

MARICOPA COUNTY JUSTICE COURTS

SEALING OF CRIMINAL RECORDS FAQs

Who is eligible to have their criminal case sealed?

A person who is arrested, convicted, or sentenced before, on, or after 12/31/22, may petition the court to have their criminal case record sealed.



Who is not qualified?

A person who is sentenced for:

1. a dangerous offender (ARS §13-704);
2. a dangerous crime against children (ARS §13-705);
3. a serious offense or violent or aggravated felony (ARS §13-706);
4. the discharge, use or threatening exhibition of a deadly weapon, the knowing infliction of serious physical injury on another person, sex trafficking (ARS §13-1307);
5. a class 2, 3, 4, 5 felony of sex offenses or sexual exploitation of children (ARS Title 13, chapter 14 or 35.1).

When is the defendant notified by the court that they may be eligible to petition the court to seal records?

At the time of sentencing beginning 1/1/23, the court shall provide a notice in writing to the defendant informing them that they may be eligible to petition the court for an order that seals all case records of the person's arrest, conviction and sentence for offense.

When can a person who was convicted of an offense petition the court to seal the record?

1. Three years after completion of all terms and conditions for a class 1 misdemeanor.
2. Two years after completion of all terms and conditions for a class 2 or 3 misdemeanor.

Where should be the petition to be filed?

The person shall file a petition at the court which the person was convicted.

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What actions does the court need to take after the petition is filed?

1. The court must make a determination as to whether the petition contains sufficient information to identify the records to be sealed within 10 days after the petition is filed. A petition that does not contain sufficient information must be dismissed. A dismissal for lack of sufficient info does not need to wait for three years to refile. (RCP 36.1(d)(1))
2. If the petition is not dismissed for lack of info, the court shall notify DPS and request the department to submit a report to the court that includes all arrests, prosecutions and convictions records no later than 10 days after the petition is filed. (RCP 36.1(d)(5))
3. If the petition is not dismissed for lack of info, the court must send a copy of the petition to the prosecutor no later than 10 days after the filing.
4. The court holds 10 days for the prosecutor or victim to file a response and 15 days for the reply. (RPC 36.1(d)(3)) The court may not grant or deny a petition until 30 days after the filing. (RCP 36.1(d)(4))
5. The petitioner, prosecutor, or victim may request a hearing before the court has ruled on the petition. The court may set a hearing no later than 90 days after the petition's filing. (RCP 36.1(e)(2))

What action does the court need to take after the petition is granted?

After the order is issued, a clerk shall make log into the case management system and update the case with "Sealed". The clerk shall then notify DPS and the prosecutor of sealing order

Under what situations would sealed records be opened?

1. When the person is submitting an application for a fingerprint clearance card;
2. Drug offenses;
3. Burglary or theft charges when the person is applying for a job that requires entering into and performing services inside of a residence;
4. Child abuse or aggravated assault charges when the person is applying for a job involving supervising, educating or administering care to a minor;
5. Vulnerable adult abuse charges when the person is applying for a job supervising or administering care to a vulnerable adult or person who is at least 65 years of age;
6. Boating while intoxicated (ARS §5-395.01, 5-396, 5-397), theft of transportation (ARS §13-1814), DUI (ARS §28-1381, 28-1382, 28-1383), Operating aircraft while intoxicated (ARS §28-8282, 28-8284, 28-8286, 28-8287, 28-8288) when the person is applying for a job involving the commercial or private operation of a motor vehicle, boat or airplane;

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7. Theft, theft of means of transportation, forgery, taking the identity of another or fraudulent schemes and artifices when the person is applying for a job involving accounting, overseeing, transporting, handling or managing another person's money or financial assets;
8. When the person is applying for a position with a law enforcement agency, a prosecutor's office, a court, a probation department, a child welfare agency, department of child safety, juvenile corrections or state department of corrections;
9. Background check for the placement with that person of a child who is in the custody of the DPS;
10. The disclosure is required by a state or federal law;
11. The disclosure is required to comply with program integrity provisions of Medicare, Medicaid or any other federal health care program.

More information may be found at:

Arizona Judicial Branch web site:

<https://www.azcourts.gov/selfservicecenter/Criminal-Law/Sealing-records>

Arizona Revised Statutes (ARS):

<https://www.azleg.gov/arstyle>

Arizona Rules of Criminal Procedure (RCP):

<https://bit.ly/AZRCP>

Justice Courts web site:

<https://www.justicecourts.maricopa.gov/i-want-to-clear-my-record>