

Senate Engrossed House Bill

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 219

HOUSE BILL 2553

AN ACT

AMENDING TITLE 13, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-907.01; RELATING TO VACATING CONVICTIONS.

(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 amended
3 by adding section 13-907.01, to read:
4 13-907.01. Vacating the conviction of a sex trafficking victim;
5 requirements
6 A. A PERSON WHO WAS CONVICTED OF A VIOLATION OF SECTION 13-3214
7 COMMITTED PRIOR TO JULY 24, 2014 MAY APPLY TO THE COURT THAT PRONOUNCED
8 SENTENCE TO VACATE THE PERSON'S CONVICTION. THE COURT SHALL GRANT THE
9 APPLICATION AND VACATE THE CONVICTION IF THE COURT FINDS BY CLEAR AND
10 CONVINCING EVIDENCE THAT THE PERSON'S PARTICIPATION IN THE OFFENSE WAS A
11 DIRECT RESULT OF BEING A VICTIM OF SEX TRAFFICKING PURSUANT TO SECTION
12 13-1307.
13 B. IF THE PROSECUTOR DOES NOT OPPOSE THE APPLICATION, THE COURT MAY
14 GRANT THE APPLICATION AND VACATE THE CONVICTION WITHOUT A HEARING.
15 C. IF THE PROSECUTOR OPPOSES THE APPLICATION, THE COURT SHALL HOLD A
16 HEARING ON THE APPLICATION.
17 D. ON VACATING THE CONVICTION, THE COURT SHALL:
18 1. RELEASE THE APPLICANT FROM ALL PENALTIES AND DISABILITIES RESULTING
19 FROM THE CONVICTION.
20 2. ENTER AN ORDER THAT A NOTATION BE MADE IN THE COURT FILE AND IN LAW
21 ENFORCEMENT AND PROSECUTION RECORDS THAT THE CONVICTION HAS BEEN VACATED AND
22 THE PERSON WAS THE VICTIM OF A CRIME.
23 3. TRANSMIT THE ORDER VACATING THE CONVICTION TO THE ARRESTING AGENCY,
24 THE PROSECUTOR AND THE DEPARTMENT OF PUBLIC SAFETY.
25 E. A CONVICTION VACATED PURSUANT TO THIS SECTION DOES NOT QUALIFY AS A
26 HISTORICAL PRIOR AND CANNOT BE ALLEGED FOR ANY PURPOSE PURSUANT TO SECTION
27 13-703.
28 F. EXCEPT ON AN APPLICATION FOR EMPLOYMENT THAT REQUIRES A FINGERPRINT
29 CLEARANCE CARD PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1, A PERSON WHOSE
30 CONVICTION IS VACATED UNDER THIS SECTION MAY IN ALL INSTANCES STATE THAT THE
31 PERSON HAS NEVER BEEN ARRESTED FOR, CHARGED WITH OR CONVICTED OF THE CRIME
32 THAT IS THE SUBJECT OF THE CONVICTION, INCLUDING IN RESPONSE TO QUESTIONS ON
33 EMPLOYMENT, HOUSING, FINANCIAL AID OR LOAN APPLICATIONS.

APPROVED BY THE GOVERNOR APRIL 6, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2015.

Passed the House March 3, 20 15

Passed the Senate March 31, 20 15

by the following vote: 59 Ayes,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

0 Nays, 1 Not Voting

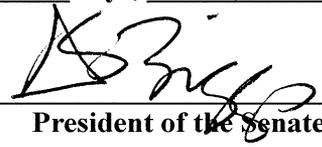


Speaker of the House

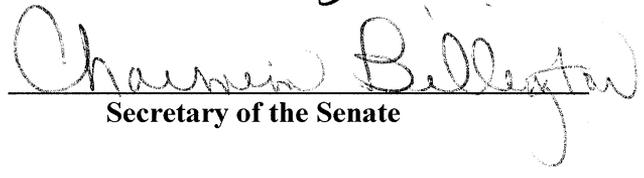
Pro Tempore



Chief Clerk of the House



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2553

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 1, 2015,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
2nd day of April, 2015,

at 8:57 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 6th day of

April, 2015,

at 1:54 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2553

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 7th day of April, 2015,

at 8:30 o'clock A. M.

[Signature]
Secretary of State