

COMMITTEE ON APPROPRIATIONS  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2320  
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 12, chapter 5, article 3, Arizona Revised  
3 Statutes, is amended by adding section 12-558.04, to read:

4 12-558.04. Limited liability; renting or leasing property to  
5 persons with sealed criminal records; definition

6 A. A PROPERTY OWNER, PROPERTY MANAGER OR LANDLORD IS NOT LIABLE IN A  
7 CIVIL ACTION FOR FAILING TO PROVIDE A SAFE LIVING ENVIRONMENT BASED SOLELY  
8 ON THE FACT THAT THE PROPERTY OWNER, PROPERTY MANAGER OR LANDLORD RENTED OR  
9 LEASED PROPERTY TO A PERSON WHO WAS CONVICTED OF A CRIMINAL OFFENSE THAT  
10 WAS SEALED PURSUANT TO SECTION 13-911 BEFORE THE PERSON RENTED OR LEASED  
11 THE PROPERTY.

12 B. IN A CIVIL ACTION THAT IS FILED AGAINST A PROPERTY OWNER,  
13 PROPERTY MANAGER OR LANDLORD FOR FAILING TO PROVIDE A SAFE LIVING  
14 ENVIRONMENT BASED ON THE FACT THAT THE PROPERTY OWNER, PROPERTY MANAGER OR  
15 LANDLORD RENTED OR LEASED PROPERTY TO A PERSON WHO WAS PREVIOUSLY CONVICTED  
16 OF A CRIMINAL OFFENSE THAT WAS SEALED PURSUANT TO SECTION 13-911, THE FACT  
17 THAT THE TENANT OR LESSEE WAS PREVIOUSLY CONVICTED OF A CRIMINAL OFFENSE  
18 THAT WAS SEALED PURSUANT TO SECTION 13-911 BEFORE THE PROPERTY OWNER,  
19 PROPERTY MANAGER OR LANDLORD RENTED OR LEASED THE PROPERTY MAY NOT BE  
20 INTRODUCED INTO EVIDENCE.

21 C. THIS SECTION DOES NOT PROHIBIT A PERSON FROM FILING A CIVIL  
22 ACTION AGAINST THE PROPERTY OWNER, PROPERTY MANAGER OR LANDLORD FOR FAILING  
23 TO PROVIDE A SAFE LIVING ENVIRONMENT THAT IS BASED ON FACTORS OTHER THAN  
24 THOSE PRESCRIBED IN SUBSECTION A OF THIS SECTION.

1 D. FOR THE PURPOSES OF THIS SECTION, "CRIMINAL OFFENSE" MEANS ANY  
2 CRIMINAL OFFENSE EXCEPT VIOLENT OFFENSES AND SEXUAL OFFENSES.

3 Sec. 2. Title 13, chapter 9, Arizona Revised Statutes, is amended by  
4 adding section 13-911, to read:

5 13-911. Sealing of arrest, conviction and sentencing records;  
6 requirements; fee; appeal; definition

7 A. ON THE PETITION OF A PERSON WHO HAS COMPLETED ALL OF THE TERMS  
8 AND CONDITIONS OF THE PERSON'S SENTENCE, INCLUDING PAYING ALL FINES, FEES  
9 AND RESTITUTION THAT ARE ORDERED BY THE COURT, THE COURT MAY ORDER THAT ALL  
10 CASE RECORDS RELATED TO THE OFFENSE BE SEALED PURSUANT TO THIS SECTION.

11 B. ALL CASE RECORDS THAT ARE SEALED PURSUANT TO THIS SECTION MAY BE:

- 12 1. ALLEGED AS AN ELEMENT OF AN OFFENSE.  
13 2. USED AS A HISTORICAL PRIOR FELONY CONVICTION.  
14 3. ADMISSIBLE FOR IMPEACHMENT PURPOSES IN A SUBSEQUENT TRIAL.  
15 4. USED TO ENHANCE THE SENTENCE FOR A SUBSEQUENT FELONY.

16 C. THE PERSON SHALL FILE A PETITION TO SEAL ALL CASE RECORDS IN  
17 EITHER OF THE FOLLOWING:

18 1. THE COURT IN WHICH THE PERSON WAS CONVICTED OF AN OFFENSE.

19 2. THE COURT IN WHICH AN INDICTMENT OR INFORMATION OR A CRIMINAL  
20 CITATION AGAINST THE PERSON WAS FILED AND THE CHARGES WERE DISMISSED, THE  
21 PERSON WAS FOUND NOT GUILTY OR THE PERSON'S CONVICTION WAS VACATED.

