

Appendix

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, you must change the caption to read “In Re Matter of: [Your Full Name]”.

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).

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)

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 checked “No” to #1, #2 or #3 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 and the court denied the petition, you must wait 3 years from the date of the denial to refile the petition.

SECTION IV. OTHER INFORMATION FOR THE COURT

1. Include any details that you want the court to take into consideration when reviewing your petition.
2. List and attach copies of any other pertinent documentation. Do not include any originals.

DECLARATION

Read the DECLARATION and make sure you understand it and do not have any questions. If you agree with the statement, sign and date the petition and provide your address below the signature line.

REQUESTING A HEARING

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. Keep in mind that **you cannot request a hearing after the court rules on your petition**—you must make the request beforehand.

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 [] Lawyer for _____
Lawyer's Bar Number: _____

_____ **COURT OF ARIZONA**
IN _____ **COUNTY**

STATE OF ARIZONA

Case Number: _____

-vs-

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

Defendant (FIRST, MI, LAST)*

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, prosecutor's 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 asterix (*) are required fields.

Pursuant to ARS § 13-911, Petitioner hereby petitions the court to order the sealing of criminal case records related to Petitioner, as indicated in this petition. 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.

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**.

You may not file this petition if you checked “No” to questions 1, 2 or 3 above.

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? _____

SECTION IV. OTHER INFORMATION FOR THE COURT

1. Have you been convicted of any other offenses since the conviction for which you are asking the court to seal records?
[] **Yes** [] **No**.
2. Are there any pending charges that you are aware of that have been filed against you?
[] **Yes** [] **No** [] **Unknown**.
3. Is there anything else you would like the court to consider regarding this petition?

4. [] Attached is other pertinent documentation (non originals). List attached documents:

NOTICE

This petition may be denied if information in this petition is found to be inaccurate.

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.

Case Number: _____

DECLARATION

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.

Date

Petitioner / Petitioner's Attorney Signature

Printed Name: _____

Address: _____

City, State, Zip: _____

For Clerks Use Only

COURT OF ARIZONA

IN _____ COUNTY

STATE OF ARIZONA, Plaintiff

Case Number: _____

-vs-

**ORDER REGARDING PETITION TO
SEAL CRIMINAL CASE RECORDS**

Defendant (FIRST, MI, LAST)

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. 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)*
- A copy of the petition and supporting documentation was provided to the applicable prosecuting agency.
- The prosecutor timely responded to the petition, **OR** the prosecutor has not responded to the petition and at least 10 days have passed since the petition was filed.

- If the prosecutor filed a response, the petitioner timely replied to the response.
- The Court's case file and electronic records that are the subject of the request for sealing have already been purged pursuant to the records retention schedule.
- It has been at least 30 days since the Petition to Seal Criminal Case Records was filed, **OR** it has been less than 30 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 defendant has not been subsequently convicted of a felony or misdemeanor offense other than a non-DUI Title 28 misdemeanor offense.
- The offense(s) described in the petition is eligible to be sealed under ARS § 13-911.
- The timeframes required by ARS § 13-911(E) have passed.
- The petition was filed in the correct court pursuant to ARS § 13-911(C).
- The defendant has completed all terms and conditions and sentencing, including the payment of all monetary obligations and restitution.
- 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 not entitled to have the requested records sealed for the following reasons:
 - The timeframes required by ARS § 13-911(E) have not passed.
 - The offense(s) described in the petition is not eligible to be sealed under ARS § 13-911.
 - Other: _____.
- Other findings: _____.

II. THEREFORE, IT IS ORDERED:

A. **DISMISSING** the petition to seal criminal case records for:

Failure to provide sufficient information.

The petition was not filed in the correct court.

Other reasons: _____

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, 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.