INSTRUCTIONS FOR COMPLETING A PETITION TO SEAL CRIMINAL CASE RECORDS PURSUANT TO ARS SECTION 13-911

(The petition form may be found online at: www.azcourts.gov/selfservicecenter/Forms)

Please read the following before completing the petition form.

WHO CAN USE THE PETITION FORM

You may file a petition to seal all case records related to a criminal offense if you were:

☑ Convicted of a criminal offense and have completed all the terms and conditions of the sentence that were imposed by the court, including the payment of all monetary obligations and restitution to all victims.

OR

☑ Charged with a criminal offense and the charge was subsequently dismissed or resulted in a not guilty verdict at trial.

OR

☑ Arrested for a criminal offense and no charges were filed.

WHERE TO FILE YOUR PETITION

- IF YOU WERE CONVICTED OF AN OFFENSE LISTED IN THE PETITION: you must file in the court where you were convicted.
- IF ALL CHARGES WERE DISMISSED, YOU WERE FOUND NOT GUILTY ON ALL CHARGES, OR THE CONVICTION WAS VACATED: You must file in the court where the indictment, information, criminal citation or complaint was filed against you. (Exception: if the citation or complaint was filed in a justice court and your case was subsequently transferred to the superior court, the petition must be filed in the superior court.)
- IF NO CHARGES WERE FILED BUT YOU HAD AN INITIAL APPEARANCE: You must file in the court where you had your initial appearance.
- IF YOU WERE ARRESTED BUT NO INITIAL APPEARANCE WAS HELD AND NO CHARGES WERE FILED: You must file the petition in the superior court in the county where you were arrested.
- **If you have multiple cases, you must file a separate petition for each case as set forth above.**

REQUIRED INFORMATION

To complete the petition, you must, at a minimum, provide the court with the following information as required by Rule 36.1, Arizona Rules of Criminal Procedure:

- Your name, address, date of birth, and email address.
- Any name you used at the time of arrest, charge, or conviction, if different from your current name.

- The offense(s) for which you are requesting records be sealed and if charges were filed, the court's case number.
- Whether there are any outstanding fines, fees, restitution, or other court-ordered financial obligations for the offense.
- Whether you have completed the conditions of your probation or sentence.

If you were represented in court by an attorney, your defense attorney may be able to provide any information needed to fill out the petition. You may also contact the arresting agency or search public record archives to gather pertinent information.

- Department of Public Safety: https://www.azdps.gov/services/public/records/criminal
- Arizona Judicial Branch's Public Access to Court Case Information: https://apps.supremecourt.az.gov/publicaccess/caselookup.aspx

COMPLETE THE PETITION AND PROVIDE REQUIRED INFORMATION

- At the top of the first page, type or print the name, mailing address, email address, and phone number of the person filing this form.
- Print the name of the court where you are filing the petition.
- Below, fill in the caption as it appears in the case for which you seek to have your case records sealed. If no charges were filed and this is a petition to seal only arrest records, put your name in the "In Re the Matter of:" portion of the caption instead of the "STATE OF ARIZONA" portion of the caption.
- Indicate the type of criminal records you are asking the court to seal. Check only the boxes that apply.

SECTION I. CASE RECORDS RELATED TO A CRIMINAL OFFENSE

1. **PETITIONER'S INFORMATION (required)**
   - Enter your name, address, date of birth, and email address.
   - Enter any name you used at the time of arrest, charge, or conviction (if different from your current name).
2. **CASE RECORD INFORMATION (required)**
   - Describe the offenses or charges for which you are requesting records be sealed.
   - Enter the name of the court that adjudicated the charges, or if charges were not filed, the court that would have adjudicated the charges.
   - Enter the court case number and counts (if charges were filed).

- **If no charges were filed**, indicate whether you had an initial appearance. If you mark "yes," indicate whether the initial appearance was in the court in which you are filing your petition.

  IMPORTANT: If no charges were filed but you had an initial appearance, you MUST file <u>in the court where you had your initial appearance</u>. If you were arrested but no initial appearance was held, you must file in the superior court in the county where you were arrested.

3. **ADDITIONAL CASE RECORD INFORMATION (if known)**
   - Enter the date and location of the arrest.
   - Enter the name of the arresting agency.
   - Enter the name of the prosecuting agency (if charges were filed).
   - Enter the name of the justice court and justice court case number if the case was initially filed in a justice court but was transferred to the superior court.

