

Addendum A

2011 Arizona Crimes Against Women and Children Conference

***October 6-7, 2011
Glendale Conference Center***

Two-day multi-disciplinary training conference on topics related to crimes against women and children. The conference will feature four keynote speakers and 24 breakout sessions in four tracks; Sex Crimes, Domestic Violence, Victim Services, & Child Crimes. Workshops will encourage dialogue and building partnerships for a collaborative response to victims' needs. Building partnerships, both formal and informal, with stakeholders throughout the system, will strengthen the system's response to crimes against women and children.

The Glendale Police Department in partnership with the Glendale City Court, Arizona Coalition Against Domestic Violence, Arizona Sexual Assault Network, Arizona Child and Family Advocacy Network, Administrative Offices of the Court, Arizona Supreme Court, Arizona Prosecuting Attorneys' Advisory Council, Scottsdale Health Care Forensic Nurse Examiner program, and Avon Program for Women and Justice at O'Connor House is presenting the 2011 Crimes Against Women Conference which is partially funded through Grant #ST-WSG-09-9365-04-Y3 from Governor Brewer's Office on Children, Youth and Families, VOCA training grant, and the sponsorship of the Valley of the Sun Exchange Clubs Foundation.

www.glendale.com/AZCAWCC/index.cfm

Addendum B

VICTIMS' RIGHTS WEEK CELEBRATION
TUESDAY, APRIL 12TH, 2011 AT 11:00 A.M.
ARIZONA STATE CAPITOL • SENATE LAWN • 1700 West Washington • Phoenix

Save the Date



**RESHAPING
THE FUTURE**



**HONORING
THE PAST**

Please join us to celebrate the 2011 National Crime Victims' Rights Week. This year will be a collaboration of agencies working together to reshape the future and honor the past in services to crime victims. Lunch will be provided.
RSVP to Nicole Blue: Nicole.Blue@azag.gov or 602.542.8807 by April 4, 2011

 JANICE K. BREWER GOVERNOR OF ARIZONA	 TOM HORNE ARIZONA ATTORNEY GENERAL	 BILL MONTGOMERY MARICOPA COUNTY ATTORNEY	 CHARLES L. RYAN DIRECTOR ARIZONA DEPARTMENT OF CORRECTIONS
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Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
February 25, 2011	<input type="checkbox"/> Formal Action Request	Child Representation in Dependency Cases
	<input checked="" type="checkbox"/> Information Only	
	<input type="checkbox"/> Other	

FROM: Court Improvement Project Advisory Workgroup (CIP)

PRESENTER(S): Hon. Richard Weiss

DISCUSSION & TIME ESTIMATE: 10 minutes

Judge Weiss will review Administrative Order 2011-16, which was signed by the Chief Justice in early February. Although the members of the Committee on Juvenile Courts' CIP Workgroup finalized this project, it originated with COVIC's Children in the Court workgroup.

<http://www.azcourts.gov/Portals/22/admorder/Orders11/2011-16.pdf>

RECOMMENDED MOTION (IF ANY):

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
February 25, 2011	<input type="checkbox"/> Formal Action Request	Victim Identification
	<input type="checkbox"/> Information Only	Protection Recommendations
	<input checked="" type="checkbox"/> Other	

FROM:

PRESENTER(S): Hon. Ron Reinstein

DISCUSSION & TIME ESTIMATE: 15 minutes

Draft recommendations to submit to the Arizona Prosecuting Attorneys Advisory Council (APAAC) in effort to reduce the incidence of victim identifying information, particularly for minors, being included in court documents initiated by the prosecuting attorneys' offices.

The Arizona Supreme Court's Commission on Victims in the Courts respectfully recommends APAAC consider adopting the following recommendations that the Commission approved at their February 25, 2011 meeting to encourage heightened victim awareness; respect for victim privacy and to reduce re-victimization impacts that occur through media and social media outlets, particularly on minor victims of crime.

Furthermore, COVIC recommends these recommendations be distributed to all prosecuting attorney staff with implementation plans effective within 30 days of APAAC approval:

- Utilize initials to identify minor victims in all written pleadings
 - Long form complaints/Information and Indictments
 - Motions/Continuances
 - Appellate briefs
- Utilize initials for all victims of sexual offenses in written pleadings
- Utilize term "minor relative" for incest cases in written pleadings
- Invoke victim rights to privacy in non-trial, court proceedings to protect victim identification
- Instruct law enforcement to use initials for minors in Form 4 probable cause statements
- Future consideration to amend A.R.S. § 13-4434 to exclude minor victims.

RECOMMENDED MOTION (IF ANY): Potential motion to support agreed upon recommendations.

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
February 25, 2011	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Vision 21 Initiative Office for Victims of Crime

FROM: National Crime Victim Law Institute Stakeholders Meeting/Information

PRESENTER(S): Hon. Ron Reinstein and Dan Levey

DISCUSSION & TIME ESTIMATE: 20 minutes

- Vision 21 Initiative:
http://www.lclark.edu/law/centers/national_crime_victim_law_institute/vision21/

- Proceeding by Pseudonym in Sexual Assault Cases
In a case in the Federal District Court for the Northern District of Florida that NCVLI first told you about last March, a number of sexually exploited girls wanted to seek justice through the civil system, but wanted to do so using pseudonyms rather than their real names. NCVLI filed an amicus curiae brief in support of the girls, focusing on the girls' privacy interests and the re-victimization they would suffer if their personal information was revealed. Unfortunately the trial court denied the request to proceed by pseudonym. The girls appealed and NCVLI quickly filed a second amicus curiae brief in the Eleventh Circuit Court of Appeals. On Monday, in an important victory, the court ruled that the District Court abused its discretion when it denied the requests of four women to proceed anonymously in the suit. [Read the court's opinion here.](#)

- Cross examination by pro se defendants



Navigating the Perils
of Pro Se How to Pro

RECOMMENDED MOTION (IF ANY):

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
February 25, 2011	<input checked="" type="checkbox"/> Formal Action Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	2011 Strategic Planning

FROM: COVIC

PRESENTER(S): Carol Mitchell

DISCUSSION & TIME ESTIMATE: 15 minutes

COVIC members will review issues list for prioritization and/or additional recommendations for 2011 topics.

RECOMMENDED MOTION (IF ANY): Potential motion and vote to approve specific items to be addressed in 2011.

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
February 25, 2011	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Legislative Update

FROM: Administrative Office of the Courts, Governmental Affairs Office
Arizona Attorney General's Office

PRESENTER(S): Jerry Landau, AOC
Dan Levey, AG's Office

DISCUSSION & TIME ESTIMATE: 10 minutes
Overview of victim-related legislation introduced during this session.

