Expungement Process

Administrative Office of the Courts

Court Services Division

June 2021

Table of Contents

Expungement Authority

Eligible Violations

Automation Updates

New Forms

Expungement in AJACS

Reporting Expungement

Expungement Authority

- Effective July 12, 2021, persons who are eligible for expungement may begin petitioning the courts for relief as provided by the Smart and Safe Arizona Act, Proposition 207. All trial courts shall accept petitions for expungement of records for the arrest, charge, adjudication, conviction, or sentence of any offense cited in A.R.S. § 36-2862.

Expungement Authority

- Administrative Order 2021-82 establishes standardized procedures for justice of the peace, municipal, and superior courts to implement the expungement process.
- Rule 36, Rules of Criminal Procedure, Expunging Marijuana Records and Restoring Civil Rights, governs petitions to expunge records, vacate convictions, and restore civil rights that are filed pursuant to A.R.S. § 36-2862.
- Administrative Directive 2021-14, adopts standardized forms for use in expungement cases. Approved forms include Instructions for Seeking Expungement, Expungement Petition for Superior Court, and Expungement Petition for Municipal/Justice Court, and order forms for limited jurisdiction and superior courts.

Eligible Violations for Expungement

13-3405	Marijuana Violation
13-3405A	Marijuana Violation
13-3405A1	Marijuana-possess/use
13-3405A3	Marijuana-produce
13-3405A4	Marijuana-transport and/or sell
13-3408	Narcotic Drug Violation
13-3408A	Narcotic Drug Violation
13-3408A1	Narcotic Drug-possess/use
13-3408A4	Narcotic-Drug-Manufacture
13-3408A7	Narc Drug-Transp and/or sell
13-3415	Drug paraphernalia Violation
13-3415A	Drug paraphernalia-possess/use
13-3415B	Drug paraphernalia-deliver/mfg

Automation Updates

- New Disposition Code
- New Event Codes
- New Case Type
- New Case Sub Type
- New Appearance Reason

New Disposition Code

Disposition Code	Description	MVD Code	DPS Code
EX	EX-EXPUNGED	78	EX

*EX can only overlay dismissal and conviction codes (LJ Courts).

New Case Type & Sub Case Type

- The following Case Type and Sub Case Type were created to capture petitions for expungement when the court has no available criminal case.
  - **New Case Type: Expungement**
  - **New Case Sub Type: Marijuana**

New GJ Event Codes

Event Category	Description
PETITION	PETITION TO EXPUNGE RECORDS
ORDER	ORDER EXPUNGE RECORDS - GRANTED
ORDER	ORDER EXPUNGE RECORDS - DENIED
ORDER	ORDER EXPUNGE RECORDS - DISMISSED
RESPONSE	RESPONSE TO PETITION EXPUNGE RECORDS
REPLY	REPLY TO RESPONSE TO PETITION EXPUNGE RECORDS
MINUTE ENTRY	MINUTE ENTRY: EXPUNGEMENT HEARING

New LJ Event Codes

Event Category	Description
PETITION	PETITION TO EXPUNGE RECORDS
ORDER	ORDER EXPUNGE RECORDS - GRANTED
ORDER	ORDER EXPUNGE RECORDS - DENIED
ORDER	ORDER EXPUNGE RECORDS - DISMISSED
MOTION	RESPONSE TO PETITION EXPUNGE RECORDS
MOTION	REPLY TO RESPONSE TO PETITION EXPUNGE RECORDS

New GJ Appearance Reason

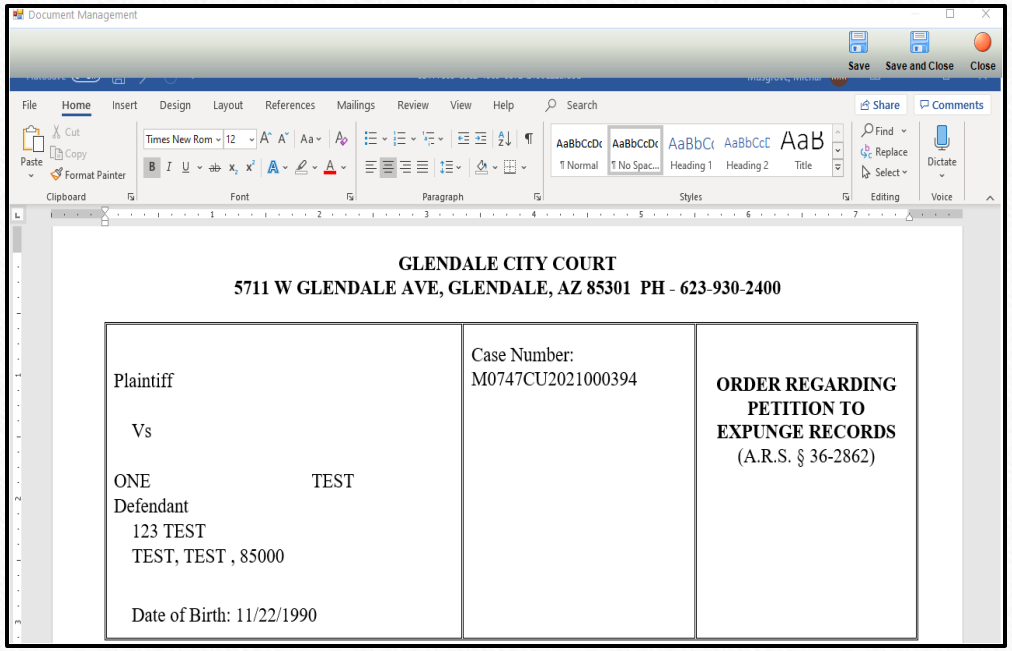
- A **New Appearance Reason** of **Expungement** was created when scheduling a hearing in the General Jurisdiction AJACS courts.