4. **DESCRIBE YOUR SITUATION (required)**
   - Check the first box if you were arrested for a criminal offense but no charges were filed. If you check this box, you can skip SECTION II and go to SECTION III.
   - Check the second box if you were charged with one or more criminal offenses but the charges were dismissed or resulted in a not guilty verdict at trial.
     Enter the date of the dismissal or not guilty verdict.
   - Check the third box if you were convicted on the charges.
     Enter the date of the judgment of guilt.

SECTION II. SENTENCE COMPLIANCE (required except when no charges were filed)

1. Check "Yes", "No" or "N/A" regarding whether you have completed all required monetary terms of the sentence.
2. Check "Yes", "No" or "N/A" regarding whether you have completed all other terms of the sentence.
3. Check "Yes", "No" or "N/A" regarding whether you have received an absolute discharge from the Arizona Department of Corrections. If you check "yes," it is **strongly encouraged** that you attach a certificate of absolute discharge. The court may otherwise not have sufficient information to grant your petition.
4. Check "Yes", "No" or "N/A" regarding whether you have been discharged from probation. If you check "yes," it is **strongly encouraged** that you attach a copy of your order of discharge. The court may otherwise not have sufficient information to grant your petition.

If you checked "No" to #1, #2, #3, or #4 above, you **are not eligible** to have your case records sealed and **cannot file** this petition.

SECTION III. PRIOR SEALING OF RECORDS

1. Check "Yes" if you have previously filed a petition to seal case records under ARS § 13-911 in this case.

   Enter the date you filed your last petition if applicable.

   If you previously filed a petition in this case and the court denied the petition, you must wait 3 years from the date of the denial to refile the petition.

2. Check "Yes" if you have had case records sealed under ARS § 13-911 in a previous case.

   Enter the date you completed all non-monetary conditions of probation or sentence and were discharged by the court.

   If you have had case records sealed in a previous case, you must wait the following amount of time since being discharged by the court:
   1. Ten years for a class 2 or 3 felony.
   2. Five years for a class 4, 5, or 6 felony.
   3. Three years for a class 1 misdemeanor
   4. Two years for a class 2 or 3 misdemeanor

SECTION IV. OTHER INFORMATION FOR THE COURT

1. If you are filing this petition to have a conviction sealed, indicate whether you have been convicted of any other offense since the conviction for which you are asking the court to seal records. Check "N/A" if no charges were filed and you are seeking to seal arrest records only, or if charges were filed but were dismissed.
2. Indicate whether there are any charges pending against you, including the jurisdiction, pending charges, and dates of the charges.
3. Although a hearing is not required for the court to make a ruling, a hearing may be held if requested by you, the prosecutor or the victim, or on the court's own motion. Indicate whether you are requesting a hearing.
4. Include any details that you want the court to take into consideration when reviewing your petition.
5. List and attach copies of any other pertinent documentation. Do not include any originals.

DECLARATION AND ACKNOWLEDGEMENTS

Read the DECLARATION AND ACKNOWLEDGEMENTS. Make sure you understand this section and do not have any questions. If you agree with these statements, sign and date the petition and provide your address below the signature line.

APPEAL

If your petition is denied, you may appeal but only on the basis of your eligibility to petition the court.

MANDATORY WAITING PERIOD IF PETITION IS DENIED

If your petition is denied, you must wait 3 years from the date of denial to file another petition.

Failure to provide enough details about the records you want to have sealed may result in the court dismissing your petition. If that occurs, you may file a new petition with additional details about your records.

For Clerk's Use Only

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Representing ☐ Self or ☐ Attorney for _____
Attorney's Bar Number: _____

_____ COURT OF ARIZONA
IN _____ COUNTY

STATE OF ARIZONA
-vs-

_____
Defendant (FIRST, MI, LAST)

OR <u>if no charges were filed</u>:

In Re the Matter of:

_____
Name (FIRST, MI, LAST)

Case Number: _____

PETITION TO SEAL CRIMINAL CASE RECORDS
(ARS § 13-911)

Read ARS § 13-911 in its entirety before completing this petition. This petition is intended to help those who are seeking to seal a criminal case record under ARS § 13-911 and refers solely to the records that exist under the control of the courts, Department of Public Safety, prosecutors' offices, and law enforcement agencies. Any case record that was published or distributed prior to sealing may still be accessible and may not be impacted by the granting of an order to seal case records.

NOTE: Items marked with an asterisk (*) are required fields.

Pursuant to ARS § 13-911, Petitioner hereby petitions the court to order the sealing of the following criminal case records related to Petitioner, as indicated in this petition. *(Check only those that apply)*

☐ Arrest records of an arrest occurring on or about _____ [*insert date*] by the following law enforcement agency: _____.

