



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

House: CJR DP 9-0-0-0 | 3rd Read 52-0-8-0
Senate: JUD DP 8-0-0-0 | 3rd Read 29-0-1-0

HB 2067: criminal conviction; set aside; applicability

Sponsor: Representative Roberts, LD 11

Transmitted to the Governor

Overview

Creates *certificates of second chance* for individuals whose judgment of guilt is set aside.

History

After fulfilling the conditions of probation or completing a sentence, most people convicted of a criminal offense may apply to have the judgment of guilt set aside. The court would then consider factors such as the nature of the conviction, the victim's input and prior or subsequent convictions when determining whether to set aside the judgment of guilt or not. If the judgment is set aside, it removes most penalties that resulted from the conviction from the ex-offender ([A.R.S. § 13-905](#)).

Occupational licensing agencies, departments, boards and commissions may grant an otherwise qualified applicant who has been convicted of most types of offenses either a regular license or a provisional license, which has certain statutory limitations ([A.R.S. § 32-4701](#)).

In most instances, an employer who hires an ex-offender is protected from the introduction of evidence of the employee's conviction in a negligent hiring action ([A.R.S. § 12-558.03](#)).

Provisions

1. Allows an individual whose conviction is set aside by the court to apply for a certificate of second chance, which:
 - a) Enables an otherwise qualified applicant to be granted an occupational license;
 - b) Provides an employer with limited liability for hiring an ex-offender;
 - c) Provides an entity providing housing to the ex-offender with a limitation on the introduction of evidence of the criminal offense;
 - d) Is not a recommendation of the certificate-holder for licensure, hiring or housing. (Sec. 1)
2. Requires the court to grant the certificate of second chance if the applicant has not previously received such a certificate and:
 - a) The person was convicted of a misdemeanor;
 - b) The person was convicted of a class 4, 5 or 6 felony and at least two years have elapsed since the completion of the sentence;
 - c) The person was convicted of class 2 or 3 felony and at least five years have elapsed since the completion of the sentence.
3. Permits the state or the victim to object to setting aside a judgment of guilt within 30 days and allows a court hearing if an objection is filed. (Sec. 1)
4. Makes conforming changes. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note