New Forms

- New Forms located at: www.azcourts.gov/selfservicecenter/Forms
  - Instructions for Seeking Expungement
  - Petition to Expunge Records: Limited Jurisdiction Court
  - Limited Jurisdiction Court Order re: Expungement
  - Petition to Expunge Records: Superior Court
  - Superior Court Order Re: Expungement

New Forms in LJ AJACS

- LJ AJACS databases will auto-generate the **Limited Jurisdiction Court Order Expungement form** when any one of the expungement order event codes are added.
- The court should still review the form before printing and saving since additional information or check boxes may need to be entered.



GLENDALE CITY COURT
5711 W GLENDALE AVE, GLENDALE, AZ 85301 PH - 623-930-2400

Plaintiff Vs ONE TEST Defendant 123 TEST TEST, TEST , 85000 Date of Birth: 11/22/1990	Case Number: M0747CU2021000394	**ORDER REGARDING PETITION TO EXPUNGE RECORDS** (A.R.S. § 36-2862)

New Forms in GJ AJACS

- GJ AJACS database will generate the order form via e-bench.
- If forms are not e-filed or transmitted via e-bench, courts should still attach the scan documents to the corresponding new event codes.

Expungements in AJACS

Criminal Expungement Overview

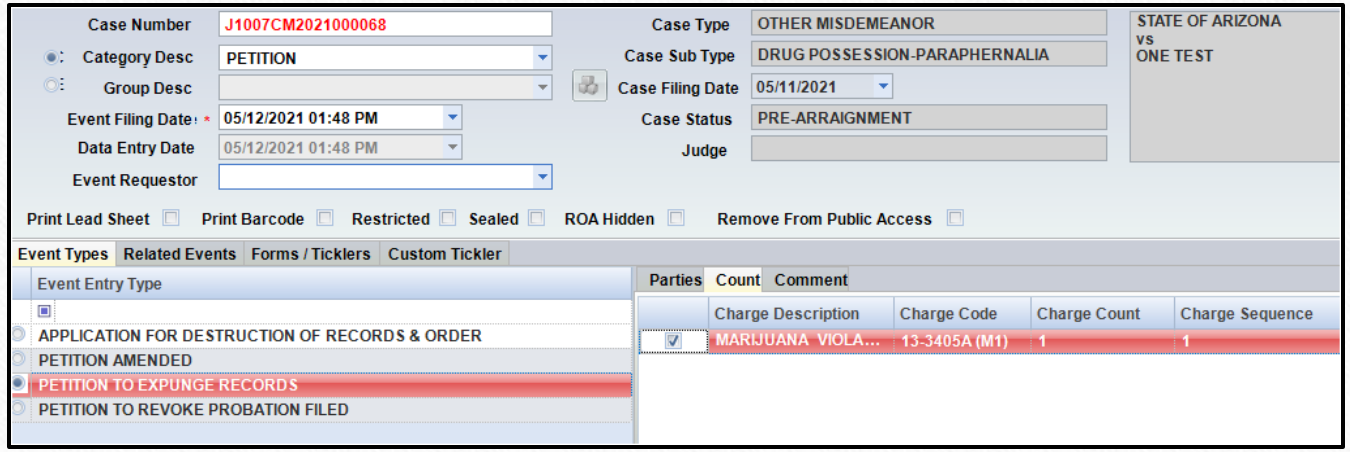
- **Petition to expunge records is filed.**
  - Date Stamp, docket and scan petition.
  - Send copy to prosecuting agency.
- **Set Hearing, as necessary.**
- **Expungement Order.**
  - If order is dismissed or denied: Docket and print order. Provide copies to all parties. Process is complete.
  - If order is granted: Docket and print order. Vacate all outstanding sentencing and financials related to the eligible charge(s) and quash any outstanding warrants. Seal charge(s), records and/or case as appropriate. Report to all applicable agencies.

Petition to Expunge Records Filed

- The petition must be filed in the court where the original criminal complaint was filed.
- A prosecuting agency may file for expungement of a person's records, as permitted by ARS § 36-2862I.
- The court may not charge a fee for filing a petition.

