

# **CORRECTED**

**Struck duplicate language on page 2, lines 24 through 29**  
**Page 7, lines 6, 27 and 30, struck "15" and inserted "35"**  
**Corrected legal title to conform**

House Engrossed Senate Bill

~~permanency placement; grandparent; priority~~  
(now: compensation; erroneous convictions)

State of Arizona  
Senate  
Fifty-seventh Legislature  
First Regular Session  
2025

## **CHAPTER 230**

# **SENATE BILL 1500**

### **AN ACT**

AMENDING TITLE 13, CHAPTER 38, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 35; AMENDING TITLE 41, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-710.03; REPEALING TITLE 13, CHAPTER 38, ARTICLE 35 AND SECTION 41-710.03, ARIZONA REVISED STATUTES; RELATING TO ERRONEOUS CONVICTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 38, Arizona Revised Statutes, is  
3 amended by adding article 35, to read:

4 ARTICLE 35. ERRONEOUS CONVICTIONS

5 13-4296. Erroneous convictions; compensation; pilot program

6 A. NOTWITHSTANDING ANY OTHER LAW, A CLAIMANT MAY BRING AN ACTION IN  
7 SUPERIOR COURT SEEKING COMPENSATION FROM THIS STATE IF THE CLAIMANT  
8 ESTABLISHES, BY A PREPONDERANCE OF THE EVIDENCE, THAT ALL OF THE FOLLOWING  
9 APPLY:

10 1. THE CLAIMANT WAS CONVICTED OF A FELONY AND SUBSEQUENTLY  
11 INCARCERATED.

12 2. THE CLAIMANT DID NOT COMMIT THE CRIME OR CRIMES FOR WHICH THE  
13 CLAIMANT WAS CONVICTED.

14 3. THE CLAIMANT DID NOT COMMIT PERJURY, FABRICATE EVIDENCE OR BY  
15 THE CLAIMANT'S OWN CONDUCT CAUSE OR BRING ABOUT THE CONVICTION. A  
16 CONFESSION OR ADMISSION LATER FOUND TO BE FALSE OR A GUILTY PLEA DOES NOT  
17 CONSTITUTE COMMITTING PERJURY, FABRICATING EVIDENCE OR CAUSING OR BRINGING  
18 ABOUT THE CONVICTION.

19 4. ONE OF THE FOLLOWING APPLIES:

20 (a) THE CLAIMANT WAS PARDONED BASED ON INNOCENCE.

21 (b) THE CLAIMANT'S JUDGMENT OF CONVICTION WAS REVERSED OR VACATED  
22 AND THE CHARGES WERE DISMISSED OR THE CLAIMANT WAS FOUND NOT GUILTY ON  
23 RETRIAL.

24 (c) THE CLAIMANT'S JUDGMENT OF CONVICTION WAS REVERSED OR VACATED  
25 AND THE CLAIMANT ENTERED AN ALFORD PLEA OR A PLEA OF NO CONTEST, WHILE  
26 MAINTAINING A CLAIM OF INNOCENCE, AFTER THE CONVICTION WAS OVERTURNED,  
27 REVERSED OR VACATED ON DIRECT APPEAL OR POSTCONVICTION REVIEW WHEN THE  
28 CLAIMANT WOULD OTHERWISE HAVE BEEN ENTITLED TO A NEW TRIAL.

29 B. ALL PLEADINGS SHALL BE ENTITLED "IN THE MATTER OF THE ERRONEOUS  
30 CONVICTION OF \_\_\_\_". THE CLAIMANT SHALL SERVE THE ATTORNEY GENERAL WITH  
31 A COPY OF THE CLAIM. THE COURT SHALL DECIDE THE CLAIM. THE ARIZONA RULES  
32 OF CIVIL PROCEDURE APPLY. THE ACTION SHALL BE BROUGHT IN THE COUNTY OF  
33 CONVICTION OR IN MARICOPA COUNTY.

