

SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-25-0044
RULES 28.1 AND 28.2, RULES	)	
OF CRIMINAL PROCEDURE; VARIOUS	)	FILED 8/28/2025
OTHER RULE SETS	)	
	)	
	)	
	)	
	)	

**ORDER ADOPTING ON AN EMERGENCY BASIS
AMENDMENTS TO VARIOUS RULES
REGARDING RECORD RETENTION AND DISPOSITION**

On July 17, 2025, David K. Byers, Administrative Director of the Administrative Office of the Court, filed a petition proposing to amend various rules regarding record retention and disposition as recommended by the Advisory Committee on Evidence Retention. Having considered the petition and no comments having been yet received,

IT IS ORDERED that pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, (1) the Rules of Criminal Procedure, (2) the Rules of Civil Procedure, (3) the Rules of Family Law Procedure, (4) the Arizona Rules of Protective Order Procedure, (5) the Arizona Rules of Probate Procedure, (6) the Rules of Procedure for the Juvenile Court, (7) the Arizona Tax Court Rules of Practice, (8) the Rules of Procedure for Judicial Review of Administrative Decisions, (9) the Rules of Procedure

for Civil Traffic, Boating, Marijuana, and Parking and Standing Violations, (10) the Justice Court Rules of Civil Procedure, (11) the Rules of Small Claims Procedure, and (12) the Arizona Rules of Procedure for Eviction Actions are amended on an emergency basis in accordance with the attachment to this order, effective January 1, 2026.

IT IS FURTHER ORDERED that, consistent with the Court's June 17, 2025 order, the Court will consider whether to adopt the rule amendments on a permanent basis during its November 2025 Rules Agenda.

DATED this 26th day of August, 2025.

/s/
ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution
David K Byers

ATTACHMENT¹

RULES OF CRIMINAL PROCEDURE

Rule 28.1. Duties of Clerk

(a) Retention of Records and Evidence. The clerk receives and maintains illustrative aids used under Rule 107 of the Arizona Rules of Evidence and all court filings and evidence admitted in criminal cases, including:

- (1) exhibits offered for admission in evidence but not received in evidence; and
- (2) exhibits admitted in evidence.

(b) ~~Destruction~~ Disposition of Certain Records.

(1) *Generally.* When a case is no longer subject to modification, the clerk must ~~destroy~~ dispose of certain records under retention and ~~destruction~~ disposition schedules established by the Supreme Court.

(2) *Definition of “Subject to Modification.”* A criminal case is no longer “subject to modification:” when a defendant is acquitted on all charges. Absent an acquittal on all charges, a criminal case is no longer “subject to modification:”

~~(A) after the defendant is acquitted or the court dismisses with prejudice the charges against the defendant;~~

~~(B) 60 days after the entry of judgment and sentence, unless a party files a notice of appeal or a post-trial motion;~~

~~(C) 90 days after either a court denies a post-trial motion or receives an appellate court mandate affirming the defendant's conviction, unless a petition for writ of certiorari is filed with the United States Supreme Court;~~

~~(D) 25 days after the United States Supreme Court denies certiorari or issues a mandate affirming a conviction, unless a petition for rehearing is filed;~~

~~(E) after the United States Supreme Court denies a petition for rehearing; or~~

~~(F) one year after exhausting all state court remedies, if the defendant did not file a petition for habeas corpus, or~~

(B) 90 days after exhausting all federal remedies, if the defendant filed a petition for a writ of habeas corpus.

(3) *Definition of “All State Court Remedies Are Exhausted.”* All state court remedies are exhausted 90 days after:

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

(A) the trial court dismisses with prejudice the charges against the defendant, unless a party files a notice of appeal;

(B) the entry of judgment and sentence, unless a party files a notice of appeal or a post-trial motion;

(C) the trial court denies a post-trial motion, unless a party files a notice of appeal from that denial of that motion; or

(D) the trial court receives an appellate court mandate affirming.

(c) [No change]

* * *

Rule 28.2. Disposition of Evidence and Illustrative Aids

(a) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification under Rule 28.1, the clerk must ~~return~~ dispose of evidence ~~to the party who submitted it~~ and illustrative aids in the case as follows:

(1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.

(2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(b)-(d) [No change]

RULES OF CIVIL PROCEDURE

Rule 80.1. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

(1) all exhibits offered for admission in evidence but not received in evidence;

(2) all exhibits admitted in evidence; and

(3) any illustrative aid used under Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

(1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.

(2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims, unless a party files a notice of appeal;
- (2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;
- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or
- (4) the trial court receives an appellate court mandate affirming.

RULES OF FAMILY LAW PROCEDURE

Rule 90.1. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and
- (3) any illustrative aid used under Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

(1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.

