

REFERENCE TITLE: wrongful arrest; record clearance

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

## **HB 2491**

Introduced by  
Representatives Chávez: Cook, Hernandez A, Lieberman, Meza, Terán, Senator  
Engel

**AN ACT**

**AMENDING SECTION 13-4051, ARIZONA REVISED STATUTES; RELATING TO CRIMINAL RECORDS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 13-4051, Arizona Revised Statutes, is amended to  
3 read:  
4 13-4051. Entry on records; stipulation; court order  
5 A. IF A LAW ENFORCEMENT OFFICER, PARTY IN A CRIMINAL CASE OR COURT  
6 HAS GROUNDS TO BELIEVE A PERSON MIGHT HAVE BEEN WRONGFULLY ARRESTED,  
7 INDICTED OR OTHERWISE CHARGED FOR A CRIME, THE LAW ENFORCEMENT OFFICER,  
8 PARTY IN A CRIMINAL CASE OR COURT SHALL NOTIFY THE PERSON OF THE RIGHT TO  
9 FILE A PETITION PURSUANT TO THIS SECTION. THE CLERK OF THE COURT SHALL NOT  
10 IMPOSE A FEE FOR FILING THE PETITION.  
11 ~~A.~~ B. Any person who is wrongfully arrested, indicted or otherwise  
12 charged for ~~any~~ A crime may petition the superior court for entry on all  
13 court records, police records and any other records of any other agency  
14 relating to ~~such~~ THE arrest, ~~or~~ indictment OR CHARGE a notation that the  
15 person has been cleared. THE PETITION SHALL IDENTIFY THE RECORDS THAT THE  
16 PETITIONER IS REQUESTING BE INCLUDED IN THE ORDER.  
17 ~~B.~~ C. After a hearing on the petition, if the ~~judge believes~~ COURT  
18 FINDS that IT IS IN THE INTEREST OF justice ~~will be served by such entry~~,  
19 the ~~judge~~ COURT shall issue the AN order requiring the AN entry that ON  
20 the ~~person has been cleared on such~~ records, with accompanying  
21 justification ~~therefor, and shall cause~~. A copy of ~~such~~ THE order ~~to be~~  
22 ~~delivered~~ SHALL BE TRANSMITTED to all APPLICABLE law enforcement,  
23 PROSECUTING AND OTHER agencies and courts. The order shall ~~further~~  
24 require that ~~all law enforcement agencies and courts shall not release~~  
25 ~~copies of or provide access to such~~ THE records to NOT BE RELEASED TO OR  
26 ACCESSED BY any person except on order of the court.  
27 D. THE PERSON MAY DENY THAT THE ARREST, INDICTMENT OR CHARGE EVER  
28 OCCURRED.  
29 ~~C.~~ E. Any person who has notice of ~~such~~ THE order ISSUED PURSUANT  
30 TO THIS SECTION and WHO fails to comply with the ~~court~~ order ~~issued~~  
31 ~~pursuant to this section shall be~~ IS liable to the person for damages from  
32 ~~such~~ THE failure TO COMPLY.