

COMMITTEE ON JUDICIARY
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2311
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 13-4051, Arizona Revised Statutes, is amended to
3 read:

4 13-4051. Entry on records; stipulation; court order

5 A. IF A LAW ENFORCEMENT OFFICER, PARTY IN A CRIMINAL CASE OR COURT
6 HAS GROUNDS TO BELIEVE A PERSON MIGHT HAVE BEEN WRONGFULLY ARRESTED,
7 INDICTED OR OTHERWISE CHARGED FOR A CRIME, THE LAW ENFORCEMENT OFFICER,
8 PARTY IN A CRIMINAL CASE OR COURT SHALL NOTIFY THE PERSON OF THE RIGHT TO
9 FILE A PETITION PURSUANT TO THIS SECTION. THE CLERK OF THE COURT SHALL NOT
10 IMPOSE A FEE FOR FILING THE PETITION.

11 ~~A.~~ B. Any person who is wrongfully arrested, indicted or otherwise
12 charged for ~~any~~ A crime may petition the superior court for entry on all
13 court records, police records and any other records of any other agency
14 relating to ~~such~~ THE arrest, ~~or~~ indictment OR CHARGE a notation that the
15 person has been cleared. THE PETITION SHALL STATE WHICH RECORDS THE
16 PETITIONER IS REQUESTING TO BE INCLUDED IN THE ORDER.

17 ~~B.~~ C. After a hearing on the petition, if the ~~judge believes~~ COURT
18 FINDS that IT IS IN THE INTEREST OF justice ~~will be served by such entry~~,
19 the ~~judge~~ COURT shall issue the AN order requiring the AN entry ~~that ON~~ the
20 ~~person has been cleared on such~~ records, with accompanying justification
21 ~~therefor, and shall cause~~. A copy of ~~such~~ THE order ~~to be delivered~~ SHALL
22 BE TRANSMITTED to all APPLICABLE law enforcement, PROSECUTING AND OTHER
23 agencies and courts. The order shall ~~further~~ require that ~~all law~~

1 ~~enforcement agencies and courts shall not release copies of or provide~~
2 ~~access to such~~ THE records ~~to~~ NOT BE RELEASED TO OR ACCESSED BY any person
3 except on order of the court.

4 D. THE PERSON MAY DENY THAT THE ARREST, INDICTMENT OR CHARGES EVER
5 OCCURRED.

6 ~~E.~~ E. Any person who has notice of ~~such~~ THE order ISSUED PURSUANT
7 TO THIS SECTION and fails to comply with the ~~court~~ order ~~issued pursuant to~~
8 ~~this section~~ shall be liable to the person for damages from ~~such~~ THE
9 failure TO COMPLY."

10 Amend title to conform

And, as so amended, it do pass

JOHN M. ALLEN
CHAIRMAN

2311JUDICIARY
02/20/2019
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