

Senate Engrossed

FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

CHAPTER 87

SENATE BILL 1422

AN ACT

AMENDING SECTION 13-907.01, ARIZONA REVISED STATUTES; RELATING TO VACATED
CONVICTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-907.01, Arizona Revised Statutes, is amended
3 to read:

4 13-907.01. Vacating the conviction of a sex trafficking
5 victim; requirements

6 A. A person who was convicted of a violation of section 13-3214 OR
7 A CITY OR TOWN ORDINANCE THAT HAS THE SAME OR SUBSTANTIALLY SIMILAR
8 ELEMENTS AS SECTION 13-3214 committed ~~prior to~~ BEFORE July 24, 2014 may
9 apply to the court that pronounced sentence to vacate the person's
10 conviction. The court shall grant the application and vacate the
11 conviction if the court finds by clear and convincing evidence that the
12 person's participation in the offense was a direct result of being a
13 victim of sex trafficking pursuant 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
17 a 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.

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

26 E. A conviction vacated pursuant to this section does not qualify
27 as a historical prior FELONY CONVICTION and cannot be alleged for any
28 purpose pursuant to section 13-703 OR 13-707.

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

APPROVED BY THE GOVERNOR MARCH 28, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 28, 2017.

Passed the House March 21, 2017,

Passed the Senate February 27, 2017,

by the following vote: 53 Ayes,

by the following vote: 30 Ayes,

3 Nays, 4 Not Voting

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

22 day of March, 2017,

at 2:08 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 28 day of

March, 2017,

at 5:20 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28 day of March, 2017,

at 5:49 o'clock P. M.

[Signature]
Secretary of State

S.B. 1422