

House Engrossed

arrest procedures; magistrates

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 73
HOUSE BILL 2066

AN ACT

AMENDING SECTIONS 13-3898, 13-3900, 13-3963 AND 13-3964, ARIZONA REVISED
STATUTES; RELATING TO ARREST.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3898, Arizona Revised Statutes, is amended to
3 read:

4 13-3898. Arrest without warrant; magistrate; complaint

5 A. A person WHO IS arrested without a warrant shall without
6 unnecessary delay be taken before the nearest or most accessible
7 magistrate in the county in which the arrest occurs OR, IF THE OFFENSE
8 THAT THE PERSON IS BEING ARRESTED FOR WAS COMMITTED IN ANOTHER COUNTY,
9 BEFORE EITHER THE NEAREST OR MOST ACCESSIBLE MAGISTRATE IN THE COUNTY IN
10 WHICH THE ARREST OCCURS OR A MAGISTRATE IN THE COUNTY WHERE THE OFFENSE
11 WAS COMMITTED, and a complaint shall be made before the magistrate setting
12 forth the facts, and the basis for his statement of the facts, showing the
13 offense for which the person was arrested.

14 B. ~~The provisions of~~ Subsection A of this section ~~shall~~ DOES not
15 apply ~~where~~ IF the person making the arrest is a peace officer and decides
16 to proceed under the provisions of section 13-3903.

17 Sec. 2. Section 13-3900, Arizona Revised Statutes, is amended to
18 read:

19 13-3900. Duty of private person after making arrest

20 A private person who has made an arrest shall without unnecessary
21 delay take the person arrested before the nearest or most accessible
22 magistrate in the county in which the arrest was made, ~~or~~ deliver ~~him~~ THE
23 PERSON ARRESTED to a peace officer, who shall without unnecessary delay
24 take ~~him~~ THE PERSON ARRESTED before ~~such~~ EITHER THE NEAREST OR MOST
25 ACCESSIBLE magistrate IN THE COUNTY IN WHICH THE ARREST OCCURS OR, IF THE
26 OFFENSE THAT THE PERSON IS BEING ARRESTED FOR WAS COMMITTED IN ANOTHER
27 COUNTY, BEFORE EITHER THE NEAREST OR MOST ACCESSIBLE MAGISTRATE IN THE
28 COUNTY IN WHICH THE ARREST OCCURS OR A MAGISTRATE IN THE COUNTY WHERE THE
29 OFFENSE WAS COMMITTED. The private person or PEACE officer ~~so taking~~ WHO
30 TAKES the person arrested before the magistrate shall make before the
31 magistrate a complaint, which shall set forth the facts showing the
32 offense for which the person was arrested. If, ~~however,~~ the PEACE officer
33 cannot make the complaint, the private person who delivered the person
34 arrested to the PEACE officer shall accompany the PEACE officer before the
35 magistrate and shall make to the magistrate the complaint against the
36 person arrested.

37 Sec. 3. Section 13-3963, Arizona Revised Statutes, is amended to
38 read:

39 13-3963. Arrest with warrant; admission to bail when arrest
40 occurs in another county

41 A. When an arrest by virtue of a warrant occurs in a county other
42 than that in which the alleged offense was committed ~~and the warrant~~
43 ~~issued~~, THE PERSON ARRESTED SHALL WITHOUT UNNECESSARY DELAY BE TAKEN
44 EITHER BEFORE THE NEAREST OR MOST ACCESSIBLE MAGISTRATE IN THE COUNTY IN

1 WHICH THE ARREST OCCURS OR A MAGISTRATE IN THE COUNTY IN WHICH THE OFFENSE
2 WAS COMMITTED.

3 B. If the person arrested is bailable as of right in respect of the
4 offense set forth in the warrant AND THE WARRANT INCLUDES A BOND AMOUNT,
5 the officer making the arrest ~~shall, upon~~ ON being so ~~required~~ REQUESTED
6 by the person arrested, SHALL take ~~him~~ THE PERSON ARRESTED before a
7 magistrate or other official of ~~such~~ THE county IN WHICH THE ARREST OCCURS
8 OR THE COUNTY IN WHICH THE OFFENSE WAS COMMITTED having authority to admit
9 THE PERSON ARRESTED to bail ~~for such offense~~, who shall admit ~~him~~ THE
10 PERSON ARRESTED to bail ~~for his appearance before the magistrate who~~
11 ~~issued the warrant or, if he is absent or unable to act, before the~~
12 ~~nearest or most accessible magistrate in the same county~~ AND ORDER THE
13 PERSON ARRESTED TO APPEAR IN THE COURT THAT ISSUED THE WARRANT.

14 Sec. 4. Section 13-3964, Arizona Revised Statutes, is amended to
15 read:

16 13-3964. Bail when warrant issued in other county

17 A. If the person arrested is bailable as of right in respect of the
18 offense set forth in the warrant AND THE WARRANT INCLUDES A BOND AMOUNT,
19 the officer making the arrest ~~shall, upon~~ ON being so ~~required~~ REQUESTED
20 by the person arrested, SHALL take ~~him~~ THE PERSON ARRESTED EITHER:

21 1. Before a magistrate or other official, having authority to admit
22 to bail for such offense, of the county in which the arrest is made, who
23 shall admit ~~him~~ THE PERSON ARRESTED to bail ~~for his appearance before the~~
24 ~~magistrate named or otherwise designated in the warrant or, if he is~~
25 ~~absent or unable to act, before the nearest or most accessible magistrate~~
26 ~~in such county~~.

27 2. BEFORE A MAGISTRATE OR OTHER OFFICIAL OF THE COUNTY IN WHICH THE
28 OFFENSE WAS COMMITTED WHO HAS THE AUTHORITY TO ADMIT TO BAIL FOR THE
29 OFFENSE AND WHO SHALL ADMIT THE PERSON ARRESTED TO BAIL.

30 B. THE MAGISTRATE OR OTHER OFFICIAL WHO ADMITS THE PERSON ARRESTED
31 TO BAIL SHALL ORDER THE PERSON ARRESTED TO APPEAR IN THE COURT THAT ISSUED
32 THE WARRANT.

APPROVED BY THE GOVERNOR MARCH 23, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 23, 2021.