

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-16-0035
RULE 15.1(j), RULES OF CRIMINAL)
PROCEDURE)
)
)
)
) **FILED 12/14/2016**
)
_____)

**ORDER
AMENDING RULE 15.1(j), ARIZONA RULES OF CRIMINAL PROCEDURE, ON A
PERMANENT BASIS**

Rule 15.1(j), Arizona Rules of Criminal Procedure, was amended by the Court on an emergency basis, effective May 11, 2016, with a comment period ending September 23, 2016. Comments having been received and considered,

IT IS ORDERED that Rule 15.1(j), Arizona Rules of Criminal Procedure, be amended on a permanent basis in accordance with the attachment hereto.

DATED this 14th day of December, 2016.

_____/s/
SCOTT BALES
Chief Justice

TO:

Rule 28 Distribution

David K Byers

James J Haas

Ashley R Meyer

Philip O Beatty

John A Furlong

ATTACHMENT*

Arizona Rules of Criminal Procedure

Rule 15.1. Disclosure by state.

(a) through (i) [no changes]

j. Reproduction or Release for Inspection of Items Prohibited by Title 13, Chapter 35.1 or Images that Gave Rise to a Prosecution Under A.R.S. § 13-1425. Except as provided below, nothing in this rule shall be construed to require the prosecutor to reproduce or release for testing or examination any items listed in Rule 15.1(b)(5) if the production or possession of the items is otherwise prohibited by Title 13, Chapter 35.1 or is an image that is the subject of a prosecution under A.R.S. § 13-1425. The prosecutor shall make such items reasonably available for inspection with such conditions as are necessary to protect the rights of victims. Upon a substantial showing by a defendant that reproduction or release for examination or testing of any particular item is required for the effective investigation or presentation of a defense, such as for expert analysis, the court may require reproduction or release for examination or testing of that item, subject to such terms and conditions as are necessary to protect the rights of victims, to document the chain of custody, and to protect physical evidence. Reproduction of or release for examination and testing of such items shall be subject, in addition to such other terms and conditions as are ordered by the court in any particular case, to the following restrictions: (1) the item shall not be further reproduced or distributed except as allowed in the court's order; (2) the item shall only be viewed or possessed by the persons listed in the court's order; (3) the item shall not be possessed by or viewed by the defendant outside the direct supervision of defense counsel, advisory counsel, or defense expert; (4) the item must first be delivered to defense counsel or advisory counsel, or if expressly permitted by order of the court, to a specified defense expert; (5) defense counsel or advisory counsel shall be accountable to the court for any violation of the court order or this Rule; and (6) the item shall be returned to the prosecutor by a deadline ordered by the court.

* Additions to text are indicated by underscoring and deletions by ~~strikeouts~~.