34 C. THE CLAIMANT SHALL BRING THE CLAIM WITHIN TWO YEARS AFTER ONE OF  
35 THE FOLLOWING OCCURS:

36 1. THE CLAIMANT'S CONVICTION IS OVERTURNED OR VACATED AND THE  
37 CHARGES AGAINST THE CLAIMANT ARE DISMISSED, THE CLAIMANT IS FOUND NOT  
38 GUILTY ON RETRIAL OR THE CLAIMANT ENTERS A PLEA OF NO CONTEST, WHICHEVER  
39 OCCURS LATER.

40 2. THE CLAIMANT IS PARDONED BASED ON INNOCENCE.

41 3. THE EFFECTIVE DATE OF THIS SECTION IF THE CLAIMANT WAS  
42 CONVICTED, INCARCERATED AND RELEASED FROM CUSTODY BEFORE THE EFFECTIVE  
43 DATE OF THIS SECTION.

1 D. THE ATTORNEY GENERAL SHALL RESPOND WITHIN THIRTY DAYS TO THE  
2 CLAIM. THE ATTORNEY GENERAL MAY REQUEST A SINGLE THIRTY-DAY EXTENSION TO  
3 RESPOND ON A SHOWING OF GOOD CAUSE. THE PARTIES MAY STIPULATE TO AN  
4 ADDITIONAL EXTENSION OF TIME. THE ATTORNEY GENERAL MAY INCLUDE IN THE  
5 RESPONSE A REQUEST THAT THE COURT MAKE FINDINGS OF FACT THAT A CITY OR  
6 COUNTY EMPLOYEE COMMITTED HARMFUL ERROR OR MISCONDUCT. IF THE ATTORNEY  
7 GENERAL REQUESTS FINDINGS OF FACT REGARDING WHETHER A CITY OR COUNTY  
8 EMPLOYEE COMMITTED HARMFUL ERROR OR MISCONDUCT, THE ATTORNEY GENERAL HAS  
9 THE BURDEN OF PROOF BY A PREPONDERANCE OF THE EVIDENCE.

10 E. IF THE ATTORNEY GENERAL DOES NOT OBJECT IN THE RESPONSE, THE  
11 COURT SHALL ENTER AN ORDER GRANTING THE ERRONEOUS CONVICTION CLAIM. IF  
12 THE ATTORNEY GENERAL OBJECTS, THE COURT SHALL ORDER AND HOLD AN  
13 EVIDENTIARY HEARING. A COURT ORDER THAT GRANTS OR DENIES THE CLAIM SHALL  
14 INCLUDE FINDINGS OF FACT AND CONCLUSIONS OF LAW. IF REQUESTED BY THE  
15 ATTORNEY GENERAL, THE COURT SHALL MAKE FINDINGS OF FACT REGARDING WHETHER  
16 A CITY OR COUNTY EMPLOYEE COMMITTED HARMFUL ERROR OR MISCONDUCT THAT WAS  
17 THE PROXIMATE CAUSE OF THE PARDONING, REVERSAL OR VACATING OF A  
18 CONVICTION. IF NOT REQUESTED BY THE ATTORNEY GENERAL, THE COURT, ON ITS  
19 OWN MOTION, MAY FIND BY A PREPONDERANCE OF THE EVIDENCE THAT A CITY OR  
20 COUNTY EMPLOYEE COMMITTED HARMFUL ERROR OR MISCONDUCT THAT WAS THE  
21 PROXIMATE CAUSE OF THE PARDONING, REVERSAL OR VACATING OF A  
22 CONVICTION. THE COURT MAY CONSIDER ANY FINDINGS OF FACT DEVELOPED ON THE  
23 RECORD OF THE UNDERLYING CRIMINAL OFFENSE RELATED TO THE CONVICTION OR  
24 ACTIONS BY CITY OR COUNTY EMPLOYEES. THE COURT SHALL NOTIFY THE  
25 APPROPRIATE CITY OR COUNTY PROSECUTING AGENCY IF THE ATTORNEY GENERAL  
26 REQUESTS OR THE COURT MAKES A FINDING THAT A CITY OR COUNTY EMPLOYEE  
27 COMMITTED HARMFUL ERROR OR MISCONDUCT THAT WAS THE PROXIMATE CAUSE OF THE  
28 PARDONING, REVERSAL OR VACATING OF THE CONVICTION AND ALLOW THE CITY OR  
29 COUNTY TO RESPOND WITHIN FOURTEEN DAYS. THE CITY OR COUNTY MAY NOT  
30 REQUEST TO INTERVENE IN THE CLAIMANT'S ACTION SEEKING COMPENSATION AND MAY  
31 ONLY RESPOND AS TO WHETHER THE EMPLOYEE COMMITTED HARMFUL ERROR OR  
32 MISCONDUCT THAT WAS THE PROXIMATE CAUSE OF THE PARDONING, REVERSAL OR  
33 VACATING OF THE CONVICTION BY A PREPONDERANCE OF THE EVIDENCE.