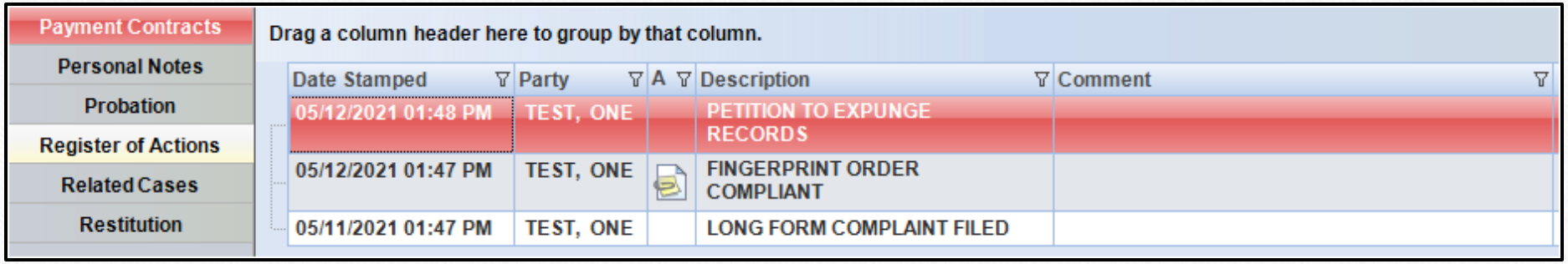
Petition to Expunge Records Filed

- Date stamp and docket the petition.
- Add event code **Petition: Petition to Expunge Records**.
- Select the appropriate fields from the right-side tabs.



Petition to Expunge Records Filed

- Petition event code will display on ROA. Scan and attach petition to event.



Petition to Expunge Records Filed

- **The court should provide notification of the filing to the prosecuting agency as soon as possible.**
  - Use the event code **Response to Petition Expunge Records** to docket the responses from the prosecuting Agency.
  - Use the event code **Reply to Response to Petition Expunge Records** to docket the reply from the defendant.

Petition to Expunge Records Filed

- A 45-day tickler is auto-created with entry of the petition event. This provides the prosecutor with 30 days and the defendant with 15 days to respond.
- The tickler is satisfied with any order to expunge. If tickler is not satisfied, the court can set-up the tickler to show in the Expired Ticklers Queue.
- If there is no response from the prosecutor or the prosecutor is the petitioner, then provide the petition and file to the judge for review.

Set Hearing as Necessary

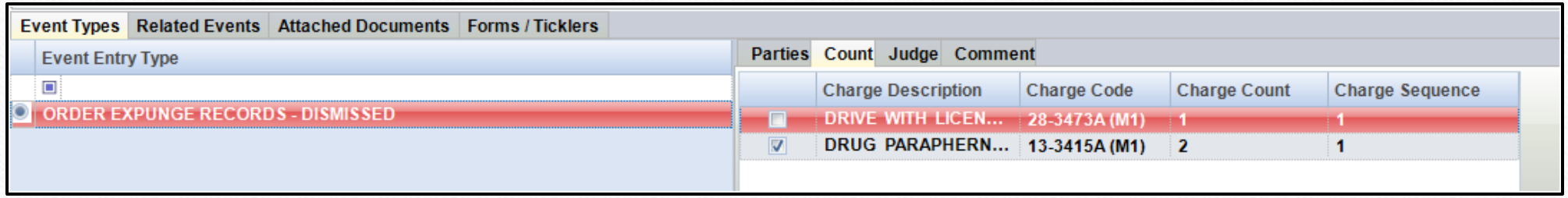
- The court may set a hearing on the petition on either party's request or if the court concludes there are genuine issues of fact regarding whether the petition should be granted.
- The hearing must be held no later than 120 days after the petition is filed, unless the court finds good cause for an extension.

Types of Expungement Orders

Dismissed	The court may dismiss a petition that fails to provide sufficient information to identify the records to be expunged.
Denied	Prosecutor establishes by clear and convincing evidence that the subject of the petition is not eligible for expungement or if the court finds that the offense identified in the petition is not eligible for expungement.
Granted	If the petition is granted: the court must vacate the conviction and sentence, order that any record of the arrest, charge, conviction and sentence be expunged for any eligible count(s) and restore the civil rights of the subject of the petition, including the right to possess a firearm unless otherwise prohibited.

Expungement Order - Dismissed

- If order is dismissed, add event **Order: Order Expunge Records- Dismissed**.
- Select the appropriate fields from the Parties, Count, and Judge tab. Only select the party and charge count according to the expungement petition filed.



Expungement Order - Dismissed

- NOTE: Text in Comment tab will display only on ROA event.

Event Entry Type
ex
ORDER EXPUNGE RECORDS - DENIED
ORDER EXPUNGE RECORDS - DISMISSED
ORDER EXPUNGE RECORDS - GRANTED

Parties | Count | Judge | Comment

Petition dismissed, defendant failed to provide sufficient information to identify the records to be expunged.

Date Stamped	Party	A	Description	Comment	Satisfied	User ID	Charge(s)
05/24/2021 12:31	DELGADO EFREN MIGUEL		ORDER EXPUNGE RECORDS - DISMISSED	PETITION DISMISSED, DEFENDANT FAILED TO PROVIDE SUFFICIENT INFORMATION TO IDENTIFY THE RECORDS TO BE EXPUNGED.		MMUSGROVE	13-3415A (M1) (2)

Expungement Order - Dismissed

- Expungement Order form will auto-generate.
- Verify that the correct fields are selected, print and save. Process is complete.

