

Arizona Supreme Court

Rule 28 Petition

R-24-0049

VARIOUS RULES: SUPREME, CRIMINAL AND CIVIL PRO

Appellate Case Information

Case Filed: 3-Jul-2024

Case Closed:

Dept/Composition

Side 1. RULES OF SUPREME COURT 123(e)(10); RULE OF CIVIL PROCEDURE 47(b); RULES OF CRIMINAL PROCEDURE 18.3(b), 26.11(a), 26.13, 29.1(b), 31.5(a), 35.1, 36.1(b) AND (f), 41; FORMS 6, 7, 21, 23(a), 31(a), AND 31(b), Other

(Litigant Group) PETITIONER: DAVID K. BYERS

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

CASE STATUS

Aug 22, 2024....Continued

Jul 8, 2024.....Circulating

Jul 8, 2024.....Circulating (until 10/1/24)

Jul 3, 2024.....Pending

4 PROCEEDING ENTRIES

- 1. 3-Jul-2024 FILED: Petition to Amend Supreme Court Rule 123(e)(10), Civil Rule 47(b), and Criminal Rules 18.3(b), 26.11(a), 26.13, 29.1(b), 31.5(a), 35.1, 36.1(b) and (f), and 41, Forms 6, 7, 21, 23(a), 31(a), and 31(b) (Expedited consideration and emergency adoption requested) (Petitioner David K. Byers, Administrative Office of the Courts, Administrative Director)
2. 8-Jul-2024 On July 3, 2024, David K. Byers, Administrative Director of the Administrative Office of the Courts, filed a rule petition to amend various rules in the Rules of Criminal Procedure, along with several other rules, to implement recent legislation and this Court's decision in State v. Perez-Gutierrez, ___ Ariz. ___, 548 P.3d 1102, 1106 (2024). To ensure that the Court considers and acts on the proposed amendments before the enactments go into effect on September 14, 2024, Petitioner further requests 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 during its August 2024 Rules Agenda, the Court will consider whether to adopt the proposed amendments to the rules on an emergency basis. If it does, the Court will consider whether to adopt the rule amendments on a permanent basis during its December 2024 Rules Agenda. If it decides not to adopt the proposed rule amendments on an emergency basis, the Court will decide whether to adopt them on a non-emergency basis during its December 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 October 1, 2024, and any reply due no later than October 15, 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 "Rules of Criminal 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. Ann A. Scott Timmer)

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4 PROCEEDING ENTRIES

3. 20-Aug-2024 WOULD AMEND VARIOUS RULES OF THE RULES OF CRIMINAL PROCEDURE, ALONG WITH SEVERAL OTHER RULES, TO IMPLEMENT RECENT LEGISLATION AND THE COURT'S DECISION IN STATE V. PEREZ-GUTIERREZ
- ORDERED: Petition to Amend Supreme Court Rule 123(e)(10), Civil Rule 47(b), and Criminal Rules 18.3(b), 26.11(a), 26.13, 29.1(b), 31.5(a), 35.1, 36.1(b) and (f), and 41, Forms 6, 7, 21, 23(a), 31(a), and 31(b) = ADOPTED as modified on an emergency basis.
- FURTHER ORDERED: The amendments to Rule 123(e)(10) of the Rules of the Supreme Court of Arizona, Rule 47(b) of the Rules of Civil Procedure, and Rules 18.3(b), 29.1(b), 36.1(b) and (f), and 41, Forms 6, 21, and 23(a) of the Rules of Criminal Procedure are effective September 14, 2024.
- FURTHER ORDERED: The amendments to Rules 26.11(a), 26.13, 31.5(a), 35.1, and 41, Forms 7, 31(a), and 31(b) of the Rules of Criminal Procedure are effective immediately.
- FURTHER ORDERED: The Court will decide whether to adopt the rule amendments on a permanent basis during its December 2024 Rules Agenda.
4. 22-Aug-2024 On July 3, 2024, David K. Byers, on behalf of the Administrative Office of the Courts, filed a rule petition proposing to amend, on an emergency basis, Rule 123(e)(1) of the Rules of the Supreme Court of Arizona, Rule 47(b) of the Rules of Civil Procedure, and Rules 18.3(b), 26.11(a), 26.13, 29.1(b), 31.5(a), 35.1, 36.1(b) and (f), and 41, Forms 6, 7, 21, 23(a), 31(a), and 31(b), of the Rules of Criminal Procedure. Having considered the petition,
- IT IS ORDERED, pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, that Rule 123(e)(10) of the Rules of the Supreme Court of Arizona, Rule 47(b) of the Rules of Civil Procedure, and Rules 18.3(b), 29.1(b), 36.1(b) and (f), and 41, Forms 6, 21, and 23(a), of the Rules of Criminal Procedure are amended on an emergency basis in accordance with the attachment to this order, effective September 14, 2024.
- IT IS FURTHER ORDERED, pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, that Rules 26.11(a), 26.13, 31.5(a), 35.1, and 41, Forms 7, 31(a), and 31(b), of the of the Rules of Criminal Procedure are amended on an emergency basis in accordance with the attachment to this order, effective immediately.
- IT IS FURTHER ORDERED, consistent with the Court's July 8, 2024 order, that the Court will consider whether to adopt these rule amendments on a permanent basis during its December 2024 Rules Agenda. (Hon. Ann A. Scott Timmer)