

APPLICATION TO RESTORE RIGHTS

1

Application to Restore Civil or Gun Rights

(Forms & Instructions)

Law Library Resource Center

APPLICATION TO RESTORE RIGHTS (Civil or Gun)

CHECKLIST

You may use the Application to Restore Rights and these instructions if . . .

- ✓ You want to ask the Court to restore your civil and/or gun rights; AND
- ✓ Your case was handled in the Superior Court of Arizona in Maricopa County or a Federal District Court; AND
- ✓ You have read the restoration of rights statutes (A.R.S. § 13-905 and those that follow), and you are eligible under the statutes; OR
- ✓ You are asking the Court to reconsider a denial of a previous application.

DO NOT USE THE FORMS in this packet if:

- ✗ Your conviction was from a justice, city or magistrate court. Contact that court for further information.
- ✗ You were convicted of a “dangerous offense” under A.R.S. § 13-704, and wish to restore your gun rights.
- ✗ You were convicted of a “serious offense” as defined under A.R.S. § 13-706 and wish to restore your gun rights; and it has not been **ten (10) years** from the date of your absolute discharge from imprisonment or discharge from probation.
- ✗ You were convicted of any other felony offense and wish to restore your gun rights; and it has not been **two (2) years** from the date of your absolute discharge from imprisonment or discharge from probation.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks can be found on the Law Library Resource Center website.

APPLICATION TO RESTORE CIVIL OR GUN RIGHTS

FORMS AND INSTRUCTIONS

This packet contains court forms and instructions to file for Application to Set Aside. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	File Number	Title	# Pages
1	CRRR1k	Checklist. You may use this packet if...	1
2	CRRR1t	Table of Contents (this page)	1
3	CRRR11i	Instructions to complete the forms and steps in the process	5
4	CRRR11f	Application Upon Discharge to Restore Rights	8

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

LAW LIBRARY RESOURCE CENTER

INSTRUCTIONS: HOW TO COMPLETE THE FORMS AND STEPS TO RESTORE CIVIL RIGHTS/GUN RIGHTS

Things to consider before filing this application:

1. If your conviction was from a justice, city or magistrate court, please contact that court for an application and information about your case.
2. If you have multiple cases, you must make a separate application for each case number. The Court must decide each one separately.

STEP 1: In **BLACK INK**, please complete the forms in this packet with instructions below.

FORM: APPLICATION UPON DISCHARGE TO RESTORE CIVIL RIGHTS/GUN RIGHTS OR REQUEST FOR RECONSIDERATION

HEADING

- At the top of the form, please fill in your name, street address, city, state, zip code, telephone number (if not protected), attorney bar number (if you are represented by an attorney).
- Put a check in the box if you are representing yourself.
- If you have an attorney representing you, place a check in that box.
- Write your first and last name on the line above "Defendant."
- Enter your date of birth.
- Check the box to identify who the applicant is.
- Write in your case number on the line at the upper right side of the page, and on the following pages.
- Check the appropriate box(es) to tell the Court what you are requesting. If a prior application to restore rights was denied, check the box to tell the Court that this is a *Request for Reconsideration*

CONVICTIONS

- Enter the date of your conviction(s). Enter the charges of your conviction.
- Information about your conviction may be found online at the Superior Court's website: <http://www.superiorcourt.maricopa.gov/docket/CriminalCourtCases/caseSearch.asp>. You may also come to a Law Library Resource Center or Clerk of Superior Court location to look up your case. See: www.superiorcourt.maricopa.gov or <http://www.clerkofcourt.maricopa.gov/copies.asp> for locations and more information.

