



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: JUD DP 9-0-0-0

HB 2630: sealing case records; subsequent felony

Sponsor: Representative Toma, LD 27

Caucus & COW

Overview

Makes various changes to existing statute outlining the process for a person to petition the court to seal the record of the person's arrest, conviction and sentence.

History

Current law allows for a person to file a petition to seal all case records related to an eligible criminal offense if the person was:

- 1) convicted of a criminal offense and has completed all terms and conditions of the sentence imposed by the court;
- 2) charged with a criminal offense and the charge was subsequently dismissed or resulted in a not guilty verdict at a trial; or
- 3) arrested for a criminal offense and no charges were filed.

Statute specifies that a person who was convicted of an offense and who has not subsequently been convicted of any other offenses, except certain misdemeanor violations in [A.R.S. title 28](#), may petition the court to seal case records only after the person has completed all of the terms and conditions of the person's sentence and the following periods of time have passed:

- 1) for a class 2 or 3 felony, 10 years;
- 2) for a class 4, 5 or 6 felony, 5 years;
- 3) for a class 1 misdemeanor, 3 years; or
- 4) for a class 2 or 3 misdemeanor, 2 years.

These periods are extended by 5 years if the person has a prior historical felony conviction.

Even if a person successfully petitions to have the person's records sealed, however, statute specifies certain situations in which the person is nevertheless required to disclose certain information relating to their criminal history, such as when the person is applying for a certain type of job to which the person's criminal history is specifically relevant. Moreover, certain offenses or categories of offenses are ineligible for sealing, such as dangerous crimes against children or offenses that involve the knowing infliction of serious physical injury on another person ([A.R.S. § 13-911](#)).

Provisions

1. Allows a person whose case records have been sealed and who commits a subsequent felony offense to petition the court to seal the person's records for the subsequent felony offense after the applicable time period for the offense has expired and an additional five years have passed. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

2. Makes changes to the list of offenses that must be disclosed in certain situations despite such records being sealed, including:
 - a) adding specific statutory citations to certain offenses already included in the list;
 - b) limiting the violations of [A.R.S. title 13](#), chapter 34 (drug offenses) that must be disclosed to class 2 or class 3 felonies;
 - c) specifying that organized retail theft under [A.R.S. § 13-1819](#) from a residential or nonresidential structure, in addition to other offenses, must be disclosed if the person is applying for a job that requires entering into and performing services inside of a residential structure;
 - d) expanding the offenses that must be disclosed when the person is applying for a job involving accounting, overseeing, transporting, handling or managing another person's money or financial assets to include any violation of [A.R.S. title 13](#), chapters 18 (theft), 19 (robbery), 20 (forgery and related offenses), 21 (credit card fraud), 22 (business and commercial frauds) or 23 (organized crime, fraud and terrorism) or telecommunication fraud under [A.R.S. § 13-3707](#). (Sec. 1)
3. Adds a *dangerous offense* as defined in section [13-105](#) to the list of offenses that are not eligible to be sealed. (Sec. 1)
4. Instructs the Board of Fingerprinting to consider sealed case records as a mitigating circumstance in determining whether to grant a good cause exception pursuant to [A.R.S. § 41-619.55](#). (Sec. 1)
5. Makes technical and conforming changes. (Sec. 1)