RECOMMENDED MOTION (IF ANY):



hb2238p.pdf



CRO Legislation.docx

Commission on Victims in the Courts

Meeting Date:

February 25, 2011

Type of Action Required:

- Formal Action Request
- Information Only
- Other

Subject:

Restitution issues

FROM: Restitution workgroup

PRESENTER(S): Dan Levey, Chair

DISCUSSION & TIME ESTIMATE: 10 minutes

RECOMMENDED MOTION (IF ANY):



hb2232p_1.pdf



HB2404.pdf

The Arizona Supreme Court issued a new opinion today

in *Morehart/Duffy v. Barton*.

You may find the text of the full opinion at: <http://www.azcourts.gov/Portals/23/pdf2011/CV100327PR.pdf>

The Court held that because the defendant had no right to attend the purely procedural ex parte hearing on the return of summonses issued as part of the pretrial investigation of mitigation in a capital case, the victim also had no right to attend.

In April of 2010, William Craig Miller, who is charged with five counts of first degree murder and faces the death penalty, requested an ex parte hearing related to the defense's investigation of mitigation. While the State did not oppose the request for an ex parte hearing, the victims objected, arguing that "any ex parte hearing excluding the crime victims is unconstitutional." The trial court had defense counsel submit an ex parte motion detailing the matters defense counsel wished to discuss and heard argument on the request for an ex parte hearing. Noting that the request concerned out-of-state summonses and Miller's efforts to obtain possible mitigation evidence, the trial court granted the request for an ex parte hearing over the victims' objection.

The Court of Appeals accepted jurisdiction of the subsequent petition for special action and vacated the trial court's order. The Supreme Court accepted review to determine whether "the Victims are entitled under Arizona law to attend an ex parte hearing concerning defendant's pretrial mitigation discovery."

The Court first noted that Rule 15.9 specifically recognizes that certain requests may be made ex parte. The Court also noted that the Arizona Constitution affords victims the right to be present at criminal proceedings where the defendant has the right to be present. Here, however, the Defendant did not have a right to be present at the "purely procedural" hearing on the return of summonses. The hearing would deal only with purely procedural matters, and would not implicate Miller's right to confront witnesses against him, nor have any reasonably substantial relation to his ability to defend himself against the charges.

The Court rejected the victims' argument that they were entitled to be present at the hearing because defense counsel would be present. The Victims' Bill of Rights refers specifically to the "defendant," not the "defense" or "defense counsel."

In order to hold an ex parte hearing related to pretrial mitigation discovery under Rule 15.7, the trial court must find that there is a need for confidentiality. If the defendant has no right to be present at such a hearing, generally neither do the victims. However, victims have independent rights to be present at certain hearings, such as proceedings involving a subpoena for records of the victim from a third party, and upon filing of a notice of appearance, bench conferences and in chambers meetings that involve victims' rights. If such rights are implicated, the trial court must include the victims in the hearing unless doing so would deprive the defendant of a fair trial.

**Arizona Supreme Court
Commission on Victims in the Courts
Legislative Update by: Jerry Landau
May 20, 2011**

SB 1621: BUDGET RECONCILIATION; CRIMINAL JUSTICE; 2011-2012;

CH 33

Senator Andy Biggs

<http://www.azleg.gov/legtext/50leg/1r/bills/sb1621h.pdf>

Judicial

In pertinent part, adds A.R.S. § 12-119.05, *Post of duty; Supreme Court justice*. The designated post of duty of a Supreme Court justice who resides outside of Maricopa County shall be deemed to be the justice's place of physical residence at the time of the justice's appointment.

Repeals A.R.S. § 12-270, *Probation revocation and crime reduction performance funding; reports*.

Suspends the reporting requirements for the following sections of laws for FY 2011-2012:

- a) Annual Juvenile Intensive Probation Report
- b) Community Punishment Program Report
- c) Emancipation of Minors Report
- d) Annual Drug Treatment and Education Fund Report
- e) Annual Lengthy Trial Fund Report
- f) Annual Child Support Committee Report
- g) Annual Domestic Relations Committee Report

Suspends the following:

- 1) § 12-102.02, *State aid to the courts fund*, Subsection E:

All monies spent or distributed from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by the counties for the processing of criminal cases in the superior court, including the office of the clerk of the superior court, and justice courts.

- 2) § 12-102.03, *Local courts assistance fund*, Subsection D:

All monies distributed or spent from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by the counties for the processing of criminal cases.

- 3) § 12-135, *Alternative dispute resolution fund*, Subsection D:

Monies from the alternative dispute resolution fund that are provided to local courts shall be used to supplement, not supplant, local funding that would otherwise be made available for alternative dispute resolution programs.

- 4) § 12-135.01, *Local alternative dispute resolution fund; report*, Subsection D:

Monies in the fund shall be used to supplement, not supplant, funding that would otherwise be made available for alternative dispute resolution programs.

- 5) § 12-267, *Adult probation services fund*; Subsection D:

State monies expended from the adult probation services fund shall be used to supplement, not supplant, county appropriations for the superior court adult probation department.

- 6) § 12-268, *Juvenile probation fund; use*, Subsection D:

State monies expended from the juvenile probation services fund shall be used to supplement, not supplant, county appropriations for the superior court juvenile probation department.

- 7) § 12-299.01, *Submission of plan; use of monies; prohibitions*, Subsection C:

The plan shall include a proposed budget necessary to implement and operate the plan. All monies provided shall be used to supplement monies currently used for community based sentencing and adult probation programs and services.

The Supreme Court shall submit a report to the joint legislative budget committee identifying any decrease in county funding relating to these suspending provisions, including the reasons for the decrease.

The Supreme Court shall not reimburse counties the 50 percent requirement for state funded representation of indigent defendants in capital post conviction relief proceedings pursuant to A.R.S. § 13-4041 or for grand jury expenses pursuant to A.R.S. § 21-428 and requires reimbursement only in the amount provided in the FY 2011 and FY 2012 General Appropriations Act.

State Department of Corrections / County Jail

If a person is sentenced to serve one year or less in the Arizona Department of Corrections (ADC), the person shall be committed to the custody of the county jail, unless the sheriff of the county has entered into an agreement to reimburse the ADC for the incarceration costs. The county must enter into a reimbursement agreement at least one month before a person is transferred into the custody of the ADC to serve their sentence and the county is prohibited from cancelling a reimbursement agreement, unless it has provided ADC with at least a one month's notice.

A person sentenced to a concurrent term of incarceration for more than one year is to be incarcerated in ADC. Counties must make reimbursements within 30 days after a request by ADC and requires the Director of ADC, if the county fails to make the reimbursement, to notify the State Treasurer of the amount owed. The Treasurer must withhold the amount, including interest, from any transaction privilege tax distributions to the county. The Treasurer shall deposit the monies in the State General Fund.

