

House Engrossed

prostitution; assessment; anti-human trafficking fund

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

# HOUSE BILL 2720

AN ACT

AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 12-116.13; AMENDING SECTIONS 13-909, 13-911, 13-3214 AND  
41-1736, ARIZONA REVISED STATUTES; RELATING TO HUMAN TRAFFICKING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 1, article 1, Arizona Revised  
3 Statutes, is amended by adding section 12-116.13, to read:

4 12-116.13. Assessment; anti-human trafficking grant fund

5 A. IN ADDITION TO ANY OTHER ASSESSMENT, IF A PERSON IS CONVICTED OF  
6 A VIOLATION OF SECTION 13-3214, SUBSECTION A, PARAGRAPH 2, THE COURT SHALL  
7 ORDER THE PERSON TO PAY AN ASSESSMENT OF \$200. THE ASSESSMENT SHALL NOT  
8 BE WAIVED AND IS NOT SUBJECT TO A SURCHARGE.

9 B. THE COURT SHALL TRANSMIT THE ASSESSMENTS COLLECTED PURSUANT TO  
10 THIS SECTION TO THE COUNTY TREASURER.

11 C. THE COUNTY TREASURER SHALL TRANSMIT THE ASSESSMENTS TO THE STATE  
12 TREASURER. THE STATE TREASURER SHALL DEPOSIT THE ASSESSMENTS IN THE  
13 ANTI-HUMAN TRAFFICKING GRANT FUND ESTABLISHED BY SECTION 41-1736.

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

16 13-909. Vacating the conviction of a sex trafficking victim;  
17 requirements

18 A. A person who was convicted of a violation of section 13-3214 or  
19 a city or town ordinance that has the same or substantially similar  
20 elements as section 13-3214 may apply to the court that pronounced  
21 sentence to vacate the person's conviction. The court shall grant the  
22 application and vacate the conviction if the court finds by clear and  
23 convincing evidence that the person's participation in the offense was a  
24 direct result of being a victim of sex trafficking pursuant to section  
25 13-1307 or 13-3212.

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

28 C. If the prosecutor opposes the application, the court shall hold  
29 a hearing on the application.

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

31 1. Release the applicant from all penalties and disabilities  
32 resulting from the conviction.

33 2. Enter an order SEALING ALL RECORDS THAT RELATE TO THE  
34 APPLICANT'S ARREST, CONVICTION AND SENTENCE AND that a notation be made in  
35 the court file and in law enforcement and prosecution records that the  
36 conviction has been vacated and the person was the victim of a crime.

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

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

42 F. Except on an application for employment that requires a  
43 fingerprint clearance card pursuant to title 41, chapter 12, article 3.1,  
44 a person whose conviction is vacated under this section may in all  
45 instances state that the person has never been arrested for, charged with

1 or convicted of the crime that is the subject of the conviction, including  
2 in response to questions on employment, housing, financial aid or loan  
3 applications.

4 Sec. 3. Section 13-911, Arizona Revised Statutes, is amended to  
5 read:

6 13-911. Sealing of arrest, conviction and sentencing records;  
7 requirements; fee; appeal; definition

8 A. A person may file a petition to seal all case records related to  
9 a criminal offense if the person was:

10 1. Convicted of a criminal offense and has completed all of the  
11 terms and conditions of the sentence that was imposed by the court,  
12 including the payment of all monetary obligations and restitution to all  
13 victims.

14 2. Charged with a criminal offense and the charge was subsequently  
15 dismissed or resulted in a not guilty verdict at a trial.

16 3. Arrested for a criminal offense and no charges were filed.

17 B. All case records, **EXCEPT THOSE VACATED PURSUANT TO SECTION**  
18 **13-909**, that are sealed pursuant to this section may be:

19 1. Alleged as an element of an offense.

20 2. Used as a historical prior felony conviction.

21 3. Admissible for impeaching any party or witness in a subsequent  
22 trial.

