

# Arizona



*The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact [policy@polarisproject.org](mailto:policy@polarisproject.org).*

### GOOD FOR SURVIVORS:

#### **Time Limitations and Wait Times:**

Arizona has no time limit, restriction, or wait time for survivors to clear their criminal records.

#### **Hearing Requirement:**

Attending a hearing can be traumatizing for survivors as well as expensive. Arizona has a conditional hearing requirement. This means the hearing is required at the court's discretion or under objection from certain state authorities such as prosecutors. Ideally, survivors could apply for relief, and based on the evidence provided, the court could decide to grant relief without having a hearing.

#### **Judicial Discretion:**

Arizona provides that the court "shall" or "must" order relief if the survivor meets certain statutory requirements. Therefore, the survivor is guaranteed specific action based on their eligibility.

### NEEDS IMPROVEMENT:

#### **Offenses Covered:**

The narrow scope of offenses currently covered by the criminal record relief statute in Arizona is inadequate because relief only applies to prostitution-related offenses - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Arizona would expand the statute to include all offenses so more survivors are eligible for relief.

#### **Only Applies to Sex Trafficking Survivors:**

Arizona's statute is explicitly only for sex trafficking survivors and completely ignores the experience and victimization of labor trafficking survivors. The statute should apply to all survivors of human trafficking.

#### **Burden of Proof:**

The current burden of proof in Arizona is "clear and convincing," which requires more proof of victimization than many survivors are able to access or use. Ideally, the burden of proof should be "preponderance of the evidence," which would be the most clear and most helpful to trafficking survivors.