34 F. IF THE COURT ENTERS AN ORDER GRANTING THE CLAIM, THE COURT SHALL  
35 AWARD COMPENSATION AS FOLLOWS:

36 1. FOR EACH YEAR THE CLAIMANT WAS INCARCERATED, TWO HUNDRED PERCENT  
37 OF THE MEDIAN HOUSEHOLD INCOME IN THIS STATE AS IT EXISTED ON THE DATE THE  
38 CLAIMANT WAS INCARCERATED AND AS DETERMINED BY THE UNITED STATES  
39 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND ADJUSTED FOR INFLATION  
40 USING THE CONSUMER PRICE INDEX FOR URBAN CONSUMERS. THE AMOUNT FOR ANY  
41 PARTIAL YEAR SHALL BE PRORATED IN ORDER TO COMPENSATE THE CLAIMANT ONLY  
42 FOR THE PORTION OF THE YEAR IN WHICH THE CLAIMANT WAS INCARCERATED. THE  
43 CLAIMANT MAY NOT RECEIVE COMPENSATION FOR ANY PERIOD OF TIME FOR WHICH THE  
44 CLAIMANT WAS CONCURRENTLY SERVING ANOTHER SENTENCE FOR A CONVICTION OF  
45 ANOTHER OFFENSE FOR WHICH THE CLAIMANT WAS LAWFULLY INCARCERATED.

1           2. THE CLAIMANT MAY REQUEST MORE THAN THE AMOUNT OF COMPENSATION  
2 AWARDED PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION. ANY ADDITIONAL AMOUNT  
3 OF COMPENSATION AWARDED TO THE CLAIMANT SHALL BE PAID FROM THE ERRONEOUS  
4 CONVICTIONS FUND PURSUANT TO SUBSECTION M OF THIS SECTION. IF THE  
5 CLAIMANT REQUESTS ADDITIONAL COMPENSATION, THE COURT MUST HOLD AN  
6 EVIDENTIARY HEARING. THE COURT SHALL CONSIDER THE PRO PER STATUS OF THE  
7 CLAIMANT IN DETERMINING WHETHER ADDITIONAL COMPENSATION IS WARRANTED. THE  
8 CLAIMANT MAY PRESENT EVIDENCE OF OTHER DAMAGES THE CLAIMANT SUFFERED  
9 ARISING FROM OR RELATED TO THE CLAIMANT'S ARREST, PROSECUTION, CONVICTION  
10 AND INCARCERATION. THE COURT MAY AWARD UP TO \$500,000 IN ADDITIONAL  
11 COMPENSATION.

12           3. \$25,000 PER YEAR FOR EACH YEAR THE CLAIMANT WAS INCARCERATED ON  
13 DEATH ROW OR EACH YEAR THE CLAIMANT WAS REQUIRED TO REGISTER PURSUANT TO  
14 SECTION 13-3821.

15           4. REIMBURSEMENT OF NOT MORE THAN \$100,000 FOR REINTEGRATIVE  
16 SERVICES AND MENTAL AND PHYSICAL HEALTH CARE COSTS THAT THE CLAIMANT  
17 INCURRED FOR THE TIME PERIOD BETWEEN THE CLAIMANT'S RELEASE FROM CUSTODY  
18 AND THE ENTRY OF JUDGMENT.

19           5. REIMBURSEMENT FOR UNREIMBURSED COSTS, FINES, FEES OR SURCHARGES  
20 THAT WERE IMPOSED ON THE CLAIMANT AS A RESULT OF THE ERRONEOUS CONVICTION  
21 AND THAT WERE PAID BY OR ON BEHALF OF THE CLAIMANT.

22           6. REIMBURSEMENT FOR UNREIMBURSED RESTITUTION THAT WAS PAID BY OR  
23 ON BEHALF OF THE CLAIMANT AS A RESULT OF THE ERRONEOUS CONVICTION.

24           7. REASONABLE ATTORNEY FEES AND COSTS OF NOT MORE THAN \$25,000  
25 UNLESS THE COURT AUTHORIZES A GREATER REASONABLE TOTAL ON A FINDING OF  
26 GOOD CAUSE SHOWN.

27           G. COMPENSATION AWARDED TO THE CLAIMANT PURSUANT TO THIS SECTION  
28 DOES NOT CONSTITUTE GROSS INCOME FOR THE PURPOSES OF TITLE 42 OR 43.

29           H. THE COURT SHALL ORDER THAT THE AWARD BE PAID IN ONE LUMP SUM TO  
30 THE CLAIMANT.

31           I. IN ADDITION TO THE COMPENSATION AWARDED PURSUANT TO SUBSECTION F  
32 OF THIS SECTION, THE CLAIMANT IS ENTITLED TO THE FOLLOWING SERVICES FROM  
33 LICENSED OR ACCREDITED STATE INSTITUTIONS, AGENCIES OR PROVIDERS WITHIN  
34 THIS STATE:

35           1. REIMBURSEMENT FOR MENTAL HEALTH TREATMENT FOR UP TO FIFTY-TWO  
36 CLINICAL HOURS AT A MAXIMUM OF \$250 PER HOUR WITHIN TWELVE MONTHS AFTER  
37 THE COURT'S ORDER AWARDING COMPENSATION.

38           2. REIMBURSEMENT FOR UP TO ONE HUNDRED TWENTY CREDIT HOURS AT ANY  
39 POSTSECONDARY EDUCATIONAL INSTITUTION, VOCATIONAL SCHOOL OR TRADE SCHOOL.

40           3. REIMBURSEMENT FOR UP TO FOUR FINANCIAL PLANNING OR LITERACY  
41 CLASSES OR CONSULTATIONS WITHIN TWELVE MONTHS AFTER THE COURT'S ORDER  
42 AWARDING COMPENSATION.

43           J. IF, AT THE TIME THE COURT ENTERS A JUDGMENT PURSUANT TO  
44 SUBSECTION F OF THIS SECTION, THE CLAIMANT HAS WON A MONETARY JUDGMENT  
45 AGAINST THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE IN A CIVIL

1 ACTION RELATED TO THE ERRONEOUS CONVICTION OR HAS ENTERED INTO A  
2 SETTLEMENT AGREEMENT WITH THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS  
3 STATE RELATED TO THE ERRONEOUS CONVICTION, THE COURT SHALL DEDUCT THE  
4 AMOUNT AWARDED IN THE ACTION OR THE AMOUNT RECEIVED IN THE SETTLEMENT  
5 AGREEMENT, LESS ANY SUMS PAID TO AN ATTORNEY OR FOR COSTS IN LITIGATING  
6 THE OTHER CIVIL ACTION OR OBTAINING THE SETTLEMENT AGREEMENT, FROM THE  
7 MONIES THAT THE CLAIMANT IS ENTITLED TO RECEIVE UNDER THIS SECTION. THE  
8 COURT SHALL INCLUDE IN THE JUDGMENT AN AWARD TO THIS STATE OF ANY AMOUNT  
9 THAT IS DEDUCTED PURSUANT TO THIS SUBSECTION.

