

APPLICATION TO:
***RESTORE CIVIL RIGHTS**
***RESTORE FIREARM RIGHTS**
***REQUEST FOR RECONSIDERATION**
***CERTIFY AUTOMATIC**
RESTORATION OF CIVIL RIGHT



PINAL COUNTY

INSTRUCTIONS AND FORMS

Provided as a Public Service by
REBECCA PADILLA
Clerk of the Superior Court

SUPPLEMENTAL INSTRUCTIONS RESTORATION OF CIVIL RIGHTS APPLICATION

Please read and follow the instructions in the Application packet carefully and completely. Information needed from the court record to fully complete the Application is available at any of the Clerk of the Superior Court locations.

Visit our website for office locations or feel free to give us a call.

Contact information for all offices

Toll Free: 888.431.1311 • Local: 520.509.3555 or 311

www.coscpinalcountyaz.gov/office.htm

Persons sentenced to prison **must** obtain a copy of an Absolute Discharge from the Department of Corrections (DOC). They can request the absolute discharge by phone, fax or email. They can either request it to be mailed or picked up in person at 1601 W Jefferson St. in Phoenix. You may submit a request via phone 602-542-5886, fax 602-542-3965 or email at paccess@azcorrections.gov. The Department of Corrections may require proof of payment of all financial obligations. If required, you may request a payment history report by contacting the Criminal Financial Obligations Department of the Clerk's Office at 520-509-3555.

Persons sentenced to a term of probation may also have outstanding balances remaining on financial sanctions imposed by the court. A payment history report may be obtained by contacting the Criminal Financial Obligations Department of the Clerk's Office at 520-509-3555.

RESTORATION OF CIVIL RIGHTS • RESTORATION OF GUN RIGHTS •CERTIFY AUTOMATIC RESTORATION OF CIVIL RIGHTS • REQUEST FOR RECONSIDERATION

Listed below are the ways in which a person can apply to the Superior Court to restore civil rights in Arizona. The attached Application must be completely filled out, dated and signed. If required, an Absolute Discharge from the Department of Corrections must accompany the application.

Before proceeding there are three (3) important points to be considered:

1. If you were convicted of a misdemeanor, you never lost any of your civil rights; therefore, part of the process described doesn't apply to you.
2. Questions concerning convictions in justice courts or magistrate courts (city) must be asked directly to the court where the convictions occurred.
3. If you were convicted of multiple offenses, the court must act on each one separately in one of the following ways:
 - a) If you had more than one case number you must prepare and file a separate application for each case number.
 - b) For each case number or count listed, you must note if it was a felony or misdemeanor.
 - c) If you had two or more counts under any case number (i.e., CR123456, Counts II and IV), the respective count number must be written in on the last line in #1 on the application, after the words "on the conviction of ..."

EXAMPLE:

"On the conviction of Count II, possession of marijuana, class 6 misdemeanor; Count IV, burglary 3rd degree, class 5 felony.

ONCE YOU HAVE COMPLETED THE APPLICATION IN ITS ENTIRETY, YOU MAY MAIL OR DELIVER THE APPLICATION TO:

PHYSICAL ADDRESS

Clerk of the Superior Court
971 N Jason Lopez Circle Bldg A
Florence AZ 85132

MAILING ADDRESS

Clerk of the Superior Court
PO Box 2730
Florence AZ 85132

Visit our website for our satellite office locations and hours or feel free to give us a call.

Contact information for all offices
Toll Free: 888.431.1311 • Local: 520.509.3555 or 311

www.coscpinalcountyaz.gov/office.htm

I. REPRESENTATION BY ATTORNEY

If you are represented by an attorney, you must submit and attach an authorization in writing allowing the attorney to act on your behalf. The attorney's address (including email address) must appear on the application.

II. SUPERIOR COURT OF ARIZONA

A person convicted of a felony in the Superior Court can apply to the court to restore civil rights.

- a. If you were placed on probation in the Superior Court of Pinal County **and** successfully completed probation, complete all required information on the Application. Be sure to complete section #1 and #2 on the application. This information will be given to you by the Probation Office on request or by calling 520-866-5600. You may also obtain a copy of your Probation Release from the Probation Office at 971 N Jason Lopez Circle Bldg A, Second Floor.
- b. If you were sentenced to prison, or any Department of Corrections facility, you must obtain a copy of that Absolute Discharge and attach it to the application. The Absolute Discharge must be *at least two (2) full years ago. Be sure to complete section #1 and #2 on the application.

* If this is your first felony conviction and you served prison time, you are not required to wait two (2) full years before applying.

III. FEDERAL COURT

A person convicted in the U.S. District Court in Arizona may apply to the Superior Court for restoration of civil rights **only**. Your application must include copies of your; Indictment or Complaint, Plea Agreement, Sentencing and Discharge paperwork (Contact the U.S. District Court for copies). You are required to provide proof (certified mail receipt) of notification to the Federal prosecuting attorney. Complete pages 1 (disregarding section #1, #2, #4) through page 6 of the Application.

