

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-08-0037
PETITION TO AMEND RULE 39,)
ARIZONA RULES OF CRIMINAL)
PROCEDURE)
)
)
_____)

ORDER

A petition having been filed proposing to amend Rule 39(a)(1), Rules of Criminal Procedure, and comments having been received, upon consideration,

IT IS ORDERED that the petition to amend Rule 39(a)(1), Rules of Criminal Procedure, be adopted as modified in accordance with the attachment hereto, effective January 1, 2010.

DATED this _____ day of September, 2009.

Rebecca White Berch
Chief Justice

TO:
Rule 28 Distribution

ATTACHMENT*

1. *Victim.* As used in this rule, a "victim" is defined in accordance with the definition provided in the Arizona Revised Statutes ~~as a person against whom a criminal offense as defined by 13-4401(6) has allegedly been committed, or the spouse, parent, lawful representative, or child of someone killed or incapacitated by the alleged criminal offense, except where the spouse, parent, lawful representative, or child is also the accused.~~ With regard to the rights to be notified and to be heard pursuant to this rule, a person ceases to be a victim upon the acquittal of the defendant or upon the dismissal of the charges against the defendant as a final disposition. If a victim is in custody for an offense, the victim's right to be heard pursuant to this rule is satisfied through affording the victim the opportunity to submit a written statement, where legally permissible and in the discretion of the court. A victim not in custody may exercise his or her right to be heard pursuant to this rule by appearing personally, or where legally permissible and in the discretion of the court, by submitting a written statement, an audiotape or videotape. The victims' rights of any corporation, partnership, association, or other similar legal entity shall be limited as provided by statute.

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