

INFORMATION ON APPLICATIONS TO SET ASIDE JUDGMENT

If you have been convicted of a criminal offense, upon fulfillment of the conditions of probation or sentence, and discharge by the court, you may apply to the judge who pronounced sentence to have the judgment of guilt set aside. If the judge grants the application, he/she will sign an order setting aside the judgment of guilt. The order will state in part that: ***the person be released from all penalties and disabilities resulting from the conviction.*** This statement is not synonymous with expungement. In general, expungement refers to the physical removal of the fact of conviction from a person's criminal offense record. In Arizona, if an application to set aside judgment is granted to a defendant, this does not remove the fact of conviction. A conviction can be used in a subsequent criminal prosecution against you.

Different employers may have different policies and procedures on how they address applicants who have had a past criminal conviction. If you have had a past conviction and you have had the judgment of guilt set aside, make sure that you retain copies of the order setting aside judgment so that you can provide those copies to your employer or potential employer upon request.

Applications to Set Aside Judgment do not apply to a person convicted of minor traffic offenses such as speed, red light and no insurance:

1. Involving the infliction of serious physical injury.
2. Involving the use or exhibition of a deadly weapon or dangerous instrument.
3. In violation of chapter 14 of this title.
4. In which the victim is a minor under fifteen years of age.
5. In violation of section 28-3473, any local ordinance relating to stopping, standing or operation of a vehicle or title 28, chapter 3, except a violation of section 28-693 or any local ordinance relating to the same subject matter as section 28-693.