Fifty-second Legislature  
First Regular Session  

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY  

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1189  

(Reference to Senate engrossed bill)  

Strike everything after the enacting clause and insert:  

"Section 1. Section 13-907, Arizona Revised Statutes, is amended to read:  

13-907. Setting aside judgment of convicted person on discharge; application; release from disabilities; firearm possession; exceptions  

A. Except as provided in subsection B or E of this section, every person convicted of a criminal offense, on fulfillment of the conditions of probation or sentence and discharge by the court, may apply to the judge, justice of the peace or magistrate who pronounced sentence or imposed probation or such judge, justice of the peace or magistrate's successor in office to have the judgment of guilt set aside. The convicted person shall be informed of this right at the time of discharge.  

B. The convicted person or, if authorized in writing, the convicted person's attorney or probation officer may apply to set aside the judgment.  

C. If the judge, justice of the peace or magistrate grants the application, the judge, justice of the peace or magistrate shall set aside the judgment of guilt, dismiss the accusations or information and order that the person be released from all penalties and disabilities resulting from the conviction except those imposed by:  

1. The department of transportation pursuant to section 28-3304, 28-3306, 28-3307, 28-3308 or 28-3319, except that the conviction may be used as a conviction if the conviction would be admissible had it not been set aside and may be pleaded and proved in any subsequent prosecution of such person by the state or any of its subdivisions for any offense or used by the department of transportation in enforcing section 28-3304, 28-3306, 28-3307, 28-3308 or 28-3319 as if the judgment of guilt had not been set aside.  

2. The game and fish commission pursuant to section 17-314 or 17-340."
D. NOTWITHSTANDING SECTION 13-905 OR 13-906, IF A JUDGMENT OF GUILT IS SET ASIDE PURSUANT TO THIS SECTION, THE PERSON’S RIGHT TO POSSESS A GUN OR FIREARM IS RESTORED. THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO WAS CONVICTED OF A SERIOUS OFFENSE AS DEFINED IN SECTION 13-706.

D. E. This section does not apply to a person who was convicted of a criminal offense:

1. Involving a dangerous offense.
2. For which the person is required or ordered by the court to register pursuant to section 13-3821.
3. For which there has been a finding of sexual motivation pursuant to section 13-118.
4. In which the victim is a minor under fifteen years of age.
5. In violation of section 28-3473, any local ordinance relating to stopping, standing or operation of a vehicle or title 28, chapter 3, except a violation of section 28-693 or any local ordinance relating to the same subject matter as section 28-693."

Amend title to conform

and, as so amended, it do pass

SONNY BORRELLI
Chairman