

Arizona Supreme Court**Rule 28 Petition****R-26-0044****VARIOUS RULES: CRIMINAL PROCEDURE/SCRAP-CRIMINAL****Appellate Case Information**

Case Filed: 16-Jul-2026

Case Closed:

Dept/Composition**Side 1. RULES 6.4, 26.11, 31.5, 31.8, 31.9, 31.13, 41, FORMS 5(a) AND 5(c), RULES OF CRIMINAL PROCEDURE AND RULES 1,3,7, AND 16, FORMS 1 AND 2, RULES OF SUPERIOR COURT RULES OF APPELLATE PROCEDURE-CRIMINAL, Other****(Litigant Group) PETITIONER: DAVID K. BYERS**

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

CASE STATUS

Jul 17, 2026.....Circulating (until 10/1/26)

Jul 16, 2026.....Pending

2 PROCEEDING ENTRIES

1. 16-Jul-2026 FILED: Petition to Amend Criminal Rules 6.4, 26.11, 31.5, 31.8, 31.9, 31.13, 41, Forms 5(a) and 5(c), and SCRAP-Criminal Rules 1, 3, 7, and 16, Forms 1 and 2 (Expedited Consideration and Emergency adoption requested) (Petitioner David K. Byers, Administrative Director, Administrative Office of the Courts)

2. 17-Jul-2026 On July 16, 2026, David K. Byers, Administrative Director of the Administrative Office of the Courts, filed a rule petition to amend various provisions of the Rules of Criminal Procedure, Superior Court Rules of Appellate Procedure—Criminal (“SCRAP-Criminal”), and certain accompanying forms. The petition is intended to conform the existing rules to the provisions of HB 2265, which was enacted in the last legislative session. Among other things, HB 2265 bars a court from requiring an indigent defendant to pay (or reimburse the county) for any of the costs of a public defender. It also provides that the county will pay the costs for providing a criminal defendant with a copy of the record and transcripts in connection with an appeal.

To ensure that the Court considers and acts on the proposed amendments before the recent legislation goes into effect on September 12, 2026, Petitioner further requests that the petition be given expedited consideration under Rule 28(h)(1), Rules of the Supreme Court of Arizona, and that the amendments it proposes 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 2026 Rules Agenda, the Court will consider whether to adopt on an emergency basis the proposed amendments to the Rules of Criminal Procedure, SCRAP-Criminal, and to certain accompanying forms. If it does, the Court will consider whether to adopt the amendments on a permanent basis during its December 2026 Rules Agenda. If it decides not to adopt the proposed amendments on an emergency basis, the Court will decide whether to adopt them on a non-emergency basis during its December 2026 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, 2026, and any reply due no later than October 15, 2026.

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. For example, the "Rules of Criminal Procedure" 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 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)