

IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-03-0008

FILED

OCT 16 2003

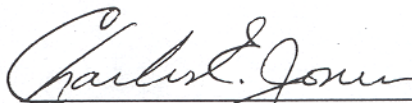
NOEL K. DESSAINT
CLERK SUPREME COURT
BY

ORDER AMENDING RULES 803 AND 902,
ARIZONA RULES OF EVIDENCE

IT IS ORDERED that Rules 803 and 902, Arizona Rules of Evidence, be amended in accordance with the attachment hereto,* effective as of December 1, 2003.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 16th day of October 2003.

For the Court:



CHARLES E. JONES
Chief Justice

* Changes or additions in text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.

ARIZONA RULES OF EVIDENCE

* * * *

Rule 803. Hearsay Exceptions; Availability of Declarant Immaterial

The following are not excluded by the hearsay rule, even though the declarant is available as a witness:

(1)-(5) [No change in text.]

(6) Records of regularly conducted activity. A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, if:

- (a) Made at or near the time of the underlying event,
- (b) by, or from information transmitted by, a person with first hand knowledge acquired in the course of a regularly conducted business activity,
- (c) made and kept entirely in the course of that regularly conducted business activity,
- (d) pursuant to a regular practice of that business activity; and
- (e) all the above are shown by the testimony of the custodian or other qualified witness, or by certification that complies with Rule 902(11).

However, such evidence shall not be admissible if the source of information or the method or circumstances of preparation indicate a lack of trustworthiness or to the extent that portions thereof lack an appropriate foundation.

The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

(7)-(25) [No change in text.]

* * * *

Rule 902. Self-Authentication

Extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the following:

(1)-(10) [No change in text.]

(11) Certified domestic records of regularly conducted activity. The

original or a duplicate of a domestic record of regularly conducted activity that would be admissible under Rule 803(6) if accompanied by a written declaration of its custodian or other qualified person certifying that the record:

(a) was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;

(b) was kept in the course of the regularly conducted activity; and

(c) was made by the regularly conducted activity as a regular practice.

A party intending to offer a record into evidence under this paragraph must provide written notice of that intention to all adverse parties, and must make the record and declaration available for inspection sufficiently in advance of their offer into evidence to provide an adverse party with a fair opportunity to challenge them.

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