The State Treasurer is required to deposit monies received from a county for the costs of incarcerating a person in the ADC who otherwise would be incarcerated in jail in the State General Fund. In session law, a sentencing county that does not intend to enter into an agreement with ADC must notify ADC by February 1, 2012.

Unless the Sheriff of the sentencing county has entered in an agreement to reimburse the ADC for the incarceration costs, a person who is convicted of the following violations must serve the required sentence in jail

- Aggravated operation of watercraft while under the influence
- Aggravated DUI
- Operation of aircraft while under the influence

State Capital Postconviction Public Defender Office

Exempts the State Capital Post conviction Public Defender officer from the Attorney General Legal Services Cost Allocation Fund pro rata charge.

Requires, in a county with a population of less than 1.5 million, the state to pay 19.25 percent of justice of the peace compensation and employee related expenditures.

Statutes amended: A.R.S. § 5-396, 12-267, 13-701, 22-117, 28-1383, 28-8288, 31-201.01, 31-230, 41-191.09, 41-1604, 41-1604.02, 41-1604.03, 41-1624, 41-1723, 41-1724, Amending Laws 2007, Chapter 6, Section 21 and Laws 2010, Seventh Special Session, Chapter 6, Section 24; making appropriations, relating to criminal justice budget reconciliation.

Statutes enacted: A.R.S. § 12-119.05, 31-133, 41-797, 41-1610.02

Statute repealed: A.R.S. § 12-270

SB 1245: CAPITAL POSTCONVICTION PUBLIC DEFENDER; CONTINUATION

CH 42

Senator Ron Gould

<http://www.azleg.gov/legtext/50leg/1r/bills/sb1245s.pdf>

Continues the State Capital Postconviction Public Defender Office until July 1, 2016.

Statute enacted: A.R.S. § 41- 3016.29

Statute repealed: A.R.S. § 41-3011.13

HB 2438: SEXUAL CONDUCT; MINOR

CH 58

Representative Steve Montenegro

<http://www.azleg.gov/legtext/50leg/1r/bills/hb2438p.pdf>

Sexual conduct with a minor who is at least 15 years old is a Class 2 Felony if the offender was the minor's parent, stepparent, adoptive parent, legal guardian, foster parent, teacher, clergyman, or priest. Expands the definition of "teacher" to include anyone who provides instruction to pupils, whether directly or not. Statute amended: A.R.S. § 13-1405

HB 2406: CRIMES; FORENSIC INTERVIEWS; MANDATORY FINE

CH 115

Representative Ted Vogt

<http://www.azleg.gov/legtext/50leg/1r/bills/hb2406h.pdf>

An assessment of \$500 is imposed on a person convicted of a Dangerous Crime Against Children (DCAC) or Sexual Assault. The assessment cannot be waived and is not subject to surcharge. The money collected is transmitted to the county treasurer to be used for the cost of medical expenses needed in the investigation of a DCAC or sexual assault.

Any forensic interview expense as well as medical expense that is needed in order to secure evidence that a person has been a victim of a DCAC children shall be paid for by the county in which the offense occurred.

Delayed effective date: Jan. 1, 2012

Statute amended: A.R.S. § 13-1414

Statute enacted: A.R.S. § 13-824

HB 2302: PROTECTED ADDRESS; SECRETARY OF STATE

CH 173

Representative J.D. Mesnard

<http://www.azleg.gov/legtext/50leg/1r/bills/hb2302s.pdf>

Amends A.R.S. § 16-153, *Voter registration; confidentiality*, to include border patrol agents in persons eligible to request that the general public be prohibited from accessing the address, telephone number, and voting precinct number contained in their voter registration record.

The court may seal the change of name application and judgment on request if a person is protected under an order of protection or is a victim of stalking pursuant to A.R.S. § 13-2923, *Stalking, classifications, definitions*. If the offense took place in another jurisdiction, but would be classified as a violation or attempted violation of A.R.S. § 13-2923 if committed in this state, these provisions still apply. A person who obtained a judgment on or after Jan. 1, 2009, may request that the court seal the application and judgment pursuant to this section.

Directs the Secretary of State (SOS), by January 1, 2013, to establish the Address Confidentiality Program (ACP). The ACP allows victims of domestic violence, sexual offenses, or stalking to keep their residential address confidential, by giving them a substitute lawful address. Outlines what the application will include and what is considered evidence of domestic violence, a sexual offense, or stalking.

Allows an ACP participant to be served by certified or registered mail with any process, notice, or demand required by law and clarifies that this provision does not prescribe the only or necessary means of serving an ACP participant. Adds five days to the timeframe within which an ACP participant legally has a right to act, if they were served in accordance with law by mail or first-class mail. This provision does not apply if the time period is otherwise corrected by a court rule.

Individuals are certified into the ACP for four years following the date of filing. Certification may be renewed by filing a renewal application with the SOS within 30 days of the current certification expiring. ACP participants may withdraw certification by filing a request for withdrawal that is acknowledged before a notary public. If the ACP participant fails to notify the SOS of a change in legal name, current address, telephone number, or knowingly submits false information, certification of the program participant can be cancelled. Requires the SOS to send notice and the reason for cancellation to the program participant if it is determined

that there is reason for cancelling certification. The program participant has 30 days to appeal the cancellation decision. Under A.R.S. § 41-155, the SOS cannot disclose any address or telephone number of an ACP participant except under the following circumstances:

1. The information is required under a court order.

2. The SOS grants a request by a state or local government entity pursuant to A.R.S. § 41-157, *Request for disclosure*.

Any person to whom an ACP participant's actual address or telephone number has been disclosed cannot further disclose the information to any other person unless required by court order or as otherwise provided by law. The SOS shall immediately notify an ACP participant if it has disclosed a participant's information.

If an ACP participant is involved in divorce proceedings, child support, or the allocation of parental responsibilities or parenting time, the SOS must notify the court that the participant has been certified and is part of the ACP.

Anyone who knowingly and intentionally obtains or discloses an ACP participant's information is guilty of a Class 1 Misdemeanor.

The ACP participant is responsible for requesting that a state or local government entity use the substitute address as the participant's residential, school, or work address.

Except as otherwise provided for in the statute or by order of the court, if a participant submits a current and valid address confidentiality program card to the court, the court shall accept the substitute address as the home, work, and school address for the participant. The court may make a photocopy of the card and shall return the card to the participant.

Outlines how participants shall be able to register to vote and to vote.

A state or local government agency requesting disclosure of an ACP program participant's actual address must make the request in writing on letterhead. This provision does not apply to the court. The SOS must notify the participant of a request for address disclosure and allow the participant an opportunity to be heard regarding the request. The SOS must provide the participant with written notification if a request for disclosure has been granted or denied. Notice or opportunity to be heard shall not be afforded to the participant if the request for disclosure is made by a state or local law enforcement agency conducting a criminal investigation or if providing notice would jeopardize an ongoing criminal investigation or the safety of law enforcement personnel. The director of the program, or the director's designee, must be available to state and local governments 24 hours a day for purposes of a request for disclosure.

