rule publications and online before December 31, 2020, the rule is adopted on an emergency basis, effective

immediately. The Court will consider whether to adopt the rule on a permanent basis at its December 2020 Rules Agenda or at another scheduled conference.

DATED this 26th day of August, 2020.

_____/s/_____
ROBERT BRUTINEL
Chief Justice

Arizona Supreme Court No. R-20-0039

Page 3 of 5

TO:

Rule 28 Distribution

David K Byers

ATTACHMENT¹

ARIZONA RULES OF CRIMINAL PROCEDURE

Rule 2.1. Misdemeanors

(a) Limited Jurisdiction Courts. The State may commence misdemeanor and petty offense actions triable in limited jurisdiction courts by filing with the court:

- (1) an Arizona Traffic Ticket and Complaint;
- (2) any complaint form approved by the Arizona Supreme Court; or
- (3) a complaint under Rule 2.3.

(b) Superior Court. The State may commence a misdemeanor action by filing an indictment or information directly in the superior court. A prosecutor also may commence a misdemeanor action not otherwise triable in the superior court by filing a complaint in the Justice Court under Rule 2.2(b) and then following the procedures applicable in felony cases.

(c) Filing a Motion to Transfer to the Correct Precinct. A party may file a motion to transfer a case to the correct precinct under pursuant to A.R.S. § 22-301 or the court *sua sponte* may ~~can~~ transfer the case. A motion to transfer a case to the correct precinct must be filed, or the court may order a *sua sponte* transfer, no later than 30 days after arraignment.

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

ARIZONA RULES OF COURT PROCEDURE FOR CIVIL TRAFFIC AND CIVIL BOATING VIOLATIONS

Rule 3. Commencing a Violation in Court

(a) Commencing a Civil Traffic or Civil Boating Case. A civil traffic or civil boating case is commenced by filing with the court an Arizona Traffic Ticket and Complaint in accordance with Article 4, Chapter 5, Title 28, Arizona Revised Statutes (entitled “Procedures for Civil Traffic Violations”) or by filing a long-form complaint pursuant to Arizona Rules of Criminal Procedure, Rule 2.3.

(b) Commencing a Parking or Standing Case. A parking or standing case is commenced by filing with the court an Arizona Traffic Ticket and Complaint, or a notice of violation for a local ordinance, charter, or regulation in accordance with Article 4, Chapter 5, Title 28, Arizona Revised Statutes entitled “procedures for civil traffic violations.” Vehicle parking and standing offenses do not require that the initial notification or a subsequent summons and complaint be personally served. If it becomes necessary to issue a summons and complaint because there is not a satisfactory response to the initial notice of a parking or standing violation, a summons and complaint may be sent by regular mail to the address provided to the Department of Motor Vehicles by the individual made responsible for the alleged violation. Service of a summons and complaint is complete on mailing.

(c) Filing a Motion to Transfer to the Correct Precinct. A party may file a motion to transfer a case to the correct precinct under pursuant to A.R.S. § 22-301 or the court *sua sponte* may ~~can~~ transfer the case. A motion to transfer a case to the correct precinct must be filed, or the court may order a *sua sponte* transfer, no later than 20 days after service of the complaint.