22 3. THE COURT IN WHICH THE PERSON HAD AN INITIAL APPEARANCE IF  
23 CHARGES WERE NOT FILED.

24 D. THE COURT MAY NOT GRANT OR DENY A PETITION TO SEAL A PERSON'S  
25 CASE RECORDS UNTIL THIRTY CALENDAR DAYS AFTER THE COURT RECEIVES THE  
26 PETITION UNLESS THE COURT RECEIVES NOTICE THAT BOTH THE PROSECUTOR AND ALL  
27 VICTIMS WHO HAVE MADE A REQUEST FOR POSTCONVICTION NOTICE DO NOT OBJECT TO  
28 THE PETITION. UNLESS THE PETITIONER, PROSECUTOR OR VICTIM REQUESTS A  
29 HEARING, THE COURT MAY GRANT OR DENY A PETITION TO SEAL CASE RECORDS  
30 WITHOUT A HEARING. THE COURT MAY DISMISS A PETITION THAT DOES NOT MEET THE  
31 REQUIREMENTS PRESCRIBED IN THIS SECTION WITHOUT A HEARING. THE COURT SHALL  
32 GRANT THE PETITION IF THE COURT DETERMINES THAT GRANTING THE PETITION IS IN  
33 THE BEST INTERESTS OF THE PETITIONER AND THE PUBLIC'S SAFETY. THE COURT

1 SHALL PROVIDE A COPY OF THE PETITION TO SEAL CASE RECORDS TO THE  
2 PROSECUTOR. THE PROSECUTOR MAY RESPOND TO THE PETITION AND REQUEST A  
3 HEARING. THE VICTIM HAS A RIGHT TO BE PRESENT AND HEARD AT ANY PROCEEDING  
4 IN WHICH THE DEFENDANT HAS FILED A PETITION TO SEAL CASE RECORDS. IF THE  
5 VICTIM HAS MADE A REQUEST FOR POSTCONVICTION NOTICE, THE PROSECUTOR SHALL  
6 PROVIDE THE VICTIM WITH NOTICE OF THE DEFENDANT'S PETITION AND OF THE  
7 VICTIM'S RIGHTS UNDER THIS SECTION.

8 E. AT THE TIME OF SENTENCING, THE COURT SHALL INFORM THE PERSON ON  
9 THE RECORD THAT THE PERSON MAY BE ELIGIBLE TO PETITION THE COURT FOR AN  
10 ORDER THAT SEALS ALL CASE RECORDS OF THE PERSON'S ARREST, CONVICTION AND  
11 SENTENCE THAT ARE RELATED TO THE OFFENSE PURSUANT TO THIS SECTION AND SHALL  
12 INCLUDE THIS NOTICE IN WRITING IN THE SENTENCING MINUTE ENTRY. A PERSON  
13 WHO WAS CONVICTED OF AN OFFENSE AND WHO HAS NOT SUBSEQUENTLY BEEN CONVICTED  
14 OF ANY OTHER OFFENSE EXCEPT A MISDEMEANOR VIOLATION INCLUDED IN TITLE 28,  
15 EXCLUDING A CONVICTION FOR A VIOLATION OF SECTION 28-1381, 28-1382 OR  
16 28-1383, MAY PETITION THE COURT TO SEAL THE PERSON'S RECORDS OF ARREST,  
17 CONVICTION AND SENTENCE AFTER THE PERSON COMPLETES ALL OF THE TERMS AND  
18 CONDITIONS OF THE PERSON'S SENTENCE, INCLUDING PAYING ALL FINES, FEES AND  
19 RESTITUTION THAT ARE ORDERED BY THE COURT, AND THE FOLLOWING PERIOD OF TIME  
20 HAS PASSED SINCE THE PERSON COMPLETED THE CONDITIONS OF PROBATION OR  
21 SENTENCE AND WAS DISCHARGED BY THE COURT:

- 22 1. TEN YEARS FOR A CLASS 2 OR 3 FELONY.
- 23 2. FIVE YEARS FOR A CLASS 4, 5 OR 6 FELONY.
- 24 3. THREE YEARS FOR A CLASS 1 MISDEMEANOR.
- 25 4. TWO YEARS FOR A CLASS 2 OR 3 MISDEMEANOR.

