

LEGAL REQUIREMENTS FOR THE DESTRUCTION OF JUVENILE RECORDS, SET ASIDE ADJUDICATION, AND RESTORATION OF RIGHT TO POSSESS A FIREARM

**LEGAL REQUIREMENTS FOR DESTRUCTION OF JUVENILE RECORDS
A.R.S. § 8-349(A) and (E)**

Eligibility at age 18.

You are eligible to have your juvenile court and Department of Juvenile Corrections delinquency records destroyed under A.R.S. § 8-349(A) **IF**:

- You are at least **18** years of age and not under the jurisdiction of the juvenile court (A.R.S. § 8-202) or the Department of Juvenile Corrections.
- You have not been convicted of a felony offense in **adult** court.
- A criminal charge is not pending against you in **adult** court.
- You have completed the conditions of your juvenile court-ordered probation or received a discharge from the Department of Juvenile Corrections and successfully completed the individual treatment plan under A.R.S. § 41-2820(B).
- All victim restitution has been **paid in full**.
- All court-ordered fines have been paid in full. If not, you may request a modification.
- You have **not** been adjudicated delinquent in **juvenile** court for an offense listed in A.R.S. § 13-501 subsection A or B (*see below*) or title 28, chapter 4, (driving offenses involving drugs or alcohol).
- You are **not** required to register pursuant to A.R.S. § 13-3821 (*see below*).

In your Application, you must state that **ALL** of the above are true.

Offenses included in A.R.S. § 13-501(A)	Offenses included in A.R.S. § 13-501(B)
13-1105 First degree murder	<ul style="list-style-type: none"> • Any class 1 felony • Any class 2 felony • A class 3 felony in violation of any offense in chapters 10-17, 19, or 23 of title 13 (Includes most crimes <i>except</i> theft, forgery, and fraud.) • A class 3, 4, 5, or 6 felony involving the intentional or knowing infliction of serious physical injury or the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument
13-1104 Second degree murder	
13-1406 Forcible sexual assault	
13-1904 Armed robbery	
13-1204(A)(1) Aggravated assault: serious injury	
13-1204(A)(2) Aggravated assault: deadly weapon	
13-1209 Drive by shooting	
13-1211 Discharging a firearm at a structure	

Any felony offense committed by a chronic felony offender as defined in A.R.S. § 13-501(H)(2)		<ul style="list-style-type: none"> Any felony offense committed by a chronic felony offender as defined in A.R.S. § 13-501(H)(2) 	
Offenses requiring registration pursuant to A.R.S. § 13-3821			
13-1303	Unlawful imprisonment (victim under age 18, not committed by victim's parent)	13-3552	Commercial sexual exploitation of a minor
13-1304	Kidnapping (victim under age 18, not committed by victim's parent)	13-3553	Sexual exploitation of a minor
13-1404	Sexual abuse (victim under age 18)	13-3554	Luring a minor for sexual exploitation
13-1405	Sexual conduct with a minor	13-1402	Indecent exposure (second or subsequent exposure to a person under age 15)
13-1406	Sexual assault	13-1403(B)	Public sexual indecency to a minor under age 15
	Sexual assault of a spouse (committed before 8/12/2005)	13-1402	Indecent exposure (third or subsequent violation)
13-1410	Molestation of a child	13-1403	Public sexual indecency (third or subsequent violation)
13-1417	Continuous sexual abuse of a child	13-3822	Violation of notice of moving place of residence or name change
13-3206	Taking child for the purpose of prostitution	13-3824	Violation of registration requirements
13-3212	Child prostitution (subsection A or B paragraph 1 or 2, before 8/9/2017)		Unlawful age misrepresentation
13-3212	Child sex trafficking (subsection A or B, paragraph 1 or 2, after 8/9/2017)	13-3560	Aggravated luring a minor for sexual exploitation
		13-1428	Sexual extortion (victim under age 15)

Eligibility at age 25.