Outlines an expedited disclosure process to be used by a court, criminal justice official or agency, or a probation department when disclosure is required pursuant to a trial, hearing, proceeding, or investigation involving an ACP participant. An official or agency obtaining information under the expedited disclosure process shall certify to the SOS that it has a system in place to protect the confidentiality of a participant's actual address from the public and personnel involved in the trial, hearing, proceeding, or investigation. A court or administrative tribunal may seal the portion of any record containing an actual address.

Permits a state or local government agency, at its discretion, to use an actual address in any document or record filed with a court or administrative tribunal if, at the time of filing, the document or record is not a public record.

Effective January 1, 2012, adds A.R.S. § 12-116.04, *Address confidentiality program assessment*, that adds a \$50 assessment for a person who is convicted of a domestic violence offense, a sexual offense, or stalking. The court may waive all of or a portion of the assessment if the court finds that the defendant is unable to pay the assessment. 95 percent of the assessment goes to the address confidentiality fund and 5 percent is retained by the clerk of the court for administrative costs.

Defines "actual address", "address confidentiality program", "applicant", "application assistant", "domestic violence", "program participant", "public record", "sexual offense", "stalking", "state or local government entity", and "substitute address".

Delayed effective date: A.R.S. § 12-116.04 – January 1, 2012

The program sunsets July 1, 2021.

Statutes amended: A.R.S. § 12-601, 16-153, 39-123, 39-124

Statute enacted: A.R.S. § 12-116.04

HB 2404: CRIMINAL RESTITUTION; VICTIM NOTIFICATION

CH 263

Representative Ted Vogt

<http://www.azleg.gov/legtext/50leg/1r/bills/hb2404s.pdf>

If the defendant absconds from probation or from a sentence, the trial court retains jurisdiction and is required to enter a criminal restitution order in favor of the state for the unpaid balance of fines, costs, fees, surcharges, and assessments and also a criminal restitution order in favor of each person entitled to restitution for the unpaid balance.

On becoming aware of the date, time, and place of the initial appearance of the accused on a writ of habeas corpus, the prosecutor's office is required to inform the victim.

The sheriff of municipal jailer, on request, is required to notify the victim and the prosecutor's office of the release of the accused.

Statutes amended: A.R.S. § 13-805, 13-4406, 13-4412

SB 1424: ASSESSMENT FOR FAMILY OFFENSES; STALKING

CH 296

Senator John Nelson

<http://www.azleg.gov/legtext/50leg/1r/bills/sb1424h.pdf>

In addition to any other penalty, fine, fee, or assessment, a person convicted of a violation of § 13-2921, 13-2921.01, 13-2923, or an offense listed in title 13, chapter 36, (all related to harassment and stalking), shall pay an additional assessment of \$50 to be deposited into the domestic violence shelter fund. This is not subject to any additional surcharge.

Statute amended: A.R.S. § 36-3002

Statute enacted: A.R.S. § 12-116.04

SB 1367: JUVENILES; DNA TESTING

CH 351

Senator Frank Antenori

<http://www.azleg.gov/legtext/50leg/1r/bills/sb1367h.pdf>

Conforms the DNA testing requirements for juveniles pursuant to A.R.S. § 8-238 to that of adults, A.R.S. § 13-610. If a juvenile is charged with one of the enumerated offenses in A.R.S. § 8-238 and is required to appear at an advisory hearing the court is required to order the juvenile to report to the law enforcement agency that investigated the offense. The investigating law enforcement agency must obtain a DNA sample for submission to the Department of Public Safety.

Statutes amended: A.R.S. § 8-238, 13-610

SCR 1020: CRIME VICTIMS; PROTECTION FROM LIABILITY

Senator Russell Pearce

<http://www.azleg.gov/legtext/50leg/1r/bills/scr1020s.pdf>

Proposed amendment to the Constitution of Arizona.

A crime victim cannot be subject to a claim for damages for causing any injury or death to a person if the person is harmed when engaging in, attempting to engage in, or fleeing after having engaged in or attempted to engage in a felony offense.

Constitutional provisions amended: Article II, Section 31 and Article XVIII, Section 6

Referred to the Secretary of State for placement on the 2012 general election ballot.

PROCEDURES FOR VICTIMS FILING AND RELEASING RESTITUTION LIENS

According to A.R.S. §13-806, a victim may file a Restitution Lien once the defendant has been sentenced and if the defendant has been ordered to pay restitution to the victim. According to A.R.S. §13-806 (A), there are **no** filing fees or charges for this type of lien.

Please keep in mind that establishing a Restitution Lien takes a considerable amount of time and effort. In addition, the Restitution Lien is only effective if the defendant owns any property (vehicles or homes) and if the defendant chooses to sell that property. It is not necessary to know if or what the defendant owns. The lien will need to be recorded with both the County and the State to become effective.

The other item to keep in mind is that once all restitution has been paid, it is the responsibility of those who placed a Restitution Lien on any vehicles or property to provide for the release of the lien or liens involved.

If you wish to pursue filing a Restitution Lien, you will find the procedures to file a restitution lien, below:

1. Complete **SAMPLE A, Notice of Restitution Lien**. All of the information is necessary. Since the defendant's personal information is not public, no one within the Court will be able to provide the information to you.
2. Take the **Notice of Restitution Lien** to the sentencing court for signature. You will need either the original and/or three (3) certified copies back. Some courts may keep the original for the court file.
3. If you are given the original back, then it will need to be taken the County Clerk of the Court to be placed in the court file and you will need to request three (3) certified copies (for County Recorder, Motor Vehicle Dept and you). If mailing the original then use **SAMPLE C, Clerk of Court Cover Letter** and include a stamped, self-addressed envelope for the return of the certified copies.
4. Take a certified copy to the County Recorder's Office to be recorded. The Recorder's Office will either record the document while you wait or send you the recorded document later. If mailing the certified copy then use **SAMPLE B, County Recorder Cover Letter** and include a stamped, self-addressed envelope.
5. Mail a certified copy of the **Notice of Restitution Lien** to the Motor Vehicle Department (MVD) for holds on the defendant's vehicle registration(s).

Motor Vehicle Dept
Title Maintenance Section, Room 555M
1801 W Jefferson
Phoenix, AZ 85007

It is not necessary to know if the defendant has any registered vehicles in his/her name. The Motor Vehicle Department will not send anything back to verify that they recorded the lien. You will need to contact the MVD (602-255-6762), in approximately four to six weeks, to confirm that the lien(s) on the vehicle(s) were recorded.