STATE CONVICTION

- If your case was handled by the Superior Court of Arizona in Maricopa County, place a check in the boxes that apply to you.
- Check a box to indicate whether this is your first felony conviction or whether you have other felony convictions. If you have other felony convictions, identify the court and case number of each case.
- If your conviction resulted in a prison sentence, a *Certificate of Absolute Discharge from Imprisonment* from the Arizona Department of Corrections must be attached to the Application. The Department of Corrections (“DOC”) office is located at 1601 W. Jefferson, Phoenix. Before issuing a statement, DOC will require the Superior Court’s proof of payment of all financial sanctions for that case. Therefore, you should get a financial statement and payment history from the Clerk of Superior Court’s Criminal Financial Obligations Section. You may request a payment history in person from the Criminal File Counter, South Court Tower, 175 West Madison Street, 12th Floor, Phoenix, AZ 85003 or the File Counter, Southeast Regional Court Facility, 222 East Javelina Avenue, Mesa, AZ 85210. You will need to fill out a request and pay a fee, and the payment history will be sent to you. Contact Criminal Financial Obligations for details and more options at (602)375-5375.
- Additional DOC information may be available at <https://corrections.az.gov/>.
- If this is a second or subsequent conviction, the application should not be submitted until two (2) years after the date of the absolute discharge.
- If probation was granted, state the specific date of discharge from probation. To identify the specific date of completion of probation, you may contact the Maricopa County Adult Probation Office by calling (602)506-7249.

FEDERAL CONVICTION

- If your case was handled by a Federal Court, place a check in the boxes that apply to you. Write in the name of the District Court that handled your case.
- If you have multiple convictions, you must make a separate application for each case number. The Court must act on each one separately.
- Check a box to indicate whether this is your first felony conviction or whether you have other felony convictions. If you have other felony convictions, identify the court and case number of each case.
- See Step 2 below for the documents that are required to be attached to the application regarding any federal conviction.

VICTIM RESTITUTION AND COURT ORDERED MONETARY OBLIGATIONS

- Answer whether you have completed all victim restitution and Court-ordered monetary obligations.
- If you answer NO, explain in the space provided why these fines have not been paid.

PRIOR RESTORATION OF RIGHTS

- If a prior application was denied, check the box “Request for Reconsideration” at the top of the form. The Request for Reconsideration must explain why it is appropriate to review a prior denial and should include additional or updated information.
- Carefully read and answer all questions regarding prior applications for restoration of rights by checking the “Yes” or “No” boxes of each question.

PENDING CASES AND ACTIVE WARRANTS

- Tell the Court whether there are any open criminal cases against you. Tell the Court whether you have an active warrant. If you answer “Yes” to either of these questions use the lines provided to explain.

RESTORATION OF FIREARMS

- Read the NOTE regarding Arizona Revised Statute requirements.
- Read and check each box that applies to your situation.
- Explain the reason you are requesting a right to possess a gun or firearm be restored.
- Generally, if a person was convicted of only one felony and that felony was a non-dangerous offense (see A.R.S. § 13-706), the right to possess or carry a gun was restored automatically if a Court set aside the judgment of guilt.
- For a person convicted of two or more felonies, an applicant’s statement in support of the request to restore right to possess or carry firearm should be considered and a court may grant the restoration of the right to possess a firearm.

OTHER INFORMATION FOR THE COURT

- Use the lines provided to explain anything else you would like the Court to take into consideration about the things you have asked for in this application.
- If you are providing documents, list the documents in the lines provided.
- Answer whether you would like a hearing regarding your restoration application. NOTE: the Court may decide on the application WITHOUT a hearing even if you request one.

SIGNATURES AND DATES

- Review everything you wrote on the form.
- Sign and date your signature on the lines provided or sign the authorization for your attorney to proceed on your behalf.

STEP 2: PUT DOCUMENTS TOGETHER

- You will need the following forms:

STATE CONVICTIONS	FEDERAL CONVICTIONS
<ul style="list-style-type: none"> Original <i>“Application Upon Discharge to Restore Civil Rights and/or Gun Rights or Request for Reconsideration”</i> Copy of <i>“Certificate of Absolute Discharge from Imprisonment”</i> from Arizona Department of Corrections (if applicable) Copy of <i>“Discharge from Probation”</i> (if applicable) OPTIONAL – Any other documentation to show extraordinary circumstances, such as rehabilitation or other change of circumstance. 	<ul style="list-style-type: none"> Original <i>“Application Upon Discharge to Restore Civil Rights and/or Gun Rights or Request for Reconsideration”</i> Copy of <i>“Certificate of Absolute Discharge from Federal Bureau of Prisons”</i> (if applicable) Copy of <i>“Affidavit of Discharge”</i> from Judge who discharged you from probation* (if applicable) Copy of Indictment or Complaint* Copy of Plea Agreement* Copy of Sentencing paperwork* PROOF (certified mail receipt) of notification to the Federal Prosecuting agency OPTIONAL – Any other documentation to show extraordinary circumstances, such as rehabilitation or other change of circumstance. <p>*Contact the District Court if you need copies.</p>

STEP 3: DELIVER OR MAIL

- The completed application can be filed in person, mailed, eFiled, or deposited in the external depository boxes as described below. The Clerk of Superior Court is open Monday through Friday from 8:00 a.m. to 5:00 p.m.

