



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

Senate: JUD DP 7-1-0-0 | 3rd Read 18-12-0-0

SB 1226: issuance; affidavit; arrest warrant

Sponsor: Senator Boyer, LD 20

Committee on Judiciary

Overview

Establishes criteria for the issuance and form of an arrest warrant.

History

An arrest is made by either restraining a person or that person submitting to custody of the person making the arrest ([A.R.S. § 13-3881](#)). While an arrest may be made by a peace officer without a warrant under certain circumstances, separate methods of arrest are required when an arrest warrant is issued ([A.R.S. § 13-3883](#)).

Specifically, the peace officer making the arrest pursuant to a warrant must inform the person arrested of both the cause of the arrest and that a warrant had been issued. This requirement is waived if the arrested person flees, forcible resists or doing so would imperil the arrest ([A.R.S. § 13-3887](#)). Following the arrest, the peace officer has a duty to present the arrested individual to the magistrate who issued the warrant or the nearest and most accessible magistrate in that county ([A.R.S. § 13-3897](#)).

Provisions

1. Directs a magistrate to issue an arrest warrant after reviewing a sworn affidavit from a peace officer if there is probable cause that both:
 - a) A specific offense has been committed; and
 - b) A particular person committed that offense. (Sec. 1)
2. Requires an arrest warrant to be in a form substantially similar to one adopted by the Arizona Supreme Court. (Sec. 1)
3. Defines *arrest warrant*. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note