6. Once the all documents have been recorded and the liens are in place, you will need to attempt to notify the defendant of the Restitution Lien by delivering or by sending (*certified mail is preferable*) a copy of the **Notice of Restitution Lien** to: Adult Probation if the defendant is on probation; to the Department of Corrections if the defendant is in custody; or to the defendant's address if he/she is neither on probation nor in DOC.

WHAT TO EXPECT

If a defendant sells a vehicle upon which a lien has been placed, the holder of the title of that vehicle will contact the Lien holder that appears on the **Notice of Restitution Lien**.

You may be contacted by either the seller, defendant, MVD, a 3rd party MVD or the buyer requesting to transfer the title out of the defendant's name. Payment should be made payable to and mailed to the County Clerk of the Court for distribution.

If a defendant attempts to sell property upon which a lien has been recorded, the title company will contact the Lien holder that appears on the **Notice of Restitution Lien**.

Many people have similar or same names. You may be contacted by numerous title companies to verify if someone is indeed "one and the same" as their client. It is up to you to match the information that the title company has with the information on your **Notice of Restitution Lien**. If the information does match, then the title company may require written payoff instructions. Payment should be made payable to and mailed to the County Clerk of the Court for distribution.

The **Notice of Restitution Lien** does not need to be renewed, nor can it be discharged in bankruptcy. The lien is in effect until the debt is paid in full.

RELEASING A RESTITUTION LIEN

When a defendant has paid the restitution in full, the Restitution Lien must be released.

To **Remove** a restitution Lien on a **Vehicle**:

1. Complete a **MVD Request for Release of Lien Letter** (Sample D) for an individual vehicle or for all vehicles in defendant's name.
3. Make a copy for your records and file the original Release of Lien Letter with MVD. To file the release send each original of the **MVD Request for Release of Lien Letter** to:

Motor Vehicle Division
Title Maintenance Section, Room 555M
1801 West Jefferson
Phoenix, AZ 85007

To **Remove** a restitution Lien on **Real Property**:

1. Complete the **Release of Restitution Lien on Real Property** form (Sample E).
2. Obtain two certified copies,
 - File the original with the County Clerk of the Court
 - Keep a certified copy for your records
 - File a certified copy of the **Release of Restitution Lien on Real Property** with the County Recorder's Office in the county where the lien was filed.

SAMPLE A

[VICTIM NAME AND ADDRESS]

NOTICE OF RESTITUTION LIEN

This notice is being filed pursuant to A.R.S. §13-806. A filing fee or other charge is not required for filing restitution liens.

(Victims name) hereby gives notice that it claims a Lien against the entire right, title and interest of in all real property situated in this county and all personal property situated in this State then maintained or thereafter acquired in the name of the [DEFENDANT'S NAME] defendant.

1. Judgment Debtor: The defendant's name and date of birth: **[DEFENDANT'S FULL NAME, DATE OF BIRTH and LAST 4 DIGITS OF THE SOCIAL SECURITY NUMBER].**

2. The defendant's present or last known residence or principal place of business, if known:
[STREET NUMBER]
[CITY, STATE ZIP]

3. The title of the criminal proceeding: **State v. [THE NAME AS LISTED ON SENTENCING MINUTE ENTRY].**

4. The name of the court and the court's file number: **[COURT NAME IS LISTED ON THE TOP OF THE SENTENCING MINUTE ENTRY, ALONG WITH THE CASE NUMBER, ALSO KNOWN AS THE CR#]**

5. Judgment Creditor: The name, address and phone of the person filing the lien :
[LIENHOLDER'S NAME]
Lien holder's address
Lien holder's city, state and zip
Lien holder's phone number

6. The amount of restitution the defendant in said proceeding has been ordered to pay:
[THE DOLLAR AMOUNT WILL BE STIPULATED IN THE SENTENCING MINUTE ENTRY].

NOTICE: THE TOTAL AMOUNT OF RESTITUTION OWED MAY CHANGE. SEE THE RECORDS OF THE CLERK OF THE COURT NOTED IN 4 ABOVE FOR THE OUTSTANDING BALANCE.

Dated this _____ day of _____, 20_____.

BY: _____

Judicial Officer

SAMPLE B

_____ [DATE] _____, 20_____

[COUNTY RECORDER]
[STREET ADDRESS]
[CITY, STATE ZIP]

RE: State v. [DEFENDANT]
Cause Number: CR [CAUSE NUMBER]

Dear County Recorder:

As a victim in the above referenced case, I am filing the enclosed Notice of Restitution Lien against [DEFENDANT'S NAME]. Enclosed is the original Lien form. In accordance with A.R.S. §13-806 (A), there is no filing fee for this type of lien.

If there are any problems with the enclosed form or if you have any questions, you may contact me at [LIENHOLDER'S PHONE NUMBER]. I have enclosed a self-addressed, stamped envelope for the return of the recorded document.

Thank you for your attention to this matter.

Sincerely,

[LIENHOLDER'S SIGNATURE]
[LIENHOLDER'S PRINTED NAME]

Address:

[LIENHOLDER'S STREET ADDRESS]
[STATE, CITY ZIP]

Enclosure

SAMPLE C

_____ **[DATE]** _____, 20 _____

[COUNTY CLERK]
[STREET ADDRESS]
[CITY, STATE ZIP]

RE: State v. **[DEFENDANT]**
Cause Number: **CR [CAUSE NUMBER]**

Dear County Clerk:

As a victim in the above-referenced case, I am filing the enclosed Notice of Filing and Notice of Restitution Lien against **[DEFENDANT'S NAME]**. In accordance with A.R.S. §13-806 (A), there is no filing fee for this type of lien. Please return three conformed and certified copies. I have enclosed a self addressed, stamped envelope.

If there are any problems with the enclosed form or if you have any questions, you may contact me at **[LIENHOLDER'S TELEPHONE NUMBER]**.

Thank you for your attention to this matter.

Sincerely,

[LIENHOLDER'S SIGNATURE]
[LIENHOLDER'S PRINTED NAME]

Address:

[LIENHOLDER'S STREET ADDRESS]
[STATE, CITY ZIP]

Enclosure

SAMPLE D

_____, 20____

Arizona Department of Transportation
Motor Vehicle Division
Central Communications Unit Supervisor
P.O. Box 2100, Mail Drop 554-M
Phoenix, Arizona 85001-2100

RESPONSIBLE AGENCY:

Lien holder

[LIENHOLDER'S NAME]
[LIENHOLDER'S STREET ADDRESS]
[CITY, STATE ZIP]
[LIENHOLDER'S PHONE #]

REGARDING:

Vehicle Description:	[YEAR, MAKE AND MODEL OF VEHICLE]
Vin:	[VEHICLE IDENTIFICATION NUMBER]
License:	[PLATE NUMBER]
Registered Owner:	[OWNER LISTED ON TITLE]
Defendant:	[DEFENDANT'S NAME]
Defendant's Address:	[DEFENDANT'S LAST KNOWN ADDRESS]

Dear Sir or Madam:

Please release the Restitution Lien on the above listed titled motor vehicle[s].

