



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2623

vacate conviction; sex trafficking; victims

Purpose

Removes the requirement that a prostitution offense committed as a result of being a victim of sex trafficking must have been committed before July 24, 2014, in order for the offender to be able to apply to have the conviction vacated.

Background

A person who is convicted of a prostitution offense, or a similar city or town ordinance, is allowed to apply to the sentencing court to have the person's conviction vacated. The court must grant the application and vacate the conviction if the court finds by clear and convincing evidence that the person's participation in the prostitution offense was a direct result of being a victim of sex trafficking. The conviction, however, may only be vacated if the offense was committed before July 24, 2014.

On vacating the prostitution conviction, the court must: 1) release the applicant from all penalties and disabilities resulting from the conviction; 2) enter an order that a notation be made in the court file and in law enforcement and prosecution records that the conviction has been vacated and the person was the victim of a crime; and 3) transmit the order vacating the conviction to the arresting agency, the prosecutor and the Department of Public Safety. A vacated conviction does not qualify as a historical prior felony and does not preclude a person from being approved for a fingerprint clearance card ([A.R.S. § 13-909](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Removes the requirement that a prostitution offense that was committed as a result of being a victim of sex trafficking must have been committed before July 24, 2014, in order for the offender to be able to apply to have the conviction vacated.
2. Becomes effective on the general effective date.

House Action

JUD	2/7/24	DP	7-0-0-2
3 rd Read	2/20/24		57-0-2-0-1

Prepared by Senate Research
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ZD/cs