

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-20-0011
RULE 404(b), RULES OF EVIDENCE)
)
)
) **FILED: 8/27/2020**
)
)
_____)

**ORDER
AMENDING RULE 404(b) OF THE
ARIZONA RULES OF EVIDENCE**

A petition having been filed to amend Rule 404(b) of the Arizona Rules of Evidence, and a comment having been received proposing additional amendments, and having considered the petition and comment, along with other related changes to Rule 404(b) proposed in Rule Petition R-20-0011,

IT IS ORDERED that Rule 404(b) of the Arizona Rules of Evidence is amended in accordance with the attachment to this order, effective January 1, 2021.

DATED this 27th day of August, 2020.

_____/s/_____
ROBERT BRUTINEL
Chief Justice

Arizona Supreme Court No. R-20-0011

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TO:

Rule 28 Distribution

Hon. Sara J Agne

Hon. Maria Elena Cruz

David J Euchner

ATTACHMENT¹
ARIZONA RULES OF EVIDENCE

Rule 404. Character Evidence ~~n~~Not Admissible to Prove Conduct; Exceptions; Other Crimes, Wrongs, or Acts

* * *

(b) Other crimes, wrongs, or acts.

(1) Prohibited uses. Except as provided in Rule 404(c) evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith.

(2) Permitted uses. ~~It~~ This evidence may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

(3) Notice in a criminal case. In all criminal cases in which the state intends to offer evidence of other crimes, wrongs, or acts under Rule 404(b), the state must:

(A) make disclosure to the defendant as to such acts as required by Rule 15.1, Rules of Criminal Procedure, no later than 45 days before the final trial setting or at such later time as the court may allow for good cause; and

(B) articulate in the disclosure the permitted purpose for which the state intends to offer the evidence and the reasoning that supports the purpose. The defendant must make disclosure as to rebuttal evidence pertaining to such acts as required by Rule 15.2, no later than 20 days after receipt of the state's disclosure or at such other time as the court may allow for good cause.

* * *

Comment to 2021 Amendment

Rule 404(b) was amended effective January 1, 2021, to conform to the changes made to Federal Rule of Evidence 404(b) that took effect on December 1, 2020.

¹ Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike-through~~.