

Restoration of Civil Rights

If you have been convicted on **multiple felony** charges, you have lost certain civil rights as a citizen. In order to restore those rights, you must apply to the **sentencing court** to vacate judgment of guilt, dismiss charges and/or restore civil rights in Arizona. Attached is the application that must be completed and signed. **If you served prison time, you may file for restoration of civil rights no sooner than two years from the date of your absolute discharge.** Your Certificate of Absolute Discharge, issued by the director of the State Department of Corrections, must accompany your application.

Please read the following relevant excerpts from the Criminal Code of Arizona Revised Statutes. It will help you determine if this is the correct action for you to take. If you have any additional questions, you must refer them to your probation officer, parole officer or an attorney. This office cannot provide you with any legal advice.

A first time offender, convicted on a single felony count, does not need to petition the court for restoration of lost civil rights. The statute is specific and the criteria contained within the cited statute.

§ 13-912. Restoration of civil rights for first offenders; exception

A. Any person who has not previously been convicted of any other felony shall automatically be restored any civil rights that were lost or suspended by the conviction if the person both:

1. Completes a term of probation or receives an absolute discharge from imprisonment.
2. Pays any fine or restitution imposed.

B. This section does not apply to a person's right to possess weapons as defined in § 13-3101 unless the person applies to a court pursuant to the procedures of § 13-906.

§ 13-904. Suspension of civil rights and occupational disabilities

A. A conviction for a felony suspends the following civil rights of the person sentenced:

1. The right to vote.
2. The right to hold public office of trust or profit.
3. The right to serve as a juror.
4. During any period of imprisonment any other civil rights the suspension of which is reasonably necessary for the security of the institution in which the person sentenced is confined or for the reasonable protection of the public.
5. The right to possess a gun or firearm.

E. A person shall not be disqualified from employment by this state or any of its agencies or political subdivisions, nor shall persons whose civil rights have been restored be disqualified to engage in any occupation for which a license, permit or certificate is required to be issued by this state solely because of a prior conviction for a felony or misdemeanor within or without this state. A person may be denied employment by this state or any of its agencies or political subdivisions or a person who has had his civil rights restored may be denied a license, permit or certificate to engage in an occupation by reason of the prior conviction or a felony or misdemeanor if the offense has a reasonable relationship to the functions of the employment of occupation for the license, permit or certificate is sought.

§ 13-905. Restoration of civil rights; persons completing probation

A. A person who has been convicted of two or more felonies and whose period of probation has been completed may have any civil rights which were lost or suspended by his felony conviction restored by the judge who discharges him at the end of the term of probation

B. Upon proper application, a person who has been discharged from probation either prior to or after adoption of this chapter may have any civil rights which were lost or suspended by his felony conviction restored by the superior court judge by whom the person was sentenced or his successors in office from the county in which he was originally convicted. The clerk of such superior court shall have the responsibility for processing the applications upon request of the person involved or his attorney. The superior court shall cause a copy of the application to be served upon the county attorney.

C. If the person was convicted of a dangerous offense under §13-604, the person may not file for the restoration of his right to possess or carry a gun or firearm. If the person was convicted of a serious offense as defined in §13-604 the person may not file for the restoration of his right to possess or carry a gun or firearm for ten years from the date of his discharge from probation. If the person was convicted of any other felony offense, the person may not file for the restoration of his right to possess or carry a gun or firearm for two years from the date of his discharge from probation.

§ 13-906. Applications by persons discharged from prison

A. Upon proper application, a person who has been convicted of two or more felonies and who has received an absolute discharge from imprisonment may have any civil rights which were lost or suspended by his conviction restored by the superior court judge by whom the person was sentenced or his successors in office from the county in which he was initially sentenced.

B. A person who is subject to the provisions of subsection A of this section may file, no sooner than two years from the date of his absolute discharge, an application for restoration of civil rights that shall be accompanied by a certificate of absolute discharge from the director of the state department of corrections. The clerk of the superior court that sentenced the applicant shall have the responsibility for processing applications for restoration of civil rights upon request of the person involved, his attorney or a representative of the state department of corrections. The superior court shall cause a copy of the application to be served upon the county attorney.

C. If the person was convicted of a dangerous offense under §13-604, the person may not file for the restoration of his right to possess or carry a gun or firearm. If the person was convicted of a serious offense as defined in §13-604 the person may not file for the restoration of his right to possess or carry a gun or firearm for ten years from the date of his absolute discharge from imprisonment. If the person was convicted of any other felony offense, the person may not file for the restoration of his right to possess or carry a gun or firearm for two years from the date of his absolute discharge from imprisonment.