Case Number: _____

☐ Charging documents created by the following prosecuting agency *(Do not check this box if no charges were filed)*:_____.

☐ All records relating to the eligible charge(s) in court case number: _____.

As grounds for this petition, Petitioner states as follows:

SECTION I. CASE RECORDS RELATED TO A CRIMINAL OFFENSE

1. PETITIONER'S INFORMATION (required)*

a. Petitioner's name:* _____

b. Petitioner's address:* _____

c. Date of birth:* _____

d. Email address:* _____

e. Name at the time of arrest, if not the same as above:* _____

2. CASE RECORD INFORMATION (required)*

a. What were you charged with or the offense for which you were arrested if no charges were filed:

_____

b. Court that adjudicated the charge(s) or if charges were not filed, the court that would have adjudicated the charge(s):_____

_____

c. Court case number if charge(s) were filed: _____

1. Count I: _____
2. Count II: _____
3. Count III: _____
4. Count IV: _____

☐ Additional counts continue on a separate page.

d. If no charges were filed, did you have an initial appearance? ☐ **Yes** ☐ **No.**

If you marked "yes," was your initial appearance in this court? ☐ **Yes** ☐ **No.**

IMPORTANT: If no charges were filed but you had an initial appearance, you MUST file <u>in the court where you had your initial appearance</u>. If you were arrested but no initial appearance was held, you must file in the superior court in the county where you were arrested.

3. ADDITIONAL CASE RECORD INFORMATION (if known)

a. Location of arrest: _____

b. Name of the arresting agency: _____

c. Date of arrest: _____

d. Name of the prosecuting agency if charges were filed: _____

_____

e. Name of the justice court and the justice court case number if the case was initially filed in a justice court but was transferred to the superior court. _____

_____

4. DESCRIBE YOUR SITUATION (required)*

You must check at least one box that applies to your situation.

☐ I was arrested for a criminal offense and no charges were filed. **If checked, please go to Section III.**

☐ I was charged with one or more criminal offenses and the charge(s) were subsequently dismissed or resulted in a not guilty verdict at trial. A dismissal or not guilty verdict was entered on _____.

☐ I was charged with a criminal offense and a judgment of guilt was entered on _____.

SECTION II. SENTENCE COMPLIANCE

1. I have satisfied **all required monetary terms of the sentence**, including outstanding fines, fees, restitution, or other court-ordered financial obligations.*
   ☐ **Yes** ☐ **No** ☐ **N/A**.

2. I have completed **all other terms of the sentence**, such as incarceration, probation, employment, classes, drug/alcohol testing, or other requirements.*
   ☐ **Yes** ☐ **No** ☐ **N/A**.

3. I have received an absolute discharge from the Arizona Department of Corrections.*
   ☐ **Yes** ☐ **No** ☐ **N/A.** (If you checked "yes," it is **strongly encouraged** that you attach a certificate of absolute discharge.)

4. I have been discharged from probation.*
   ☐ **Yes** ☐ **No** ☐ **N/A.** (If you checked "yes," it is **strongly encouraged** that you attach a copy of your order of discharge.)

You cannot file this petition if you checked "no" to question 1, 2, 3, or 4 above.

Case Number: _____

SECTION III. PRIOR SEALING OF RECORD(S)

1. Have you previously filed a petition to seal case records under ARS § 13-911 in this case?
   ☐ **Yes** ☐ **No.**

   If yes, what was the date of your last petition? _____

2. Have you had case records sealed under ARS § 13-911 in a previous case?
   ☐ **Yes** ☐ **No.**

   If yes, what was the date you completed the non-monetary conditions of probation or sentence and were discharged by the court? _____

SECTION IV. OTHER INFORMATION FOR THE COURT

1. If you are filing this petition to have a conviction sealed, have you been convicted of any other offense since the conviction for which you are asking the court to seal records?
   ☐ **Yes** ☐ **No** ☐ **N/A.**

2. Are there any pending charges that you are aware of that have been filed against you?
   ☐ **Yes** ☐ **No** ☐ **Unknown.**

   a. If you have additional pending charges, please provide:
      i. Jurisdiction: _____
      ii. Charges filed: _____
      iii. Date of the charges: _____

3. Unless the petitioner, prosecutor, or victim requests a hearing, the court may grant or deny a petition without a hearing. Do you request a hearing? ☐ **Yes** ☐ **No.**

4. Is there anything else you would like the court to consider regarding this petition?

   _____

   _____

   _____

5. ☐ Attached is other pertinent documentation (non-originals). List attached documents:

   _____

   _____

   _____

Case Number: _____

DECLARATIONS AND ACKNOWLEDGEMENTS

I declare under penalty of perjury that the information I have provided in this petition and any attachments are true and correct to the best of my knowledge.