26 F. NOTWITHSTANDING SUBSECTION E OF THIS SECTION, IF THE PERSON HAS A  
27 PRIOR HISTORICAL FELONY CONVICTION, THE PERSON MAY PETITION THE COURT TO  
28 SEAL THE PERSON'S RECORDS OF ARREST, CONVICTION AND SENTENCE PURSUANT TO  
29 SUBSECTION E OF THIS SECTION AFTER AN ADDITIONAL FIVE YEARS.

30 G. A PERSON WHO IS CONVICTED OF TWO OR MORE OFFENSES MAY NOT  
31 PETITION THE COURT TO SEAL THE PERSON'S CASE RECORDS UNTIL THE PERIOD OF  
32 TIME PRESCRIBED IN SUBSECTION E OF THIS SECTION HAS PASSED FOR EACH  
33 CONVICTION.

1           H. AFTER A PETITION TO SEAL CASE RECORDS IS FILED, THE COURT SHALL  
2 NOTIFY THE DEPARTMENT OF PUBLIC SAFETY AND REQUEST THE DEPARTMENT TO  
3 PREPARE AND SUBMIT A REPORT TO THE COURT THAT INCLUDES ALL OF THE  
4 PETITIONER'S STATE AND FEDERAL ARRESTS, PROSECUTIONS AND CONVICTIONS AND  
5 ANY OTHER INFORMATION THAT THE COURT REQUESTS OR THAT THE DEPARTMENT  
6 BELIEVES WILL ASSIST THE COURT IN MAKING ITS DETERMINATION. THE DIRECTOR  
7 MAY CHARGE THE PETITIONER A FEE THAT IS DETERMINED BY THE DIRECTOR FOR THE  
8 INVESTIGATION UNLESS THE PETITIONER IS INDIGENT OR HAS BEEN FOUND NOT  
9 GUILTY OR THE CASE WAS DISMISSED OR NOT PROSECUTED AND THE PETITION IS  
10 FILED PURSUANT TO SUBSECTION C, PARAGRAPH 2 OF THIS SECTION.

11           I. IF THE COURT GRANTS A PETITION TO SEAL CASE RECORDS:

12           1. THE COURT SHALL ISSUE AN ORDER SEALING ALL RECORDS RELATING TO  
13 THE PETITIONER'S ARREST, CONVICTION AND SENTENCE AND DIRECTING THE CLERK OF  
14 THE COURT TO NOTIFY THE DEPARTMENT OF PUBLIC SAFETY AND THE PROSECUTOR OF  
15 THE SEALING ORDER.

16           2. ON ORDER OF A COURT, THE CLERK OF THE COURT SHALL SEAL ALL CASE  
17 RECORDS RELATING TO THE PETITIONER'S ARREST, CONVICTION AND SENTENCE. A  
18 COURT ORDER TO SEAL CASE RECORDS PURSUANT TO THIS SECTION IS ONLY SUBJECT  
19 TO THE DISCLOSURE REQUIREMENTS IN THIS SECTION AND SHALL BE TREATED  
20 DIFFERENTLY THAN A RECORD THAT IS SEALED PURSUANT TO ANY OTHER STATUTE OR  
21 COURT RULE. THE CLERK SHALL CREATE AND MANAGE A SYSTEM FOR SEALING CASE  
22 RECORDS PURSUANT TO THIS SECTION AND FOR PROVIDING CASE SEALED CASE RECORDS  
23 TO AN ENTITY OR PERSON THAT IS LISTED IN SUBSECTION J OF THIS SECTION AND  
24 THAT REQUESTS THE RECORD. ON THE REQUEST OF AN ENTITY OR PERSON LISTED IN  
25 SUBSECTION J OF THIS SECTION, THE CLERK SHALL PROVIDE THE ENTITY OR PERSON  
26 WITH ANY SEALED CASE RECORDS. THE CLERK MAY NOT PROVIDE SEALED CASE  
27 RECORDS PURSUANT TO THIS SECTION TO ANY PERSON OR ENTITY THAT IS NOT LISTED  
28 IN SUBSECTION J OF THIS SECTION.

