

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)
)
)
_____)

**ORDER
AMENDING RULES 11.5 AND 11.6, ARIZONA RULES OF CRIMINAL PROCEDURE, ON
AN EMERGENCY BASIS**

A petition having been filed proposing to amend Rules 11.5 and 11.6, Arizona Rules of Criminal Procedure, on an emergency basis, upon consideration,

IT IS ORDERED that Rules 11.5 and 11.6, Arizona Rules of Criminal Procedure, be amended on an emergency basis pursuant to Rule 28(G), Rules of the Supreme Court, in accordance with the attachment hereto, effective September 30, 2009.

IT IS FURTHER ORDERED that this matter shall be opened for comment in accordance with Rule 28(G)(2), Rules of the Supreme Court, until May 20, 2010.

DATED this _____ day of September, 2009.

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~~.