10 K. IF SUBSECTION J OF THIS SECTION DOES NOT APPLY, ANY FUTURE  
11 DAMAGES THAT ARE AWARDED TO THE CLAIMANT RESULTING FROM AN ACTION BY THE  
12 CLAIMANT AGAINST ANY UNIT OF GOVERNMENT IN THIS STATE BY REASON OF THE  
13 ERRONEOUS CONVICTION SHALL BE OFFSET BY THE COMPENSATION AWARD RECEIVED  
14 UNDER THIS SECTION.

15 L. THE COMPENSATION AWARD MAY NOT BE OFFSET BY ANY EXPENSES  
16 INCURRED BY THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE,  
17 INCLUDING THE FOLLOWING:

18 1. ANY EXPENSES THAT THIS STATE OR A POLITICAL SUBDIVISION OF THIS  
19 STATE INCURRED TO SECURE THE CLAIMANT'S CUSTODY OR TO FEED, CLOTHE OR  
20 PROVIDE MEDICAL SERVICES FOR THE CLAIMANT.

21 2. THE VALUE OF ANY SERVICES OR REDUCTION IN FEES FOR SERVICE, OR  
22 THE VALUE THEREOF TO BE PROVIDED TO THE CLAIMANT THAT MAY BE AWARDED TO  
23 THE CLAIMANT PURSUANT TO THIS SECTION.

24 M. IF THE COURT FINDS THAT THE CLAIMANT IS ENTITLED TO  
25 COMPENSATION, THE COURT SHALL ISSUE A FINDING THAT THE CLAIMANT WAS  
26 ERRONEOUSLY CONVICTED AND, AS A RESULT, SERVED A SPECIFIC AMOUNT OF TIME  
27 ERRONEOUSLY INCARCERATED. THE CLERK OF THE COURT SHALL SEND A CERTIFIED  
28 COPY OF THE ORDER TO THE DEPARTMENT OF ADMINISTRATION FOR PAYMENT FROM THE  
29 ERRONEOUS CONVICTIONS FUND ESTABLISHED PURSUANT TO SECTION 41-710.03. IF  
30 SUFFICIENT MONIES ARE AVAILABLE, THE DEPARTMENT OF ADMINISTRATION SHALL  
31 REMIT FROM THE ERRONEOUS CONVICTIONS FUND THE PAYMENT TO THE CLAIMANT  
32 WITHIN FORTY-FIVE DAYS. ANY CLAIMS FOR REIMBURSEMENT UNDER SUBSECTION I  
33 OF THIS SECTION SHALL BE SUBMITTED TO THE ADMINISTRATION FOR APPROVAL AND,  
34 IF SUFFICIENT MONIES ARE AVAILABLE, PAID FROM THE ERRONEOUS CONVICTIONS  
35 FUND WITHIN FOURTEEN DAYS AFTER RECEIPT. IF THE COURT MADE FINDINGS OF  
36 FACT THAT A CITY EMPLOYEE COMMITTED HARMFUL ERROR OR MISCONDUCT THAT WAS  
37 THE PROXIMATE CAUSE OF THE PARDONING, REVERSAL OR VACATING OF THE  
38 CONVICTION, THE CITY SHALL REIMBURSE ALL PAYMENTS MADE TO THE CLAIMANT  
39 FROM THE ERRONEOUS CONVICTIONS FUND. IF THE COURT MADE FINDINGS OF FACT  
40 THAT A COUNTY EMPLOYEE COMMITTED HARMFUL ERROR OR MISCONDUCT THAT WAS THE  
41 PROXIMATE CAUSE OF THE PARDONING, REVERSAL OR VACATING OF THE CONVICTION,  
42 THE COUNTY OF CONVICTION SHALL REIMBURSE ALL PAYMENTS MADE TO THE CLAIMANT  
43 FROM THE ERRONEOUS CONVICTIONS FUND. FOR CLAIMS PAID PURSUANT TO  
44 SUBSECTION F OF THIS SECTION, THE CITY OR COUNTY SHALL MAKE THE  
45 REIMBURSEMENT REQUIRED BY THIS SUBSECTION TO THE ERRONEOUS CONVICTIONS