§ 13-907. Setting aside judgment of convicted person on discharge; making of application; release from disabilities; exceptions

A. Except as provided in subsection D of this section, every person convicted of a criminal offense, on fulfillment of the conditions of probation or sentence and discharge by the court, may apply to the judge, justice of the peace or magistrate who pronounced sentence or imposed probation or such judge, justice of the peace or magistrate's successor in office to have the judgment of guilt set aside. The convicted person shall be informed of this right at the time of discharge.

B. The convicted person or, if authorized in writing, the convicted person's attorney or probation officer may apply to set aside the judgment.

C. If the judge, justice of the peace or magistrate grants the application, the judge, justice of the peace or magistrate shall set aside the judgment of guilt, dismiss the accusations or information and order that the person be released from all penalties and disabilities resulting from the conviction except those imposed by:

1. The department of transportation pursuant to §28-3304, 28-3306, 28-3307 or 28-3308, or 28-3319, except that the conviction may be used as a conviction if such conviction would be admissible had it not been set aside and may be pleaded and proved in any subsequent prosecution of such person by the state or any of its subdivision for any offense or used by the department of transportation in enforcing the provisions of §28-3304, 28-3306, 28-3307 or 28-3308, or 28-3319 as if the judgment of guilt had not been set aside.
2. The game and fish commission pursuant to section 17-314 or 17-340

D. This section does not apply to a person convicted on a criminal offense:

1. Involving a dangerous offense.
2. For which the person is required or ordered by the court to register pursuant to §13-3821
3. For which there has been a finding of sexual motivation pursuant to §13-118
4. In which the victim is a minor under fifteen years of age.

5. In violation of §28-3473, any local ordinance relating to stopping, standing or operation of a vehicle or title 28, chapter 3, except a violation of §28-693 or any local ordinance relating to the same subject matter as §28-693.

§ 13-908. Restoration of civil rights in the discretion of the superior court judge

Except as provided in section 13-912, the restoration of civil rights and the dismissal of the acquisition or information under the provisions of this chapter shall be in the discretion of the superior court judge by whom the person was sentenced or his successor in office.

§ 13-909. Restoration of civil rights; persons completing probation for federal offense

A. A person who has been convicted of two or more felonies and whose period of probation has been completed may have any civil rights which were lost or suspended by his felony conviction in a United States district restored by the presiding judge of the superior court in the county in which he now resides, upon filing of an affidavit of discharge from the judge who discharged him at the end of the term of probation.

B. Upon proper application, a person who has been discharged from probation either prior to or after adoption of this chapter may have any civil rights which were lost or suspended by his felony conviction be restored by an application filed with the clerk of the superior court the county in which he now resides. The clerk of the superior court shall process the application upon request of the person involved or his attorney.

C. If the person was convicted of an offense which would be a dangerous offense under §13-604, the person may not file for the restoration of his right to possess or carry a gun or firearm. If the person was convicted of an offense which would be a serious offense as defined in §13-604 the person may not file for the restoration of his right to possess or carry a gun or firearm for ten years from the date of his discharge from probation. If the person was convicted of any other felony offense, the person may not file for the restoration of his right to possess or carry a gun or firearm for two years from the date of his discharge from probation.

§ 13-910. Applications by persons discharged from federal prison

A. Upon proper application, a person who has been convicted of two or more felonies and who has received an absolute discharge from imprisonment in a federal prison may have any civil rights which were lost or suspended by his conviction restored by the presiding judge of the superior court in the county in which he now resides.

B. A person who is subject to the provisions of subsection A of this section may file, no sooner than two years from the date of his absolute discharge, an application for restoration of civil rights that shall be accompanied by a certificate of absolute discharge from the director of the federal bureau of prisons, unless it is shown to be impossible to obtain such certificate. Such application shall be filed with the clerk of the superior court in the county in which the person now resides, and such clerk shall be responsible for processing applications for restoration of civil rights upon request of the person involved or his attorney.

C. If the person was convicted of an offense which would be a dangerous offense under §13-604, the person may not file for the restoration of his right to possess or carry a gun or firearm. If the person was convicted of an offense which would be a serious offense as defined in §13-604 the person may not file for the restoration of his right to possess or carry a gun or firearm for ten years from the date of his absolute discharge from imprisonment. If the person was convicted of any other felony offense, the person may not file for the restoration of his right to possess or carry a gun or firearm for two years from the date of his absolute discharge from imprisonment.