IV. REQUEST TO POSSESS FIREARMS

If you are requesting gun rights to be restored to you, please complete the entire Application, where applicable. In section #7, please state to the judge what you are wanting and why you want them. Sign and date where applicable on page 5 or 6 of the Application.

V. REQUEST FOR RECONSIDERATION

If you are requesting reconsideration, please complete the entire Application, where applicable, including section #5 of the Application. Sign and date where applicable on page 5 or 6 of the Application.

VI. PROCEDURE AFTER FILING

Upon receipt of the Application, the Court will give notice to the appropriate state prosecutors as required by law. If an email address is made available, you or your attorney will receive a copy of this notice and will provide to you the date **on or after** your application will be considered. This is not an open hearing and the application is ruled upon in a closed session. No appearance is required. You will receive a signed copy of the Order granting or denying all or part of your request(s) at the address listed on the Application form.

If you have any questions regarding your rights, please refer to The Arizona Rules of Court or Title 13 of the Arizona Revised Statutes located at:

<http://government.westlaw.com/linkedslice/default.asp?SP=AZR-1000>

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/13/00905.htm&Title=13&DocType=ARS>

If you have a question regarding your application, you may contact the Clerk's Office at 520-509-3555

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Representing Self or Lawyer for _____
Lawyer's Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

STATE OF ARIZONA

Case Number: **CR** _____

-vs-

Defendant (FIRST, MI, LAST)

Date of Birth: _____

Applicant is:

- Defendant
- Attorney for Defendant
- Probation Officer

APPLICATION TO:

(check all that apply)

- RESTORE CIVIL RIGHTS**
(A.R.S. §§ 13-906, 13-907, and 13-908)
- RESTORE FIREARM RIGHTS**
(A.R.S. § 13-910)
- CERTIFY AUTOMATIC RESTORATION OF CIVIL RIGHTS**
- REQUEST FOR RECONSIDERATION**
(for applications previously denied)
 Civil Rights Firearm Rights

SECTION I. CONVICTION(S)

A Judgment of Guilt was entered in the _____ Court against the defendant on the _____ day of _____, _____, on the conviction of:

1. Count I: _____
2. Count II: _____
3. Count III: _____
4. Count IV: _____

Additional counts continue on a separate page.

SECTION II. STATE CONVICTION (For federal convictions, see SECTION III.)

NOTE: If this is your first felony conviction in this or any other state, any civil rights lost or suspended by the conviction are automatically restored if you completed a term of probation or received an

absolute discharge from imprisonment and paid all victim restitution imposed; however, your right to possess and carry a firearm requires an application if it was not automatically restored. Refer to the **Note in Section VII** of this application.

1. The above stated judgment of guilt and conviction for a felony is my first felony conviction in this or any other state and this application is for restoration of right to possess and carry a firearm only.

Yes No.

2. I received a certificate of absolute discharge from the **Arizona Department of Corrections** AND have attached a copy of that certificate to this petition, if available.

OR

3. I was discharged from **probation** and I have complied with all required terms of my **probation** (including all employment, classes, community restitution, drug/alcohol testing, or other requirements other than court-ordered monetary obligations).

OR

I was discharged from **probation** and I have not complied with all terms of my **probation**.

Explain:

SECTION III. FEDERAL CONVICTION (For state convictions, see SECTION II.)

4. A Judgment of Guilt was entered against the defendant in United States District Court for the District of _____ on the ____ day of _____, ____.

NOTE: If this is your first felony conviction in this or any other state, any civil rights lost or suspended by the conviction are automatically restored if you completed a term of probation or received an absolute discharge from imprisonment and paid all restitution imposed; however, your right to possess and carry a firearm requires an application if it was not automatically restored. Refer to the **Note in Section VII** of this application. This applies to federal first convictions as well.

5. The above stated judgment of guilt and conviction for a felony is **my first felony conviction** in this or any other state and this application is for restoration of right to possess and carry a firearm only. Yes No.

6. I was sentenced to a term of **federal probation**, received an Affidavit of Discharge from the judge who discharged me from probation or other official documentation that indicates successful discharge from probation, **AND** have attached a copy to this petition.

OR

I was sentenced to and successfully **served a federal prison term** and received a Certificate of Absolute Discharge, or other official documentation that indicates successful discharge from imprisonment from the Federal Bureau of Prisons **AND** I have attached a copy of the certificate. If it is impossible to obtain the Certificate of Absolute Discharge from the Federal Bureau of Prisons, please explain:

7. I have complied with all required terms of **probation** (including all employment, classes, community restitution, victim restitution or other monetary obligations, drug/alcohol testing, or other requirements.)

OR

I have **not complied** with all terms of probation. Explain:

SECTION IV. VICTIM RESTITUTION AND PRIOR COURT ORDERED MONETARY OBLIGATIONS

8. Victim restitution **has** **has not** been paid in full or **was not ordered**. If victim restitution as not been paid in full, please explain:

9. All other monetary obligations **have** **have not been** paid in full or **were not ordered**. If all other monetary obligations have not been paid in full, please explain:

In some circumstances you may be eligible to apply to the court to modify the amount owed or convert monies owed to community restitution (State offenses only, not for Federal convictions).

