

House Engrossed

misdemeanor expungement; requirements; procedure

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2302

AN ACT

AMENDING TITLE 13, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-912; RELATING TO EXPUNGEMENT.

(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 9, Arizona Revised Statutes, is
3 amended by adding section 13-912, to read:
4 13-912. Expungement of misdemeanor conviction; evaluation;
5 grounds; court order
6 A. BEGINNING JANUARY 1, 2024, EXCEPT FOR OFFENSES LISTED IN CHAPTER
7 14 OR 35.1 OF THIS TITLE, SECTION 13-3601 OR TITLE 28, CHAPTER 4 OR
8 PERSONS WHO ARE CONVICTED OF A FELONY OR EXCLUDED OFFENSE PURSUANT TO THIS
9 SUBSECTION AT THE SAME TIME AS THE MISDEMEANOR CONVICTION, A PERSON WHO IS
10 CONVICTED OF A MISDEMEANOR MAY PETITION THE CONVICTING COURT FOR AN
11 EXPUNGEMENT OF THE RECORD OF CONVICTION. THE PETITION SHALL BE FILED WITH
12 THE COURT NOT SOONER THAN THREE YEARS AFTER THE DATE OF THE FULFILLMENT OF
13 THE CONDITIONS OF THE PETITIONER'S PROBATION OR SENTENCE AND DISCHARGE BY
14 THE COURT AND SHALL BE SERVED ON THE PROSECUTING ATTORNEY.
15 B. THE PETITION MUST INCLUDE:
16 1. WHETHER THE PETITIONER HAS FULFILLED THE CONDITIONS OF SENTENCE
17 OR ANY TERM OF PROBATION.
18 2. WHETHER THE PETITIONER HAS ANY ADDITIONAL ARRESTS OR
19 CONVICTIONS.
20 3. ANY WRITTEN RECOMMENDATION IN SUPPORT OF EXPUNGEMENT THAT IS
21 PROVIDED BY A THIRD PARTY.
22 C. THE COURT SHALL REQUIRE THE PETITIONER TO ATTEST TO THE
23 FOLLOWING AND SHALL DENY A PETITION FOR EXPUNGEMENT IF THE COURT KNOWS
24 THAT ANY OF THE FOLLOWING APPLY:
25 1. THE PETITIONER HAS PREVIOUSLY OBTAINED EXPUNGEMENT IN ANY
26 JURISDICTION OF AN OFFENSE THAT WOULD BE A FELONY IN THIS STATE.
27 2. THE PETITIONER HAS ANY PENDING OR UNRESOLVED MATTERS IN ANY
28 COURT OR JURISDICTION IN THIS STATE OR ANOTHER STATE.
29 3. THE PETITIONER HAS NOT PAID THE FULL AMOUNT OF RESTITUTION OR
30 ANY FINE ORDERED PURSUANT TO CHAPTER 8 OF THIS TITLE.
31 D. AFTER A HEARING ON THE PETITION, IF THE JUDGE BELIEVES THAT
32 JUSTICE WILL BE SERVED, THE JUDGE SHALL ORDER THAT ALL RECORDS OF THE
33 PERSON'S CONVICTION THAT ARE IN THE CUSTODY OF THE COURT BE SEALED WITH
34 ACCOMPANYING JUSTIFICATION AND SHALL DELIVER A COPY OF THE ORDER TO ALL
35 LAW ENFORCEMENT AGENCIES AND COURTS. THE COURT SHALL FORWARD A COPY OF
36 THE ORDER TO THE DEPARTMENT OF TRANSPORTATION IF APPROPRIATE. THE ORDER
37 SHALL FURTHER REQUIRE THAT ALL LAW ENFORCEMENT AGENCIES AND COURTS NOT
38 RELEASE COPIES OF THE RECORDS TO ANY PERSON EXCEPT ON ORDER OF THE COURT.
39 E. IF THE VICTIM HAS MADE A REQUEST FOR POSTCONVICTION NOTICE, THE
40 PROSECUTING ATTORNEY SHALL PROVIDE THE VICTIM WITH NOTICE OF THE
41 DEFENDANT'S PETITION AND INFORM THE VICTIM OF THE VICTIM'S RIGHT TO BE
42 HEARD ON THE PETITION.
43 F. UNLESS OTHERWISE PROVIDED BY LAW, A PERSON WHO RECEIVES AN
44 EXPUNGEMENT FOR A CONVICTION PURSUANT TO THIS SECTION MAY RESPOND TO ANY
45 INQUIRY AS THOUGH THE CONVICTION DID NOT EXIST.