- File in Person at:

Criminal File Counter
 South Court Tower
 175 W. Madison Street, 12th Floor
 Phoenix, AZ 85003

File Counter
 Southeast Regional Court Facility
 222 E Javelina Avenue
 Mesa, AZ 85210

- Mail to:

Maricopa County Clerk of the Superior Court
Criminal File Counter
175 W. Madison Street, 12th Floor
Phoenix, AZ 85003
ATTN: Restoration of Civil Rights Clerk

- eFile via: <https://efiling.clerkofcourt.maricopa.gov/>

- Leave in external deposit box at:

County Administration Building
4th Avenue entrance
301 West Jefferson Street
Phoenix, AZ 85003

Southeast Facility Court Facility
North entrance
222 East Javelina Avenue
Mesa, AZ 85210

Northeast Regional Center
Main entrance
18380 North 40th Street
Phoenix, AZ 85032

Northwest Regional Center
Main entrance
14264 West Tierra Buena Lane
Surprise, AZ 85374

STEP 4: WAIT for the Court to notify you.

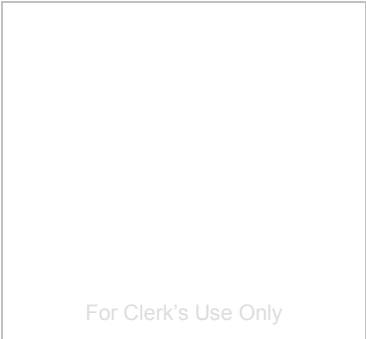
- Upon filing the application, notice of the application will be given to the appropriate prosecutors as required by law.
- If you requested a hearing and a hearing is set, the Court will notify you. The application may be ruled upon without a hearing.
- You will be mailed a signed copy of the Order granting or denying all or part of your request(s) at the address listed on the application form. Please be sure your current mailing address is updated with the Court. If your address changes, contact the Clerk of Superior Court at (602)372-5375.
- If you have questions before you file the application, you can contact the Clerk of Superior Court at (602)372-5375. If you have not received an Order after 120 days from the date you submitted your application, you can contact Criminal Administration at (602)506-8575.

If you have any questions regarding your rights, please refer to the Arizona Rules of Criminal Procedure and 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 your civil rights have been restored, in order to be eligible to vote, you must complete and submit a new voter registration form. The felony conviction resulted in the canceling of your registration and merely having civil rights restored does not “un-cancel” the registration. A new registration form is required. Please refer to the Maricopa County Recorder’s Office for additional questions about voter registration.



For Clerk's Use Only

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

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

STATE OF ARIZONA, Plaintiff
-vs-

Case Number: _____

DEFENDANT (First, MI, Last)

APPLICATION UPON DISCHARGE TO:
(check all that apply)

Date of Birth: _____

- RESTORE CIVIL RIGHTS**
- RESTORE GUN RIGHTS**
A.R.S. §§ 13-905, 13-906, 13-908, 13-909, 13-910,
13-911, and 13-912
- REQUEST FOR RECONSIDERATION**
(for applications previously denied)
 Civil Rights Gun Rights

Applicant is: Defendant
 Attorney for Defendant

SECTION I: CONVICTION(S)

A Judgment of Guilt was entered against me, the Defendant, on the _____ day of _____, 20____, 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.)

A Judgment of Guilt was entered against me in the Superior Court of Arizona in Maricopa County.

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 or carry a gun or firearm only.

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 any fine or restitution imposed; however, your right to possess or carry a gun or firearm requires an application under this rule. Refer to Section VII of this application.

OR

I have also been convicted of a felony in the following Court(s):

Court Name: _____ in case number _____

Court Name: _____ in case number _____

(Attach a separate page for additional cases and convictions)

2. I completed the conditions of probation. The Probation Department's order discharging me from probation is in the court file or attached to this form.

3. I received a *Certificate of Absolute Discharge from Imprisonment* from the Arizona Department of Corrections on a date two (2) or more years before today's date, AND have attached a copy of Certificate in this petition.