Now that you have determined the appropriateness of filing for restoration of your civil rights, please consider these points prior to filling out paperwork:

- Questions concerning conviction in justice or city courts must be asked directly to the court where the conviction occurred. Superior Court does accept restoration paperwork for federal court cases. Please remember, though, that this court can only grant restoration of your civil right within the state of Arizona. We have no jurisdiction within other states. If you want or need your civil rights restored in other states as well, you must petition each state separately.
- If you were convicted of multiple offenses, the court must act on each separately.
 - ▶ If you had more than one case number, you must prepare and file a separate form for each case involved.
 - ▶ For each case number or count listed, you must show if it was a felony or misdemeanor.
- If any attorney is representing you, you must submit authorization in writing, allowing the attorney to act on your behalf. Include attorney address on application.
- Requests to possess firearms require the submission of a “Motion to Restore Right to Possess or Own Firearms.” If you are requesting gun rights to be restored, please complete the entire top section of the application. Sufficient room is provided to state what you want and why you want it. Sign and date bottom of motion and include this with the application.
- Submit the completed application, with all attachments to the Clerk of the Superior Court, 110 W. Congress St., Tucson, Arizona 85701.
- A number of restorations are granted by the assigned judge outside the courtroom. If this is your situation, you will receive a copy of a Minute Entry from the Court indicating that your Civil Rights have been restored. Otherwise you will be notified of a court date, approximately 45 days from the date of submission, when your case will come before the judge. If the Court grants your request(s), you will receive a signed copy of the Order Vacating Judgment of Guilt, Dismissing Charges and Restoring Civil Rights at the address listed on the application form. If the judge takes the matter under advisement, to verify that all aspects of the sentencing were fulfilled, all fines and fees paid in full or anything else that might be presented by the County Attorney or Federal Prosecutor, another 60 days may elapse before this matter is resolved.

Good Luck!

THE HONORABLE _____

DIVISION _____

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA

STATE OF ARIZONA)
Plaintiff)

Case No. _____

VS.)

Application for restoration of civil
Rights, withdrawal of guilty plea,
or vacation of conviction

Defendant)

I apply for the following relief from the conviction of _____

Rendered in the Court on _____, 19__, having received an absolute discharge from a
sentence of imprisonment or completed a period of probation _____

Restoration of Civil Rights

Vacation of Conviction and dismissal of the Information or Indictment

Withdrawal of Plea of Guilty

Attached is a copy of my judgment and conviction.

Attached is my Certificate of Absolute Discharge from the director of the Department of
Corrections (applicable to petitioners who have been imprisoned in the state prison.

Attached is my Certificate of Absolute Discharge from the director of the Federal Bureau of
Prisons (applicable to petitioners who have been imprisoned in federal prison.

Attached is my affidavit of Discharge from the judge who discharged me at the end of my term
of federal probation.

Petitioner's Typed Name

Petitioner's Signature

Distribution:

Division _____
Pima County Attorney
Adult Probation
Defendant/Attorney

Address

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

STATE OF ARIZONA)
Plaintiff)

Case No. _____

VS.)

APPLICATION TO RESTORE
CIVIL RIGHTS TO
CARRY A FIREARM

Defendant)

_____)

DEFENDANT states:

1. On the _____ day of _____, _____, a Judgment of Guilt was entered against the defendant in the Superior Court of Arizona, Pima County, on a conviction of _____

which has been designated as a _____ felony _____ misdemeanor

2. On the ____ day of _____, _____, which date is more that two years prior to the filing of this application, Defendant

completed the conditions of probation and was discharged therefrom, the Order appearing in the Court file.

received from the Director of the Department of Corrections, an absolute discharge from imprisonment, and has attached a copy hereto.

WHEREFORE Defendant prays in accordance with A.R.S. Section 13-905(c) and 13-912 that the Court restore his/her civil rights to carry a firearm.

DATED this ____ day of _____, 20____.

Defendant's Printed Name

Defendant's Signature

Defendant's Complete Address City State Zip

(_____) _____
Defendant's Telephone Number

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA

STATE OF ARIZONA
Plaintiff

VS.

Defendant

Case No. _____

Motion to restore right to
possess or own firearms

DEFENDANT states: