

Arizona Supreme Court No. R-24-0021

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TO:

Rule 28 Distribution

Hon. Sara J Agne

Hon. Maria Elena Cruz

Karen Smith

ATTACHMENT¹

ARIZONA RULES OF EVIDENCE

Rule 804. Exceptions to the Rule Against Hearsay—When the Declarant Is Unavailable as a Witness

(a) [No change]

(b) **The Exceptions.** [No change]

(1)-(2) [No change]

(3) *Statement Against Interest.* A statement that:

(A) [No change]

(B) if offered in a criminal case as one that tends to expose the declarant to criminal liability, is supported by corroborating circumstances that clearly indicate its trustworthiness, ~~if it is offered in a criminal case as one that tends to expose the declarant to criminal liability~~ after considering the totality of circumstances under which it was made and any evidence that supports or undermines it.

(4)-(6) [No change]

Comment to 2025 Amendment

Subsection (b)(3)(B) was amended to conform to the 2024 amendment to Federal Rule of Evidence 804(b)(3)(B).

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