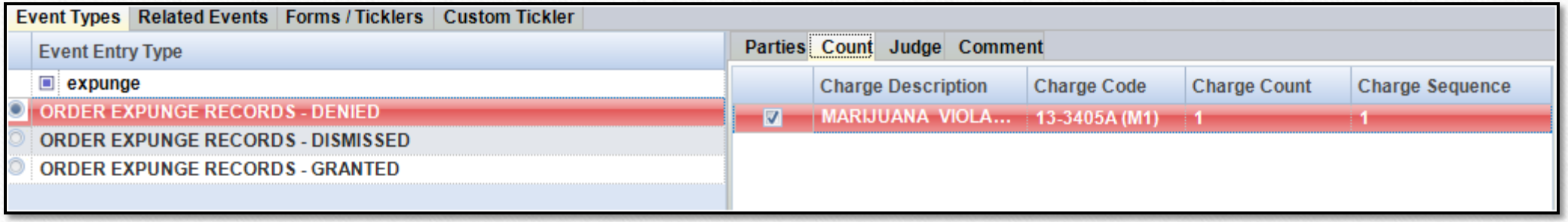
II. THEREFORE, IT IS ORDERED (*check one*):

A. [X] DISMISSING the Petition for lack of sufficient information. Petitioner may file a new Petition with additional information.

B. [_] DENYING the Petition.

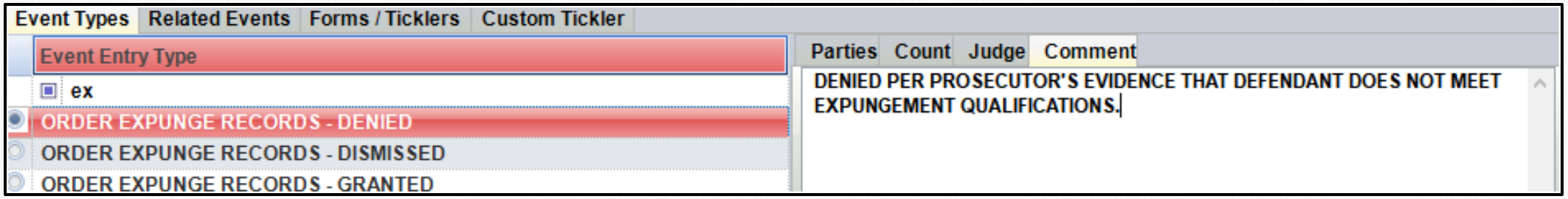
Expungement Order - Denied

- If order is denied, add event **Order: Order Expunge Records-Denied**.
- Select the appropriate fields from the Parties, Count, and Judge tab. Only select the party and charge count according to the expungement petition filed.



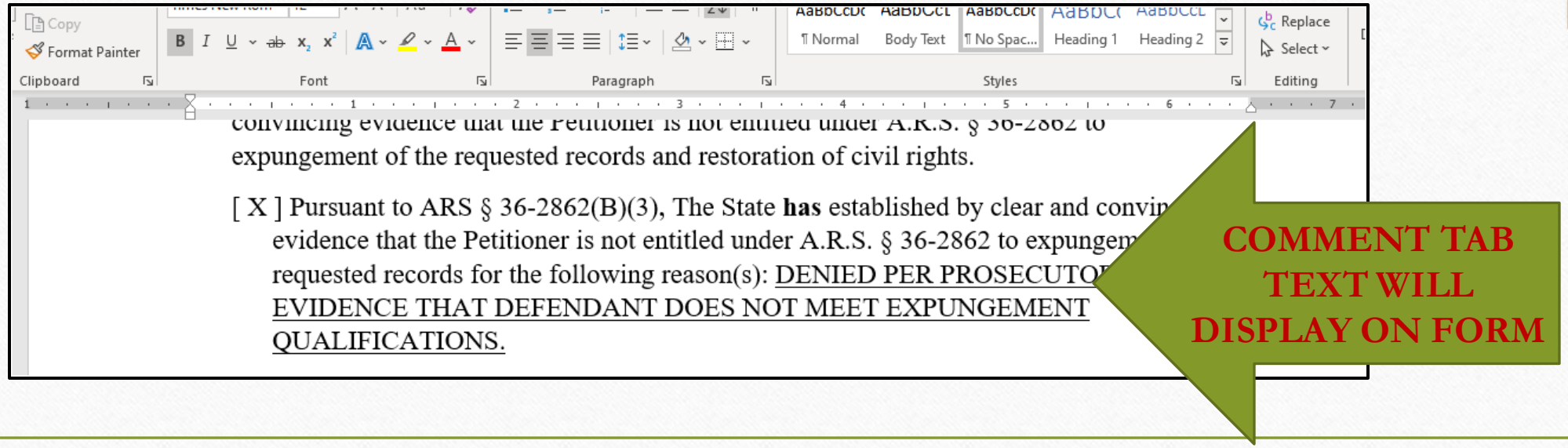
Expungement Order - Denied

- NOTE: Text in Comment tab will display on **ROA event and form**.



