

SUPREME COURT OF ARIZONA

In the Matter Of) Arizona Supreme Court
) No. R-08-0026
PETITION TO AMEND RULE 2 AND)
RULE 28.2, ARIZONA RULES OF)
CRIMINAL PROCEDURE)
)
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)
)

ORDER AMENDING RULE 28.2,
ARIZONA RULES OF CRIMINAL PROCEDURE, ON AN EMERGENCY BASIS

A petition has been filed proposing to amend Rule 28.2, Ariz. R. Crim. P., in order to implement Senate Bill 1412 (adding new A.R.S. §§ 13-3890 and 13-4221), which was passed in the Second Regular Session of the Forty-eighth Legislature (2008), with an effective date of January 1, 2009. Upon consideration,

IT IS ORDERED that Rule 28.2, Ariz. R. Crim. P., be amended on an emergency basis in accordance with the attachment hereto, effective January 1, 2009.

IT IS FURTHER ORDERED that the Petition shall be opened for public comment pursuant to Rule 28(C), Rules of the Supreme Court. The petition may be viewed by going to:
<http://www.supreme.state.az.us/> and clicking on "Court Rules Forum" under the heading "Quick Links". Comments shall be due on or before May 20, 2009.

Comments may be posted electronically by going to:
<http://www.supreme.state.az.us/>, clicking on "Court Rules Forum" and following the instructions for submitting a comment.

Alternatively, comments may be submitted by filing an original and six (6) paper copies and one copy of the written comments and supporting documents in Microsoft Word format on a CD, disk or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment".

Any person filing a comment shall send a copy thereof to Petitioner.

DATED this _____ day of December, 2008.

RUTH V. MCGREGOR
Chief Justice

TO:
Rule 28 Distribution

ATTACHMENT*

ARIZONA RULES OF CRIMINAL PROCEDURE

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RULE 28. RETENTION AND DESTRUCTION OF RECORDS AND EVIDENCE

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Rule 28.2. Disposition of evidence in the custody of the prosecutor or law enforcement agencies.

a. Discretionary Disposition. Unless the law establishes evidentiary retention requirements, ~~the~~ prosecutor or a law enforcement agency may, at any time, dispose of any item, or any part or portion thereof, seized or otherwise obtained for use in a criminal prosecution, in accordance with the procedures established by law and by this rule.

b.-g. [No change.]

* * *

* Changes and additions to text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.