

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

2024 JUN 12 PM 4:42 ✓

BONNA McQUALITY'S CLERK

IN THE MATTER OF: )  
)  
)  
RESTRICTIONS ON PERMITTING )  
HAZARDOUS EVIDENCE INSIDE A )  
COURTHOUSE )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER J. DEROIS  
BY: \_\_\_\_\_  
No. 2024-13

Due to the significant increase in court cases involving fentanyl and other similarly toxic and hazardous substances, The Task Force to Create Guidelines for the Handling of Fentanyl Evidence and Other Toxic Evidence in the Courthouse (“Task Force”) was established pursuant to Arizona Supreme Court Administrative Order No. 2022-62. The Task Force filed a petition with the Supreme Court proposing to amend Rule 611, Arizona Rules of Evidence to establish requirements for the handling of hazardous evidence in a courtroom. Subsequently, the Task Force reviewed the comments and filed a reply proposing to add this rule as Rule 124, Arizona Supreme Court Rules. On August 24, 2023, the Supreme Court promulgated Rule 124 Arizona Rules of the Supreme Court and added a comment referencing the new rule to Rule 611.

In order to protect the health and safety of all persons present in a courthouse, certain limitations and requirements in court practices are necessary for permitting any physical substance that a party seeks to bring into the courthouse that may create a substantial and serious risk of harm if ingested or absorbed, or if otherwise determined to create a substantial and serious risk of harm (“hazardous substances”).

As a result, pursuant to Article VI, Section 3, of the Arizona Constitution, the Supreme Court of Arizona issued Administrative Order No. 2024-81, which directs the presiding judge of

Clerk of Court (e)  
 J. Derois (e)  
 Court Reporter (e)  
( ) \_\_\_\_\_  
( ) \_\_\_\_\_  
( ) \_\_\_\_\_ ( ) Other \_\_\_\_\_

each appellate, superior, justice, and municipal court to put policies in place regarding restrictions on permitting hazardous evidence inside a courthouse.

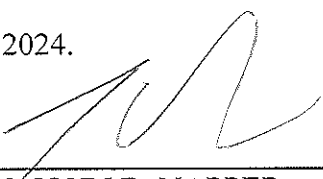
Therefore, IT IS ORDERED:

- 1) Hazardous substances are not permitted in the courthouse or in proceedings before the presiding disciplinary judge, absent a court order.
- 2) If a hazardous substance is brought into the courthouse by a law enforcement officer, law enforcement shall maintain possession. If the substance is brought into the courthouse by someone other than a law enforcement officer, either a court security officer or a law enforcement officer shall take possession of the substance.
- 3) A hazardous substance shall not be brought into the courtroom without the permission of the judge presiding over the case.
- 4) If a party has been granted permission to bring hazardous evidence into the courtroom,
  - a. Upon entry into the courthouse with the hazardous evidence, the party (or law enforcement officer) shall produce a copy of the signed order authorizing this permission to the court security officer(s).
  - b. The court security officer(s) shall notify the bailiff/courtroom security officer that the hazardous evidence is in the building.
  - c. If the hazardous evidence is brought into the courthouse by someone other than a law enforcement officer, the court security officer shall turn the substance over to a bailiff/courtroom security officer. The bailiff/courtroom security officer shall maintain possession of the

substance for the duration of the proceedings and shall ensure that the substance does not remain in the courthouse upon conclusion of the proceedings, or at the end of each day.

- d. Court security officer(s) may deem it appropriate, for any reason, to summon a law enforcement officer to take possession of the substance, maintain possession of the substance for the duration of the proceedings, and ensure the substance does not remain in the courthouse upon conclusion of the proceedings, or at the end of each day.
  - e. Failure to produce a signed order granting the use of hazardous evidence in a court proceeding shall result in refusal by the court security officer(s) to allow the evidence to enter the courthouse.
- 5) Naloxone Hydrochloride or Narcan shall be available in all courthouses where there is a court security officer assigned.
- 6) All court security officers, courtroom security officers, and bailiffs shall be trained on the administration of Naloxone Hydrochloride or Narcan.

DATED at Prescott, Arizona, on the 12 day of June, 2024.

  
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HON. JOHN D. NAPPER  
Presiding Judge