Expungement Order - Denied

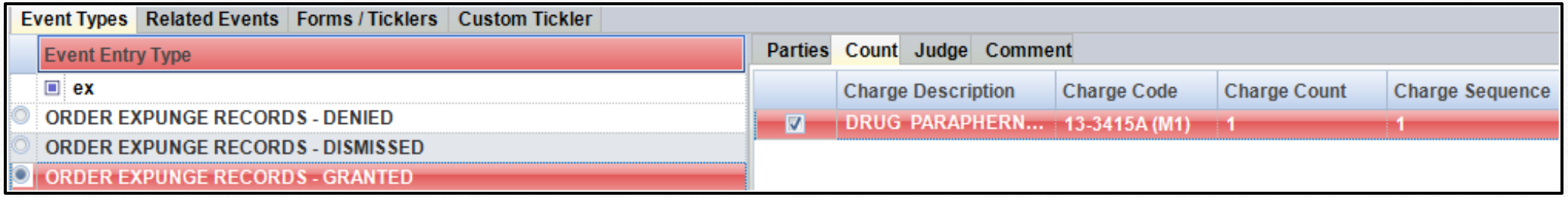
- Order Regarding Petition to Expunge Records form will auto-generate.
- Verify that the correct fields are selected, print and save. Process is complete.



COMMENT TAB TEXT WILL DISPLAY ON FORM

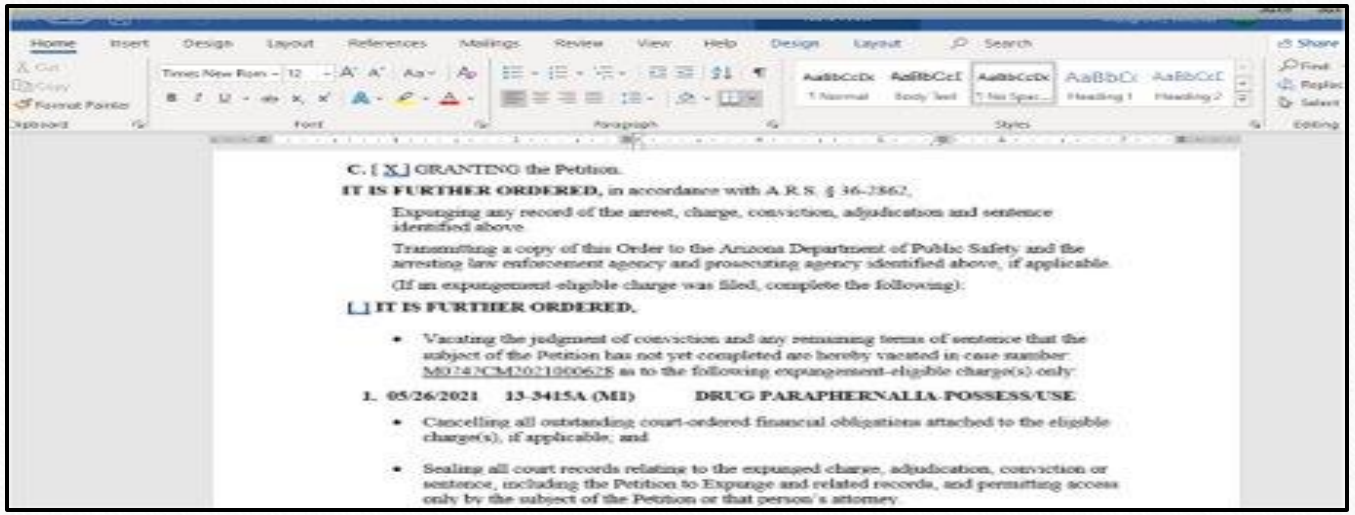
Expungement Order - Granted

- If order is granted, add event **Order: Order Expunge Records-Granted.**
- Select the appropriate fields from the Parties, Count, and Judge tab. Granted order will only allow eligible party and count for expungement to appear for selection.



Expungement Order - Granted

- Order Regarding Petition to Expunge Records form will auto-generate.
- Verify that the correct fields are selected, print and save.



C. [X] GRANTING the Petition.

IT IS FURTHER ORDERED, in accordance with A.R.S. § 36-2862,

Expunging any record of the arrest, charge, conviction, adjudication and sentence identified above

Transmitting a copy of this Order to the Arizona Department of Public Safety and the arresting law enforcement agency and prosecuting agency identified above, if applicable.