Date _____

[PRINT LIENHOLDER'S NAME]

[LIENHOLDER'S SIGNATURE]

SAMPLE E

RELEASE OF RESTITUTION LIEN ON REAL PROPERTY

[NAME OF LIENHOLDER] filed a claim of lien, which was duly filed in the Office of the **[COUNTY]** County Recorder, on **[DATE]**, 20__ with Recordation # _____. In such claim of lien, the Lien Holder gave notice of his/her lien against the entire right, title and interest of in all real property acquired in the name of **[DEFENDANT'S NAME]**.

For good cause, therefore, **[LIENHOLDER]** releases this lien against real property of **[DEFENDANT]** and hereby authorizes and directs the Office of the **[COUNTY]** County Recorder, to discharge the record of the above-described lien.

Date: _____, 20_____

[LIENHOLDER'S SIGNATURE]

STATE OF ARIZONA
County of **[COUNTY NAME]**

SUBSCRIBED AND SWORN to me before this ____ day of _____, 20____,
by _____, Lien Holder.

Notary Public: _____

My Commission Expires:

Commission on Victims in the Courts

Meeting Date:

May 20, 2011

**Type of Action
Required:**

- Formal Action
Request**
- Information
Only**
- Other**

Subject:

Psychiatric Review
Board and Victims'
Rights

FROM:

PRESENTER(S):

DISCUSSION & TIME ESTIMATE: 10 minutes

Identify questions or concerns to provide to the Psychiatric Review Board to develop a future presentation.

RECOMMENDED MOTION (IF ANY):

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
May 20, 2011	<input type="checkbox"/> Formal Action Request	Victim Identification Protection
	<input type="checkbox"/> Information Only	Recommendations
	<input checked="" type="checkbox"/> Other	

FROM:

PRESENTER(S): Hon. Ron Reinstein and Ms. Elizabeth Ortiz, APAAC

DISCUSSION & TIME ESTIMATE: 10 minutes

Update on COVIC's presentation to Arizona Prosecuting Attorneys Advisory Council (APAAC) regarding recommendations to reduce victim identifying information, particularly for minors, being included in court documents initiated by the prosecuting attorneys' offices.

RECOMMENDED MOTION (IF ANY):

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
May 20, 2011	<input type="checkbox"/> Formal Action Request <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Other	Victim notification and self-surrender

FROM: Administrative Office of the Courts, Court Programs Unit

PRESENTER(S): Mr. Patrick Scott, Administrative Office of the Courts

DISCUSSION & TIME ESTIMATE: 15 minutes

Mr. Scott seeks input from COVIC members on best practices related to victim notification in situations when defendants self-surrender to the court.

RECOMMENDED MOTION (IF ANY):

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
May 20, 2011	<input type="checkbox"/> Formal Action Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Legislative Update

FROM: Administrative Office of the Courts, Governmental Affairs Office

PRESENTER(S): Jerry Landau, AOC

DISCUSSION & TIME ESTIMATE: 15 minutes
Overview of victim-related and relevant legislation passed this session.

RECOMMENDED MOTION (IF ANY):

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
May 20, 2011	<input type="checkbox"/> Formal Action Request <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Other	Restitution/Financial Recovery Project

PRESENTER(S): Hon. Ron Reinstein, Chair

DISCUSSION & TIME ESTIMATE: 10 minutes
Review information from Texas U.S. Attorney's Office's financial recovery unit.

RECOMMENDED MOTION (IF ANY):

Commission on Victims in the Courts

Meeting Date:	Type of Action Required:	Subject:
May 20, 2011	<input type="checkbox"/> Formal Action Request <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Other	Restitution Webpage Recommendations

FROM: Restitution workgroup

PRESENTER(S): Mr. Dan Levey, Chair

DISCUSSION & TIME ESTIMATE: 10 minutes

Review and approve restitution lien instructions page and form letters for inclusion on the Supreme Court's restitution webpage.

RECOMMENDED MOTION (IF ANY): Consider approval of additional information to include on restitution webpage.

Additional information from Dan Levey- Restitution Workgroup Chair

New Report from The National Center for Victims of Crime:

Making Restitution Real: Five Case Studies on Improving Restitution Collection

<http://www.ncvc.org/ncvc/AGP.Net/Components/documentViewer/Download.aspxnz?DocumentID=48480> NOTE: This is a 140 page report.

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.

ED. 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]