1 FUND WITHIN FORTY-FIVE DAYS AFTER THE PAYMENT FROM THE ERRONEOUS  
2 CONVICTIONS FUND TO THE CLAIMANT. FOR CLAIMS PAID PURSUANT TO SUBSECTION  
3 I OF THIS SECTION, THE CITY OR COUNTY SHALL MAKE THE REIMBURSEMENT  
4 REQUIRED BY THIS SUBSECTION TO THE ERRONEOUS CONVICTIONS FUND WITHIN  
5 FOURTEEN DAYS AFTER THE PAYMENT FROM THE ERRONEOUS CONVICTIONS FUND TO THE  
6 CLAIMANT.

7 N. NOTWITHSTANDING ANY OTHER LAW, ON ENTRY OF AN ERRONEOUS  
8 CONVICTION RULING, THE COURT SHALL:

9 1. ORDER THE CLAIMANT'S ASSOCIATED CONVICTIONS AND ARRESTS EXPUNGED  
10 FROM ALL APPLICABLE STATE AND FEDERAL SYSTEMS AND THE RECORDS SEALED. THE  
11 COURT SHALL ENTER THE EXPUNGEMENT ORDER FOR THE OFFENSE OR OFFENSES FOR  
12 WHICH THE RULING APPLIES REGARDLESS OF WHETHER THE CLAIMANT HAS A  
13 HISTORICAL PRIOR FELONY CONVICTION. THE EXPUNGEMENT ORDER SHALL STATE ALL  
14 OF THE FOLLOWING:

15 (a) THE CLAIMANT'S CURRENT FULL NAME.

16 (b) THE CLAIMANT'S FULL NAME AT THE TIME OF ARREST AND CONVICTION,  
17 IF DIFFERENT THAN THE CLAIMANT'S CURRENT NAME.

18 (c) THE CLAIMANT'S SEX, RACE AND DATE OF BIRTH.

19 (d) THE OFFENSE FOR WHICH THE CLAIMANT WAS ARRESTED AND CONVICTED.

20 (e) THE DATES OF THE CLAIMANT'S ARREST AND CONVICTION.

21 (f) THE IDENTITY OF THE ARRESTING LAW ENFORCEMENT AGENCY AND  
22 CONVICTING COURT.

23 (g) THAT THE ORDER EXPUNGES ANY RECORD OF THE CLAIMANT'S ARREST,  
24 CHARGE, CONVICTION OR ADJUDICATION AND SENTENCE.

25 (h) THAT THE CLAIMANT'S CIVIL RIGHTS, INCLUDING THE RIGHT TO  
26 POSSESS FIREARMS, ARE RESTORED, UNLESS THE CLAIMANT IS OTHERWISE NOT  
27 ELIGIBLE FOR THE RESTORATION OF CIVIL RIGHTS ON GROUNDS OTHER THAN THE  
28 CONVICTION AT ISSUE.

29 (i) THAT THE CLERK OF THE COURT SHALL NOTIFY THE DEPARTMENT OF  
30 PUBLIC SAFETY, THE PROSECUTING AGENCY AND THE ARRESTING LAW ENFORCEMENT  
31 AGENCY, IF APPLICABLE, OF THE EXPUNGEMENT ORDER.

32 (j) THAT THE CLERK OF THE COURT SHALL SEAL THE CLAIMANT'S RECORDS  
33 RELATING TO THE EXPUNGED ARREST, CHARGE, CONVICTION OR ADJUDICATION AND  
34 SENTENCE AND ALLOW THE CLAIMANT'S RECORDS TO BE ACCESSED ONLY BY THE  
35 CLAIMANT OR THE CLAIMANT'S ATTORNEY.

