

COMMITTEE ON JUDICIARY
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2665
(Reference to printed bill)

1 Page 1, between lines 13 and 14, insert:

2 "Sec. 2. Section 13-909, Arizona Revised Statutes, is amended to
3 read:

4 13-909. Vacating the conviction of a sex trafficking victim;
5 requirements

6 A. A person who was convicted of a violation of section 13-3214 or a
7 city or town ordinance that has the same or substantially similar elements
8 as section 13-3214 ~~committed before July 24, 2014~~ may apply to the court
9 that pronounced sentence to vacate the person's conviction. The court
10 shall grant the application and vacate the conviction if the court finds by
11 clear and convincing evidence that the person's participation in the
12 offense was a direct result of being a victim of sex trafficking pursuant
13 to section 13-1307.

14 B. If the prosecutor does not oppose the application, the court may
15 grant the application and vacate the conviction without a hearing.

16 C. If the prosecutor opposes the application, the court shall hold a
17 hearing on the application.

18 D. On vacating the conviction, the court shall:

19 1. Release the applicant from all penalties and disabilities
20 resulting from the conviction.

21 2. Enter an order that a notation be made in the court file and in
22 law enforcement and prosecution records that the conviction has been
23 vacated and the person was the victim of a crime.

1 3. Transmit the order vacating the conviction to the arresting
2 agency, the prosecutor and the department of public safety.

3 E. A conviction vacated pursuant to this section does not qualify as
4 a historical prior felony conviction and cannot be alleged for any purpose
5 pursuant to section 13-703 or 13-707.

6 F. Except on an application for employment that requires a
7 fingerprint clearance card pursuant to title 41, chapter 12, article 3.1, a
8 person whose conviction is vacated under this section may in all instances
9 state that the person has never been arrested for, charged with or
10 convicted of the crime that is the subject of the conviction, including in
11 response to questions on employment, housing, financial aid or loan
12 applications."

13 Renumber to conform

14 Page 2, lines 32 and 36, after "PERSON" insert "FOR THE PURPOSE OF"

15 Amend title to conform

And, as so amended, it do pass

QUANG H. NGUYEN
CHAIRMAN

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