29           3. THE DEPARTMENT OF PUBLIC SAFETY SHALL DESIGNATE THE CASE RECORDS  
30 AS SEALED WITHIN THE DEPARTMENT'S RECORDS AND INFORM ALL APPROPRIATE STATE  
31 AND FEDERAL LAW ENFORCEMENT AGENCIES OF THE SEALING. THE DEPARTMENT MAY  
32 NOT SHARE OR PROVIDE SEALED CASE RECORDS WITH ANY PERSON OR ENTITY THAT IS  
33 NOT LISTED IN SUBSECTIONS B AND J OF THIS SECTION. THE DEPARTMENT MAY

1 CHARGE THE SUCCESSFUL PETITIONER A FEE DETERMINED BY THE DIRECTOR TO  
2 RESEARCH AND CORRECT THE PETITIONER'S CRIMINAL HISTORY RECORD UNLESS THE  
3 PETITIONER IS INDIGENT OR HAS BEEN FOUND NOT GUILTY OR THE CASE HAS BEEN  
4 DISMISSED OR NOT PROSECUTED AND THE PETITION IS FILED PURSUANT TO  
5 SUBSECTION C, PARAGRAPH 2 OF THIS SECTION.

6 4. THE ARRESTING AND PROSECUTING AGENCIES SHALL CLEARLY IDENTIFY IN  
7 EACH AGENCY'S FILES AND ELECTRONIC RECORDS THAT THE PETITIONER'S ARREST OR  
8 CONVICTION AND SENTENCE RECORDS ARE SEALED.

9 5. A PERSON WHOSE ARREST, CONVICTION AND SENTENCE RECORDS ARE SEALED  
10 PURSUANT TO THIS SECTION MAY STATE, IN ALL INSTANCES, THAT THE PERSON HAS  
11 NEVER BEEN ARRESTED FOR, CHARGED WITH OR CONVICTED OF THE CRIME THAT IS THE  
12 SUBJECT OF THE ARREST OR CONVICTION, INCLUDING IN RESPONSE TO QUESTIONS ON  
13 EMPLOYMENT, HOUSING, FINANCIAL AID OR LOAN APPLICATIONS UNLESS ANY OF THE  
14 FOLLOWING APPLIES:

15 (a) THE PERSON IS SUBMITTING AN APPLICATION FOR EMPLOYMENT THAT  
16 REQUIRES A FINGERPRINT CLEARANCE CARD PURSUANT TO TITLE 41, CHAPTER 12,  
17 ARTICLE 3.1.

18 (b) THE SEALED CASE RECORDS INVOLVED A VIOLATION OF CHAPTER 34 OF  
19 THIS TITLE.

20 (c) THE SEALED CASE RECORDS INVOLVED BURGLARY OR THEFT FROM A  
21 RESIDENTIAL OR NONRESIDENTIAL STRUCTURE AND THE PERSON IS APPLYING FOR A  
22 JOB THAT REQUIRES ENTERING INTO AND PERFORMING SERVICES INSIDE OF A  
23 RESIDENTIAL STRUCTURE.

24 (d) THE SEALED CASE RECORDS INVOLVED CHILD ABUSE OR AGGRAVATED  
25 ASSAULT AND THE PERSON IS APPLYING FOR A JOB INVOLVING SUPERVISING,  
26 EDUCATING OR ADMINISTERING CARE TO A MINOR.

27 (e) THE SEALED CASE RECORDS INVOLVED VULNERABLE ADULT ABUSE AND THE  
28 PERSON IS APPLYING FOR A JOB INVOLVING SUPERVISING OR ADMINISTERING CARE TO  
29 A VULNERABLE ADULT OR A PERSON WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE.

30 (f) THE SEALED CASE RECORDS INVOLVED A VIOLATION OF SECTION  
31 5-395.01, 5-396, 5-397, 13-1814, 28-1381, 28-1382, 28-1383, 28-8282,  
32 28-8284, 28-8286, 28-8287 OR 28-8288 AND THE PERSON IS APPLYING FOR A JOB

1 INVOLVING THE COMMERCIAL OR PRIVATE OPERATION OF A MOTOR VEHICLE, BOAT OR  
2 AIRPLANE.

3 (g) THE SEALED CASE RECORDS INVOLVED THEFT, THEFT OF MEANS OF  
4 TRANSPORTATION, FORGERY, TAKING THE IDENTITY OF ANOTHER OR FRAUDULENT  
5 SCHEMES AND ARTIFICES AND THE PERSON IS APPLYING FOR A JOB INVOLVING  
6 ACCOUNTING, OVERSEEING, TRANSPORTING, HANDLING OR MANAGING ANOTHER PERSON'S  
7 MONEY OR FINANCIAL ASSETS.

8 (h) THE PERSON IS APPLYING FOR A POSITION WITH A LAW ENFORCEMENT  
9 AGENCY, A PROSECUTOR'S OFFICE, A COURT, A PROBATION DEPARTMENT OR THE STATE  
10 DEPARTMENT OF CORRECTIONS.

