

# THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE PROPOSED  
AMENDMENTS TO CrR 4.7—DISCOVERY AND  
CrRLJ 4.7—DISCOVERY

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## **ORDER**

NO. 25700-A-1593

The King County Department of Public Defense, the Washington State Office of Public Defense, and the Washington Defender Association, having recommended the adoption of the proposed amendments to CrR 4.7—Discovery and CrRLJ 4.7—Discovery, and the Court having considered the proposed amendments, and a majority having determined that the proposed amendments as revised by the Court will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the revised proposed amendments as attached hereto are adopted.
- (b) That pursuant to the emergency provisions of GR 9(j)(1), the revised proposed amendments will be expeditiously published in the Washington Reports and will become effective upon publication.

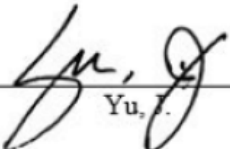
ORDER

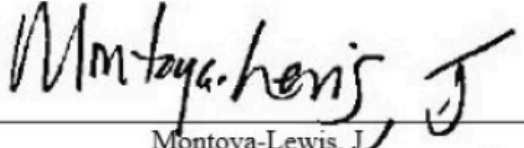
IN THE MATTER OF THE PROPOSED AMENDMENTS TO CrR 4.7—DISCOVERY AND  
CrRLJ 4.7—DISCOVERY

DATED at Olympia, Washington this 5th day of September, 2024.

  
González, C.J.

  
Gordon McCloud, J.

  
Yu, J.

  
Montoya-Lewis, J.

  
Whitener, J.

**CrR 4.7**  
**DISCOVERY**

(a)-(g) [Unchanged.]

**(h) Regulation of Discovery.**

(1)-(2) [Unchanged.]

(3) *Custody of Materials.* Any materials furnished to ~~an~~ a defendant and/or attorney pursuant to these rules shall remain in the exclusive custody of the defendant and/or attorney and be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court, and shall be subject to such other terms and conditions as the parties may agree or the court may provide. ~~Further, a defense attorney shall be permitted to provide a copy of the materials to the defendant after making appropriate redactions which are approved by the prosecuting authority or order of the court.~~ Further, each Municipal, District and Superior Court shall, through the local rule-making process under CrR/CrRLJ 1.7, publish guidelines for redactions within three months of adoption of this rule. Defense counsel may redact discovery consistent with these guidelines and provide a copy of the discovery to the accused and shall provide a copy of the redacted discovery to the prosecutor. Each defense attorney shall maintain a duplicate copy of discovery furnished to the represented defendant that show the redactions made in accordance with this court rule. The duplicate copy of discovery with redactions shall be kept in the defendant's case file for the duration of the case.

(A) A prosecuting attorney may motion the court for an order to modify redactions beyond the court's published guidelines by scheduling a hearing within seven days of the discovery being provided to defense counsel to address what additional redactions beyond their guidelines are required.

(B) A defense attorney may motion the court for an order to modify redaction conditions.

(4)-(7) [Unchanged.]

Comment

[Unchanged.]

**CrRLJ 4.7**  
**DISCOVERY**

(a)-(f) [Unchanged.]

**(g) Regulation of Discovery.**

(1)-(2) [Unchanged.]

(3) *Custody of Materials.* Any materials furnished to a ~~lawyer~~ defendant and/or attorney pursuant to these rules shall remain in the exclusive custody of the ~~lawyer~~ defendant and/or attorney and be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court, and shall be subject to such other terms and conditions as the parties may agree or the court may provide. ~~Further, a defense lawyer shall be permitted to provide a copy of the materials to the defendant after making appropriate redactions which are approved by the prosecuting authority or order of the court. Further, each Municipal, District and Superior Court shall, through the local rule-making process under CrR/CrRLJ 1.7, publish guidelines for redactions within three months of adoption of this rule. Defense counsel may redact discovery consistent with these guidelines and provide a copy of the discovery to the accused and shall provide a copy of the redacted discovery to the prosecutor. Each defense attorney shall maintain a duplicate copy of discovery furnished to the represented defendant that show the redactions made in accordance with this court rule. The duplicate copy of discovery with redactions shall be kept in the defendant's case file for the duration of the case.~~

(A) A prosecutor attorney may motion the court for an order to modify redactions beyond the court's published guidelines by scheduling a hearing within seven days of the discovery being provided to defense counsel to address what additional redactions beyond their guidelines are required.

(B) A defense attorney may motion the court for an order to modify redaction conditions.

(4)-(7) [Unchanged.]