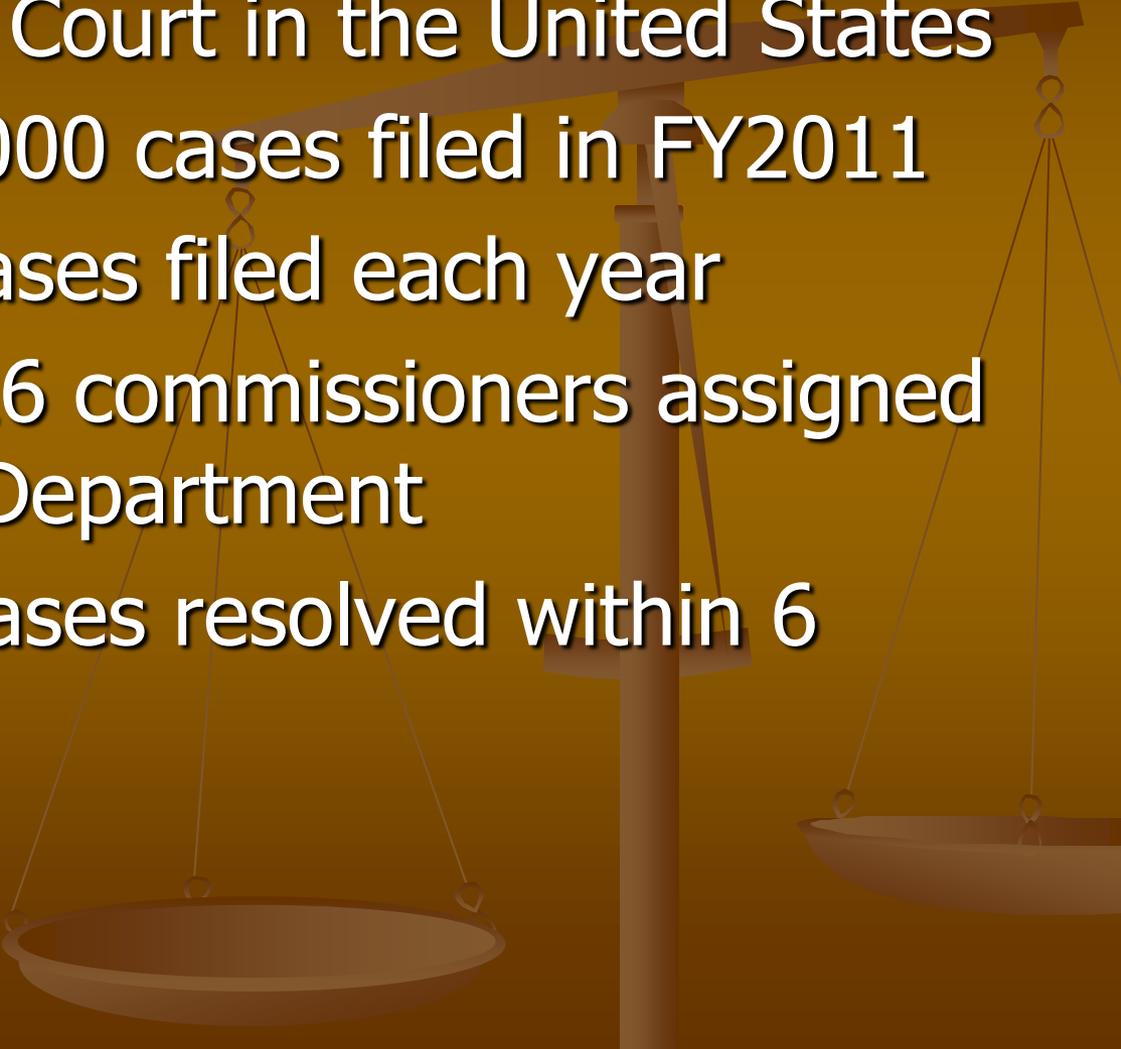
South Court Tower

Courthouse Design with Victims in Mind

1/20/2012 Presentation to COVIC

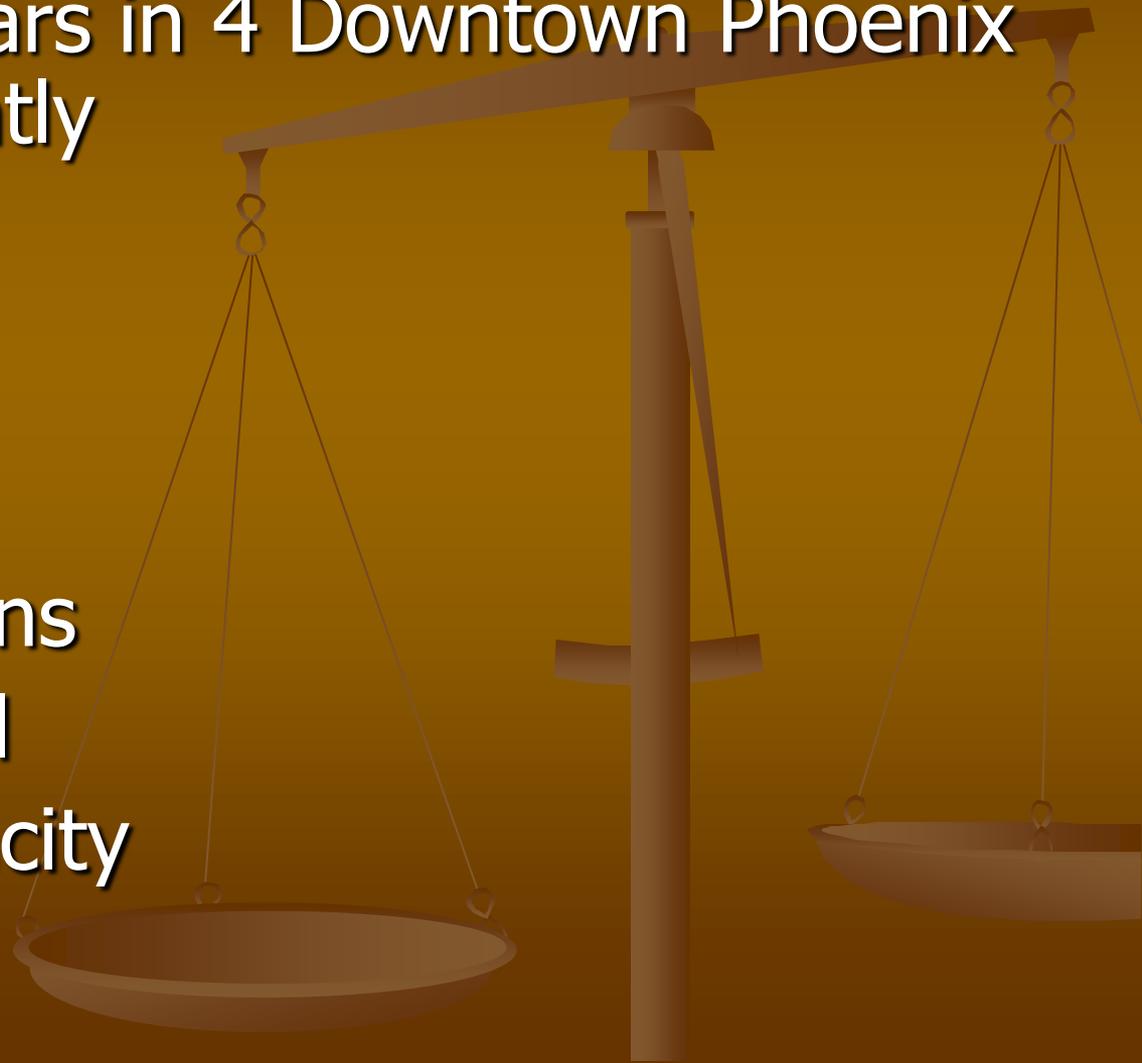
*Hon. Douglas Rayes, Criminal Presiding Judge
Superior Court of Arizona in Maricopa County*

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



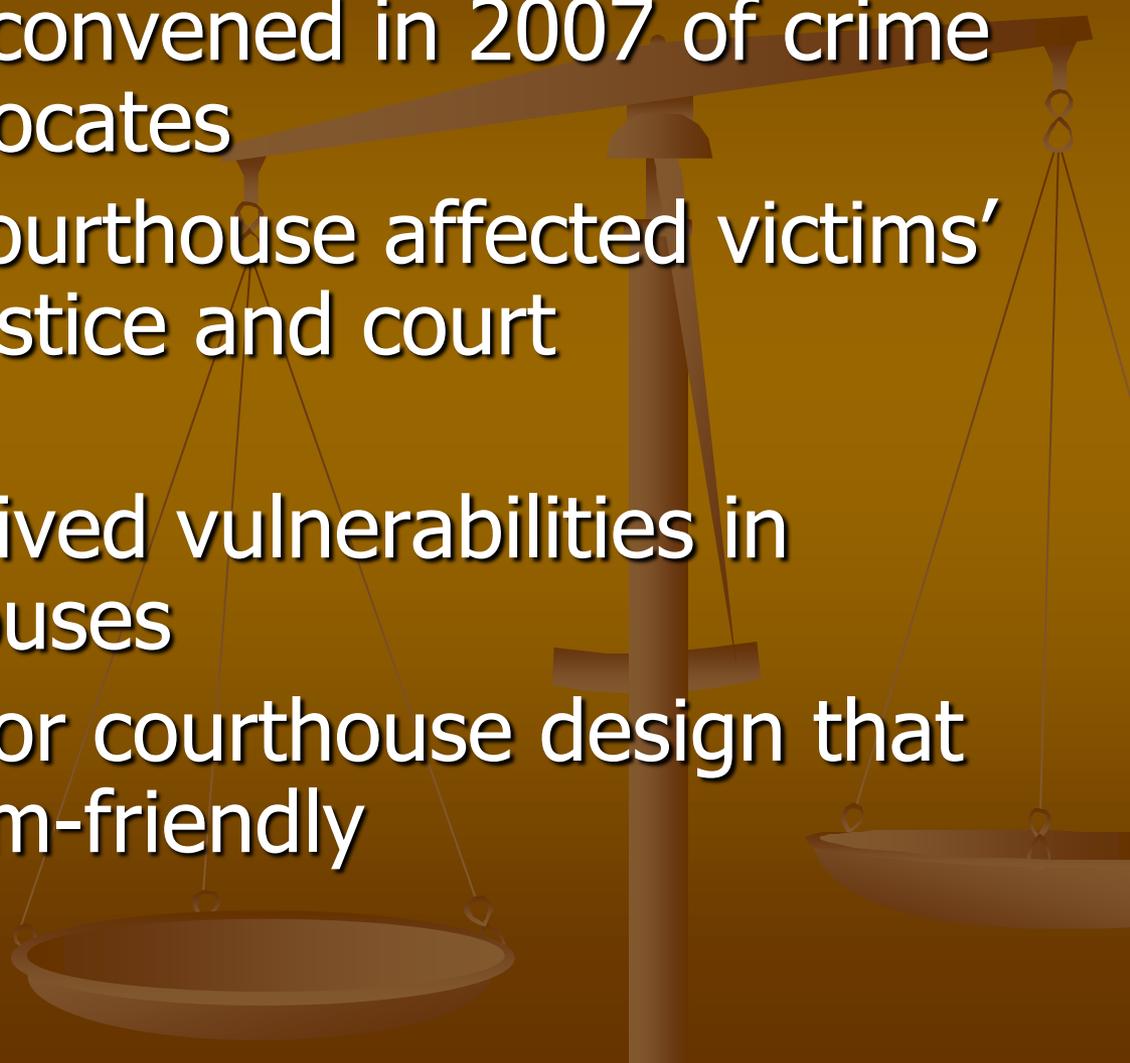
South Court Tower

- 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

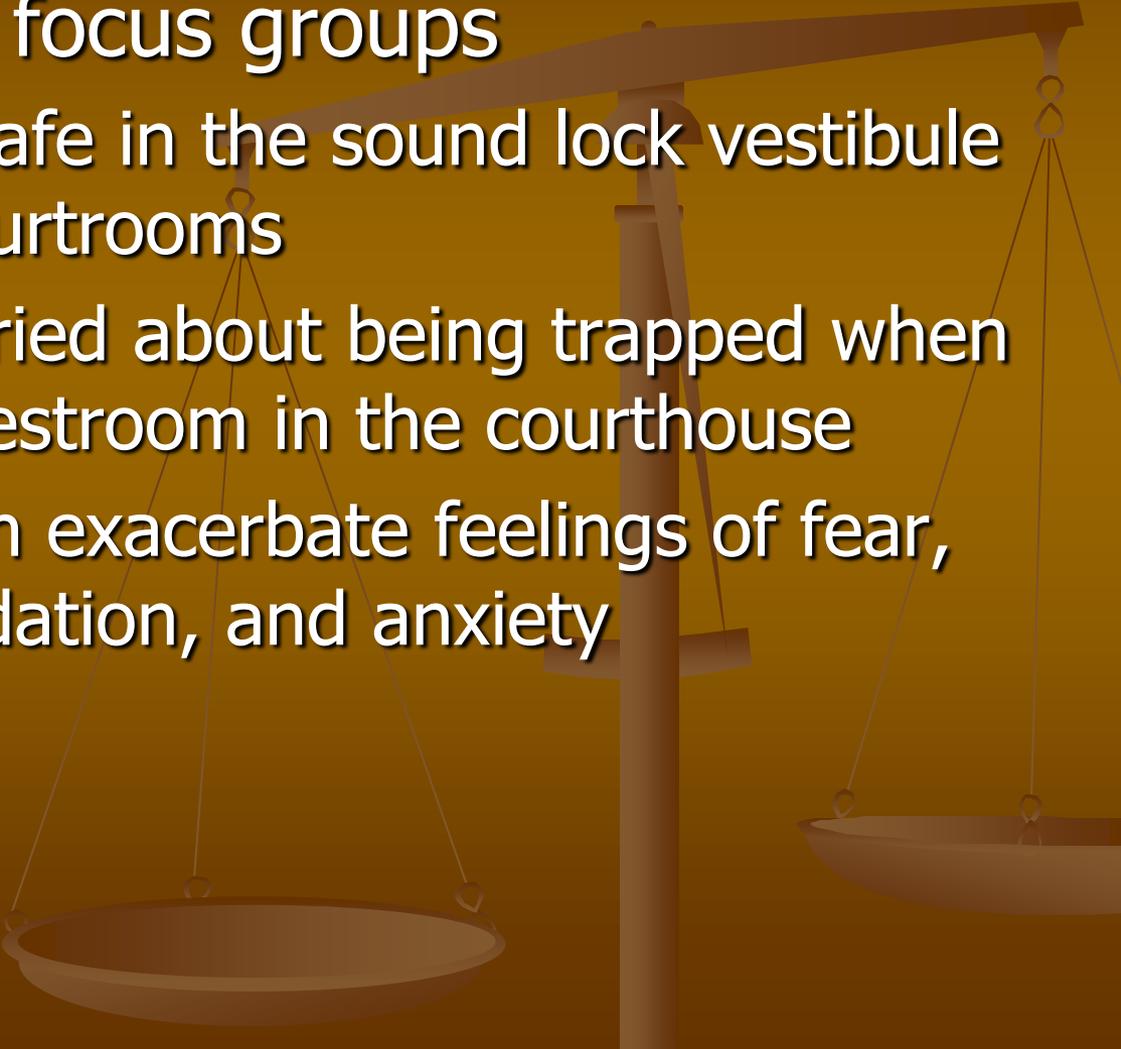


Designing for Victims – Our Process

- 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?

