

SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-25-0035
RULE 39(b)(12), RULES OF	)	
CRIMINAL PROCEDURE	)	
	)	FILED 8/28/2025
	)	
	)	
_____	)	

**ORDER AMENDING RULE 39(b)(12) OF
THE RULES OF CRIMINAL PROCEDURE**

A petition having been filed proposing to amend Rule 39(b)(12) of the Rules of Criminal Procedure, and comments having been received, upon consideration,

IT IS ORDERED that Rule 39(b)(12) of the Rules of Criminal Procedure is amended in accordance with the attachment to this order, effective January 1, 2026.

DATED this 28th day of August, 2025.

_____/28/
ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution

Lisa M Panahi

Elizabeth Burton Ortiz

Arizona Prosecuting Attorneys' Advisory Council

Blaine D Gadow

Rosemarie Pena-Lynch

Steve B Koestner

Sherri McGuire Lawson

Gary M Kula

Shannon L Burns

Lina G Garcia

Jared G Keenan

Kathleen E Brody

ATTACHMENT¹

RULES OF CRIMINAL PROCEDURE

Rule 39. Victims' Rights

(a) [No change]

(b) Victims' Rights.

(1)-(11) [No change]

(12) the right to refuse an interview, deposition, or other discovery request by the defendant, the defendant's attorney, or other person acting on the defendant's behalf, and:

(A) the defense must communicate requests to interview a victim to the prosecutor, not the victim; Defense counsel or an unrepresented defendant may request an interview with the victim by filing a written request with the court or making the request at a court hearing. Thereafter:

(i) the prosecutor must act diligently to convey the request to the victim;

(ii) no later than 30 days after the notice of request is filed or made on the record before the court, the prosecutor must notify defense counsel or an unrepresented defendant and the court of: the date(s) the prosecutor conveyed or attempted to convey the request; the means by which the prosecutor conveyed or attempted to convey the request; whether the victim wants the prosecutor to be present at the defense interview; and the date the victim responded to the request;

(iii) a victim's response to such requests must be communicated through the prosecutor;

(iv) if a victim consents to or declines an interview after the prosecutor provides the notice described in (12)(A)(ii), the prosecutor must promptly notify defense counsel or unrepresented defendant and the court in accord with (12)(A)(ii).

(B) before the start of a defense interview, among other rights, the victim must be advised that the victim maintains:

(i) the right to refuse an interview,

(ii) the right to be treated with fairness, respect and dignity,

(iii) the right to be free from intimidation, harassment, or abuse,

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

(iv) the right to terminate the contact or interview at any time for any reason,

(v) the right to confer with the prosecutor, and

(vi) all other applicable statutory and constitutional rights;

(C) **[No change]**

(13)-(18) **[No change]**

(c)-(h) **[No change]**