(If an expungement-eligible charge was filed, complete the following):

[ ] **IT IS FURTHER ORDERED,**

- Vacating the judgment of conviction and any remaining terms of sentence that the subject of the Petition has not yet completed are hereby vacated in case number: M0747CM2021000678 as to the following expungement-eligible charge(s) only:

1. 05/26/2021 13-3415A (M1) DRUG PARAPHERNALIA-POSSESS/USE

- Cancelling all outstanding court-ordered financial obligations attached to the eligible charge(s), if applicable; and

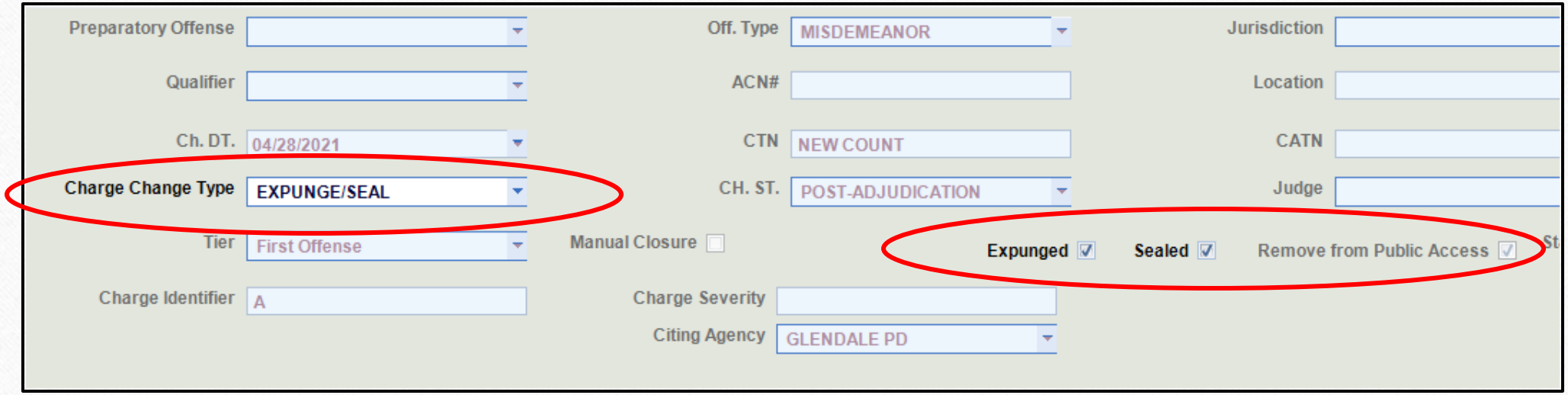
- Sealing all court records relating to the expunged charge, adjudication, conviction or sentence, including the Petition to Expunge and related records, and permitting access only by the subject of the Petition or that person's attorney

Expungement Order - Granted

- **If Granted, court must process according to the charge(s):**
  - If pre-adjudication
    - Motion to Dismiss must first be filed and ordered to be dismissed with prejudice
    - Expunge and Seal charge(s) and/or case
  - If post adjudication
    - Vacate all outstanding sentencing and financials related to the charge and quash any outstanding warrants
    - Expunge and Seal charge(s) and/or case

Expungement Order - Granted

- In the Charge/Sentencing Screen, select the Charge Change Type: Expunge/Seal. Check the Expunged Box and the Sealed box. The Remove from Public Access box will automatically be selected as a result. Click "Save and Close" icon.



Expungement Order - Granted

- Charge will now display the EX-Expunged Disposition.

Charge Code	Charge Description	Charge Class	Charge Type	Disposition	Disposed Date
13-3415A (M1)	DRUG PARAPHERNALIA-POSSESS/USE	MISD. 1ST DEGREE	MISDEMEANOR	EX-EXPUNGED	05/20/2021

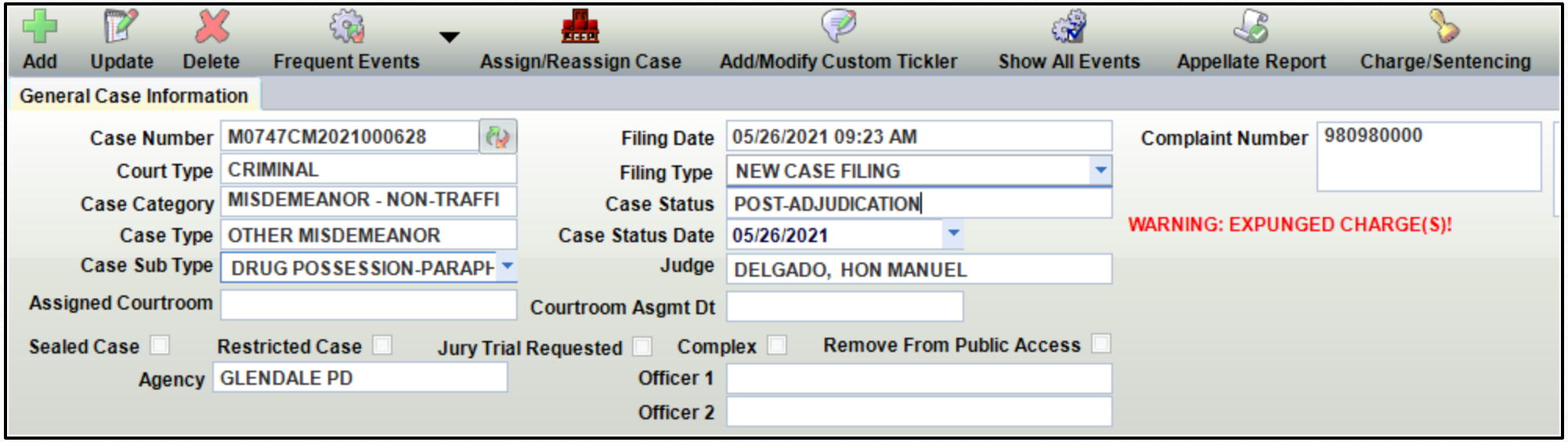
Expungement Order - Granted

- Charge Code and Charge Description will display as "Expunged and Sealed" if user does not have security rights set to view expunge/sealed charge(s) and/or cases.