36 2. DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO EXPUNGE AND DESTROY  
37 ANY BIOLOGICAL SAMPLES, INCLUDING DNA AND FINGERPRINT SAMPLES, RECEIVED BY  
38 THE DEPARTMENT PURSUANT TO SECTION 13-610. THE CLERK OF THE COURT SHALL  
39 SEND A CERTIFIED COPY OF THE ORDER TO THE DEPARTMENT OF PUBLIC SAFETY,  
40 WHICH SHALL IMPLEMENT THE ORDER AND PROVIDE CONFIRMATION OF THE ACTION TO  
41 THE COURT. THIS PARAGRAPH DOES NOT REQUIRE THE DEPARTMENT OF PUBLIC  
42 SAFETY TO EXPUNGE AND DESTROY SAMPLES OR A PROFILE RECORD THAT IS  
43 ASSOCIATED WITH THE CLAIMANT AND THAT RELATES TO AN UNRELATED OFFENSE.

44 O. THE DEPARTMENT OF PUBLIC SAFETY SHALL SEAL AND SEPARATE THE  
45 EXPUNGED RECORD FROM THE DEPARTMENT'S RECORDS AND SHALL INFORM ALL

1 APPROPRIATE STATE AND FEDERAL LAW ENFORCEMENT AGENCIES OF THE EXPUNGEMENT  
2 AT NO COST TO THE CLAIMANT. THE STATE DEPARTMENT OF CORRECTIONS SHALL  
3 SEAL AND SEPARATE THE EXPUNGED RECORD FROM THE DEPARTMENT'S RECORDS AND  
4 MAY NOT MAKE INFORMATION RELATED TO THE EXPUNGED CONVICTION PUBLICLY  
5 AVAILABLE THROUGH ANY DEPARTMENT DATABASE.

6 P. THE ARRESTING AND PROSECUTING AGENCIES SHALL CLEARLY IDENTIFY IN  
7 EACH AGENCY'S FILES AND ELECTRONIC RECORDS THAT THE CLAIMANT WAS  
8 ERRONEOUSLY CONVICTED AND THAT THE ARREST, CHARGE, CONVICTION OR  
9 ADJUDICATION AND SENTENCE ARE EXPUNGED AND MAY NOT MAKE ANY RECORDS OF THE  
10 EXPUNGED ARREST, CHARGE, CONVICTION OR ADJUDICATION AND SENTENCE AVAILABLE  
11 AS A PUBLIC RECORD TO ANY PERSON EXCEPT TO THE CLAIMANT OR THE CLAIMANT'S  
12 ATTORNEY.

13 Q. PURSUANT TO THE EXPUNGEMENT ORDER, THE CLAIMANT SHALL BE TREATED  
14 AS NOT HAVING BEEN ARRESTED FOR, ADJUDICATED DELINQUENT FOR OR CONVICTED  
15 OF THE EXPUNGED OFFENSE. THE EXPUNGED ARREST, CHARGE, ADJUDICATION,  
16 CONVICTION OR SENTENCE MAY NOT BE USED IN A SUBSEQUENT PROSECUTION BY A  
17 PROSECUTING AGENCY OR COURT FOR ANY PURPOSE. THE CLAIMANT MAY STATE THAT  
18 THE CLAIMANT HAS NEVER BEEN ARRESTED FOR, CHARGED WITH, ADJUDICATED  
19 DELINQUENT FOR, CONVICTED OF OR SENTENCED FOR THE OFFENSE THAT IS THE  
20 SUBJECT OF THE EXPUNGEMENT.

21 R. THE CLAIMANT MAY REQUEST THAT THIS ACTION AND ERRONEOUS  
22 CONVICTION RULING BE SEALED.

23 S. THE COURT'S DECISION TO GRANT OR DENY AN ERRONEOUS CONVICTION  
24 CLAIM IS NOT RES JUDICATA ON ANY OTHER PROCEEDINGS.

25 T. IF THE COURT DENIES AN ERRONEOUS CONVICTION CLAIM, THE CLAIMANT  
26 MAY FILE A DIRECT APPEAL PURSUANT TO SECTION 13-4033, SUBSECTION A,  
27 PARAGRAPH 3.

