

INSTRUCTIONS FOR COMPLETING A PETITION TO EXPUNGE MARIJUANA-RELATED OFFENSE RECORDS PURSUANT TO A.R.S. SECTION 36-2862.

(The petition form may be found online at: www.azcourts.gov/selfservicecenter/Forms)

Please read the following before completing the petition form.

WHO CAN USE THE PETITION FORM:

You may seek expungement of your marijuana-related criminal records by filing the petition form, if you were either arrested, charged, convicted or acquitted of any of the following offenses:

1. Possessing, consuming, or transporting *two and one-half ounces or less* of marijuana*, of which not more than twelve and one-half grams was in the form of marijuana concentrate.
2. Possessing, transporting, cultivating, or processing *not more than six marijuana* plants* at your primary residence for personal use.
3. Possessing, using, or transporting *paraphernalia* related to the cultivation, manufacture, processing, or consumption of marijuana.*

If you are seeking expungement of case records, and you had more than one eligible offense under more than one case number, file a separate petition for each case number.

**marijuana includes cannabis*

WHERE TO FILE YOUR PETITION:

If your arrest resulted in a court case, you must file your petition in the court that resolved your case using the form specific to that court (Municipal/Justice, Superior, or Juvenile). If your arrest did not go to court and you simply want the law enforcement records expunged, you must file your petition in the Superior Court for the county where the arrest took place.

REQUIRED INFORMATION:

To complete the petition, you must, at a minimum, provide the court with the following information as required by Rule 36, Arizona Rules of Criminal Procedure:

- Your name, address, date of birth, and email address, if you have an email address;
- Any name you used at the time of arrest or charge, if different from your current name;
- A description of the offense for which you are seeking expungement as stated on the petition form;
- The name of the law enforcement agency that arrested you for the marijuana-related offense; and
- The court's case number if your arrest resulted in a criminal complaint being filed with the court.

Failure to provide enough details about the records you want to have expunged may result in the court dismissing your petition. If that occurs, you may file a new petition with additional details about your records. The arresting agency cannot expunge your records if you do not identify the arresting agency.

If you were represented in court by an attorney, your defense attorney may be able to provide any information needed to fill out the petition. You may find information about your case on the Supreme

Court's case lookup website ([Public Access Case Lookup \(az.gov\)](https://www.azcourts.gov/public-access-case-lookup)). In addition, the Federal Bureau of Investigation (<https://www.fbi.gov/services/cjis/identity-history-summary-checks>) or the Arizona Department of Public Safety (<https://www.azdps.gov/services/public/records/criminal>) may assist you.

TYPE OR PRINT NEATLY USING BLACK INK. FILL OUT ALL FIELDS REQUIRED BY THE PETITION. PROVIDE ANY OPTIONAL INFORMATION KNOWN TO YOU:

- Identify the court where you will be filing. If you will file in a Municipal Court or Justice Court, use the petition form for Municipal/Justice Court. If you will file in the Superior Court, use the petition form for Superior Court. If you will file in a Juvenile Court, use the form for Juvenile Court.
- At the top of the first page, type or print the name, mailing address, email address, and phone numbers of the person filing this form.
- Print the name of the court where you are filing the petition.
- Inside the box print your first name, middle initial, last name, and date of birth above the line for Defendant. On the Juvenile Court petition form, this information goes beneath the "In the Matter of." Print the case number of the case that you want the court to expunge. If you are seeking to expunge ONLY an arrest record, leave the case number blank, the court will assign a case number when you file your petition.
- Fill in the other blanks and check boxes with the information requested.
- Date and sign your name and provide the contact information requested below the signature line.

PLEASE NOTE:

- If the court grants your petition and you owe fines, fees, or other monetary penalties on other non-eligible charges in the same case for which you are granted expungement, you will need to ask the court for a new payment plan.
- If you were convicted as an adult of a felony marijuana offense in superior court, and the court grants your expungement petition and restores your civil rights, in order to be eligible to vote, you must complete and submit a new voter registration form. Please refer to your County Recorder's Office for additional questions about voter registration.

