

APPLICATION TO RESTORE RIGHTS

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Application to Restore Civil or Firearm Rights

(Forms & Instructions)

Application to Restore Rights (Civil or Firearm)

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 firearm rights; AND
- ✓ Your case was handled in:
 - the Superior Court of Arizona in Maricopa County,
 - another state or outside the jurisdiction of Arizona, or
 - a Federal District Court; AND
- ✓ Either:
 - 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.

**Note:* In Arizona, civil rights are automatically restored after first-time felonies when probation is completed or there is an absolute discharge from imprisonment. *See* A.R.S. § 13-907. If your first-time felony conviction was outside Arizona, or in Federal Court, right restoration is not automatic, and an Application to Restore Rights is still required. You may check your court orders or contact the Criminal Department at (602) 506-8575 (if your case was in Maricopa County) to confirm whether your civil and firearm rights have been restored.

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.
- ✗ Your civil and/or firearm rights were automatically restored under A.R.S. § 13-907.
- ✗ You were convicted of a “dangerous offense” under A.R.S. § 13-704 and wish to restore your firearm rights.
- ✗ You were convicted of a “serious offense” as defined under A.R.S. § 13-706 and wish to restore your firearm rights; and it has not been ten (10) 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.

Law Library Resource Center

Application to restore civil or firearm rights

This packet contains court forms and instructions to file for Application to restore rights. 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
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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.

Instructions: How to complete the forms and steps to restore civil rights/firearm 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/Firearm 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 <https://www.clerkofcourt.maricopa.gov/records/obtaining-records> 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.
- If your case was handled in another state or outside the jurisdiction of Arizona, place a check in the boxes that apply to you and name the state or other jurisdiction.
- 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) 372-5375.
- Additional DOC information may be available at <https://corrections.az.gov/>.

- 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 firearm be restored.
- 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 Application Upon Discharge to Restore Civil Rights and/or Firearm Rights or Request for Reconsideration 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 Application Upon Discharge to Restore Civil Rights and/or Firearm Rights or Request for Reconsideration 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>

<https://www.azleg.gov/arsDetail/?title=13>

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.

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 State OR Defendant

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

STATE OF ARIZONA, Plaintiff

Case Number: _____

-vs-

APPLICATION UPON DISCHARGE
TO:
(check all that apply)

DEFENDANT (First, MI, Last)
Date of Birth: _____

- RESTORE CIVIL RIGHTS
- RESTORE FIREARM RIGHTS
- CERTIFY AUTOMATIC RESTORATION OF CIVIL RIGHTS

Applicant is: Defendant
 Attorney for Defendant
 Probation Officer
 Guardian

A.R.S. §§ 13-905, 13-906, 13-907, 13-908,
and 13-910

- REQUEST FOR RECONSIDERATION
(for applications previously denied)
- Civil Rights Firearm Rights

SECTION I: CONVICTION(S)

A Judgment of Guilt was entered against me, 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.)

A Judgment of Guilt was entered against me in:

the Superior Court of Arizona in Maricopa County OR

another state or outside the jurisdiction of Arizona in: (specify) _____

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 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 or carry firearm only.

Yes No

2. I received a *Certificate of Absolute Discharge* from the Arizona Department of Corrections, AND have attached a copy of 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.)

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 Section VII of this application. This applies to federal first convictions as well.

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 firearm only. Yes No

2. 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:

3. 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.)

OR

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

SECTION IV. VICTIM RESTITUTION AND COURT ORDERED MONETARY OBLIGATIONS

1. Victim restitution has has not been paid in full or was not ordered.

If victim restitution has not been paid in full, please explain:

2. All other mandatory 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

1. Have you previously applied to have your rights restored? Yes No

If so, 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:

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
Second degree murder

Sexual assault
Any dangerous crime
against children

Burglary in the first degree
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.

- 1. 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

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

- 2. Attached is other pertinent documentation. List attached documents:

Case Number: _____

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 or perjury that the information provided in this application is true and correct.

Defendant's Name Printed

Defendant's Signature

Address

OR

AUTHORIZATION TO PROCEED ON BEHALF OF DEFENDANT

I authorize my Attorney or Probation Officer, _____ to petition the Superior Court of Arizona in Maricopa 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.

Attorney's/Probation Officer's Name Printed

Attorney's/Probation Officer's Signature

Attorney's/Probation Officer's Address