

House Engrossed

expungement of misdemeanor convictions

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2658

AN ACT

AMENDING TITLE 13, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-912; AMENDING SECTION 22-125, ARIZONA REVISED STATUTES; RELATING TO PROBATION AND RESTORATION OF CIVIL RIGHTS.

(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. Misdemeanor convictions; expungement

5 A. NOTWITHSTANDING SECTION 8-348 OR 13-905, A PERSON WHO IS
6 ARRESTED FOR A MISDEMEANOR OFFENSE AND NO CHARGES WERE FILED, WHO IS
7 CHARGED WITH A MISDEMEANOR OFFENSE AND THE CHARGE WAS SUBSEQUENTLY
8 DISMISSED OR RESULTED IN A NOT GUILTY VERDICT, OR CONVICTED OF A
9 MISDEMEANOR OFFENSE MAY PETITION THE CONVICTING COURT FOR AN EXPUNGEMENT
10 OF THE RECORD OF CONVICTION. THE PERSON SHALL FILE THE PETITION WITH THE
11 COURT NOT SOONER THAN THREE YEARS AFTER THE DATE OF THE FULFILLMENT OF THE
12 CONDITIONS OF THE PETITIONER'S PROBATION OR SENTENCE AND DISCHARGE BY THE
13 COURT. EXCEPT THAT IF A PERSON IS CONVICTED OF A VIOLATION OF SECTION
14 13-1805, THE PERSON SHALL FILE THE PETITION WITH THE COURT NOT SOONER THAN
15 FIVE YEARS AFTER THE DATE OF THE FULFILLMENT OF THE CONDITIONS OF THE
16 PETITIONER'S PROBATION OR SENTENCE AND DISCHARGE BY THE COURT.

17 B. THE PETITION MUST INCLUDE THE FOLLOWING:

18 1. WHETHER THE PETITIONER HAS FULFILLED THE CONDITIONS OF SENTENCE
19 OR ANY TERM OF PROBATION.

20 2. WHETHER THE PETITIONER HAS ANY ADDITIONAL ARRESTS OR
21 CONVICTIONS.

22 3. ANY WRITTEN RECOMMENDATION IN SUPPORT OF EXPUNGEMENT THAT IS
23 PROVIDED BY A THIRD PARTY.

24 4. WHETHER THE PETITIONER HAS OBTAINED A PRIOR EXPUNGEMENT UNDER
25 THIS SECTION.

26 C. THE PERSON SHALL FILE A PETITION TO EXPUNGE ALL CASE RECORDS IN
27 ONE OF THE FOLLOWING:

28 1. THE COURT IN WHICH THE PERSON WAS CONVICTED OF AN OFFENSE.

29 2. THE COURT IN WHICH AN INDICTMENT, INFORMATION, CRIMINAL CITATION
30 OR COMPLAINT AGAINST THE PERSON WAS FILED AND THE CHARGES WERE DISMISSED,
31 THE PERSON WAS FOUND NOT GUILTY OR THE PERSON'S CONVICTION WAS VACATED,
32 EXCEPT THAT IF THE COMPLAINT WAS FILED IN A JUSTICE COURT AND A SUBSEQUENT
33 INFORMATION WAS FILED, THE PETITION MUST BE FILED IN THE SUPERIOR COURT.

34 3. THE COURT IN WHICH THE PERSON HAD AN INITIAL APPEARANCE IF
35 CHARGES WERE NOT FILED.

36 4. THE SUPERIOR COURT IN THE COUNTY WHERE A PERSON WAS ARRESTED IF
37 THE PERSON DID NOT HAVE AN INITIAL APPEARANCE AND NO CHARGES WERE FILED.

38 D. THE COURT SHALL REQUIRE THE PETITIONER TO ATTEST TO THE FOLLOWING
39 AND SHALL DENY A PETITION FOR EXPUNGEMENT IF THE COURT FINDS THAT EITHER
40 OF THE FOLLOWING APPLIES:

41 1. THE PETITIONER HAS PENDING OR UNRESOLVED MATTERS IN ANY COURT OR
42 JURISDICTION IN THIS STATE OR ANOTHER STATE.