28 U. IF THE VICTIM HAS MADE A REQUEST FOR POSTCONVICTION NOTICE, THE  
29 ATTORNEY GENERAL SHALL PROVIDE THE VICTIM WITH NOTICE OF THE CLAIMANT'S  
30 CLAIM AND OF THE RIGHTS PROVIDED TO THE VICTIM IN THIS SECTION. THE  
31 RIGHTS AND DUTIES PRESCRIBED IN CHAPTER 40 OF THIS TITLE CONTINUE TO BE  
32 ENFORCEABLE THROUGHOUT THE PROCEEDINGS HELD PURSUANT TO THIS SECTION.

33 V. IF THE COURT FINDS THAT THE CLAIMANT IS ENTITLED TO A JUDGMENT,  
34 A VICTIM AS DEFINED IN SECTION 13-4401 IS ENTITLED TO REIMBURSEMENT FOR  
35 MENTAL HEALTH TREATMENT FOR UP TO FIFTY-TWO CLINICAL HOURS WITHIN TWELVE  
36 MONTHS AFTER THE COURT'S ORDER AWARDING COMPENSATION AT A MAXIMUM OF \$250  
37 PER HOUR PURSUANT TO THE VICTIM COMPENSATION AND ASSISTANCE FUND  
38 ESTABLISHED BY SECTION 41-2407. THE VICTIM DOES NOT NEED TO ESTABLISH ANY  
39 OTHER ELIGIBILITY REQUIREMENTS TO RECEIVE REIMBURSEMENT FOR MENTAL HEALTH  
40 SERVICES.

41 Sec. 2. Title 41, chapter 4, article 1, Arizona Revised Statutes,  
42 is amended by adding section 41-710.03, to read:

43 41-710.03. Erroneous convictions fund

44 A. THE ERRONEOUS CONVICTIONS FUND IS ESTABLISHED CONSISTING OF  
45 MONIES APPROPRIATED TO THE FUND BY THE LEGISLATURE. THE DEPARTMENT OF

1 ADMINISTRATION SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE  
2 CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION  
3 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

4 B. THE DEPARTMENT OF ADMINISTRATION SHALL USE THE MONIES DEPOSITED  
5 IN THE ERRONEOUS CONVICTIONS FUND TO FUND CLAIMS BROUGHT PURSUANT TO TITLE  
6 13, CHAPTER 38, ARTICLE 35.

7 Sec. 3. Legislative findings

8 The legislature finds that:

9 1. Innocent persons who have been erroneously convicted of crimes  
10 have been uniquely victimized, have distinct struggles reentering society,  
11 have difficulty achieving legal redress due to a variety of substantive  
12 and technical obstacles in the law and should have an available avenue of  
13 redress over and above the existing tort remedies to seek compensation for  
14 damages.

15 2. Erroneously convicted persons suffer particular and substantial  
16 harm by being imprisoned for a crime they did not commit, including the  
17 loss of liberty, livelihood and financial opportunity, so the legislature  
18 intends that by enacting section 13-4296, Arizona Revised Statutes, as  
19 added by this act, persons who were erroneously convicted and unjustly  
20 robbed of their freedom should be able to receive monetary compensation  
21 and non-monetary services.

22 3. Erroneous convictions cause victims of crime unique harm, so the  
23 legislature intends to provide crime victims with mental health treatment  
24 services in recognition of the trauma crime victims undergo when the legal  
25 system fails them by erroneously convicting the wrong person.

26 Sec. 4. Effective date

27 Title 13, chapter 38, article 35, Arizona Revised Statutes, as added  
28 by this act, is effective from and after December 31, 2025.

29 Sec. 5. Delayed repeal

30 Title 13, chapter 38, article 35 and section 41-710.03, Arizona  
31 Revised Statutes, as added by this act, are repealed from and after June  
32 30, 2027.

APPROVED BY THE GOVERNOR JUNE 27, 2025.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 27, 2025.