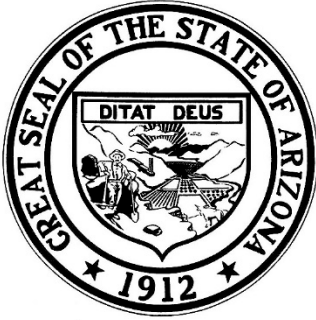


## HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **SB 1500**

Powell Floor Amendment

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### *Erroneous Convictions*

1. Allows the Attorney General (AG), in response to a compensation claim from an erroneous conviction, to request the court to make findings of fact that there is evidence of misconduct or harmful error on the part of a city or county employee.
2. Stipulates that the AG bears the burden of proof by a preponderance of the evidence if they request specified findings.
3. Allows the court to make findings of fact that a city or county employee's misconduct or harmful error was the proximate cause of pardoning, reversal or vacating a conviction on its own accord or if requested by the AG.
4. Outlines procedures for the court if it finds that a city or county employee's misconduct or harmful error was the proximate cause of pardoning, reversal or vacating a conviction.
5. Grants a city or county 14 days to respond if notified that an employee's misconduct or harmful error was the proximate cause of pardoning, reversal or vacating a conviction.
6. Prohibits the city or county from requesting to intervene in the claimant's action seeking compensation.
7. Permits a city or county to respond if the employee's misconduct or harmful error was the proximate cause of pardoning, reversal or vacating a conviction.

### *Compensation*

8. Creates the Erroneous Convictions Fund (Fund) to be administered by the Arizona Department of Administration.
9. States that the Fund consists of monies continuously appropriated by the Legislature, exempt from lapsing and is for claims brought from erroneous convictions.

Amendment explanation prepared by M. Torres

Phone Number 63219

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6/26/2025

10. Prohibits a claimant from receiving compensation for time served concurrently with another lawful incarceration conviction.
11. Adds that any compensation, including additional compensation, awarded must be paid from the Fund.
12. Allows the claimant, if requesting additional compensation, to present evidence of other damages the claimant suffered related to their arrest, prosecution, conviction and incarceration.
13. Permits the court to award up to \$500,000 in additional compensation as outlined.
14. Directs the city or county, if the court made findings that a city or county employee's misconduct or harmful error was the proximate cause of the pardoning, reversal or vacating of a conviction, to reimburse all payments made from the Fund to the claimant.
15. States that the city or county has 45 days to reimburse all payments made from the Fund for the baseline compensation and 14 days to reimburse all payments made from the Fund for additional compensation.
16. Repeals provisions related to the Fund on July 1, 2027.

***Miscellaneous***

17. Specifies that a court's expungement order is for the offense or offenses for which the ruling applies.
18. Removes provisions relating to the prohibition of victims being compelled to testify or have an interview for any erroneous conviction proceedings unless they consent.
19. Adds that the victims' rights and duties remain enforceable throughout the erroneous conviction proceedings.
20. Contains an effective date of January 1, 2026.

ADDITIONAL COW  
POWELL FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1500  
(Reference to House engrossed Senate bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.  
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.  
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.  
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.  
<<Green carets>> indicate a section added to the bill.  
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 13, chapter 38, Arizona Revised Statutes, is amended  
3 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 THE  
15 CLAIMANT'S OWN CONDUCT CAUSE OR BRING ABOUT THE CONVICTION. A CONFESSION OR  
16 ADMISSION LATER FOUND TO BE FALSE OR A GUILTY PLEA DOES NOT CONSTITUTE  
17 COMMITTING PERJURY, FABRICATING EVIDENCE OR CAUSING OR BRINGING ABOUT THE  
18 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 AND  
22 THE CHARGES WERE DISMISSED OR THE CLAIMANT WAS FOUND NOT GUILTY ON RETRIAL.