43 2. THE PETITIONER HAS NOT PAID FULL RESTITUTION OR OTHER
44 COURT-ORDERED MONETARY OBLIGATIONS.

1 E. THE COURT MAY NOT GRANT OR DENY A PETITION TO EXPUNGE A PERSON'S
2 CASE RECORDS UNTIL SIXTY CALENDAR DAYS AFTER THE COURT RECEIVES THE
3 PETITION UNLESS THE COURT RECEIVES NOTICE THAT BOTH THE PROSECUTOR AND ALL
4 VICTIMS WHO HAVE MADE A REQUEST FOR POSTCONVICTION NOTICE DO NOT OBJECT TO
5 THE PETITION. UNLESS THE PETITIONER, PROSECUTOR OR VICTIM REQUESTS A
6 HEARING, THE COURT MAY GRANT OR DENY A PETITION TO EXPUNGE CASE RECORDS
7 WITHOUT A HEARING. THE COURT MAY DISMISS A PETITION THAT DOES NOT MEET
8 THE REQUIREMENTS PRESCRIBED IN THIS SECTION WITHOUT A HEARING. THE COURT
9 SHALL GRANT THE PETITION IF THE COURT DETERMINES THAT GRANTING THE
10 PETITION IS IN THE BEST INTERESTS OF THE PETITIONER AND THE PUBLIC'S
11 SAFETY. THE COURT SHALL PROVIDE A COPY OF THE PETITION TO EXPUNGE CASE
12 RECORDS TO THE PROSECUTOR. THE PROSECUTOR MAY RESPOND TO THE PETITION AND
13 REQUEST A HEARING. THE VICTIM HAS A RIGHT TO BE PRESENT AND HEARD AT ANY
14 PROCEEDING IN WHICH THE DEFENDANT HAS FILED A PETITION TO EXPUNGE CASE
15 RECORDS. IF THE VICTIM HAS MADE A REQUEST FOR POSTCONVICTION NOTICE, THE
16 PROSECUTOR SHALL PROVIDE THE VICTIM WITH NOTICE OF THE DEFENDANT'S
17 POSITION AND OF THE VICTIM'S RIGHTS UNDER THIS SECTION.

18 F. IF THE COURT GRANTS THE PETITION FOR EXPUNGEMENT, ALL OF THE
19 FOLLOWING APPLY:

20 1. THE COURT SHALL ISSUE A SIGNED ORDER EXPUNGING THE RECORD.

21 2. THE COURT, IN ITS ORDER SHALL:

22 (a) VACATE THE PETITIONER'S JUDGMENT OF ADJUDICATION OR CONVICTION.

23 (b) STATE THAT THE PETITIONER'S ARREST, CHARGE, CONVICTION,
24 ADJUDICATION AND SENTENCE RECORDS ARE EXPUNGED.

25 (c) REQUIRE THE COURT TO NOTIFY THE DEPARTMENT OF PUBLIC SAFETY,
26 THE PROSECUTING AGENCY AND THE ARRESTING LAW ENFORCEMENT AGENCY, IF
27 APPLICABLE, OF THE EXPUNGEMENT ORDER.

28 (d) REQUIRE THE COURT TO SEAL THE PETITIONER'S RECORDS RELATING TO
29 THE EXPUNGED ARREST, CHARGE, ADJUDICATION, CONVICTION OR SENTENCE AND
30 ALLOW THE RECORDS TO BE ACCESSED ONLY BY THE PERSON WHOSE RECORD WAS
31 EXPUNGED, THE PERSON'S ATTORNEY OR THE DEPARTMENT OF PUBLIC SAFETY CENTRAL
32 STATE REPOSITORY.

