

Arizona Supreme Court

Rule 28 Petition

R-24-0044

RULE 43(b), RULES OF PROTECTIVE ORDER PROCEDURE

Appellate Case Information

Case Filed: 2-Apr-2024

Case Closed: 22-Aug-2024

Dept/Composition

Side 1. RULE 43(b), RULES OF PROTECTIVE ORDER PROCEDURE, Other

(Litigant Group) PETITIONER: DAVID K. BYERS

- David K Byers, Administrative Office of the Courts, Petitioner

CASE STATUS

Aug 22, 2024...Case Closed

Aug 22, 2024...Decision Rendered

CASE DECISION

22-Aug-2024 ORDER

* A petition having been filed proposing to amend Rule 43(b) of the Arizona Rules of Protective Order Procedure, and no comments having been received, upon consideration,

Filed: 22-Aug-2024

Mandate:

Decision Disposition

Adopted as Modified

IT IS ORDERED that Rule 43(b) of the Arizona Rules of Protective Order Procedure

Ann Timmer

4 PROCEEDING ENTRIES

- 1. 2-Apr-2024 FILED: Petition to Amend Rule 43(b) of the Rules of Protective Order Procedure (Expedited Consideration and Emergency Adoption Requested); Appendix B (Petitioner David K. Byers, Administrative Office of the Courts, Administrative Director)
2. 9-Apr-2024 On April 2, 2024, David K. Byers, Administrative Director of the Administrative Office of the Courts, filed a rule petition to amend Rules 43(b) the Arizona Rules of Protective Order Procedure. The proposed amendment is intended to implement a recently adopted statute adding two types of convictions to the list of "qualifying convictions" for the purpose of obtaining a lifetime no-contact injunction. This statute is likely to go into effect this fall.

To ensure that the Court considers the proposed amendments before the statute goes into effect, Petitioner further request that the petition be given expedited consideration under Rule 28(h)(1), Rules of the Supreme Court of Arizona, and be adopted on an emergency basis under Rule 28(h)(2) of the same rules. Upon consideration,

IT IS ORDERED granting the request to consider this petition on an expedited basis.

IT IS FURTHER ORDERED that the Court will consider the petition during its August 2024 Rules Agenda.

IT IS FURTHER ORDERED that this petition is opened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, with all comments due no later than June 4, 2024, and any reply due no later than June 18, 2024.

The petition may be viewed by going to: http://www.azcourts.gov/Rules-Forum. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules (such as the Arizona Rules of Protective Order Procedure), which can be found by scrolling down the page.

For instructions on how to post comments electronically, click on https://www.azcourts.gov/rules/Forum-FAQ at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"

Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment."

Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail. (Hon. Robert Brutinel)

Arizona Supreme Court

Rule 28 Petition

R-24-0044

RULE 43(b), RULES OF PROTECTIVE ORDER PROCEDURE

4 PROCEEDING ENTRIES

3. 20-Aug-2024 WOULD AMEND RULE 43(b) OF THE ARIZONA RULES OF PROTECTIVE ORDER PROCEDURE TO IMPLEMENT A RECENT STATUTE ADDING CONVICTIONS FOR AGGRAVATED ASSAULT AND STALKING AS "QUALIFYING CONVICTIONS" FOR LIFETIME NO-CONTACT INJUNCTIONS
- ORDERED: Petition to Amend Rule 43(b) of the Rules of Protective Order Procedure = ADOPTED as modified, effective September 14, 2024.
4. 22-Aug-2024 A petition having been filed proposing to amend Rule 43(b) of the Arizona Rules of Protective Order Procedure, and no comments having been received, upon consideration,
- IT IS ORDERED that Rule 43(b) of the Arizona Rules of Protective Order Procedure is amended in accordance with the attachment to this order, effective September 14, 2024. (Hon. Ann A. Scott Timmer)
-