SECTION V. PRIOR RESTORATION OF RIGHTS

10. Have you previously applied to have your rights restored? [] Yes [] No. If so, what was the date of your last application? _____

11. Have you been granted the restoration of your rights previously? [] Yes [] No.

12. Have you been denied the restoration of your rights previously? [] Yes [] No.

SECTION VI. PENDING CASES

13. Are there any open criminal cases against you? [] Yes [] No.

If yes, please explain:

SECTION VII. RESTORATION OF FIREARM RIGHTS

NOTE: Arizona Revised Statutes require:

A person who is convicted of a dangerous offense under A.R.S. § 13-704 or an offense committed in another state that would be a dangerous offense under A.R.S. § 13-704 if committed in this state may not file for the restoration of the right to possess and carry a firearm. A “dangerous offense” is defined under A.R.S. § 13-105(13), as “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.”

A person who is convicted of a serious offense as defined in A.R.S. § 13-706 or an offense committed in another state that would be a serious offense as defined in A.R.S. § 13-706 if committed in this state may not file for the restoration of the right to possess and carry a firearm for **ten (10) years** from the date of the person’s absolute discharge. For the purpose of this section, a “serious offense” is defined in A.R.S. § 13-706(F)(1) as any one of the following offenses:

First degree murder	Sexual assault	Burglary in the first degree
Second degree murder	Any dangerous crime against children	Kidnapping
Manslaughter	Arson of an occupied structure	Sexual conduct with a minor under fifteen years of age
Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.	Armed robbery	Child sex trafficking

Your application to restore firearm rights may be denied if you were convicted of one of the excluded offenses or the time since your discharge from probation or imprisonment does not meet the statutory requirements.

14. If you are requesting that your civil right to possess and carry a firearm be restored, please explain your reasons for the request below:

SECTION VIII. OTHER INFORMATION FOR THE COURT

15. Is there anything you would like the court to take into consideration?

16. Attached is other pertinent documentation. List attached documents:

I understand that even if I am granted the right to possess and carry a firearm pursuant to this application I may still be prohibited from possessing and carrying a firearm under other state or federal laws.

I understand that this application may be denied if information in this application is found to be inaccurate.

I declare under penalty of perjury that the information provided in this application is true and correct.

Print Defendant's Name

Defendant's Signature

Address

OR

AUTHORIZATION TO PROCEED ON BEHALF OF DEFENDANT

I authorize _____ [] attorney or [] probation officer to petition the
_____ Court in _____ County, to take the above-indicated
action.

Date

Defendant's Signature

To the best of my knowledge, the information provided in this application is true and correct.

Print Attorney/Probation Officer Name

Attorney/Probation Officer Signature

Attorney/Probation Officer Address

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Representing Self or Lawyer for _____
Lawyer's Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

STATE OF ARIZONA

Case Number: CR_____

-vs-

Defendant (FIRST, MI, LAST)

**ORDER REGARDING
APPLICATION TO RESTORE OR
TO CERTIFY AUTOMATIC
RESTORATION OF CIVIL RIGHTS
AND FIREARM RIGHTS**

Date of Birth: _____

(A.R.S. §§ 13-906, 13-907, 13-908 and
13-910)

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

- The defendant is entitled to automatic restoration of rights,
 - including the right to possess and carry a firearm.
 - excluding the right to possess and carry a firearm.
- The defendant is not entitled to automatic restoration of rights.
- The prosecutor has received a copy of the Application to Restore Civil Rights and Right to Possess and Carry a Firearm.
- The defendant **has met** the statutory requirements for the application to restore civil rights.
- The defendant **has met** the statutory requirements for the application to restore civil rights and to possess and carry a firearm.
- The defendant **has not met** the statutory requirements for the application to possess and carry a firearm for the following reasons:
 - The defendant was convicted of a **dangerous** offense as defined in A.R.S. § 13-704.
 - The defendant was convicted of a **serious** offense as defined in A.R.S. § 13-706 and **less than ten years** have passed from the date of discharge from probation or prison.

IT IS ORDERED:

- CERTIFYING that the defendant's rights have been automatically restored,
 - including the right to possess and carry a firearm.
 - excluding the right to possess and carry a firearm.
- DENYING the application to certify automatic restoration of civil rights, including the right to possess and carry a firearm.
- GRANTING the application to restore civil rights **and** right to possess and carry a firearm.
- GRANTING the application to restore civil rights **excluding** the right to possess and carry a firearm.
- GRANTING the application to restore the right to possess and carry a firearm.
- DENYING the application to restore civil rights and right to possess and carry a firearm for the following reasons:
 - The applicant **has not met** the statutory requirements for the application (as noted above):
 - Other reasons: _____.

Even if you are granted the right to possess and carry a firearm pursuant to this order you may still be prohibited from possessing and carrying a firearm under other state or federal laws.

DATED this _____ day of _____, _____.

Judicial Officer