

SUPERIOR COURT OF ARIZONA – JUVENILE DIVISION IN AND FOR THE COUNTY OF PIMA

<p style="text-align: center;">DESTRUCTION OF RECORDS A.R.S. § 8-349 (B)</p> <p>If you are over the age of 18, you may apply for destruction of juvenile court and Arizona Department of Corrections records if the records concern a referral or citation that did not result in further action or that resulted in diversion, placement in a community based alternative program or an adjudication for an offense not listed in A.R.S. 13-501(A) or (B) or both.</p> <p>Before filing this application, you must under oath certify that all of the following apply:</p> <ul style="list-style-type: none"> ● you are at least 18 years of age ● you have not been <u>convicted</u> of a felony offense in adult court or <u>adjudicated delinquent</u> for an offense listed in A.R.S. 13-501 subsection A or B (<i>see below</i>) or Title 28 Chapter 4 (<i>driving under the influence</i>) ● <i>A.R.S. 13-501 subsection A offenses: first degree murder, second degree murder, forcible sexual assault, armed robbery, violent felony offense, felony offense committed by a chronic felony offender, any offense properly joined to an offense listed.</i> ● <i>A.R.S. 13-501 subsection B offenses: class 1 felony, class 2 felony, class 3 felony (violation for any offense in chapter 10 through 17 or chapter 19 or 23), class 3, 4, 5 or 6 felony involving intentional or knowing infliction of serious physical injury or the discharge, use, or threatening exhibition of a deadly weapon or dangerous instrument, felony offense committed by chronic felony offender, any offense properly joined to an offense listed.</i> ● a criminal charge is not pending against you ● you have successfully completed all terms and conditions of your court ordered probation, or received an absolute discharge from the Arizona Department of Juvenile Corrections ● all restitution and monetary assessments have been paid in full 	<p style="text-align: center;">SETTING ASIDE ADJUDICATIONS A.R.S. § 8-348</p> <p>If you are at least 18 years of age, have been adjudicated delinquent or incorrigible, and have fulfilled the conditions of probation and discharge that were ordered by the Court, you may apply to the juvenile court to set aside the adjudication.</p> <p>You are no eligible to apply if you were adjudicated delinquent for any of the following offenses:</p> <ul style="list-style-type: none"> ● an offense involving the infliction of serious physical injury ● an offense involving the use or exhibition of a deadly weapon or dangerous instrument ● an offense in violation of title 13, chapter 14 (<i>sexual offenses</i>) ● an offense in violation of section 28-1381, <i>driving under the influence</i>; 28-1382, <i>driving under the extreme influence</i>; 28-1383, <i>aggravated driving under the influence</i>; or 28-3473, <i>driving on a suspended license</i> ● a civil traffic violation under title 28, chapter 3 <p>Before filing the application you must under oath certify that all of the following apply:</p> <ul style="list-style-type: none"> ● you are at least 18 years of age ● the offense adjudicated was not in violation of the above stated statutes ● you have not been convicted of a criminal offense in adult court ● you do not have a criminal charge pending ● you have successfully completed all terms and conditions of your court ordered probation or received an absolute discharge from the Arizona Department of Juvenile Corrections ● all restitution and monetary assessments have been paid in full
<p style="text-align: center;">DESTRUCTION OF RECORDS A.R.S. § 8-349 (D)</p> <p>If you are 25 years of age or older, you may apply for destruction of juvenile records if the records concern a referral that resulted in an adjudication of delinquency for any offense.</p> <p>Before filing this application, you must under oath certify that all of the following apply:</p> <ul style="list-style-type: none"> ● you are at least 25 years of age ● you have not been convicted of a felony offense in adult court ● a criminal charge is not pending against you ● you have successfully completed all terms and conditions of your court ordered probation, or received an absolute discharge from the Arizona Department of Juvenile Corrections ● all restitution and monetary assessments have been paid in full <p>For any application for Destruction of Records – ALL restitution and monetary assessments must have been paid, including time payment fees.</p>	<p style="text-align: center;">RESTORATION OF CIVIL RIGHTS A.R.S. § 13-912.01</p> <p>You may apply for restoration of civil rights and your right to carry a gun or firearm if one of the following apply:</p> <ul style="list-style-type: none"> ● if you were adjudicated delinquent for a misdemeanor and have been released from probation, or ● if you have reached the age of 30 and were adjudicated delinquent for a dangerous offense as outlined under A.R.S. 13-604 or a serious offense under A.R.S. 13-604 or burglary in the first or second degree or arson ● <i>A.R.S. 13-604 dangerous offenses: a felony involving the discharge, use, or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury upon another</i> ● <i>A.R.S. 13-604 serious offenses: first degree murder, second degree murder, manslaughter, aggravated assault resulting in serious physical injury or involving the discharge, use, or threatening exhibition of a deadly weapon or dangerous instrument, sexual assault, any dangerous crime against children, arson of an occupied structure, armed robbery, burglary in the first degree, kidnapping, or sexual conduct with a minor under 15 years of age, or</i> ● if it has been two years since you were discharged from probation after being adjudicated delinquent for any other felony offenses <p>Before filing the application you must under oath certify that all of the following is true:</p> <ul style="list-style-type: none"> ● you meet one of the above requirements ● you have completed the term of your probation