23 (c) THE CLAIMANT'S JUDGMENT OF CONVICTION WAS REVERSED OR VACATED AND  
24 THE CLAIMANT ENTERED AN ALFORD PLEA OR A PLEA OF NO CONTEST, WHILE MAINTAINING  
25 A CLAIM OF INNOCENCE, AFTER THE CONVICTION WAS OVERTURNED, REVERSED OR VACATED

1 ON DIRECT APPEAL OR POSTCONVICTION REVIEW WHEN THE CLAIMANT WOULD OTHERWISE  
2 HAVE BEEN ENTITLED TO A NEW TRIAL.

3 B. ALL PLEADINGS SHALL BE ENTITLED "IN THE MATTER OF THE ERRONEOUS  
4 CONVICTION OF \_\_\_\_". THE CLAIMANT SHALL SERVE THE ATTORNEY GENERAL WITH A  
5 COPY OF THE CLAIM. THE COURT SHALL DECIDE THE CLAIM. THE ARIZONA RULES OF  
6 CIVIL PROCEDURE APPLY. THE ACTION SHALL BE BROUGHT IN THE COUNTY OF CONVICTION  
7 OR IN MARICOPA COUNTY.

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

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

13 2. THE CLAIMANT IS PARDONED BASED ON INNOCENCE.

14 3. THE EFFECTIVE DATE OF THIS SECTION IF THE CLAIMANT WAS CONVICTED,  
15 INCARCERATED AND RELEASED FROM CUSTODY BEFORE THE EFFECTIVE DATE OF THIS  
16 SECTION.

17 D. THE ATTORNEY GENERAL SHALL RESPOND WITHIN THIRTY DAYS TO THE  
18 CLAIM. THE ATTORNEY GENERAL MAY REQUEST A SINGLE THIRTY-DAY EXTENSION TO  
19 RESPOND ON A SHOWING OF GOOD CAUSE. THE PARTIES MAY STIPULATE TO AN  
20 ADDITIONAL EXTENSION OF TIME. [THE ATTORNEY GENERAL MAY INCLUDE IN THE  
21 RESPONSE A REQUEST THAT THE COURT MAKE FINDINGS OF FACT THAT A CITY OR COUNTY  
22 EMPLOYEE COMMITTED HARMFUL ERROR OR MISCONDUCT. IF THE ATTORNEY GENERAL  
23 REQUESTS FINDINGS OF FACT REGARDING WHETHER A CITY OR COUNTY EMPLOYEE  
24 COMMITTED HARMFUL ERROR OR MISCONDUCT, THE ATTORNEY GENERAL HAS THE BURDEN OF  
25 PROOF BY A PREPONDERANCE OF THE EVIDENCE.]

26 E. IF THE ATTORNEY GENERAL DOES NOT OBJECT IN THE RESPONSE, THE COURT SHALL  
27 ENTER AN ORDER GRANTING THE ERRONEOUS CONVICTION CLAIM. IF THE ATTORNEY  
28 GENERAL OBJECTS, THE COURT SHALL ORDER AND HOLD AN EVIDENTIARY HEARING. A  
29 COURT ORDER THAT GRANTS OR DENIES THE CLAIM SHALL INCLUDE FINDINGS OF FACT AND  
30 CONCLUSIONS OF LAW. [IF REQUESTED BY THE ATTORNEY GENERAL, THE COURT SHALL  
31 MAKE FINDINGS OF FACT REGARDING WHETHER A CITY OR COUNTY EMPLOYEE COMMITTED  
32 HARMFUL ERROR OR MISCONDUCT THAT WAS THE PROXIMATE CAUSE OF THE PARDONING,  
33 REVERSAL OR VACATING OF A CONVICTION. IF NOT REQUESTED BY THE ATTORNEY  
34 GENERAL, THE COURT, ON ITS OWN MOTION, MAY FIND BY A PREPONDERANCE OF THE  
35 EVIDENCE THAT A CITY OR COUNTY EMPLOYEE COMMITTED HARMFUL ERROR OR MISCONDUCT  
36 THAT WAS THE PROXIMATE CAUSE OF THE PARDONING, REVERSAL OR VACATING OF A  
37 CONVICTION. THE COURT MAY CONSIDER ANY FINDINGS OF FACT DEVELOPED ON THE  
38 RECORD OF THE UNDERLYING CRIMINAL OFFENSE RELATED TO THE CONVICTION OR ACTIONS  
39 BY CITY OR COUNTY EMPLOYEES. THE COURT SHALL NOTIFY THE APPROPRIATE CITY OR  
40 COUNTY PROSECUTING AGENCY IF THE ATTORNEY GENERAL REQUESTS OR THE COURT MAKES  
41 A FINDING THAT A CITY OR COUNTY EMPLOYEE COMMITTED HARMFUL ERROR OR MISCONDUCT  
42 THAT WAS THE PROXIMATE CAUSE OF THE PARDONING, REVERSAL OR VACATING OF THE  
43 CONVICTION AND ALLOW THE CITY OR COUNTY TO RESPOND WITHIN FOURTEEN DAYS. THE  
44 COURT SHALL NOTIFY THE APPROPRIATE CITY OR COUNTY PROSECUTING AGENCY IF THE  
45 ATTORNEY GENERAL REQUESTS OR THE COURT MAKES A FINDING THAT A CITY OR COUNTY  
46 EMPLOYEE COMMITTED HARMFUL ERROR OR MISCONDUCT THAT WAS THE PROXIMATE CAUSE OF