Charge Code	Charge Description	Charge Class	Charge Type	Disposition	Disposed Date
Expunged and Sealed	Expunged and Sealed	MISD. 1ST DEGREE	MISDEMEANOR	EX-EXPUNGED	05/20/2021

Expungement Order - Granted

- Charge level warning will now also display on the GCI.



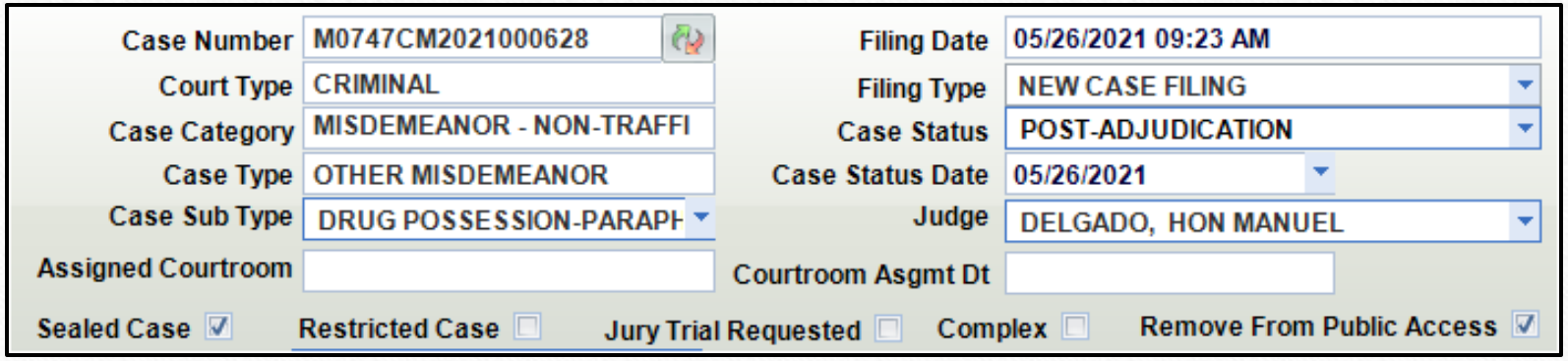
Expungement Order - Granted

- When sealing an expunged charge, all documents and events that are attached to the charge will be sealed.
- IMPORTANT: GJ courts that do not link their events and documents to a specific charge(s) will need to manually seal each event and document if the entire case can't be sealed.

Expungement Order - Granted

If all charges on the case are expunged, the court will need to seal the entire case.

- Select the Case Admin Icon
- Click on the Sealed Case box from the GCI
- Select Save Case. The Remove from Public Access check box will auto-select.



Expungement Order - Granted

- Case level warning will also display on the GCI

Citation Entry | Case Summary-M0747CM2021000628 | Manage Form | General Search | Case Summary - M0747CM2021000628

Add | Update | Delete | Frequent Events | Assign/Reassign Case | Add/Modify Custom Tickler | Show All Events | Appellate Report | Charge/Sentencing

General Case Information

Case Number	M0747CM2021000628	Filing Date	05/26/2021 09:23 AM	Complaint Number	980980000
Court Type	CRIMINAL	Filing Type	NEW CASE FILING		
Case Category	MISDEMEANOR - NON-TRAFFI	Case Status	POST-ADJUDICATION		
Case Type	OTHER MISDEMEANOR	Case Status Date	05/26/2021		
Case Sub Type	DRUG POSSESSION-PARAPH	Judge	DELGADO, HON MANUEL		
Assigned Courtroom		Courtroom Asgmt Dt			

WARNING: SEALED CASE!
WARNING: EXPUNGED CHARGE(S)!

Sealed Case ☑ Restricted Case ☐ Jury Trial Requested ☐ Complex ☐ Remove From Public Access ☑

Agency GLENDALE PD

Officer 1

Officer 2

Civil Expungement Overview

- If a criminal case does not exist in the case management system, create a civil case for the following situations:
  - Limited Jurisdiction Court - when the criminal case has already been purged and/or destroyed.
  - General Jurisdiction Court - when the petitioner is requesting that the arrest records be expunged, and a criminal case was never filed.

LJ AJACS- Creating a Civil Case

Court Type = CIVIL

Case Category = CIVIL

Case Type = EXPUNGEMENT

Case Sub Type = MARIJUANA

Filing type = NEW CASE FILING

Commenced By = PETITION

GJ AJACS- Creating a Civil Case

Court Type = CIVIL

Case Category = CIVIL

Case Type = EXPUNGEMENT

Case Sub Type = MARIJUANA

Filing type = *Varies by petitioner

Commenced By = PETITION

Reporting Expungement for Criminal & Civil Cases

- If the court grants the petition, the court must transmit the order to the arresting law enforcement agency identified in the petition, and the Department of Public Safety.
- If the order is issued by a superior court, the court must also transmit the order to the justice court identified in the petition and to the probation department if a term of probation was imposed.

