

Sealing of Criminal Offense Records (SB 1294)

Enacted Date: 07/09/2021

Effective Date: 12/31/2022

Topic: [Criminal Background Checks Hiring / Onboarding](#)

Status: Enacted

Jurisdiction : [Arizona](#)

Link to Bill: [Link](#)

Statescape Session: 2021

Synopsis:

Provides for the sealing of criminal offense records under certain circumstances; provides that an applicant for employment does not have to disclose sealed records.

Littler Summary:

Arizona has enacted a new law that allows a person to file a petition to seal all case records related to a criminal offense if the person was:

- convicted of a criminal offense and has completed all of the terms and conditions of the sentence that was imposed by the court, including the payment of all monetary obligations and restitution to all victims;
- charged with a criminal offense and the charge was subsequently dismissed or resulted in a not guilty verdict at a trial; or
- arrested for a criminal offense and no charges were filed.

The law details the process the courts and individuals wishing to seal criminal offense records must follow. As it pertains to employers, the new law provides that a person whose records are sealed may state that they have never been arrested for, charged with, or

convicted of the criminal offense that is the subject of the sealed records in response to questions on employment. However, the new law provides a list of exceptions under which a person may not refrain from disclosing the information. For instance, a person must disclose the information if the person is submitting an application that requires a fingerprint clearance card. Moreover, the exceptions detail various instances requiring disclosure where the sealed case records involve a criminal offense that is related to the nature of the employment.

The new law provides employers with all of the limited liability protections prescribed under state law applicable to employers hiring and contracting with ex-offenders. Employers may not be held liable for hiring or contracting with persons covered under this new law.

The law is codified at section 13-911 of the Arizona Revised Statutes.

ACTION ITEMS

- Revise employment applications and background check procedures as needed.
- Train HR and employees involved in the hiring process about the law's requirements.

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