



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
Second Regular Session

House: JUD DP 10-0-0-0

HB2160: wrongf ul arrest; record clearance

Sponsor: Representative Chávez, LD 29
House Engrossed

Overview

Establishes that a wrongfully arrested individual may petition the superior court for record clearance. Outlines procedure for a record clearance petition.

History

A wrongfully arrested, indicted or charged individual may petition the superior court to enter on all applicable records a notation that the individual has been cleared ([A.R.S. § 13-4051](#)).

After a hearing on the petition, the court determines that justice will be served by the entry, the court issues an order requiring the entry to be filed with an accompanying justification. A copy of the order is delivered to all law enforcement agencies and courts. The order prohibits all applicable agencies from providing record access to any individual ([A.R.S. § 13-4051](#)).

An individual who has notice of, and fails to comply with, the order is liable to the individual for damages ([A.R.S. § 13-4051](#)).

Provisions

1. Requires a law enforcement agency to send written notice to a wrongfully arrested or charged individual. (Sec. 1)
2. Provides that the written notice informs the individual of their right to file a petition in the superior court where the arrest occurred. (Sec. 1)
3. Specifies that the notice is sent to the individual's mailing address on file with the law enforcement agency. (Sec. 1)
4. Establishes that notification is deemed complete once the written notice has been deposited in the United States mail. (Sec. 1)
5. Prohibits the court clerk from imposing a petition filing fee. (Sec. 1)
6. Authorizes an attorney representing the individual and who determines that the individual was wrongfully arrested to:
 - a) Notify the individual of their right to file a petition in the superior court where the arrest occurred; or
 - b) Petition the superior court to enter on all applicable records a notation that the individual has been cleared. (Sec. 1)
7. Revises record clearance petition eligibility only to wrongfully arrested or charged individuals. (Sec. 1)
8. Requires the petitioner to identify the records to be included in the order. (Sec. 1)
9. Allows the individual to deny that the arrest or charge ever occurred. (Sec. 1)
10. Makes technical and conforming changes. (Sec. 1)