11 6. THE PERSON'S EMPLOYER IS NOT LIABLE FOR HIRING OR CONTRACTING  
12 WITH THE PERSON AS PRESCRIBED IN SECTION 12-558.03.

13 7. THE PERSON'S LANDLORD IS NOT LIABLE FOR RENTING OR LEASING  
14 PROPERTY TO THE PERSON AS PRESCRIBED IN SECTION 12-558.04.

15 J. IF THE PERSON'S CASE RECORDS ARE SEALED PURSUANT TO THIS SECTION,  
16 THE RECORDS SHALL BE MADE AVAILABLE FOR THE PURPOSES LISTED IN SUBSECTION B  
17 OF THIS SECTION AND TO THE FOLLOWING:

18 1. THE PERSON WHOSE RECORDS ARE SEALED AND ANY ATTORNEY WHO HAS  
19 FILED A NOTICE OF APPEARANCE ON BEHALF OF THE PERSON WHOSE RECORDS ARE  
20 SEALED.

21 2. THE VICTIM IN THE CASE IF THE VICTIM HAS EXERCISED VICTIMS'  
22 RIGHTS PURSUANT TO SECTION 13-4414.

23 3. ANY OF THE FOLLOWING IF THE PURPOSE RELATES TO THE OPERATION OF  
24 THE REQUESTING PARTY'S OFFICIAL DUTIES AND INTERNAL HIRING PRACTICES:

25 (a) A LAW ENFORCEMENT AGENCY.

26 (b) A PROSECUTING AGENCY.

27 (c) A PROBATION DEPARTMENT OR ANY AGENCY THAT IS RESPONSIBLE FOR THE  
28 PREPARATION OF A PRESENTENCE REPORT.

29 (d) A COURT FOR SENTENCING A PERSON.

30 (e) THE STATE DEPARTMENT OF CORRECTIONS OR ANY OTHER CORRECTIONAL  
31 FACILITY IN THIS STATE.

32 (f) THE CLERK OF THE COURT OR ANY DEPARTMENT THAT IS RESPONSIBLE FOR  
33 MAINTAINING COURT RECORDS.

1 K. THIS SECTION DOES NOT REQUIRE THE SUPREME COURT OR THE COURT OF  
2 APPEALS TO SEAL ANY RECORD.

3 L. IF THE COURT DENIES A PETITION TO SEAL CASE RECORDS, A PERSON MAY  
4 NOT FILE A NEW PETITION UNTIL THREE YEARS AFTER THE DATE OF THE DENIAL.

5 M. A CONVICTION FOR AN OFFENSE THAT IS COMMITTED IN ANOTHER  
6 JURISDICTION AND THAT IF COMMITTED IN THIS STATE WOULD NOT CONSTITUTE AN  
7 OFFENSE IN THIS STATE MAY NOT BE USED AGAINST THE PETITIONER OR PROHIBIT  
8 THE PETITIONER FROM HAVING A RECORD SEALED. FOR THE PURPOSES OF THIS  
9 SECTION, THE CLASSIFICATION OF AN OFFENSE COMMITTED IN ANOTHER JURISDICTION  
10 HAS THE CLASSIFICATION THAT THE OFFENSE WOULD HAVE IF COMMITTED IN THIS  
11 STATE.

12 N. IF THE PETITIONER IS CHARGED WITH AN OFFENSE AFTER FILING A  
13 PETITION TO SEAL CASE RECORDS AND THE OFFENSE COULD RESULT IN A CONVICTION  
14 THAT CANNOT BE SEALED OR THAT COULD EXTEND THE TIME TO FILE A PETITION TO  
15 SEAL CASE RECORDS, THE COURT MAY NOT GRANT OR DENY THE PETITION UNTIL THE  
16 COURT DISPOSES OF THAT CHARGE.

17 O. THIS SECTION DOES NOT APPLY TO A PERSON WHO IS:

18 1. SENTENCED AS A DANGEROUS OFFENDER PURSUANT TO SECTION 13-704.

19 2. CONVICTED OF A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN  
20 SECTION 13-705.

21 3. CONVICTED OF A SERIOUS OFFENSE OR VIOLENT OR AGGRAVATED FELONY AS  
22 DEFINED IN SECTION 13-706.