Updated Disposition Report

1 SID NUMBER
AZ

ARIZONA DEPARTMENT OF PUBLIC SAFETY
DISPOSITION REPORT

Mail to: Criminal History Records
AZ Department of Public Safety
P.O. Box 18450
Phoenix, AZ 85005-8450

2 NAME (Last, First, Middle) | 3 DATE OF BIRTH | 4 DATE OF ARREST | 5 PCN

6 ARRESTING AGENCY ORI | 7 ARRESTING AGENCY CASE NO. | 8 BOOKING AGENCY ORI | 9 BOOKING NUMBER

10 CHARGES / AMENDED CHARGES

CHARGES: Please write literal. If more than three (3) charges list on second (2nd) form.

LAW ENFORCEMENT AGENCY: Fill in original charge(s) on line(s) a.

PROSECUTOR / COURT: Fill in amended charge(s) on line(s) b.

	11 ARIZONA REVISED STATUTE OR ORDINANCE	12 DATE OF OFFENSE / VIOLATION	13 OFFENSE TYPE	14 PREPARATORY OFFENSE CODE	15 DOMESTIC VIOLENCE & VICTIM INFO	16 DESIGNATED COURT NAME / IDENTIFIER	17 AMENDED TO (X)	18 DISPOSITION CODE	19 JAIL OR PRISON	20 LENGTH OF CONFINEMENT (da, mo, yr)	21 SENTENCE CODE	22 PROBATION LENGTH (da, mo, yr)	23 FINE YES OR NO	24 COURT CASE / COMPLAINT NUMBER	25 DISPOSITION DATE	26 AGENCY ORI MAKING DISPOSITION DECISION
1a																
1b																
2a																
2b																
3a																
3b																

27 FURTHER EXPLANATIONS OR MODIFICATIONS

DISPOSITION REPORT

A Disposition Report is required from the disposition agency (arrest, prosecutor, or court) pursuant to the AZ Rules of Criminal Procedure (Rule 37) for each person fingerprinted for a reportable crime pursuant to ARS §41-1750.

Please call DPS Criminal History Records (602) 223-2222 for assistance with this form.

DPS 802-03757 Rev. 6-2021

14 PREPARATORY OFFENSE CODES

A – Attempted
C – Conspiracy to commit
F – Facilitate
S - Solicit

15 DOMESTIC VIOLENCE OR VICTIM INFORMATION CODES

D – Crime involves domestic violence
M – Victim is a minor
A – Victim is a vulnerable Adult
L – Victim is a law enforcement officer
C – Dangerous crimes against children

18 DISPOSITION CODES

AC – Acquitted / Not Guilty
CD – Court Dismissed
DP – Deferred Prosecution
DS – Deferred S
EX – Expunge
GG – Guilty
GI – Guilty but I
NF – No complaint filed
NP – Nollo Contendre plea
NR – Not referred for prosecution
PD – Pardoned
PM – Pending due to mental incompetency
PO – Plea to other charges
RI – Not responsible by reason of insanity

APPELLA

AF Affirmed
RV Reversed
Overturned
SM – Sentence

18 DISPOSITION CODES

AC – Acquitted / Not Guilty
CD – Court Dismissed
DP – Deferred Prosecution
DS – Deferred Sentencing
EX – Expunge per ARS §36-2862
GG – Guilty
GI – Guilty but Insane
NF – No complaint filed
NP – Nollo Contendre plea
NR – Not referred for prosecution
PD – Pardoned
PM – Pending due to mental incompetency
PO – Plea to other charges
RI – Not responsible by reason of insanity

DPS Information

Mailing Address:

Criminal History Records Unit

PO Box 18450 Mail Drop 3110

Phoenix, AZ 85005

or

Scan order and FDR and email to:
mcscdispos@azdps.gov

*Court must include contact info with the email submissions.

MVD Information

- **Send order and manual abstract with a disposition code 78 to MVD to expunge the following reportable violations:**

- 13-3405A4 Marijuana-transport and/or sell
- 13-3408A7 Narc Drug-Transp and/or sell

- **Mailing Address:**

Mail Drop 537 M
Motor Vehicle Division
PO BOX 2100
Phoenix, AZ 85001-2100

Support Center Information

- **Web:** Submit a remedy requests http://azcourts.onelogin.com
- **Call:** (602) 452-3900 or (855) 229-3900
- **Email:** help@courts.az.gov

Additional Resources

- **AOC Proposition 207 Webpage- FAQ (azcourts.gov)**
- **Supreme Court Administrative Directive 2021-11**
- **Supreme Court Administrative Order 2021-82**
- **Proposition 207 Informational/Sentencing Chart**
- **Marijuana Amounts: Legal/Illegal and Sentencing**
- **Criminal Rule 36**
- **Legislation - Ch.222, HB2171 - 55th Legislature, 1st Regular Session: Marijuana violations; court jurisdiction;procedures**
- **Arizona Court Rules**