23 4. Used to enhance the sentence for a subsequent felony.

24 5. Used to enhance the sentence pursuant to sections 28-1381 and  
25 28-1382.

26 6. Pleaded and proved in any subsequent prosecution of the person  
27 by this state or a political subdivision of this state.

28 7. Used as a conviction if the conviction would be admissible if  
29 the conviction was not sealed.

30 C. The person shall file a petition to seal all case records in one  
31 of the following:

32 1. The court in which the person was convicted of an offense.

33 2. The court in which an indictment, information, criminal citation  
34 or complaint against the person was filed and the charges were dismissed,  
35 the person was found not guilty or the person's conviction was vacated,  
36 except that if the complaint was filed in a justice court and a subsequent  
37 information was filed, the petition must be filed in the superior court.

38 3. The court in which the person had an initial appearance if  
39 charges were not filed.

40 4. The superior court in the county where a person was arrested if  
41 the person did not have an initial appearance and no charges were filed.

42 D. The court may not grant or deny a petition to seal a person's  
43 case records until sixty calendar days after the court receives the  
44 petition unless the court receives notice that both the prosecutor and all  
45 victims who have made a request for postconviction notice do not object to

1 the petition. Unless the petitioner, prosecutor or victim requests a  
2 hearing, the court may grant or deny a petition to seal case records  
3 without a hearing. The court may dismiss a petition that does not meet  
4 the requirements prescribed in this section without a hearing. The court  
5 shall grant the petition if the court determines that granting the  
6 petition is in the best interests of the petitioner and the public's  
7 safety. The clerk of the court shall provide a copy of the petition to  
8 seal case records to the prosecutor. The prosecutor may respond to the  
9 petition and request a hearing. The victim has a right to be present and  
10 heard at any proceeding in which the defendant has filed a petition to  
11 seal case records. If the victim has made a request for postconviction  
12 notice, the prosecutor shall provide the victim with notice of the  
13 defendant's petition and of the victim's rights under this section.

14 E. At the time of sentencing, the court shall inform the person on  
15 the record that the person may be eligible to petition the court for an  
16 order that seals all case records of the person's arrest, conviction and  
17 sentence that are related to the offense pursuant to this section and  
18 shall provide this notice in writing. A person who was convicted of any  
19 eligible offense may petition the court to seal the person's records of  
20 arrest, conviction and sentence after the person completes all of the  
21 nonmonetary terms and conditions of the person's sentence ordered by the  
22 court, and the following period of time has passed since the person  
23 completed the nonmonetary conditions of probation or sentence and was  
24 discharged by the court:

- 25 1. Ten years for a class 2 or 3 felony.
- 26 2. Five years for a class 4, 5 or 6 felony.
- 27 3. Three years for a class 1 misdemeanor.
- 28 4. Two years for a class 2 or 3 misdemeanor.
- 29 5. IMMEDIATELY FOR AN OFFENSE VACATED PURSUANT TO SECTION 13-909.

30 F. A person whose case records have been sealed pursuant to  
31 subsection E of this section and who commits a subsequent felony offense  
32 may petition the court pursuant to subsection E of this section to seal  
33 the person's records of arrest, conviction and sentence relating to the  
34 subsequent felony offense after the applicable period of time prescribed  
35 in subsection E of this section for the subsequent felony offense has  
36 expired and an additional five years have passed.

37 G. A petitioner is required to have paid all fines, fees and  
38 restitution ordered by the court at the time of filing the petition to be  
39 eligible to seal case records pursuant to this section.

40 H. After a petition to seal case records is filed, the court shall  
41 notify the department of public safety and request the department to  
42 prepare and submit a report to the court that includes all of the  
43 petitioner's state and federal arrests, prosecutions and convictions and  
44 any other information that the court requests or that the department  
45 believes will assist the court in making its determination. The director

1 may charge the petitioner a fee that is determined by the director for the  
2 investigation unless the petitioner is indigent or has been found not  
3 guilty or the case was dismissed or not prosecuted and the petition is  
4 filed pursuant to subsection C, paragraph 2 or 3 of this section.