1 THE PARDONING, REVERSAL OR VACATING OF THE CONVICTION AND ALLOW THE CITY OR  
2 COUNTY TO RESPOND WITHIN FOURTEEN DAYS. THE CITY OR COUNTY MAY NOT REQUEST TO  
3 INTERVENE IN THE CLAIMANT'S ACTION SEEKING COMPENSATION AND MAY ONLY RESPOND  
4 AS TO WHETHER THE EMPLOYEE COMMITTED HARMFUL ERROR OR MISCONDUCT THAT WAS THE  
5 PROXIMATE CAUSE OF THE PARDONING, REVERSAL OR VACATING OF THE CONVICTION BY A  
6 PREPONDERANCE OF THE EVIDENCE.]

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

9 1. FOR EACH YEAR THE CLAIMANT WAS INCARCERATED, TWO HUNDRED PERCENT OF  
10 THE MEDIAN HOUSEHOLD INCOME IN THIS STATE AS IT EXISTED ON THE DATE THE  
11 CLAIMANT WAS INCARCERATED AND AS DETERMINED BY THE UNITED STATES DEPARTMENT OF  
12 HOUSING AND URBAN DEVELOPMENT AND ADJUSTED FOR INFLATION USING THE CONSUMER  
13 PRICE INDEX FOR URBAN CONSUMERS. THE AMOUNT FOR ANY PARTIAL YEAR SHALL BE  
14 PRORATED IN ORDER TO COMPENSATE THE CLAIMANT ONLY FOR THE PORTION OF THE YEAR  
15 IN WHICH THE CLAIMANT WAS INCARCERATED. [THE CLAIMANT MAY NOT RECEIVE  
16 COMPENSATION FOR ANY PERIOD OF TIME FOR WHICH THE CLAIMANT WAS CONCURRENTLY  
17 SERVING ANOTHER SENTENCE FOR A CONVICTION OF ANOTHER OFFENSE FOR WHICH THE  
18 CLAIMANT WAS LAWFULLY INCARCERATED.]

19 2. THE CLAIMANT MAY REQUEST MORE THAN THE AMOUNT OF COMPENSATION  
20 AWARDED PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION. [ANY ADDITIONAL AMOUNT OF  
21 COMPENSATION AWARDED TO THE CLAIMANT SHALL BE PAID FROM THE ERRONEOUS  
22 CONVICTIONS FUND PURSUANT TO SUBSECTION M OF THIS SECTION.] IF THE CLAIMANT  
23 REQUESTS ADDITIONAL COMPENSATION, THE COURT MUST HOLD AN EVIDENTIARY HEARING.  
24 THE COURT SHALL CONSIDER THE PRO PER STATUS OF THE CLAIMANT IN DETERMINING  
25 WHETHER ADDITIONAL COMPENSATION IS WARRANTED. THE CLAIMANT MAY PRESENT [THE  
26 FOLLOWING] EVIDENCE [:-

27 (a) WHETHER THE CLAIMANT WAS REQUIRED TO REGISTER PURSUANT TO SECTION  
28 13-3821 AND FOR WHAT LENGTH OF TIME THE CLAIMANT COMPLIED WITH THE  
29 REGISTRATION REQUIREMENTS.

30 (b) EXPENSES FOR REINTEGRATIVE SERVICES AND MENTAL AND PHYSICAL HEALTH  
31 CARE COSTS THAT THE CLAIMANT INCURRED FOR THE TIME PERIOD BETWEEN THE  
32 CLAIMANT'S RELEASE FROM CUSTODY AND THE ENTRY OF JUDGMENT.

33 (c) UNREIMBURSED COSTS, FINES, FEES OR SURCHARGES THAT WERE IMPOSED ON  
34 THE CLAIMANT AS A RESULT OF THE ERRONEOUS CONVICTION AND THAT WERE PAID BY OR  
35 ON BEHALF OF THE CLAIMANT.

