

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
RULE 412, RULES OF) No. R-24-0018
EVIDENCE)
)
)
) **FILED 08/22/2024**
)
_____)

**ORDER AMENDING RULE 412 OF
THE ARIZONA RULES OF EVIDENCE**

A petition having been filed proposing to amend Rule 412 of the Arizona Rules of Evidence, and comments having been received, upon consideration,

IT IS ORDERED that Rule 412 of the Arizona Rules of Evidence is amended in accordance with the attachment to this order, effective January 1, 2025.

DATED this 22nd day of August, 2024.

_____/s/
ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution
Hon. Sara J Agne
Hon. Maria Elena Cruz
Seth Young
Brooke Norton
Brock Meyer
Hon. Samuel A Thumma
David J Euchner
Erin K Sutherland
Lisa M Panahi

ATTACHMENT¹

ARIZONA RULES OF EVIDENCE

~~Rule 412. Sex-Offense Cases: The Victim's Sexual Behavior or Predisposition~~

~~<Not adopted.>~~

Rule 412. The Victim's Sexual Behavior or Predisposition in Non-Criminal Cases

(a) Prohibited Uses. In proceedings involving alleged sexual misconduct where A.R.S. § 13-1421 does not apply, the following evidence is not admissible:

- (1) evidence offered to prove that a victim engaged in other sexual behavior; or
- (2) evidence offered to prove a victim's sexual predisposition.

(b) Exceptions. The court may admit evidence offered to prove a victim's sexual behavior or sexual predisposition if its probative value substantially outweighs the danger of harm to any victim and of unfair prejudice to any party. The court may admit evidence of a victim's reputation only if the victim has placed it in controversy.

Comment to 2025 Amendment

Rule 412 was adopted effective January 1, 2025, to conform to Federal Rule of Evidence 412 in cases where A.R.S. § 13-1421 (Evidence relating to victim's chastity; pretrial hearing) does not apply.

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