**INSTRUCTIONS FOR APPLICATION FOR
DESTRUCTION OF RECORDS,
SETTING ASIDE ADJUDICATIONS, AND
RESTORATION OF CIVIL RIGHTS**

- Once you have met the qualifications, must follow these instructions
1. Obtain an application.
 2. Read all material included prior to filing the application with the Clerk of Court.
 3. Complete your application legibly and have it notarized.
 4. Make a copy of our application for your records.

File all three parts of the application with the Clerk of Court at: 2225 E. Ajo Way, Tucson, Arizona 85713

DO NOT SEPARATE YOUR APPLICATION. THE THREE-PART APPLICATION MUST BE ATTACHED WHEN FILING WITH THE CLERK OF THE COURT. THE CLERK OF THE COURT WILL PROVIDE SERVICE ON THE COUNTY ATTORNEY IF ALL THREE PARTS ARE ATTACHED WHEN FILING.

I request the court set aside the adjudication of _____ and that I be released from all penalties and disabilities resulting from the adjudication, except those imposed by the Department of Transportation pursuant to A.R.S. Sections 28-3304, 28-3306, 28-3307, or 28-3308 (**Request for “ALL” adjudications will not be ruled upon.**)

- I am at least 18 years of age; and
- The offense was not in violation of statutes identified in A.R.S. Section 8-348 (D); and
- I have not been convicted of a criminal offense in **adult court**; and
- A criminal charge is not pending against me; and
- I have successfully completed all terms and conditions of court-ordered probation, or I have received an absolute discharge from the Arizona Department of Juvenile Corrections; and
- All restitution and monetary assessments have been paid in full

I request the court restore my civil rights and my right to carry or possess a gun or firearm.

- I was adjudicated delinquent for a misdemeanor and have been released from probation, or
- I have reached the age of 30 and was adjudicated delinquent for a dangerous offense as outlined under A.R.S. 13-604 or a serious offense under A.R.S. 13-604 or burglary in the first or second degree or arson, or
- I was adjudicated delinquent for any other felony offenses, and it has been two years since I was discharged from probation;

Please explain why you are making this request: _____

I am submitting this application including the incorporated affidavit on my own behalf,
OR

I am submitting this application including the incorporated affidavit on behalf of the person listed above as his/her attorney probation officer/parole officer and his/her written authorization is attached to this application.

Signature

Date

Sworn before me this _____ day of _____, 20____

Notary Signature
Expiration Date: _____

All pages of this affidavit and all pages of the application for Destruction of Records, Setting Aside Adjudication, or Restoration of Civil Rights must be filed with the Clerk of the Court.

STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA
JUVENILE COURT

IN THE MATTER OF:

J _____

DOB: _____

ORDER RE: APPLICATION FOR
DESTRUCTION OF RECORDS,
SETTING ASIDE ADJUDICATIONS, or
RESTORATION OF CIVIL RIGHTS

Based upon the information presented to the Court, **THE COURT FINDS THAT:** (only those items marked)

The County Attorney has received a copy of the application for destruction of records, set aside adjudication, or restoration of civil rights.

The applicant **has met/has not met** the qualifications for the application.

The applicant **has met/has not met** all statutory requirements for the application.

The County Attorney objects to the application.

THE COURT FINDS that the destruction of records would be in the interest of justice and would further the rehabilitative process of the applicant. Therefore,

- IT IS ORDERED** granting the request for the destruction of the applicant's juvenile records. This order includes that the Chief Juvenile Probation Officer, the Clerk of the Court, the Arizona Department of Juvenile Corrections, or their designees destroy all files and records concerning the applicant. It is ordered that the County Attorney and Public Defender note on their files that an Order for Destruction of Records was entered on this date. It is recommended that all law enforcement and police agencies destroy all arrest and referral records concerning the applicant acquired up to the applicant's 18th birthday and note on other appropriate files that an order of destruction was entered on this date.
- IT IS ORDERED** setting aside the adjudication on the petition filed on _____ and the applicant is released from all penalties and disabilities resulting from the adjudication, except those imposed by the Department of Transportation pursuant to section 28-3304, 28-3306, 28-3307, or 28-3308.
- IT IS ORDERED** the court shall restore the applicant's civil rights and the right to carry or possess a gun or firearm.
- IT IS ORDERED** denying the application without prejudice as no records were found (no case/file number). The applicant may reapply upon providing the Court with a case/file number.
- IT IS ORDERED** denying the application **without prejudice**.

Date

Judge/Commissioner

Copies sent to: Original: Clerk's Office
Applicant
County Attorney, Pima County
Probation File Room