



IN THE SUPREME COURT OF THE STATE OF ARIZONA

In The Matter Of:)
)
EXEMPTION OF RULE 17.1(a) (3),)
ARIZONA RULES OF CRIMINAL)
PROCEDURE, ON AN)
EXPERIMENTAL BASIS)
_____)

Administrative Order
No. 96- 31

Judge Gary Arend, Presiding Limited Jurisdiction Judge of Mohave County, has requested that, on a one-year experimental basis, the Mohave County limited jurisdiction courts be exempted from Rule 17.1(a)(3), as well as Rules 14.2, 17.1(a)(1), 17.1(a)(2), 17.2, 17.3, and 26.9 (which are expressly exempted in Rule 17.1(a)(3) for out-of-state defendants), Arizona Rules of Criminal Procedure, only as it applies to class 3 misdemeanor violations under Chapters 5 and 17 of the Arizona Revised Statutes.

Limited jurisdiction courts in Mohave County experience a high volume of out-of-state boating, game and fishing citations. Most of these violations are minor in nature and classified as misdemeanor 3 violations that require a minimal fine. These violations are governed by Rule 17.1(3), Arizona Rules of Criminal Procedure, which requires a cumbersome process for out-of-state residents to plead guilty and pay the fine. The County is experiencing a high volume of cases, including out-of-state offenders who do not follow the appearance procedure and, thus, never pay their fines. It is proposed that during a one-year experimental period, that Rule VIII(b), Arizona Rules of Procedure in Traffic Cases, be substituted for the purpose of accepting out-of-state pleas and fine payments from these violators.

IT IS ORDERED that the limited jurisdiction courts in Mohave County are granted an exemption from Rule 17.1(a)(3), as well as Rules 14.2, 17.1(a)(1), 17.1(a)(2), 17.2, 17.3, and 26.9 (which are expressly superseded by Rule 17.1(a)(3) in the case of out-of-state defendants), Arizona Rules of Criminal Procedure, only as it applies to class 3 misdemeanor violations under Chapters 5 and 17 of the Arizona Revised Statutes. Such exemption will be for a period of one year, beginning March 1, 1996 through February 27, 1997. Further, that during the one-year period, Rule VIII(b), Arizona Rules of Procedure in Traffic Cases, will be substituted for the purpose of accepting out-of-state pleas and fine payments for these violations.

IT IS FURTHER ORDERED that Presiding Judge Gary R. Pope cause to have prepared by the courts involved in this experiment a report to the Arizona Judicial Council (AJC) for its March 1997 meeting. This report will outline the results of this experiment, along with any recommendations for local or statewide rule changes on a permanent basis.

IT IS FURTHER ORDERED that this procedural order shall apply to all pending cases in which the citation was written on or after March 1, 1996.

Dated this 12th day of July, 1996.

STANLEY G. FELDMAN
Chief Justice