I understand that this petition may be dismissed if the information I have provided is insufficient. I also understand that this petition may be denied if information in this petition is found to be inaccurate.

_____ _____

Date Petitioner / Petitioner's Attorney Signature

Printed Name: _____

Address: _____

City, State, Zip: _____

NOTICE

You must notify the court of any new charges that are filed against you after this petition is filed, regardless of state or jurisdiction.

If you filed an appeal from a limited jurisdiction court regarding the charges that you seek to have sealed, you must also file a petition in superior court if you want those records sealed.

For Clerks Use Only

_____COURT OF ARIZONA
IN _____ COUNTY

STATE OF ARIZONA
-vs-

_____
Defendant (FIRST, MI, LAST)

OR <u>if no charges were filed</u>:

In Re the Matter of:

_____
Name (FIRST, MI, LAST)

Case Number: _____

ORDER REGARDING PETITION TO SEAL CRIMINAL CASE RECORDS
ARS § 13-911

Based on the information presented to the court, pursuant to ARS § 13-911, the petition requests sealing of the following records: *(Check only those that apply)*

☐ Arrest records of an arrest occurring on or about _____ [*insert date*] by the following law enforcement agency: _____
_____.

☐ Charging documents created by the following prosecuting agency:_____
_____.

☐ All records relating to the eligible charge(s) in court case number: _____.

I. PETITIONER'S INFORMATION

a. Petitioner's name: _____
b. Date of birth: _____
c. Name at the time of arrest, if not the same as above: _____

Case Number: _____

II. THE COURT MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW: *(Check only those that apply)*

☐ The Court is initially unable to act on the petition because it lacks a sufficient description of the records to be sealed. *(If this statement is selected, go directly to the Ordering section to dismiss the petition)*

☐ The court provided a copy of the petition and supporting documentation to the applicable prosecuting agency.

☐ It has been at least 60 days since the Petition to Seal Criminal Case Records was filed, **OR** it has been less than 60 days since the Petition to Seal Criminal Case Records was filed, but the court has received notice that the prosecutor and all victims who have made a request for post-conviction notice do not object to the Petition to Seal Criminal Case Records.

☐ The court has reviewed any report provided by the Department of Public Safety under ARS § 13-911(H).

☐ The petitioner is requesting sealing of records for a conviction and:

- ☐ The offense(s) described in the petition is eligible to be sealed under ARS § 13-911.
- ☐ The timeframes required by ARS § 13-911 have passed.
- ☐ The petitioner has completed all terms and conditions of sentencing, including the payment of all monetary obligations and restitution, if applicable.

☐ Granting the petition **is** in the best interests of the petitioner and the public's safety.

☐ Granting the petition **is not** in the best interests of the petitioner or the public's safety, or the petitioner is requesting sealing of records for a conviction but is not entitled to have the requested records sealed because:

- ☐ The offense(s) described in the petition is not eligible to be sealed under ARS § 13-911.
- ☐ The timeframes required by ARS § 13-911 have not passed.
- ☐ The petitioner has not completed all terms and conditions of sentencing.
- ☐ Other: _____.

☐ Other findings: _____.

III. THEREFORE, IT IS ORDERED:

A. ☐ **DISMISSING** the petition to seal criminal case records for the following reason(s):

Case Number: _____

☐ Failure to provide sufficient information.

☐ The petition was not filed in the correct court.

☐ Other: _____

B. ☐ **DENYING** the petition to seal criminal case records.

C. ☐ **GRANTING** the petition to seal criminal case records.

IT IS FURTHER ORDERED, in accordance with ARS § 13-911,

Sealing all records relating to the petitioner's arrest, conviction and sentence for the particular offense(s) identified above.

Directing the Clerk of the Court to seal all case records relating to the petitioner's arrest, conviction, and sentence for the particular offense(s) identified above and transmit a copy of this order to the Department of Public Safety and the prosecutor.

DATED this _____ day of _____, _____.

_____

Judicial Officer

IF THE COURT HAS DENIED YOUR PETITION, YOU MUST WAIT AT LEAST 3 YEARS AFTER THE DATE OF THE DENIAL BEFORE YOU CAN FILE A NEW PETITION.