

TO:

Rule 28 Distribution
Hon Sara J Agne
Hon. Maria Elena Cruz
Hon. Samuel A Thumma
Lisa M Panahi

ATTACHMENT¹

ARIZONA RULE OF EVIDENCE 801

Rule 801. Definitions That Apply to This Article; Exclusions from Hearsay

(a)-(c) [No change]

(d) **Statements That Are Not Hearsay.** A statement that meets the following conditions is not hearsay.

(1) [No change]

(2) *An Opposing Party's Statement.* The statement is offered against an opposing party and:

(A)-(D) [No change]

(E) was made by the party's coconspirator during and in furtherance of the conspiracy.

The statement must be considered but does not by itself establish the declarant's authority under (C); the existence or scope of the relationship under (D); or the existence of the conspiracy or participation in it under (E).

If a party's claim, defense, or potential liability is directly derived from a declarant or the declarant's principal, a statement that would be admissible against the declarant or the principal under this rule is also admissible against the party.

Comment to 2025 Amendment

Subsection (d)(2) was amended by adding the last sentence to conform to the 2024 amendment to Federal Rule of Evidence 801(d)(2). The federal Committee Note to the 2024 amendment includes examples that may be helpful to understanding the amendment.

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