

REFERENCE TITLE: voting rights; restoration; felonies

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2132

Introduced by
Representative Quezada

AN ACT

AMENDING SECTIONS 13-905, 13-906, 13-908 AND 13-912, ARIZONA REVISED
STATUTES; RELATING TO THE RESTORATION OF CIVIL RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-905, Arizona Revised Statutes, is amended to
3 read:

4 13-905. Restoration of civil rights: persons completing
5 probation

6 A. A person who has been convicted of two or more felonies and whose
7 period of probation has been completed may have any civil rights ~~which~~ THAT
8 were lost or suspended by the felony conviction restored by the judge who
9 discharges him at the end of the term of probation, EXCEPT THAT THE RIGHT TO
10 VOTE IS AUTOMATICALLY RESTORED ON THE PERSON'S COMPLETION OF PROBATION.

11 B. On proper application, a person who has been discharged from
12 probation either before or after adoption of this chapter may have any civil
13 rights ~~which~~ THAT were lost or suspended by the felony conviction restored by
14 the superior court judge by whom the person was sentenced or the judge's
15 successors in office from the county in which the person was originally
16 convicted. The clerk of the superior court shall have the responsibility for
17 processing the application on request of the person involved or the person's
18 attorney. The superior court shall serve a copy of the application on the
19 county attorney.

20 C. If the person was convicted of a dangerous offense under section
21 13-704, the person may not file for the restoration of the right to possess
22 or carry a gun or firearm. If the person was convicted of a serious offense
23 as defined in section 13-706, the person may not file for the restoration of
24 the right to possess or carry a gun or firearm for ten years from the date of
25 ~~his~~ THE PERSON'S discharge from probation. If the person was convicted of
26 any other felony offense, the person may not file for the restoration of the
27 right to possess or carry a gun or firearm for two years from the date of the
28 person's discharge from probation.

29 Sec. 2. Section 13-906, Arizona Revised Statutes, is amended to read:

30 13-906. Applications by persons discharged from prison

31 A. On proper application, a person who has been convicted of two or
32 more felonies and who has received an absolute discharge from imprisonment
33 may have any civil rights ~~which~~ THAT were lost or suspended by ~~his~~ THE
34 PERSON'S conviction restored by the superior court judge by whom the person
35 was sentenced or the judge's successors in office from the county in which
36 the person was originally sentenced, EXCEPT THAT THE RIGHT TO VOTE IS
37 AUTOMATICALLY RESTORED ON THE PERSON'S ABSOLUTE DISCHARGE FROM IMPRISONMENT.

38 B. A person who is subject to subsection A of this section may file,
39 no sooner than two years from the date of ~~his~~ THE PERSON'S absolute
40 discharge, an application for restoration of civil rights that shall be
41 accompanied by a certificate of absolute discharge from the director of the
42 state department of corrections. The clerk of the superior court that
43 sentenced the applicant shall have the responsibility for processing
44 applications for restoration of civil rights ~~upon~~ ON request of the person
45 involved, the person's attorney or a representative of the state department

1 of corrections. The superior court shall serve a copy of the application on
2 the county attorney.

3 C. If the person was convicted of a dangerous offense under section
4 13-704, the person may not file for the restoration of the right to possess
5 or carry a gun or firearm. If the person was convicted of a serious offense
6 as defined in section 13-706, the person may not file for the restoration of
7 the right to possess or carry a gun or firearm for ten years from the date of
8 ~~his~~ THE PERSON'S absolute discharge from imprisonment. If the person was
9 convicted of any other felony offense, the person may not file for the
10 restoration of the right to possess or carry a gun or firearm for two years
11 from the date of the person's absolute discharge from imprisonment.

12 Sec. 3. Section 13-908, Arizona Revised Statutes, is amended to read:
13 13-908. Restoration of civil rights in the discretion of the
14 superior court judge

15 Except as provided in ~~section~~ SECTIONS 13-905, 13-906 AND 13-912, the
16 restoration of civil rights and the dismissal of the accusation or
17 information under the provisions of this chapter shall be in the discretion
18 of the superior court judge by whom the person was sentenced or ~~his~~ THE
19 JUDGE'S successor in office.

20 Sec. 4. Section 13-912, Arizona Revised Statutes, is amended to read:
21 13-912. Restoration of civil rights for first offenders;
22 exception

23 A. Any person who has not previously been convicted of any other
24 felony shall automatically be restored any civil rights that were lost or
25 suspended by the conviction if the person ~~both-~~
26 ~~1-~~ completes a term of probation or receives an absolute discharge
27 from imprisonment.

28 ~~2- Pays any fine or restitution imposed.~~

29 B. This section does not apply to a person's right to possess weapons
30 as defined in section 13-3101 unless the person applies to a court pursuant
31 to section 13-905 or 13-906.