33 3. THE DEPARTMENT OF PUBLIC SAFETY SHALL SEAL AND SEPARATE THE
34 EXPUNGED RECORD FROM ITS RECORDS.

35 4. THE ARRESTING AND PROSECUTING AGENCIES SHALL CLEARLY IDENTIFY IN
36 EACH AGENCY'S FILES AND ELECTRONIC RECORDS THAT THE PETITIONER'S ARREST,
37 CHARGE, CONVICTION, ADJUDICATION AND SENTENCE ARE EXPUNGED AND MAY NOT
38 MAKE ANY RECORDS OF THE EXPUNGED ARREST, CHARGE, CONVICTION, ADJUDICATION
39 OR SENTENCE AVAILABLE AS A PUBLIC RECORD TO ANY PERSON EXCEPT TO THE
40 PERSON WHOSE RECORD WAS EXPUNGED, THAT PERSON'S ATTORNEY OR THE DEPARTMENT
41 OF PUBLIC SAFETY CENTRAL STATE REPOSITORY.

42 G. AN ARREST, CHARGE, ADJUDICATION, CONVICTION OR SENTENCE THAT IS
43 EXPUNGED PURSUANT TO THIS SECTION MAY NOT BE USED IN A SUBSEQUENT
44 PROSECUTION BY A PROSECUTING AGENCY OR COURT FOR ANY PURPOSE.

1 H. UNLESS OTHERWISE PROVIDED BY LAW, A PERSON WHOSE RECORD IS
2 EXPUNGED PURSUANT TO THIS SECTION MAY RESPOND TO ANY INQUIRY AS THOUGH THE
3 CONVICTION DID NOT EXIST. THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO
4 IS SEEKING EMPLOYMENT AS A PEACE OFFICER WITH A LAW ENFORCEMENT AGENCY,
5 AND THE LAW ENFORCEMENT AGENCY MAY REQUEST A COPY OF THE PERSON'S SEALED
6 COURT RECORDS. THE LAW ENFORCEMENT AGENCY SHALL KEEP THESE RECORDS
7 CONFIDENTIAL AND SHALL DESTROY THESE RECORDS AFTER THE HIRING PROCESS IS
8 COMPLETE.

9 I. THIS SECTION DOES NOT APPLY TO ANY PERSON WHO IS CONVICTED OF:

10 1. A VIOLATION OF SECTION 13-3601, CHAPTER 14 OR 35.1 OF THIS
11 TITLE, TITLE 28, CHAPTER 4 OR A VIOLENT CRIME AS DEFINED IN SECTION
12 13-901.03.

13 2. A VIOLATION OF ANY FELONY OFFENSE OR AN OFFENSE LISTED IN
14 PARAGRAPH 1 OF THIS SUBSECTION THAT WAS CHARGED IN CONJUNCTION WITH THE
15 MISDEMEANOR OFFENSE THAT IS THE SUBJECT OF THE EXPUNGEMENT PETITION.

16 Sec. 2. Section 22-125, Arizona Revised Statutes, is amended to
17 read:

18 22-125. Justice of the peace compensation; judicial
19 productivity credits; annual report; definitions

20 A. The annual salary of each justice of the peace is determined by
21 the total judicial productivity credits of each court as reported in
22 statistics compiled by the Arizona supreme court.

23 B. Judicial productivity credits shall be determined according to
24 the following formula:

25 1. All civil filings divided by ten equals _____ judicial
26 productivity credits.

27 2. All felony counts filed divided by ten equals _____
28 judicial productivity credits.

29 3. Except for counts described in paragraph 4 of this subsection,
30 all misdemeanor counts filed divided by ten equals _____ judicial
31 productivity credits.

32 4. All counts filed that allege a violation of title 5, chapter 3,
33 article 10, title 28, chapter 4, article 3 or section 28-8282 divided by
34 five equals _____ judicial productivity credits.