23 4. CONVICTED OF ANY OFFENSE THAT HAS EITHER OF THE FOLLOWING AS AN  
24 ELEMENT OF THE OFFENSE:

25 (a) THE DISCHARGE, USE OR THREATENING EXHIBITION OF A DEADLY WEAPON  
26 OR DANGEROUS INSTRUMENT.

27 (b) THE KNOWING INFLICTION OF SERIOUS PHYSICAL INJURY ON ANOTHER  
28 PERSON.

29 5. CONVICTED OF SEX TRAFFICKING PURSUANT TO SECTION 13-1307.

30 6. CONVICTED OF A CLASS 2, 3, 4 OR 5 FELONY OFFENSE THAT IS INCLUDED  
31 IN CHAPTER 14 OR 35.1 OF THIS TITLE.

32 P. THIS SECTION DOES NOT AFFECT EITHER OF THE FOLLOWING:

1           1. THE RIGHT OF THE PERSON WHOSE CASE RECORDS ARE SEALED TO APPEAL  
2 THE CONVICTION OR SENTENCE OR TO RELY ON IT IN BAR OF ANY SUBSEQUENT  
3 PROCEEDING FOR THE SAME OFFENSE.

4           2. THE RIGHT OF A LAW ENFORCEMENT AGENCY TO MAINTAIN AN ARREST AND  
5 CONVICTION RECORD AND TO COMMUNICATE INFORMATION REGARDING THE SEALED  
6 RECORD OF ARREST OR CONVICTION TO PROSECUTING AGENCIES AND OTHER LAW  
7 ENFORCEMENT AGENCIES FOR A PURPOSE LISTED IN SUBSECTION J OF THIS SECTION  
8 OR IN DEFENSE OF A CIVIL ACTION THAT ARISES OUT OF THE FACTS OF THE ARREST  
9 OR TO THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD SOLELY TO  
10 ASSIST THE BOARD IN DETERMINING THE FITNESS OF A PERSON TO SERVE AS A PEACE  
11 OFFICER, EXCEPT THAT IN ANY OF THESE CASES THE INFORMATION MAY NOT BE  
12 DISCLOSED TO ANY PERSON OR ENTITY THAT IS NOT LISTED IN SUBSECTION J OF  
13 THIS SECTION.

14           Q. FOR THE PURPOSES OF THIS SECTION, "CASE RECORDS" MEANS ALL  
15 RECORDS THAT PERTAIN TO A PERSON'S ARREST, CONVICTION AND SENTENCE FOR A  
16 PARTICULAR OFFENSE AND THAT MAY BE SEALED PURSUANT TO THIS SECTION.

17           Sec. 3. Section 13-4033, Arizona Revised Statutes, is amended to  
18 read:

19           13-4033. Appeal by defendant

20           A. An appeal may be taken by the defendant only from:

21           1. A final judgment of conviction or verdict of guilty except  
22 insane.

23           2. An order denying a motion for a new trial.

24           3. An order made after judgment affecting the substantial rights of  
25 the party.

26           4. A sentence on the grounds that it is illegal or excessive.

27           5. AN ORDER THAT ERRONEOUSLY DENIED THE DEFENDANT'S ELIGIBILITY TO  
28 PETITION THE COURT TO SEAL THE DEFENDANT'S CASE RECORDS PURSUANT TO SECTION  
29 13-911.

30           B. In noncapital cases a defendant may not appeal from a judgment or  
31 sentence that is entered pursuant to a plea agreement or an admission to a  
32 probation violation.



1 C. A defendant may not appeal under subsection A, paragraph 1 or 2  
2 if the defendant's absence prevents sentencing from occurring within ninety  
3 days after conviction and the defendant fails to prove by clear and  
4 convincing evidence at the time of sentencing that the absence was  
5 involuntary.

6 Sec. 4. Applicability

7 Section 13-911, Arizona Revised Statutes, as added by this act,  
8 applies to a person who is arrested, convicted or sentenced before, on or  
9 after the effective date of this act.

10 Sec. 5. Appropriation; administrative office of the courts;  
11 court programming costs

12 The sum of \$500,000 is appropriated from the state general fund in  
13 fiscal year 2022-2023 to the administrative office of the courts to pay for  
14 the costs of implementing section 13-911, Arizona Revised Statutes, as  
15 added by this act.

16 Sec. 6. Effective date

17 This act is effective from and after December 31, 2022."

18 Amend title to conform

And, as so amended, it do pass

REGINA E. COBB  
CHAIRMAN

2320APPROPRIATIONS  
02/17/2021  
02:43 PM  
H: ra