36 (d) UNREIMBURSED RESTITUTION THAT WAS PAID BY OR ON BEHALF OF THE  
37 CLAIMANT AS A RESULT OF THE ERRONEOUS CONVICTION.

38 (e) ANY OTHER DAMAGES THE CLAIMANT MAY HAVE SUFFERED ARISING FROM OR  
39 RELATED TO THE CLAIMANT'S ARREST, PROSECUTION, CONVICTION AND INCARCERATION.

40 3. REASONABLE ATTORNEY FEES AND COSTS OF NOT MORE THAN \$25,000 UNLESS  
41 THE COURT AUTHORIZES A GREATER REASONABLE TOTAL ON A FINDING OF GOOD CAUSE  
42 SHOWN.] [OF OTHER DAMAGES THE CLAIMANT SUFFERED ARISING FROM OR RELATED TO  
43 THE CLAIMANT'S ARREST, PROSECUTION, CONVICTION AND INCARCERATION. THE COURT  
44 MAY AWARD UP TO \$500,000 IN ADDITIONAL COMPENSATION.

1       3. \$25,000 PER YEAR FOR EACH YEAR THE CLAIMANT WAS INCARCERATED ON  
2 DEATH ROW OR EACH YEAR THE CLAIMANT WAS REQUIRED TO REGISTER PURSUANT TO  
3 SECTION 13-3821.

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

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

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

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

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

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

20       I. IN ADDITION TO THE COMPENSATION AWARDED PURSUANT TO SUBSECTION ~~[G]~~  
21 ~~[F]~~ OF THIS SECTION, THE CLAIMANT IS ENTITLED TO THE FOLLOWING SERVICES FROM  
22 LICENSED OR ACCREDITED STATE INSTITUTIONS, AGENCIES OR PROVIDERS WITHIN THIS  
23 STATE:

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

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

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

32       J. IF, AT THE TIME THE COURT ENTERS A JUDGMENT PURSUANT TO SUBSECTION F  
33 OF THIS SECTION, THE CLAIMANT HAS WON A MONETARY JUDGMENT AGAINST THIS STATE  
34 OR ANY POLITICAL SUBDIVISION OF THIS STATE IN A CIVIL ACTION RELATED TO THE  
35 ERRONEOUS CONVICTION OR HAS ENTERED INTO A SETTLEMENT AGREEMENT WITH THIS  
36 STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE RELATED TO THE ERRONEOUS  
37 CONVICTION, THE COURT SHALL DEDUCT THE AMOUNT AWARDED IN THE ACTION OR THE  
38 AMOUNT RECEIVED IN THE SETTLEMENT AGREEMENT, LESS ANY SUMS PAID TO AN ATTORNEY  
39 OR FOR COSTS IN LITIGATING THE OTHER CIVIL ACTION OR OBTAINING THE SETTLEMENT  
40 AGREEMENT, FROM THE MONIES THAT THE CLAIMANT IS ENTITLED TO RECEIVE UNDER THIS  
41 SECTION. THE COURT SHALL INCLUDE IN THE JUDGMENT AN AWARD TO THIS STATE OF ANY  
42 AMOUNT THAT IS DEDUCTED PURSUANT TO THIS SUBSECTION.

43       K. IF SUBSECTION J OF THIS SECTION DOES NOT APPLY, ANY FUTURE DAMAGES  
44 THAT ARE AWARDED TO THE CLAIMANT RESULTING FROM AN ACTION BY THE CLAIMANT  
45 AGAINST ANY UNIT OF GOVERNMENT IN THIS STATE BY REASON OF THE ERRONEOUS

1 CONVICTION SHALL BE OFFSET BY THE COMPENSATION AWARD RECEIVED UNDER THIS  
2 SECTION.

3 L. THE COMPENSATION AWARD MAY NOT BE OFFSET BY ANY EXPENSES INCURRED BY  
4 THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE, INCLUDING THE  
5 FOLLOWING:

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

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

12 M. IF THE COURT FINDS THAT THE CLAIMANT IS ENTITLED TO COMPENSATION, THE  
13 COURT SHALL ISSUE A FINDING THAT THE CLAIMANT WAS ERRONEOUSLY CONVICTED AND,  
14 AS A RESULT, SERVED A SPECIFIC AMOUNT OF TIME ERRONEOUSLY INCARCERATED. THE  
15 CLERK OF THE COURT SHALL SEND A CERTIFIED COPY OF THE ORDER TO THE DEPARTMENT  
16 OF ~~ADMINISTRATION'S RISK MANAGEMENT REVOLVING FUND~~ ADMINISTRATION FOR  
17 PAYMENT FROM THE ~~RISK MANAGEMENT REVOLVING~~ ERRONEOUS CONVICTIONS FUND  
18 ESTABLISHED PURSUANT TO SECTION ~~[41-622]~~ [41-710.03]. [IF SUFFICIENT MONIES  
19 ARE AVAILABLE.] THE DEPARTMENT OF ADMINISTRATION SHALL REMIT FROM THE ~~RISK~~  
20 ~~MANAGEMENT REVOLVING~~ ERRONEOUS CONVICTIONS FUND THE PAYMENT TO THE CLAIMANT  
21 WITHIN FORTY-FIVE DAYS. ANY CLAIMS FOR REIMBURSEMENT UNDER SUBSECTION I OF  
22 THIS SECTION SHALL BE SUBMITTED TO THE ADMINISTRATION FOR APPROVAL AND [, IF  
23 SUFFICIENT MONIES ARE AVAILABLE.] PAID FROM THE ~~RISK MANAGEMENT REVOLVING~~  
24 ERRONEOUS CONVICTIONS FUND WITHIN FOURTEEN DAYS AFTER RECEIPT. [IF THE  
25 COURT MADE FINDINGS OF FACT THAT A CITY EMPLOYEE COMMITTED HARMFUL ERROR OR  
26 MISCONDUCT THAT WAS THE PROXIMATE CAUSE OF THE PARDONING, REVERSAL OR VACATING  
27 OF THE CONVICTION, THE CITY SHALL REIMBURSE ALL PAYMENTS MADE TO THE CLAIMANT  
28 FROM THE ERRONEOUS CONVICTIONS FUND. IF THE COURT MADE FINDINGS OF FACT THAT A  
29 COUNTY EMPLOYEE COMMITTED HARMFUL ERROR OR MISCONDUCT THAT WAS THE PROXIMATE  
30 CAUSE OF THE PARDONING, REVERSAL OR VACATING OF THE CONVICTION, THE COUNTY OF  
31 CONVICTION SHALL REIMBURSE ALL PAYMENTS MADE TO THE CLAIMANT FROM THE  
32 ERRONEOUS CONVICTIONS FUND. FOR CLAIMS PAID PURSUANT TO SUBSECTION F OF THIS  
33 SECTION, THE CITY OR COUNTY SHALL MAKE THE REIMBURSEMENT REQUIRED BY THIS  
34 SUBSECTION TO THE ERRONEOUS CONVICTIONS FUND WITHIN FORTY-FIVE DAYS AFTER THE  
35 PAYMENT FROM THE ERRONEOUS CONVICTIONS FUND TO THE CLAIMANT. FOR CLAIMS PAID  
36 PURSUANT TO SUBSECTION I OF THIS SECTION, THE CITY OR COUNTY SHALL MAKE THE  
37 REIMBURSEMENT REQUIRED BY THIS SUBSECTION TO THE ERRONEOUS CONVICTIONS FUND  
38 WITHIN FOURTEEN DAYS AFTER THE PAYMENT FROM THE ERRONEOUS CONVICTIONS FUND TO  
39 THE CLAIMANT.]

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

42 1. ORDER THE CLAIMANT'S ASSOCIATED CONVICTIONS AND ARRESTS EXPUNGED  
43 FROM ALL APPLICABLE STATE AND FEDERAL SYSTEMS AND THE RECORDS SEALED. THE  
44 COURT SHALL ENTER THE EXPUNGEMENT ORDER [FOR THE OFFENSE OR OFFENSES FOR WHICH  
45 THE RULING APPLIES] REGARDLESS OF WHETHER THE CLAIMANT HAS A HISTORICAL PRIOR  
46 FELONY CONVICTION. THE EXPUNGEMENT ORDER SHALL STATE ALL OF THE FOLLOWING:

1 (a) THE CLAIMANT'S CURRENT FULL NAME.  
2 (b) THE CLAIMANT'S FULL NAME AT THE TIME OF ARREST AND CONVICTION, IF  
3 DIFFERENT THAN THE CLAIMANT'S CURRENT NAME.  
4 (c) THE CLAIMANT'S SEX, RACE AND DATE OF BIRTH.  
5 (d) THE OFFENSE FOR WHICH THE CLAIMANT WAS ARRESTED AND CONVICTED.  
6 (e) THE DATES OF THE CLAIMANT'S ARREST AND CONVICTION.  
7 (f) THE IDENTITY OF THE ARRESTING LAW ENFORCEMENT AGENCY AND CONVICTING  
8 COURT.  
9 (g) THAT THE ORDER EXPUNGES ANY RECORD OF THE CLAIMANT'S ARREST,  
10 CHARGE, CONVICTION OR ADJUDICATION AND SENTENCE.  
11 (h) THAT THE CLAIMANT'S CIVIL RIGHTS, INCLUDING THE RIGHT TO POSSESS  
12 FIREARMS, ARE RESTORED, UNLESS THE CLAIMANT IS OTHERWISE NOT ELIGIBLE FOR THE  
13 RESTORATION OF CIVIL RIGHTS ON GROUNDS OTHER THAN THE CONVICTION AT ISSUE.  
14 (i) THAT THE CLERK OF THE COURT SHALL NOTIFY THE DEPARTMENT OF PUBLIC  
15 SAFETY, THE PROSECUTING AGENCY AND THE ARRESTING LAW ENFORCEMENT AGENCY, IF  
16 APPLICABLE, OF THE EXPUNGEMENT ORDER.  
17 (j) THAT THE CLERK OF THE COURT SHALL SEAL ~~[ATT]~~ [THE CLAIMANT'S]  
18 RECORDS RELATING TO THE EXPUNGED ARREST, CHARGE, CONVICTION OR ADJUDICATION  
19 AND SENTENCE AND ALLOW THE [CLAIMANT'S] RECORDS TO BE ACCESSED ONLY BY THE  
20 CLAIMANT OR THE CLAIMANT'S ATTORNEY.  
21 2. DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO EXPUNGE AND DESTROY ANY  
22 BIOLOGICAL SAMPLES, INCLUDING DNA AND FINGERPRINT SAMPLES, RECEIVED BY THE  
23 DEPARTMENT PURSUANT TO SECTION 13-610. THE CLERK OF THE COURT SHALL SEND A  
24 CERTIFIED COPY OF THE ORDER TO THE DEPARTMENT OF PUBLIC SAFETY, WHICH SHALL  
25 IMPLEMENT THE ORDER AND PROVIDE CONFIRMATION OF THE ACTION TO THE COURT. THIS  
26 PARAGRAPH DOES NOT REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO EXPUNGE AND  
27 DESTROY SAMPLES OR A PROFILE RECORD THAT IS ASSOCIATED WITH THE CLAIMANT AND  
28 THAT RELATES TO AN UNRELATED OFFENSE.  
29 O. THE DEPARTMENT OF PUBLIC SAFETY SHALL SEAL AND SEPARATE THE EXPUNGED  
30 RECORD FROM THE DEPARTMENT'S RECORDS AND SHALL INFORM ALL APPROPRIATE STATE  
31 AND FEDERAL LAW ENFORCEMENT AGENCIES OF THE EXPUNGEMENT AT NO COST TO THE  
32 CLAIMANT. THE STATE DEPARTMENT OF CORRECTIONS SHALL SEAL AND SEPARATE THE  
33 EXPUNGED RECORD FROM THE DEPARTMENT'S RECORDS AND MAY NOT MAKE INFORMATION  
34 RELATED TO THE EXPUNGED CONVICTION PUBLICLY AVAILABLE THROUGH ANY DEPARTMENT  
35 DATABASE.  
36 P. THE ARRESTING AND PROSECUTING AGENCIES SHALL CLEARLY IDENTIFY IN  
37 EACH AGENCY'S FILES AND ELECTRONIC RECORDS THAT THE CLAIMANT WAS ERRONEOUSLY  
38 CONVICTED AND THAT THE ARREST, CHARGE, CONVICTION OR ADJUDICATION AND SENTENCE  
39 ARE EXPUNGED AND MAY NOT MAKE ANY RECORDS OF THE EXPUNGED ARREST, CHARGE,  
40 CONVICTION OR ADJUDICATION AND SENTENCE AVAILABLE AS A PUBLIC RECORD TO ANY  
41 PERSON EXCEPT TO THE CLAIMANT OR THE CLAIMANT'S ATTORNEY.  
42 Q. PURSUANT TO THE EXPUNGEMENT ORDER, THE CLAIMANT SHALL BE TREATED AS  
43 NOT HAVING BEEN ARRESTED FOR~~[, ADJUDICATED DELINQUENT FOR]~~ OR CONVICTED OF THE  
44 EXPUNGED OFFENSE. THE EXPUNGED ARREST, CHARGE, ADJUDICATION, CONVICTION OR  
45 SENTENCE MAY NOT BE USED IN A SUBSEQUENT PROSECUTION BY A PROSECUTING AGENCY  
46 OR COURT FOR ANY PURPOSE. THE CLAIMANT MAY STATE THAT THE CLAIMANT HAS NEVER