(2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims, unless a party files a notice of appeal;
- (2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;
- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or
- (4) the trial court receives an appellate court mandate affirming.

ARIZONA RULES OF PROTECTIVE ORDER PROCEDURE

Rule 1. Scope and Applicability. Rules 2 through 42 govern procedures in Arizona courts for any case brought under Arizona Revised Statutes (“A.R.S.”) § 13-3602, Order of Protection; A.R.S. § 13-3624, Emergency Order of Protection; A.R.S. § 12-1809, Injunction Against Harassment; or A.R.S. § 12-1810, Injunction Against Workplace Harassment. Rules 3, 4, 42, and 43 govern procedures for any petition filed under A.R.S. § 13-719(D) for an Order for Lifetime No-Contact Injunction. Rule 44 applies to all protective order cases.

COMMENT

[No change]

* * *

Rule 3. Definitions

(a)-(f) [No change]

(g) “Protective order,” as used in Rules 1 and 4 through 42, means an Order of Protection, an Emergency Order of Protection, an Injunction Against Harassment, or an Injunction Against Workplace Harassment, except that “protective order” as used in Rules 1 and 4 also includes an Order for Lifetime No-Contact Injunction issued under A.R.S. § 13-719(D).

* * *

PART XII. MISCELLANEOUS

Rule 44. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and
- (3) any illustrative aid used under Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

(1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.

(2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) **Definition of “Subject to Modification.”** For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

(1) the trial court dismisses all claims, unless a party files a notice of appeal;

(2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;

(3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or

(4) the trial court receives an appellate court mandate affirming.

ARIZONA RULES OF PROBATE PROCEDURE

Rule 12.1. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

(1) all exhibits offered for admission in evidence but not received in evidence;

(2) all exhibits admitted in evidence; and

(3) any illustrative aid used. “Illustrative aid” has the meaning described in Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

(1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.

(2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims, unless a party files a notice of appeal;
- (2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;
- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or
- (4) the trial court receives an appellate court mandate affirming.

RULES OF PROCEDURE FOR THE JUVENILE COURT

Rule 110.1. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and
- (3) any illustrative aid used. “Illustrative aid” has the meaning described in Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

- (1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.
- (2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims, unless a party files a notice of appeal;
- (2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;

(3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or

(4) the trial court receives an appellate court mandate affirming.

ARIZONA TAX COURT RULES OF PRACTICE

Rule 18. Application of Small Tax Claims Rules

Rules 1 through 17 and 27 apply to all Tax Court cases, including Small Tax Claims. Rules 19 through 26 apply only to Small Tax Claims cases.

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Rule 27. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

(1) all exhibits offered for admission in evidence but not received in evidence;

(2) all exhibits admitted in evidence; and

(3) any illustrative aid used. “Illustrative aid” has the meaning described in Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

(1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.

(2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

(1) the trial court dismisses all claims, unless a party files a notice of appeal;

(2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;

(3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or

(4) the trial court receives an appellate court mandate affirming.

RULES OF PROCEDURE FOR JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS

Rule 11.1. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and
- (3) any illustrative aid used under Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

(1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.

(2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims, unless a party files a notice of appeal;
- (2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;
- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or
- (4) the trial court receives an appellate court mandate affirming.

RULES OF PROCEDURE FOR CIVIL TRAFFIC, BOATING, MARIJUANA, AND PARKING AND STANDING VIOLATIONS

Rule 24.2. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and

(3) any illustrative aid used. “Illustrative aid” has the meaning described in Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

(1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.

(2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

(1) the trial court dismisses all claims, unless a party files a notice of appeal;

(2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;

(3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or

(4) the trial court receives an appellate court mandate affirming.

JUSTICE COURT RULES OF CIVIL PROCEDURE

Rule 103.1. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

(1) all exhibits offered for admission in evidence but not received in evidence;

(2) all exhibits admitted in evidence; and

(3) any illustrative aid used under Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

(1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.

(2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims, unless a party files a notice of appeal;
- (2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;
- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or
- (4) the trial court receives an appellate court mandate affirming.

RULES OF SMALL CLAIMS PROCEDURE

Rule 18.1. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and
- (3) any illustrative aid used. “Illustrative aid” has the meaning described in Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

- (1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.
- (2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims;
- (2) the entry of a judgment, unless a party files a post-trial motion;
- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or
- (4) the trial court receives an appellate court mandate affirming.

ARIZONA RULES OF PROCEDURE FOR EVICTION ACTIONS

Rule 21. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and
- (3) any illustrative aid used under Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

(1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.

(2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims, unless a party files a notice of appeal;
- (2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;
- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or

(4) the trial court receives an appellate court mandate affirming.