If you were not eligible between ages 18 and 24 under A.R.S. § 8-349(A), you may be eligible at age 25 under A.R.S. § 8-349(E). You are eligible to have your juvenile court and Department of Juvenile Corrections delinquency records destroyed under A.R.S. § 8-349(E) **IF:**

- You are at least 25 years of age.
- A criminal charge is not pending against you in an adult court.

- You have not been convicted of a felony offense in an adult court.
- You are not required to register pursuant to A.R.S. § 13-3821 (see offenses listed in table).
- All victim restitution has been **paid in full**.
- All court-ordered fines have been paid in full. If not, you may request a modification.

In your Application, you must state that **ALL** of the above are true.

IMPORTANT ADVISEMENT: Destroying your records means that your entire file will be destroyed, including the court’s destruction order. After destruction, the court will no longer have any information regarding your juvenile case. You SHOULD keep the court’s order destroying your record as you may need this order in the future for job applications, security clearances, entry into the military, further education, occupational licensing, or other reasons.

LEGAL REQUIREMENTS FOR SETTING ASIDE ADJUDICATIONS

A.R.S. § 8-348

If you are at least **18** years of age, and no longer under the jurisdiction of juvenile court or the Department of Juvenile Corrections, have been adjudicated delinquent or incorrigible, and have fulfilled the conditions of probation or received a discharge from the Department of Juvenile Corrections under A.R.S. § 41-2820, you may apply to set aside the adjudication.

The court **CANNOT** grant the application to set aside the adjudication if you were adjudicated delinquent for any of the following offenses:

- A dangerous offense as defined in A.R.S. § 13-105 means “an offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person.”
- An offense for which there has been a finding of sexual motivation pursuant to A.R.S. § 13-118.
- An offense in violation of title 13, chapter 14 (sexual offenses).
- An offense in violation of A.R.S. §§ 28-1381, 28-1382, or 28-1383 if the offense can be alleged as a prior violation pursuant to title 28, chapter 4 (DUI).
- An offense for which victim restitution has not been paid in full.

In the Application, you must state:

- You are at least 18 years of age and no longer under the jurisdiction of juvenile court or the Department of Juvenile Corrections.
- You have completed the conditions of your court-ordered probation or received a discharge from the Department of Juvenile Corrections upon successful completion of the individual treatment plan under A.R.S. § 41-2820(B).

- You were not adjudicated for an offense listed above.
- Whether you have been convicted of a felony offense in an adult court.
- Whether you have a criminal charge pending in an adult court.
- All victim restitution has been paid in full.
- All monetary obligations have been paid in full or good cause exists for modification of any unpaid monetary obligations. In this application you may request the court modify the monetary obligations.

**LEGAL REQUIREMENTS FOR RESTORATION OF RIGHT TO POSSESS A FIREARM
A.R.S. § 8-249**

If you have been adjudicated for a felony offense or an offense that remains undesignated as a class 6 open-ended offense, you have lost your right to possess a firearm. You MUST apply with the court to have that legal right returned to you, even after you turn 18 years of age. If your undesignated offense has been designated a misdemeanor, your right to possess a firearm is automatically restored at age 18.

You may apply for restoration of your right to possess a firearm as set forth below.

In the Application, you must state that **ONE** of the following is true:

1. You were adjudicated delinquent for a dangerous offense under A.R.S. § 13-704, a serious offense as defined in A.R.S. § 13-706, burglary in the first degree, burglary in the second degree, or arson, and you are at least 30 years of age.
 - A dangerous offense under A.R.S. § 13-704 means “an offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person” (see A.R.S. § 13-105(13)).
 - Serious offense under A.R.S. § 13-706 includes: 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; sexual conduct with a minor under 15 years of age; and child sex trafficking.
2. You were adjudicated delinquent for any other felony offense and it has been **two years** since you were discharged from probation.

IMPORTANT ADVISEMENT: Even if you are granted the right to possess a firearm by the juvenile court in this case, you may still be prohibited from possessing a firearm under other state and federal laws.