5 I. If the court grants a petition to seal case records:

6 1. The court shall issue an order sealing all records relating to  
7 the petitioner's arrest, conviction and sentence and directing the clerk  
8 of the court to notify the department of public safety and the prosecutor  
9 of the sealing order.

10 2. On order of a court, the clerk of the court shall seal all case  
11 records relating to the petitioner's arrest, conviction and sentence. A  
12 court order to seal case records pursuant to this section is subject only  
13 to the disclosure requirements in this section and shall be treated  
14 differently than a record that is sealed pursuant to any other statute or  
15 court rule. The clerk shall create and manage a system for sealing case  
16 records pursuant to this section and for providing sealed case records to  
17 an entity or person that is listed in subsection J of this section and  
18 that requests the record. On the request of an entity or person listed in  
19 subsection J of this section, the clerk shall provide the entity or person  
20 with any sealed case records. The clerk may not provide sealed case  
21 records pursuant to this section to any person or entity that is not  
22 listed in subsection J of this section.

23 3. The department of public safety shall designate the case records  
24 as sealed within the department's records and inform all appropriate state  
25 and federal law enforcement agencies of the sealing. The department may  
26 not share or provide sealed case records with any person or entity or for  
27 any purpose that is not listed in subsections B and J of this section.  
28 The department may charge the successful petitioner a fee determined by  
29 the director to research and correct the petitioner's criminal history  
30 record unless the petitioner is indigent or has been found not guilty or  
31 the case has been dismissed or not prosecuted and the petition is filed  
32 pursuant to subsection C, paragraph 2 or 3 of this section.

33 4. The arresting and prosecuting agencies shall clearly identify in  
34 each agency's files and electronic records that the petitioner's arrest or  
35 conviction and sentence records are sealed.

36 5. A person whose records are sealed pursuant to this section may  
37 state, in all instances, that the person has never been arrested for,  
38 charged with or convicted of the crime that is the subject of the arrest  
39 or conviction, including in response to questions on employment, housing,  
40 financial aid or loan applications unless any of the following applies:

41 (a) The person is submitting an application that requires a  
42 fingerprint clearance card pursuant to title 41, chapter 12, article 3.1.

43 (b) The sealed case records involved a class 2 or class 3 felony  
44 violation of chapter 34 of this title.

1 (c) The sealed case records involved burglary under section  
2 13-1506, 13-1507 or 13-1508, theft under section 13-1802 or organized  
3 retail theft under section 13-1819 from a residential or nonresidential  
4 structure and the person is applying for a job that requires entering into  
5 and performing services inside of a residential structure.

6 (d) The sealed case records involved child abuse under section  
7 13-3623 or aggravated assault under section 13-1204 and the person is  
8 applying for a job involving supervising, educating or administering care  
9 to a minor.

10 (e) The sealed case records involved vulnerable adult abuse under  
11 section 13-3623 and the person is applying for a job involving supervising  
12 or administering care to a vulnerable adult or a person who is at least  
13 sixty-five years of age.

14 (f) The sealed case records involved a violation of section  
15 5-395.01, 5-396, 5-397, 13-1814, 28-1381, 28-1382, 28-1383, 28-8282,  
16 28-8284, 28-8286, 28-8287 or 28-8288 and the person is applying for a job  
17 involving the commercial or private operation of a motor vehicle, boat or  
18 airplane.

19 (g) The sealed case records involved a violation of chapter 18, 19,  
20 20, 21, 22 or 23 of this title or telecommunication fraud under section  
21 13-3707 and the person is applying for a job involving accounting,  
22 overseeing, transporting, handling or managing another person's money or  
23 financial assets.