1 BEEN ARRESTED FOR, CHARGED WITH, ADJUDICATED DELINQUENT FOR, CONVICTED OF OR  
2 SENTENCED FOR THE OFFENSE THAT IS THE SUBJECT OF THE EXPUNGEMENT.

3 R. THE CLAIMANT MAY REQUEST THAT THIS ACTION AND ERRONEOUS CONVICTION  
4 RULING BE SEALED.

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

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

9 U. IF THE VICTIM HAS MADE A REQUEST FOR POSTCONVICTION NOTICE, THE  
10 ATTORNEY GENERAL SHALL PROVIDE THE VICTIM WITH NOTICE OF THE CLAIMANT'S CLAIM  
11 AND OF THE RIGHTS PROVIDED TO THE VICTIM IN THIS SECTION. ~~[UNLESS THE VICTIM~~  
12 ~~CONSENTS, THE VICTIM MAY NOT BE COMPELLED TO SUBMIT TO AN INTERVIEW OR TESTIFY~~  
13 ~~IN ANY PROCEEDING UNDER THIS SECTION.] [THE RIGHTS AND DUTIES PRESCRIBED IN~~  
14 ~~CHAPTER 40 OF THIS TITLE CONTINUE TO BE ENFORCEABLE THROUGHOUT THE PROCEEDINGS~~  
15 ~~HELD PURSUANT TO THIS SECTION.]~~

16 V. IF THE COURT FINDS THAT THE CLAIMANT IS ENTITLED TO A JUDGMENT, A  
17 VICTIM AS DEFINED IN SECTION 13-4401 IS ENTITLED TO REIMBURSEMENT FOR MENTAL  
18 HEALTH TREATMENT FOR UP TO FIFTY-TWO CLINICAL HOURS WITHIN TWELVE MONTHS AFTER  
19 THE COURT'S ORDER AWARDING COMPENSATION AT A MAXIMUM OF \$250 PER HOUR PURSUANT  
20 TO THE VICTIM COMPENSATION AND ASSISTANCE FUND ESTABLISHED BY SECTION  
21 41-2407. THE VICTIM DOES NOT NEED TO ESTABLISH ANY OTHER ELIGIBILITY  
22 REQUIREMENTS TO RECEIVE REIMBURSEMENT FOR MENTAL HEALTH SERVICES.

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

25 41-710.03. Erroneous convictions fund

26 [A. THE ERRONEOUS CONVICTIONS FUND IS ESTABLISHED CONSISTING OF MONIES  
27 APPROPRIATED TO THE FUND BY THE LEGISLATURE. THE DEPARTMENT OF ADMINISTRATION  
28 SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED  
29 AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF  
30 APPROPRIATIONS.

31 B. THE DEPARTMENT OF ADMINISTRATION SHALL USE THE MONIES DEPOSITED IN  
32 THE ERRONEOUS CONVICTIONS FUND TO FUND CLAIMS BROUGHT PURSUANT TO TITLE 13,  
33 CHAPTER 38, ARTICLE 15.]>>

34 Sec. 3. Legislative findings

35 The legislature finds that:

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

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

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

5       <<Sec. 4. Effective date  
6       [Title 13, chapter 38, article 15, Arizona Revised Statutes, as added by  
7 this act, is effective from and after December 31, 2025.]>>

8       <<Sec. 5. Delayed repeal  
9       [Title 13, chapter 38, article 15 and section 41-710.03, Arizona Revised  
10 Statutes, as added by this act, are repealed from and after June 30, 2027.]>>

11 Enroll and engross to conform  
12 Amend title to conform

KHYL POWELL

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