

WSR 26-02-025
RULES OF COURT
STATE SUPREME COURT
[December 4, 2025]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO CrR/CrRLJ 4.7—) NO. 25700-A-1680
DISCOVERY)

The Supreme Court Rules Committee, having recommended the proposed amendments to CrR/CrRLJ 4.7—Discovery, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2026.

(b) The purpose statement as required by GR 9(e) is published solely for the information of the Bench, Bar, and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2026. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 4th day of December, 2025.

For the Court

Stephens, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET
PROPOSED AMENDMENTS TO CrR/CrRLJ 4.7

- 1. Proponent: Supreme Court Rules Committee.
2. Spokesperson: Rules Committee Chair. Inquiries may also be directed to Rules Committee staff David Ward (david.ward@courts.wa.gov).
3. Purpose: To establish a uniform state court rule regarding redactions to be made before criminal defense attorneys provide a copy of discovery materials to their clients.

Currently, CrR 4.7 (h) (3) and CrRLJ 4.7 (g) (3) permit a defense attorney to provide a copy of discovery materials to the defendant after making "appropriate redactions" that are approved by the prosecuting authority or by order of the court.

On September 5, 2024, the Court adopted proposed amendments to CrR/CrRLJ 4.7 that would have required each superior, district, and municipal court to publish guidelines for redaction through the local rule-making process. Order No. 25700-A-1593. Under those proposed amendments, defense counsel would have been permitted to provide a copy of discovery to their clients after making redactions consistent with the guidelines established by local rule.

On December 5, 2024, in response to a request from the Superior Court Judges' Association (SCJA) and the District and Municipal Court

Judges' Association (DMCJA), the Court stayed the requirement for local rule-making until April 30, 2025. Order No. 25700-A-1624. The SCJA and DMCJA suggested a better alternative to local rule-making would be "the implementation of a uniform redaction rule, created by the Supreme Court Rules Committee with input from stakeholders statewide and in accordance with the Committee's own rulemaking procedures." *Id.*

After the stay was entered, a group of criminal justice stakeholders that included defense attorneys, prosecutors, and representatives from the SCJA and DMCJA attempted to reach consensus on a uniform rule for redacting discovery. However, the stakeholder group was unable to reach consensus on all issues.

On April 2, 2025, the Court issued an order rescinding the amendments to CrR 4.7 (h) (3) and CrRLJ 4.7 (g) (3) that had previously been adopted by the September 5, 2024 order. See Order No. 25700-A-1629. The Court found that "developing a uniform state court rule for redaction of discovery under CrR 4.7 and CrRLJ 4.7 would be preferable to requiring each Superior, District, and Municipal Court to adopt local rules regarding redaction" and indicated that "[t]he Court's Rules Committee intends to draft a uniform state court rule for redaction of discovery which shall be published for comment." *Id.* Consistent with that order, the Rules Committee's proposed rule is attached for consideration.

4. Hearing: A public hearing is not requested.

5: Expedited Consideration: Expedited consideration is requested.

**RULES COMMITTEE'S PROPOSED AMENDMENTS TO
CrR 4.7—DISCOVERY**

(a)-(g) [Unchanged.]

(h) Regulation of Discovery.

(1)-(2) [Unchanged.]

(3) *Custody of Materials.* Any materials furnished to ~~a~~ 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 lawyer shall be permitted to provide a copy of the materials to the defendant after making appropriate redactions that are approved by the prosecuting authority or order of the court. Further, defense counsel may redact discovery consistent with the requirements of subsection (C) of this rule 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 shows the redactions made in accordance with this 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 move the court for an order to modify redactions beyond those made pursuant to this rule by scheduling a hearing within seven days of the discovery being provided to defense counsel to address what additional redactions beyond those made pursuant to this rule are required.

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

(C) Defense counsel may provide a copy of discovery to the accused after making redactions consistent with the following requirements:

(i) Names. The names of all persons under the age of 18, the names of all alleged victims, and the names of all witnesses, except police officers and professional witnesses, shall be redacted to initials.

(ii) Addresses. All addresses shall be redacted to show only the state, except for the address of the accused and the business addresses of law enforcement and professional witnesses.

(iii) Phone numbers. All phone numbers shall be redacted in full, except for those of the accused.

(iv) Email addresses. All email addresses shall be redacted in full, except for those of the accused.