35 5. All civil traffic counts filed divided by sixty equals
36 _____ judicial productivity credits.

37 6. All petitions for a protective order filed divided by five
38 equals _____ judicial productivity credits.

39 7. All civil marijuana counts filed divided by sixty equals
40 _____ judicial productivity credits.

41 8. All petitions to expunge filed pursuant to section 36-2862 OR
42 13-912 divided by sixty equals _____ judicial productivity credits.

43 C. Beginning January 1, 2018, the Arizona supreme court shall
44 annually perform the calculations required by subsection B of this section
45 for each justice court for the previous twelve-month period ending on June

1 30 to determine the total judicial productivity credits. The Arizona
2 supreme court shall report the total judicial productivity credits for
3 each justice court to the applicable board of supervisors within one
4 hundred twenty days after the end of each twelve-month period. Any
5 adjustment to the salary of a justice of the peace is effective on the
6 following January 1.

7 D. Each justice of the peace shall be paid a percentage of the
8 salary of a superior court judge based on the following schedule:

9 1. Five hundred or more judicial productivity credits equals
10 seventy percent.

11 2. Two hundred or more but less than five hundred judicial
12 productivity credits equals sixty-five percent.

13 3. One hundred fifty or more but less than two hundred judicial
14 productivity credits equals fifty-five percent.

15 4. One hundred or more but less than one hundred fifty judicial
16 productivity credits equals fifty percent.

17 5. Fifty or more but less than one hundred judicial productivity
18 credits equals forty-five percent.

19 6. Twenty-five or more but less than fifty judicial productivity
20 credits equals thirty-five percent.

21 7. Twenty-four or fewer judicial productivity credits equals
22 twenty-five percent.

23 E. If a justice court is not assigned clerical help, the board of
24 supervisors shall multiply the total judicial productivity credits by two
25 for purposes of determining the salary of the justice of the peace.

26 F. If the board of supervisors divides a justice precinct into two
27 or more precincts, the board shall set the salary of the justice of the
28 peace of each precinct equal to the highest salary of any of the justices
29 of the peace whose precinct is affected by the division. The salary of
30 each justice of the peace shall be adjusted at the end of the first full
31 calendar year after the precincts are divided.

32 G. The board of supervisors shall review and adjust the annual
33 salary for each justice of the peace within the county pursuant to
34 subsection D of this section every year beginning January 1, 2019.

35 H. The judicial productivity credits for a justice court precinct
36 shall not exceed twelve hundred credits. If the total judicial
37 productivity credits of a justice court precinct exceed twelve hundred
38 credits, the county board of supervisors shall create sufficient courts,
39 or redraw the justice court precinct boundaries according to section
40 22-101, in order to reduce the judicial productivity credits for any
41 precinct which exceeds that limit.

42 I. Except as provided in subsection F of this section, the salary
43 of a justice of the peace may not be reduced during the term in office of
44 the justice of the peace and, if a justice of the peace serves consecutive
45 terms, the salary of the justice of the peace may not be reduced before

1 the start of the consecutive term by more than one tier pursuant to
2 subsection D of this section.

3 J. A filing against a juvenile is determined in the same manner as
4 a similar filing against an adult.

5 K. For the purposes of this section:

6 1. "Civil filing" means a lawsuit, eviction action, petition for
7 provisional remedy or other civil petition, small claims case or civil
8 local ordinance.

9 2. "Civil traffic count" means a traffic violation that is not
10 filed as a misdemeanor or felony.

11 3. "Felony" includes each felony count that is filed in a
12 complaint.

13 4. "Misdemeanor" includes each misdemeanor and petty offense count
14 that is filed in a complaint or uniform traffic ticket and complaint.

15 5. "Protective order" means a petition for an order of protection,
16 an injunction against harassment or workplace harassment or a peace bond.

17 Sec. 3. Effective date

18 Section 13-912, Arizona Revised Statutes, as added by this act, is
19 effective from and after December 31, 2025.