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

5. I HAVE NOT complied with all terms of my sentence. EXPLAIN:

SECTION III. FEDERAL CONVICTION (For State convictions see SECTION II.)

- A Judgment of Guilt was entered against me, in United States District Court for the District of _____.

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 or carry a gun or firearm only. **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 any fine or restitution imposed; however, your right to possess or carry a gun or firearm requires an application under this rule. Refer to Section VII of this application.**

OR

- I have also been convicted of a felony in the following Court(s):

Court Name: _____ in case number _____

Court Name: _____ in case number _____

(Attach a separate page for additional cases and convictions)

2. I was sentenced to and served a term of federal probation, and received an Affidavit of Discharge from the judge who discharged me. I have attached a copy to this petition.

- 3. I was sentenced to and successfully served a federal prison term. I have attached a copy of the Federal Bureau of Prisons a Certificate of Absolute Discharge, or other official documentation provided by the Bureau of Prisons that indicates successful discharge from Imprisonment on a date two (2) or more years before today's date.

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

- 5. **I HAVE NOT** complied with all terms of probation. EXPLAIN:

SECTION IV. VICTIM RESTITUTION AND COURT ORDERED MONETARY OBLIGATIONS

- 1. Have you paid victim restitution in full? YES NO

IF NO, a restoration of rights will be denied without a showing of extraordinary circumstances. If you believe you have extraordinary circumstances explain below. (Attach documentation you think is relevant for the court's consideration.)

2. Have you paid all other court-ordered monetary obligations in this case (criminal fines and fees) in full?
 YES NO If no, please explain:

For a State case, in some circumstances you may be eligible to apply to the court to mitigate the amount owed or convert monies owed to community restitution (This does not apply for Federal convictions).

SECTION V. PRIOR RESTORATION OF RIGHTS

1. Have you previously applied to have your rights restored? Yes No
 If yes, what was the date of your last application? _____
2. Have you been granted the restoration of your rights previously? Yes No
3. Have you been denied the restoration of your rights previously? Yes No

SECTION VI. PENDING CASES AND ACTIVE WARRANTS

1. Are there any open criminal cases against you? Yes No
2. Do you have an active warrant? Yes No
 If yes to either question above, please explain:

SECTION VII. RESTORATION OF FIREARM RIGHTS

NOTE: Arizona Revised Statutes require: If the person was convicted of an offense which would be a dangerous offense under section 13-704, the person may not file for the restoration of the 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 section 13-706, the person may not file for the restoration of the right to possess or carry a gun or firearm for **ten (10) years** from the date of the person's absolute discharge from imprisonment or discharge from probation. If the person was convicted of any other felony offense, the person may not file for the restoration of the right to possess or carry a gun or firearm for **two (2) years** from the date of the person's absolute discharge from imprisonment or discharge from probation.

1. I was convicted of a felony offense not listed in A.R.S. §§ 13-704 or 13-706 and it has been **two** years since absolute discharge from imprisonment or probation.

2. I was convicted of a serious offense as defined in A.R.S. § 13-706 and it has been **ten** years since absolute discharge from imprisonment or probation.

3. I was convicted of a dangerous offense as defined in A.R.S. § 13-704. (If yes, you are not eligible to file for restoration of the right to possess or carry a gun or firearm.)

If you are requesting that your civil right to possess a gun or firearm be restored, please write your reasons for the request below:

I understand that even if I am granted the right to possess a gun or firearm under Arizona law, it may not give me the right to possess a gun or firearm under federal law.

SECTION VIII. OTHER INFORMATION FOR THE COURT

Is there anything you would like the Court to take into consideration?

Attached is other pertinent documentation. List attached documents:

The Court may decide on this application without a hearing unless a hearing is requested by you, the prosecutor's office, or the victim. *(Check the box below if you are requesting a hearing.)*

Hearing requested? **Yes** No

Case Number: _____

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

Under Oath I swear or affirm, under penalty of perjury, the information provided in this application is to the best of my knowledge true and correct.

Defendant's Name Printed

Defendant's Signature

Address

OR

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

Attorney's Name Printed

Attorney's Signature

Attorney's Address

AUTHORIZATION TO PROCEED ON BEHALF OF DEFENDANT

I authorize my Attorney, _____ to petition the Superior Court of Arizona in Maricopa County, to take the above-indicated action.

Date

Defendant's Signature