24 (h) The person is applying for a position with a law enforcement  
25 agency, a prosecutor's office, a court, a probation department, a child  
26 welfare agency as defined in section 8-501, the department of child  
27 safety, the department of juvenile corrections or the state department of  
28 corrections.

29 (i) The person is undergoing a background check for the placement  
30 with that person of a child who is in the custody of the department of  
31 child safety.

32 (j) The disclosure is required by a state or federal law.

33 (k) The disclosure is required to comply with program integrity  
34 provisions of medicare, medicaid or any other federal health care program.

35 6. The person's employer is not liable for hiring or contracting  
36 with the person as prescribed in section 12-558.03.

37 J. If the person's case records are sealed pursuant to this  
38 section, the records shall be made available for the purposes listed in  
39 subsection B of this section and to the following:

40 1. The person whose records are sealed and any attorney who has  
41 filed a notice of appearance on behalf of the person whose records are  
42 sealed.

43 2. The victim in the case if the victim has exercised victims'  
44 rights pursuant to section 13-4414.

1           3. Any of the following if the purpose relates to the operation of  
2 the requesting party's official duties or internal hiring practices, or  
3 both:

4           (a) A law enforcement agency.

5           (b) A prosecuting agency. On request of a person who is charged  
6 with a criminal offense or that person's attorney of record, a prosecuting  
7 agency shall provide the sealed case records of any person whom the  
8 prosecuting agency intends to call as a witness in that person's  
9 prosecution.

10          (c) A probation department or any agency that is responsible for  
11 the preparation of a presentence report.

12          (d) A court.

13          (e) The department of child safety or a child welfare agency as  
14 defined in section 8-501.

15          (f) The department of juvenile corrections.

16          (g) The state department of corrections or any other correctional  
17 facility in this state.

18          (h) The clerk of the court or any department that is responsible  
19 for maintaining court records.

20          K. This section does not require the supreme court or the court of  
21 appeals to seal any record.

22          L. If the court denies a petition to seal case records, a person  
23 may not file a new petition until three years after the date of the  
24 denial.

25          M. A conviction for an offense that is committed in another  
26 jurisdiction and that if committed in this state would not constitute an  
27 offense in this state may not be used against the petitioner or prohibit  
28 the petitioner from having a record sealed. For the purposes of this  
29 section, the classification of an offense committed in another  
30 jurisdiction has the classification that the offense would have if  
31 committed in this state.

32          N. If the petitioner has a charge pending or is charged with an  
33 offense after filing a petition to seal case records pursuant to  
34 subsection C, paragraph 3 or 4 of this section and the charge could result  
35 in a conviction that cannot be sealed or that could extend the time to  
36 file a petition to seal case records, the court may not grant or deny the  
37 petition until the court disposes of that charge.

38          O. The following offenses are not eligible to be sealed pursuant to  
39 this section:

40           1. A dangerous offense as defined in section 13-105.

41           2. A dangerous crime against children as defined in section 13-705.

42           3. A serious offense or violent or aggravated felony as defined in  
43 section 13-706.

44           4. Any offense that has either of the following as an element of  
45 the offense:

1 (a) The discharge, use or threatening exhibition of a deadly weapon  
2 or dangerous instrument.

3 (b) The knowing infliction of serious physical injury on another  
4 person.

5 5. Sex trafficking pursuant to section 13-1307.

6 6. A class 2, 3, 4 or 5 felony offense that is included in chapter  
7 14 or 35.1 of this title.

8 P. This section does not affect any of the following:

9 1. The right of the person whose case records are sealed to appeal  
10 the conviction or sentence or to rely on it in bar of any subsequent  
11 proceeding for the same offense.

12 2. The right of a law enforcement agency to maintain an arrest and  
13 conviction record and to communicate information regarding the sealed  
14 record of arrest or conviction to prosecuting agencies, courts, probation  
15 departments and other law enforcement agencies for a purpose listed in  
16 subsection J of this section or in defense of a civil action that arises  
17 out of the facts of the arrest or to the Arizona peace officer standards  
18 and training board solely to assist the board in determining the fitness  
19 of a person to serve as a peace officer, except that in any of these cases  
20 the information may not be disclosed to any person or entity that is not  
21 listed in subsection J of this section.

