

COMMITTEE ON JUDICIARY

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2553

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 JANUARY 1, 2015 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 AS DEFINED IN 13-1307.

12 B. IF THE PROSECUTOR DOES NOT OPPOSE THE APPLICATION, THE COURT MAY
13 GRANT THE APPLICATION AND VACATE THE CONVICTION WITHOUT A HEARING.

14 C. IF THE PROSECUTOR OPPOSES THE APPLICATION, THE COURT SHALL HOLD A
15 HEARING ON THE APPLICATION.

16 D. UPON VACATING THE CONVICTION, THE COURT SHALL:

17 1. RELEASE THE APPLICANT FROM ALL PENALTIES AND DISABILITIES RESULTING
18 FROM THE CONVICTION.

19 2. ENTER AN ORDER THAT A NOTATION BE MADE ON ALL THE COURT, LAW
20 ENFORCEMENT AND PROSECUTION RECORDS THAT THE CONVICTION HAS BEEN VACATED AND
21 THE PERSON WAS THE VICTIM OF A CRIME.

22 3. TRANSMIT THE ORDER VACATING THE CONVICTION TO THE ARRESTING AGENCY,
23 THE PROSECUTOR AND THE DEPARTMENT OF PUBLIC SAFETY.

24 E. A CONVICTION VACATED PURSUANT TO THIS SECTION DOES NOT QUALIFY AS A
25 HISTORICAL PRIOR PURSUANT TO 13-703.

26 F. EXCEPT ON AN APPLICATION FOR EMPLOYMENT THAT REQUIRES A FINGERPRINT
27 CLEARANCE CARD PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1, A PERSON WHOSE
28 CONVICTION IS VACATED UNDER THIS SECTION MAY IN ALL INSTANCES STATE THAT THE
29 PERSON HAS NEVER BEEN ARRESTED FOR, CHARGED WITH OR CONVICTED OF THE CRIME
30 THAT IS THE SUBJECT OF THE CONVICTION, INCLUDING IN RESPONSE TO QUESTIONS ON
31 EMPLOYMENT, HOUSING, FINANCIAL AID OR LOAN APPLICATIONS."

32 Amend title to conform

and, as so amended, it do pass

EDWIN W. FARNSWORTH
Chairman

2553-se-jud
2/18/15
H:laa