(v) Birthdates. All birthdates shall be redacted to show only the year of birth, except for the birthdate of the accused and except for when the age is an element of the offense. When age is an element of the offense, the birthdate of the person(s) whose age is at issue shall not be redacted.

(vi) Schools. The names of all schools attended by witnesses under the age of 18 shall be redacted, except for the name of a school if it is the alleged location of the current charge.

(vii) Government Issued Identification Numbers. All government issued identification numbers, including, but not limited to, social security, driver's license, identification card, and passport numbers, shall be redacted in full, except for those of the accused. All remaining information on government issued identification documents shall be redacted in accordance with the requirements of this rule.

(viii) Financial Account Numbers. Financial account numbers shall be redacted to show only the last four digits.

(ix) Firearms. Firearm serial numbers shall be redacted to show only the last four digits.

(x) Medical, Mental Health, and Treatment Records. No medical records, mental health records, or substance use disorder evaluations or treatment records shall be provided, except those of the accused.

(xi) Child Protective Services Records.

(a) Child Protective Services (CPS) records relating to the children of the accused shall be redacted in accordance with the requirements of this rule;

(b) CPS records of all other children shall not be provided absent agreement of the parties or order of the court; and

(c) The names and addresses of any non-parental caregiver who has, or has had, physical custody of a child pursuant to CPS's removal of a child from the child's parents shall be redacted in full.

(xii) Autopsy Records. No autopsy videos or photographs shall be provided. Written autopsy records shall be redacted in accordance with the requirements of this rule.

(xiii) Witness Interviews.

(a) Video and audio recordings of witness interviews shall be redacted in accordance with the requirements of this rule, except for child forensic interviews.

(b) Video and audio recordings of child forensic interviews shall not be provided to the accused absent court order pursuant to RCW 26.44.186.

(c) Transcripts of all interviews, including child forensic interviews, shall be redacted in accordance with the requirements of this rule.

(d) If counsel lacks the technical capacity to redact this information as required, then counsel may not provide that unredacted discovery material to the accused.

(xiv) Images and Videos.

(a) Any portion of an image, photograph, or video that exposes a person's breasts, buttocks, or genitalia shall be redacted.

(b) Any portion of an image, photograph, or video that includes an image of a minor shall be redacted.

(c) Images, photographs, or videos from body-worn camera video shall be redacted to exclude any portion that shows the inside of a dwelling.

(d) If counsel lacks the technical capacity to redact this discovery as required, then counsel may not provide that unredacted discovery material to the accused.

(xv) Cell Phone Business Records. Cell phone business records belonging to or primarily used by the accused shall not be redacted. All other cell phone business records shall be redacted in full, absent court order or an agreement of the parties. If counsel lacks the technical capacity to redact this discovery as required, then counsel may not provide that unredacted discovery material to the accused.

(xvi) Cell Phone and Computer Search Results. All material found on phones or computers belonging to or primarily used by the accused shall be redacted in accordance with the requirements of this rule. Mirror images of cell phones or computers belonging to or primarily used by people other than the accused shall be redacted in full. Material from such phones or computers that does not constitute a mirror image, including but not limited to documents and photographs, shall be redacted in accordance with the requirements of this rule. If counsel lacks the technical capacity to redact this discovery as required, then counsel may not provide that unredacted discovery material to the accused.

(xvii) Social Media Search Results. Social media search results for social media accounts belonging to the accused shall be redacted in accordance with the requirements of this rule. Social media search results for accounts belonging to persons other than the accused shall be redacted in full.

(xviii) Criminal History. Criminal history records of persons other than the accused shall not be provided.

(xix) Other Evidence. All other evidence, including but not limited to the evidence listed in this subsection, shall be redacted in accordance with the requirements of this rule. If counsel lacks the technical capacity to redact this discovery as required, then counsel may not provide that unredacted discovery material to the accused. Such evidence includes the following:

(a) Computer Aided Dispatch (CAD) Reports;

(b) Video of defendant jail calls, jail call log records of persons other than defendant, and transcripts of all jail calls; and

(c) Audio and transcripts of calls to 911.

(xx) Protective Order. Items provided under protective order shall be provided only under such conditions as ordered by the court or agreed by the parties.

(4)-(7) [Unchanged.]

(a)-(f) [Unchanged.]

(g) Regulation of Discovery.

(1)-(2) [Unchanged.]

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