22 3. The department of public safety or the board of fingerprinting  
23 from considering a conviction that is sealed pursuant to this section when  
24 evaluating an application for a fingerprint clearance card pursuant to  
25 section 41-1758.03 or 41-1758.07, except that the board of fingerprinting  
26 shall consider sealed case records as a mitigating circumstance in  
27 determining whether to grant a good cause exception pursuant to section  
28 41-619.55.

29 4. A court from issuing a lifetime injunction pursuant to section  
30 13-719 or the validity of a lifetime injunction that was issued pursuant  
31 to section 13-719.

32 Q. For the purposes of this section, "case records" means all  
33 records that pertain to a person's arrest, conviction and sentence for a  
34 particular offense and that may be sealed pursuant to this section.

35 Sec. 4. Section 13-3214, Arizona Revised Statutes, is amended to  
36 read:

37 13-3214. Prostitution; classification

38 A. It is unlawful for a person to knowingly:

39 1. ~~Engage in prostitution~~ OFFER TO RECEIVE, AGREE TO RECEIVE OR  
40 RECEIVE A MONETARY FEE OR OTHER VALUABLE CONSIDERATION FOR ENGAGING IN  
41 SEXUAL CONDUCT WITH ANOTHER PERSON.

42 2. OFFER TO PAY, AGREE TO PAY OR PAY A MONETARY FEE OR VALUABLE  
43 CONSIDERATION FOR ENGAGING IN SEXUAL CONDUCT WITH ANOTHER PERSON.

44 B. This section does not prohibit cities or towns from enacting and  
45 enforcing ordinances to suppress and prohibit prostitution that provide a

1 punishment for misdemeanor violations that is at least as stringent as  
2 provided in this section.

3 C. For the purposes of sentencing under this section, a previous  
4 violation of any city or town ordinance that prohibits prostitution and  
5 that has the same or substantially similar elements as this section shall  
6 be deemed to be a previous violation of this section.

7 D. It is an affirmative defense to a prosecution under this section  
8 that the defendant committed the acts constituting ~~prostitution~~ A  
9 VIOLATION OF SUBSECTION A, PARAGRAPH 1 OF THIS SECTION as a direct result  
10 of being a victim of sex trafficking.

11 E. A person who violates SUBSECTION A, PARAGRAPH 1 OF this section  
12 is guilty of a class 1 misdemeanor, except that:

13 1. A person who is convicted of a first violation of this section  
14 shall be sentenced to serve not less than fifteen consecutive days in jail  
15 and is not eligible for probation or suspension of execution of sentence  
16 until the entire sentence is served.

17 2. A person who is convicted of a second violation of this section  
18 shall be sentenced to serve not less than thirty consecutive days in jail  
19 and is not eligible for probation or suspension of execution of sentence  
20 until the entire sentence is served.

21 3. A person who is convicted of a third violation of this section  
22 shall be sentenced to serve not less than sixty consecutive days in jail,  
23 is not eligible for probation or suspension of execution of sentence until  
24 the entire sentence is served and shall complete an appropriate ~~court~~  
25 ~~ordered~~ COURT-ORDERED education or treatment program.

26 4. A person who has previously been convicted of three or more  
27 violations of this section and who commits a subsequent violation of this  
28 section is guilty of a class 5 felony, shall be sentenced to serve not  
29 less than one hundred eighty consecutive days in jail and is not eligible  
30 for probation or suspension of execution of sentence until the entire  
31 sentence is served. This paragraph does not prohibit a person from being  
32 sentenced to serve a period of incarceration in the state department of  
33 corrections.

