

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-15-0032
RULES 29 AND 41, RULES OF)
CRIMINAL PROCEDURE)
)
) **FILED 12/16/2015**
)
)
_____)

ORDER

**AMENDING RULE 29 AND ADOPTING A NEW FORM 21(a), RULE 41, ARIZONA
RULES OF CRIMINAL PROCEDURE, ON A PERMANENT BASIS**

The above rules were amended on an emergency basis effective July 3, 2015, with a comment period ending September 30, 2015. No comments having been received, and upon consideration,

IT IS ORDERED adopting the rule change as set forth in the attachment hereto on a permanent basis.

DATED this 16th day of December, 2015.

/s/
SCOTT BALES
Chief Justice

Arizona Supreme Court No. R-15-0032

Page 2 of 5

TO:

Rule 28 Distribution

David K Byers

ATTACHMENT*

Rule 29. RESTORATION OF CIVIL RIGHTS OR VACATION OF CONVICTION

29.1 ~~Notice to Probationers~~ Grounds and Notice

a. Probationers. ~~Prior to his or her absolute discharge, a probationer shall receive from his or her probation officer, or the court if there is no probation officer, a written notice of the opportunity~~ A probationer may apply to have his or her civil rights restored, to withdraw his or her plea of guilty or no contest, or to vacate his or her conviction pursuant to A.R.S. § 13-907. The probation officer, or the court if there is no probation officer, must provide a written notice of this opportunity prior to the absolute discharge of each probationer.

b. Sex Trafficking Victims. A sex trafficking victim may apply to the court that pronounced sentence to vacate a conviction of a violation of A.R.S. § 13-3214 committed prior to July 24, 2014 pursuant to A.R.S. § 13-907.01.

29.2 and 29.3 [no change]

29.4 Response by the prosecutor.

At least 10 days before the date of the hearing the prosecutor may file a written response setting forth any reasons for opposing the application, sending a copy thereof to the applicant and his or her attorney, if any. If the prosecutor does not oppose the application or does not timely respond, the court may grant the application without a hearing and issue an order vacating the conviction.

29.5 [no change]

29.6 Record confidential.

When a court grants an application submitted by a sex trafficking victim, all paper and electronic records of the conviction vacated are confidential. The record will be disclosed upon request to the sex trafficking victim or for good cause as ordered by the court. The court must order that notations be made in law enforcement and prosecution records that the conviction was vacated and the applicant was a victim of a crime.

29.7 Transmission of order.

The clerk shall transmit the order vacating the conviction of a sex trafficking victim to the arresting agency, the prosecutor and the Department of Public Safety.

Form 21(a) Application to Vacate Conviction under A.R.S. § 13-907.01

_____ Court _____ County, Arizona

<p>APPLICANT</p> <p>(Name/Address/Phone):</p>	<p>CASE NO.</p> <p>_____</p> <p>APPLICATION</p>	<p>APPLICATION TO VACATE CONVICTION FOR A PRIOR OFFENSE UNDER A.R.S. § 13-907.01 AND SUPPORTING DECLARATION</p>
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APPLICANT asks the court to vacate the conviction for the crime of Prostitution, under A.R.S. § 13-3214, committed prior to July 24, 2014. The conviction occurred on _____ in this court. This relief is sought under A.R.S. § 13-907.01. The law provides that any person so convicted may apply to the sentencing court to vacate the conviction. The applicant is entitled to relief if the applicant can establish by clear and convincing evidence that the applicant's participation in the offense was the direct result of having been a victim of sex trafficking pursuant to A.R.S. § 13-1307.

Explain how you were a victim of sex trafficking and, as a direct result, were convicted of prostitution:

If additional information is required, you may attach additional pages on lined paper.

I state under penalty of perjury that the information I have provided on this form is true and correct.

Date: _____ Signature _____
Applicant

CERTIFICATE OF MAILING

I CERTIFY that I delivered or mailed a copy of this application to the prosecutor's office that prosecuted the case at the following address: _____

Date: _____ Signature _____
Applicant