



Bill Summary: Arizona Expungement HB 2362 (Toma)

The Bill: If passed, HB 2362 would allow some people to petition the court to expunge the records of their arrest, conviction, and sentence. The court would be authorized – *not* required – to grant the petition. People whose records are expunged would be able to state that they have never been arrested, charged, or convicted of the expunged crime, except on employment applications for jobs that require fingerprint clearance cards. FAMM supports this bill.

Who it would help: Those arrested, convicted, or sentenced before, on, or after the bill has become effective, and who were not convicted for a dangerous crime against children under section 13-705 or for being a dangerous offender under section 13-704.

Bill Status: *This bill is not yet law.* To become law, it must go through the committee process, pass through both the Arizona Senate and House of Representatives, and be signed by the governor.

The process for expungement, under HB 2362:

- After completing all the terms of their sentence, people who were not convicted as a dangerous offender under section 13-704 or of a dangerous crime against children under section 13-705 can petition the court for expungement of the record of arrest, conviction, and sentence after the following time period has passed since the date of their conviction:
 - 10 years for a class 2 or 3 felony
 - 5 years for a class 4, 5, or 6 felony
 - 3 years for a class 1 misdemeanor
 - 2 years for a class 2 or 3 misdemeanor
 - A person convicted of two or more offenses cannot petition for expungement until the applicable period of time has passed for each conviction.
- The court is authorized to expunge the records if it determines that doing so would assist the person's rehabilitation and would not compromise public safety.
 - Expungement does not require a hearing unless the person asks for one.
 - Courts must notify prosecutors of the petition for expungement and give the prosecutor an opportunity to respond.
 - Victims have a right to notice that expungement has been requested, and a right to be present at a hearing for expungement.
- People who were indicted for an offense but whose charges were dismissed, vacated, or who were found not guilty can petition the court that filed the charges to expunge the record of their arrest and/or court record.
- If a petition for expungement is denied, the person must wait three years to reapply.
- A person may appeal a denial of a petition for expungement.
- Expunged convictions would still be able to be used later to sentence the person as a repeat offender under section 13-703.

