

REFERENCE TITLE: vacate conviction; sex trafficking; victims

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2623

Introduced by
Representative Gress

AN ACT

AMENDING SECTION 13-909, ARIZONA REVISED STATUTES; RELATING TO RESTORATION
OF CIVIL RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-909, Arizona Revised Statutes, is amended to
3 read:

4 13-909. Vacating the conviction of a sex trafficking victim;
5 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 before July 24, 2014~~ may apply to
9 the court that pronounced sentence to vacate the person's conviction. The
10 court shall grant the application and vacate the conviction if the court
11 finds by clear and convincing evidence that the person's participation in
12 the offense was a direct result of being a victim of sex trafficking
13 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.