

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. R-23-0043  
RULE 123(d) (7), RULES OF THE )  
SUPREME COURT )  
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 ) **FILED:09/07/2023**  
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**O R D E R**

On September 1, 2023, David K. Byers, Administrative Director of the Administrative Office of the Courts, filed a rule petition proposing to amend Rule 127(d) (7) of the Rules of the Supreme Court of Arizona Supreme Court. The amendments would establish provisions restricting public access in cases opened under recently enacted A.R.S. Title 36, Chapter 40 involving defendants who have been involuntarily committed after a finding of incompetence and being dangerous under recently enacted A.R.S. § 13-4521. Both sets of statutory provisions go into effect on January 1, 2024.

To ensure that the Court considers the petition before these new statutory provisions go into effect, Petitioner further requests that the petition be given expedited consideration under Rule 28(h) (1), Rules of the Supreme Court of Arizona, and be adopted on an emergency basis, effective January 1, 2024, under Rule 28(h) (2) of the same rules.

Upon consideration,

**IT IS ORDERED** granting the request to consider this petition on an expedited basis.

**IT IS FURTHER ORDERED** that during its December 2023 Rules Agenda, the Court will consider whether to adopt on an emergency basis the proposed amendments to Rule 127(d)(7) of the Rules of the Supreme Court of Arizona. If it does, the Court will consider whether to adopt the rule amendments on a permanent basis during its August 2024 Rules Agenda. If it decides not to adopt the proposed rule amendments on an emergency basis, the Court will decide whether to adopt them on a non-emergency basis during its August 2024 Rules Agenda.

**IT IS FURTHER ORDERED** that this petition is opened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, with all comments due no later than October 27, 2023, and any reply due no later than November 6, 2023. Unless the Court denies the rule petition during the December 2023 Rules Agenda, the petition will be reopened for public comment until May 1, 2024, with any reply due June 3, 2024.

The petition may be viewed by going to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules,

for example, Rules of Criminal Procedure, which is found by scrolling down the page.

For instructions on how to post comments electronically, click on <https://www.azcourts.gov/rules/Forum-FAQ> at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"

Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment."

Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail.

DATED this 7<sup>th</sup> day of September, 2023.

/s/  
\_\_\_\_\_  
ROBERT BRUTINEL  
Chief Justice

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TO:

Rule 28 Distribution  
David K Byers