Petition to Expunge Records: Superior Court

Person Filing: _____
Mailing Address: _____
City, State, Zip Code: _____
Email Address: _____
Telephone Number(s): _____
(Attorney or LDP only):
State Bar or LDP Number: _____
Party you are representing: _____

In the Superior Court of Arizona for Yavapai County

State of Arizona, Plaintiff vs. _____ Defendant (FIRST, MI, LAST) Date of Birth: _____	Case Number: _____ <p style="text-align: center;">Petition to Expunge Marijuana-Related Offense Records and Restore Civil Rights, Including Firearm Rights, Pursuant to ARS § 36-2862</p>
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The above-named Petitioner, pursuant to ARS § 36-2862, hereby requests that the Court order expungement of Petitioner’s criminal history records. As grounds for this petition, Petitioner states as follows:

A. REQUIRED INFORMATION

1. Eligible Charge. I hereby request that the law enforcement and court records for the following offense, eligible under ARS § 36-2862, be expunged (*choose from the following; if you had more than one eligible offense under more than one case number, file a separate petition for each offense*):

- Possessing, consuming, or transporting two and one-half ounces or less of marijuana, of which not more than twelve and one-half grams was in the form of marijuana concentrate.
- Possessing, transporting, cultivating, or processing not more than six marijuana plants at my primary residence for personal use.
- Possessing, using, or transporting paraphernalia related to the cultivation, manufacture, processing, or consumption of marijuana.

2. Name of citing or arresting law enforcement agency: _____.
3. Superior court case number: _____.
4. My name at the time of arrest was (*if different*): _____.

B. ADDITIONAL INFORMATION RELATED TO THE ELIGIBLE CHARGE(S)

(Complete all fields known to you)

- 1. I was arrested on [insert date]: _____.
- 2. My court case began in a Justice Court [Yes [No. If Yes, insert name of Justice Court here: _____, and the Justice Court case number here: _____.
- 3. Name of prosecuting agency: _____.
- 4. I was convicted of the offense [Yes [No. If Yes, insert date of conviction here: _____.
- 5. One or more non-eligible charges were filed against me in this same case [Yes [No.
- 6. My sentence included a term of probation [Yes [No.
- 7. My case was dismissed [Yes [No. If Yes, insert date of dismissal here: _____.
- 8. There is an outstanding arrest warrant in this case [Yes [No.
- 9. There is an active payment plan on my case [Yes [No.

C. SUPPORTING DOCUMENTATION (Optional)

Attached is documentation that supports my petition (*The court may find it helpful to have documents that support your request for expungement, for example, the complaint against you, judgment and sentencing order, payment plan, or any other official document showing a superior court case number, crime lab report showing weight of marijuana seized; or DPS or FBI case extract. However, you are not required to provide any supporting documents*):

D. HEARING REQUEST

I understand that I can request a hearing on my petition, but the court may choose to proceed without a hearing. I hereby request a hearing [Yes [No.

E. ACKNOWLEDGEMENT REGARDING RESTORATION OF FIREARM RIGHTS

I understand that even if I am granted restoration of my civil rights, including firearm rights pursuant to this petition, I may still be prohibited from having my civil rights restored or the right to possess and carry a firearm under other state or federal laws.

DECLARATION

I declare under penalty of perjury that the information I have provided in this petition and any attachments is true and correct to the best of my knowledge.

I understand that this petition may be dismissed if the information I have provided is insufficient. I also understand that this petition may be denied if information in this petition is found to be inaccurate.

(Petitioner's Signature)

(Date)

(Petitioner's Mailing Address)

(Petitioner's Email Address)

(Petitioner's Phone Number)

To the best of my knowledge, the information provided in this petition is true and correct.

(Attorney's name printed)

(Attorney's signature)

(Attorney's Bar Number)

(Attorney's Mailing Address)

(Attorney's Phone Number and Email Address)