

SUPREME COURT OF ARIZONA

In the Matter of)	Arizona Supreme Court
)	No. R-09-0029
PETITION TO AMEND RULES 3.2,)	
4.2, 7.5, 14.3, 26.10, AND)	
FORM 3(a), ARIZONA RULES OF)	
CRIMINAL PROCEDURE, AND FOR AN)	
AMENDMENT TO THE ARIZONA)	
TRAFFIC TICKET AND COMPLAINT)	
FORM, EXHIBIT A TO THE RULES OF)	
PROCEDURE IN TRAFFIC AND BOATING)	
CASES)	
)	
)	
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**ORDER AMENDING
 RULES 3.2, 4.2, 7.5 14.3, 26.10, AND FORM 3(a),
 ARIZONA RULES OF CRIMINAL PROCEDURE,
 AND
 ARIZONA TRAFFIC TICKET AND COMPLAINT FORM,
 RULES OF PROCEDURE IN TRAFFIC CASES AND BOATING CASES,
 APPENDIX A**

A petition having been filed proposing to amend the captioned rules to conform to statutory amendments, upon consideration,

IT IS ORDERED that Rules 3.2, 4.2, 7.5, 14.3, 26.10, and Form 3(a), Arizona Rules of Criminal Procedure, and the Arizona Traffic Ticket and Complaint Form, Appendix A to the Rules of Procedure in Traffic Cases and Boating Cases, be amended on an emergency basis, pursuant to Rule 28(G), Rules of the Supreme Court, in accordance with the attachment hereto, effective January 1, 2010.

IT IS FUTHER ORDERED that the matter shall be opened for public comment pursuant to Rule 28(C), Rules of the Supreme Court. Comments shall be due on or before May 20, 2010.

DATED this _____ day of September, 2009.

REBECCA WHITE BERCH
Chief Justice

TO:
Rule 28 Distribution
David K Byers

ATTACHMENT*

ARIZONA RULES OF CRIMINAL PROCEDURE

* * *

Rule 3.2. Content of warrant or summons.

a. Warrant. [No change in text.]

b. Summons. [No change in text.]

c. Summons for Felony Offense. On the issuance ~~and service~~ of a summons for a defendant who is charged with a felony offense, a violation of Title 13, Chapter 14, or Title 28, Chapter 4, or a domestic violence offense as defined in § 13-3601, ~~the court shall order~~ the summons shall direct the defendant ~~be fingerprinted by~~ to provide ten-print fingerprints to the appropriate law enforcement agency and that the defendant appear at a designated time and place for fingerprinting.

* * *

Rule 4.2. Initial appearance

a. In General. At the suspect's initial appearance, the magistrate shall:

(1)-(6) [No change in text.]

(7) [Text is as set forth in the order in R-08-0019.]

(8) For summoned defendants charged with a felony offense, a violation of Title 13, Chapter 14, or Title 28, Chapter 4, or a domestic violence offense as defined in § 13-3601, if the defendant does not present a completed mandatory fingerprint compliance form to the court, or if the court has not received the process control number, the court shall order that within twenty calendar days, the defendant be ten-print fingerprinted at a designated time and place if it appears that the defendant was not previously fingerprinted. by the appropriate law enforcement agency; and

(9) [Text is as set forth in the order in R-08-0019.]

b. Misdemeanors: Felonies Charged by Indictment. [No change.]

* Changes or additions in text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.

c. **Felonies Charged by Complaint.** [No change.]

* * *

Rule 7.5. Review of conditions; revocation of release

a.-c. [No change in text.]

d. **Revocation of Release; DNA Testing.** [Text is as set forth in the order in R-08-0019.]

e. **Revocation of release; Ten-print fingerprinting.** If a defendant fails to timely present a completed mandatory fingerprint compliance form or if the court has not received the process control number, the court on its own motion may remand the defendant into custody for ten-print fingerprinting. If otherwise eligible for release, the defendant shall be released from custody after being ten-print fingerprinted.

* * *

Rule 14.3. Proceedings at arraignment

The court shall:

a.-g. [No change in text.]

h. For summoned defendants charged with a felony offense, a violation of Title 13, Chapter 14, or Title 28, Chapter 4, or a domestic violence offense as defined in § 13-3601, if the defendant does not present a completed mandatory fingerprint compliance form to the court, or if the court has not received the process control number, the court shall order that within twenty calendar days, the defendant be ten-print fingerprinted at a designated time and place by the appropriate law enforcement agency.

* * *

Rule 26.10. Pronouncement of judgment and sentence

a. **Pronouncement of Judgment.** [No change in text.]

b. **Pronouncement of Sentence.** The Court shall:

(1)-(4). [No change in text.]

(5) For any felony offense or a violation of §§ 13-1802, 12-1805, 28-1381, or 28-1382, permanently affix the defendant's right index fingerprint to the sentencing document or order.

~~(5)~~(6) [No change in text.]

Rule 41. Forms

Form 3(a). Summons: Ten-print Fingerprint Required

[Note: Additional, nonconflicting amendments to Form 3(a) are made in R-08-0019.]

_____ COURT _____ County, Arizona

STATE OF ARIZONA Plaintiff	[CASE/COMPLAINT NO.]	SUMMONS
-vs-		(Ten-print Fingerprint Required)
_____ Defendant (FIRST, MI, LAST)		

TO: _____

YOU ARE ORDERED to appear at [name of entity and address] _____
(Required for all felonies, domestic violence, sexual or DUI offenses) _____ between the hours of _____
a.m./p.m. at any time prior to your court appearance date to be photographed and ten-print fingerprinted.

YOU ARE SUMMONED to appear before this court for the following reason:

[(List reason for summons; e.g., filing of indictment, information or complaint (list charges or other reasons)).]

YOU ARE ORDERED TO REPORT on _____
_____, 20__ at _____ a.m./p.m.

LOCATED AT: _____

IF YOU FAIL TO APPEAR AS ORDERED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

Date: _____
_____ Judicial Officer

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

CERTIFICATE OF PERSONAL SERVICE

I swear that I personally served this summons as follows:

Date Received: _____ Date Served: _____ Time Served: _____

Person Served: _____

Location Where Served: _____ County.

Officer Serving Summons

CERTIFICATE OF SERVICE BY MAILING

I certify that a copy of this document was sent by Registered or Certified mail, return receipt requested, to the defendant at the above-listed address.

Dated: _____

CLERK

* * * *

Rules of Procedure in Traffic Cases and Boating Cases – Appendix A

Arizona Traffic Ticket and Complaint

Complaint No.	SSN	Military	<input type="checkbox"/> Accident	<input type="checkbox"/> Fatality	<input type="checkbox"/> Commercial	Agency Use or Report Number					
Driver's License Number	State	Class	Endorsements			Agency Use					
			M	H	N	P	T	X	D		
DEFENDANT		First	Middle				Last				
Residential / Commercial Address		City	State	ZIP	Telephone						
MAILING ADDRESS <input type="checkbox"/> SAME AS ABOVE											
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions:.				
VEHICLE		Color	Year	Make	Model	Style	License Plate	State	Expiration		
Registered Owner						Address		Vehicle Identification Number			
The undersigned certifies that:											
ON	Month	Day	Year	Time	AM PM	SPEED	Approx.	Posted	R&P	Speed Measurement Device	Direction of Travel
AT	Location						County	State of Arizona	Beat		
The defendant committed the following:											
A	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	
	Docket Number		Disp. Codes	Date of Disposition	Sanction				<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
B	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	
	Docket Number		Disp. Codes	Date of Disposition	Sanction				<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
C	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	
	Docket Number		Disp. Codes	Date of Disposition	Sanction				<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
D	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	
	Docket Number		Disp. Codes	Date of Disposition	Sanction				<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
E	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	
	Docket Number		Disp. Codes	Date of Disposition	Sanction				<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
You must appear at ▶		Insert here the place of appearance ; title and name of court, Judge, or juvenile referee or officer, street address, city or town, Arizona, and court or room number, if applicable; and time of appearance; hour, day, month, and year.)							Court Number: :		
At the date and time indicated ▶		Month	Day	Year	Time	AM PM					
CRIMINAL <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon. CIVIL <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint						VICTIM? <input type="checkbox"/> VICTIM NOTIFIED? <input type="checkbox"/>					
						TEN-PRINT FINGERPRINT <input type="checkbox"/> Yes <input type="checkbox"/> No					

X _____	I certify that upon reasonable grounds I believe the defendant committed the above violation (s) and I have served a copy of the complaint upon the defendant. _____ Officer _____ Number _____
Agency Use	

Front Side of Law Enforcement Copy

