

REFERENCE TITLE: wrongful arrest; record clearance

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SB 1326

Introduced by
Senators Miranda, Contreras, Meza, Ward; Representative Cardenas: Senators
Dalessandro, Farley, Farnsworth D, Lesko, Pierce; Representatives
Espinoza, Mendez, Rios, Saldate, Steele

AN ACT

AMENDING TITLE 13, CHAPTER 38, ARTICLE 19, ARIZONA REVISED STATUTES, BY
ADDING SECTION 13-4052; RELATING TO CLEARANCE OF ARREST RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 38, article 19, Arizona Revised Statutes,
3 is amended by adding section 13-4052, to read:

4 13-4052. Clearance of arrest record for wrongful and incorrect
5 arrest; notification

6 A. IF A LAW ENFORCEMENT AGENCY DETERMINES THAT A PERSON WAS WRONGFULLY
7 AND INCORRECTLY ARRESTED AND IS FACTUALLY INNOCENT OF THE OFFENSE THAT WAS
8 THE BASIS OF THE ARREST, THE AGENCY SHALL IMMEDIATELY SEAL THE PERSON'S
9 ARREST RECORD. THE AGENCY MAY NOT RELEASE OR PROVIDE ACCESS TO THE ARREST
10 RECORD AND MUST RETRACT ANY INFORMATION THAT THE LAW ENFORCEMENT AGENCY
11 DISSEMINATED OR REPORTED TO ANY PERSON OR ENTITY ABOUT THE ARREST.

12 B. THE LAW ENFORCEMENT AGENCY SHALL NOTIFY THE PERSON OF THE SEALED
13 ARREST RECORD. THE NOTICE MUST INCLUDE A STATEMENT THAT THE PERSON WAS
14 WRONGFULLY AND INCORRECTLY ARRESTED AND THAT THE PERSON MAY DENY THAT THE
15 ARREST EVER OCCURRED.

16 C. A PERSON WHOSE ARREST RECORD IS SEALED PURSUANT TO THIS SECTION MAY
17 DENY THAT THE ARREST EVER OCCURRED UNDER ALL CIRCUMSTANCES, INCLUDING WHEN
18 APPLYING FOR A LICENSE ISSUED IN THIS STATE, A LAW ENFORCEMENT OR A
19 SCHOOL-RELATED JOB, A CONCEALED WEAPONS PERMIT ISSUED IN THIS STATE OR STATE
20 BAR MEMBERSHIP OR WHEN RUNNING FOR A PUBLIC OFFICE IN THIS STATE OR
21 PURCHASING A FIREARM.