

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-09-0028
PETITION TO AMEND RULES 11.5 AND)
11.6, ARIZONA RULES OF CRIMINAL)
PROCEDURE) FILED 09/02/2010
)
)
_____)

**ORDER
AMENDING RULES 11.5 AND 11.6, ARIZONA RULES OF CRIMINAL PROCEDURE, ON
A PERMANENT BASIS**

These rules were amended on an emergency basis effective September 30, 2009, with a comment period ending May 20, 2010. Upon consideration,

IT IS ORDERED adopting the attached rule changes on a permanent basis.

DATED this _____ day of September, 2010.

REBECCA WHITE BERCH
Chief Justice

TO:
Rule 28 Distribution
David K Byers
mwa

ATTACHMENT¹

Rule 11.5, Ariz. R. Crim. P.

Rule 11.5. Hearing and orders

(a) through (d). [No changes]

e. Calculation of time. The court shall only consider the time a defendant actually spends in a restoration to competency program when calculating the time requirements pursuant to subsection A of A.R.S. § 13-4515.

Rule 11.6, Ariz. R. Crim. P.

Rule 11.6. Subsequent hearings

(a) through (d). [No changes]

e. Dismissal of Charges. The court may in its discretion order the dismissal of the charges against any defendant adjudged incompetent at any time, after providing notice and a hearing pursuant to A.R.S. § 13-4515B(C). Upon dismissal of the charges the defendant shall be released from custody unless the court finds that the defendant's condition warrants a civil commitment hearing pursuant to ~~A.R.S. § 36-501~~ Title 36, Chapter 5.

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.