

SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-25-0034
RULES 12.10, 12.7, 12.21 AND	)	
12.25, RULES OF CRIMINAL	)	FILED 8/28/2025
PROCEDURE	)	
	)	
	)	
	)	
	)	

**ORDER ADOPTING NEW RULE 12.10, AMENDING RULES 12.21 AND 12.25,
AND CONTINUING THE PETITION'S CONSIDERATION AND REOPENING FOR
PUBLIC COMMENT MODIFIED AMENDMENTS TO RULE 12.7 OF THE RULES OF
CRIMINAL PROCEDURE**

On January 10, 2025, Judge Jennifer E. Green, Presiding Judge of the Criminal Department of the Superior Court in Maricopa County, filed a petition proposing to adopt a new Rule 12.10 and to amend Rules 12.7, 12.21, and 12.25 of the Rules of Criminal Procedure regarding grand jury confidentiality and grand jury evidence. After considering the petition, comments, and reply,

IT IS ORDERED that new Rule 12.10 of the Rules of Criminal Procedure is adopted in accordance with Attachment A to this order, effective January 1, 2026.

IT IS FURTHER ORDERED that Rules 12.21 and 12.25 of the Rules of Criminal Procedure are amended in accordance with Attachment B to this order, effective January 1, 2026.

IT IS FURTHER ORDERED continuing the petition's consideration on the proposed amendments to Rule 12.7 of the Rules of Criminal Procedure until the November 2025 Rules Agenda.

IT IS FURTHER ORDERED that this matter is reopened for public comment as to whether the proposed amendments to Rule 12.7 of the Rules of Criminal Procedure, as modified in accordance with the amendments shown on Attachment C to this order, should be adopted, with all comments due by no later than October 1, 2025. The Court will consider this issue at its November 2025 Rules Agenda.

Rule petitions, including this one, 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, the Rules of Criminal Procedure can be found by scrolling down the page.

For instructions on how to post comments electronically, follow the steps listed above and click on "FAQ" at the top of the "Welcome" page and then find "How do I file a comment on a Rule 28 petition?"

Alternatively, commenters may submit a comment by filing an original and one paper copy of the comment and one electronic copy of the written comment and any 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, Arizona 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 27th day of August, 2025.

/s/
ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution
Hon Jennifer E Green
Elizabeth Burton Ortiz
David J Euchner
Seth M Apfel
Krista Wood
Rosemarie Pena-Lynch
Steve B Koestner
Sherri McGuire Lawson
Gary M Kula
Shannon L Burns
Lina G Garcia

ATTACHMENT A
RULES OF CRIMINAL PROCEDURE
NEW RULE 12.10

Rule 12.10. Preservation of Grand Jury Evidence

(a) Transmittal. The foreperson must transmit all physical evidence, including records, presented to or considered by the grand jury to the superior court clerk. The clerk must preserve the evidence and make it available for inspection and viewing by the State, the court, and the defendant.

(b) Release or Retention. Nothing in this rule is intended to abrogate any right of a person under applicable law to possess or regain custody of physical evidence, but the court must impose limitations on access, use, transport, care, and disposal as necessary to ensure that the evidence is preserved.

ATTACHMENT B¹

RULES OF CRIMINAL PROCEDURE

Rule 12.21. Applicability of Other Provisions of Rule 12

The provisions of Rule 12 pertaining to grand juries also apply to state grand juries, except that Rule 12.22(a) [“Summons”] applies instead of Rule 12.1(a); Rule 12.22(d) [“Examination”] applies instead of Rule 12.1(b); Rule 12.25 [“Preservation of State Grand Jury Evidence”] applies instead of Rule 12.10; and Rule 12.28 [“Challenge to State Grand Jury Proceedings”] applies instead of Rule 12.8.

* * *

Rule 12.25. Preservation of State Grand Jury Evidence

(a) Transmittal. The foreperson must transmit all physical evidence, including records, presented to or considered by a state grand jury to the superior court clerk of the county ~~in which the assignment judge is serving where the state grand jury has been empaneled.~~ The clerk must preserve the evidence and make it available in the same manner as a transcript of grand jury proceedings for inspection and viewing by the State, the court, and the defendant.

(b) Release or Retention. Nothing in this rule is intended to abrogate any right of a person under applicable law to possess or regain custody of physical evidence, but ~~the assignment judge may~~ the court must impose limitations on access, use, transport, care, and disposal as ~~may be~~ necessary to ensure that the evidence is preserved.

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

ATTACHMENT C²

RULES OF CRIMINAL PROCEDURE

Rule 12.7. Record of Grand Jury Proceedings

(a) – (c) [No change]

(d) Grand Juror Names.

(1) Generally. The full names of grand jurors must not be set forth in grand jury transcripts. Grand jury transcripts may provide only the grand jurors' assigned grand juror numbers.

(2) Clerk's Duty. The superior court clerk must maintain a list of grand jurors' names and assigned grand juror numbers, but that list must be sealed and may only be viewed by a judicial officer, by employees of the clerk's office as needed to carry out superior court business, or as otherwise ordered by an appellate court.

(3) Exceptions.

(A) Requests under Rule 12.7(c). The list of grand jurors' names and assigned grand juror numbers may be made available to the State and the defendant upon a request for the grand jury transcripts made under Rule 12.7(c), subject to A.R.S. § 21-411.

(B) Motion. The list of grand jurors' names and assigned grand juror numbers may also be obtained by filing a motion with the court stating the grounds for disclosure and obtaining a court order. In determining whether to grant or deny the motion, the court must consider privacy and safety concerns of the grand jurors.

² Additions to the text of a rule are shown by underscoring.