34 F. A PERSON WHO VIOLATES SUBSECTION A, PARAGRAPH 2 OF THIS SECTION  
35 IS GUILTY OF A CLASS 6 FELONY, EXCEPT THAT:

36 1. A PERSON WHO IS CONVICTED OF A FIRST VIOLATION OF THIS SECTION  
37 SHALL BE SENTENCED TO SERVE NOT LESS THAN FIFTEEN CONSECUTIVE DAYS IN JAIL  
38 AND IS NOT ELIGIBLE FOR PROBATION OR SUSPENSION OF EXECUTION OF SENTENCE  
39 UNTIL THE ENTIRE SENTENCE IS SERVED.

40 2. A PERSON WHO IS CONVICTED OF A SECOND VIOLATION OF THIS SECTION  
41 SHALL BE SENTENCED TO SERVE NOT LESS THAN THIRTY CONSECUTIVE DAYS IN JAIL  
42 AND IS NOT ELIGIBLE FOR PROBATION OR SUSPENSION OF EXECUTION OF SENTENCE  
43 UNTIL THE ENTIRE SENTENCE IS SERVED.

44 3. A PERSON WHO IS CONVICTED OF A THIRD VIOLATION OF THIS SECTION  
45 SHALL BE SENTENCED TO SERVE NOT LESS THAN SIXTY CONSECUTIVE DAYS IN JAIL,

1 IS NOT ELIGIBLE FOR PROBATION OR SUSPENSION OF EXECUTION OF SENTENCE UNTIL  
2 THE ENTIRE SENTENCE IS SERVED AND SHALL COMPLETE AN APPROPRIATE  
3 COURT-ORDERED EDUCATION OR TREATMENT PROGRAM.

4 4. A PERSON WHO HAS PREVIOUSLY BEEN CONVICTED OF THREE OR MORE  
5 VIOLATIONS OF THIS SECTION AND WHO COMMITS A SUBSEQUENT VIOLATION OF THIS  
6 SECTION IS GUILTY OF A CLASS 4 FELONY, SHALL BE SENTENCED TO SERVE NOT  
7 LESS THAN ONE HUNDRED EIGHTY CONSECUTIVE DAYS IN JAIL AND IS NOT ELIGIBLE  
8 FOR PROBATION OR SUSPENSION OF EXECUTION OF SENTENCE UNTIL THE ENTIRE  
9 SENTENCE IS SERVED. THIS PARAGRAPH DOES NOT PROHIBIT A PERSON FROM BEING  
10 SENTENCED TO SERVE A PERIOD OF INCARCERATION IN THE STATE DEPARTMENT OF  
11 CORRECTIONS.

12 Sec. 5. Section 41-1736, Arizona Revised Statutes, is amended to  
13 read:

14 41-1736. Anti-human trafficking grant fund

15 A. The anti-human trafficking grant fund is established consisting  
16 of monies COLLECTED PURSUANT TO SECTION 12-116.13 AND MONIES appropriated  
17 by the legislature. Monies in the fund are continuously appropriated.  
18 The department shall administer the fund and distribute monies from the  
19 fund to programs to reduce human trafficking in this state. To be  
20 eligible for grant monies, an anti-human trafficking program shall do  
21 ~~either~~ ONE of the following:

22 1. Work to reduce human trafficking by providing assistance and  
23 analytical services to law enforcement agencies.

24 2. Provide services to victims OF HUMAN TRAFFICKING. ~~and~~

25 3. PROVIDE training to law enforcement agencies, prosecutorial  
26 agencies and the public on preventing and identifying human trafficking.

27 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, MONIES COLLECTED  
28 PURSUANT TO SECTION 12-116.13 FROM A PERSON WHO IS CONVICTED OF A  
29 VIOLATION OF SECTION 13-3214, SUBSECTION A, PARAGRAPH 2 SHALL BE USED  
30 EXCLUSIVELY TO PROVIDE SERVICES TO VICTIMS OF SEX TRAFFICKING.