

Instructions for completing a petition to expunge marijuana-related offense records pursuant to A.R.S. § 36-2862

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

- 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. You can get forms to file with a municipal/justice court on the AOC website at: <https://www.azcourts.gov/prop207>

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:

1. Your name, address, date of birth, and email address, if you have an email address;
2. A description of the offense for which you are seeking expungement as stated on the petition form;
3. The name of the law enforcement agency that arrested you for the marijuana-related offense; and
4. 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 court cannot order expungement of any arresting agency 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 (azcourts.gov)): <https://apps.supremecourt.az.gov/publicaccess/>.
- 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.

Where to file your petition:

If you are seeking expungement of ONLY law enforcement records relating to an arrest that did not result in a criminal complaint being filed in court, then you must file your petition in the superior court located in the county where you were arrested. Otherwise, you must file your petition in the court where the case was resolved by either dismissal or conviction.

Type or print neatly using black ink. Fill out all fields required by the petition. Provide any optional information known to you.

1. 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.
2. Inside the box print your first name, middle initial, last name, and date of birth above the line for Defendant.
3. 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.
4. Fill in the other blanks and check boxes with the information requested.
5. Date and sign your name and provide the contact information requested below the signature line.

Please note: If you owe fines, fees, or other monetary penalties on other non-eligible charges in the same case for which you are seeking expungement, if the court grants your petition, you will need to ask the court for a new payment plan.

If you were convicted of a felony in superior court, and the court grants your 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.

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