

Senate Engrossed House Bill
civil rights restoration; requirements; process

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 199
HOUSE BILL 2119

AN ACT

AMENDING SECTIONS 13-906, 13-907, 13-908 AND 13-910, 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 13-906, Arizona Revised Statutes, is amended to
3 read:

4 13-906. Restoration of civil rights; process

5 A. At the time of sentencing, the court shall inform a person in
6 writing **AND ON THE RECORD** of the person's right to the restoration of
7 civil rights. ~~IN THE FOLLOWING MANNER:~~

8 1. IF A PERSON IS ELIGIBLE FOR AUTOMATIC RESTORATION OF CIVIL
9 RIGHTS PURSUANT TO SECTION 13-907, THE COURT SHALL INFORM THE PERSON THAT
10 THE PERSON'S RIGHTS WILL BE AUTOMATICALLY RESTORED ON THE COMPLETION OF
11 PROBATION OR ABSOLUTE DISCHARGE FROM IMPRISONMENT. THE COURT'S ORDER AND
12 JUDGMENT OF GUILT MUST INCLUDE AN EXPLANATION OF THE CIVIL RIGHTS THAT
13 WILL BE AUTOMATICALLY RESTORED PURSUANT TO THIS PARAGRAPH.

14 2. IF A PERSON IS NOT ELIGIBLE FOR AUTOMATIC RESTORATION OF CIVIL
15 RIGHTS PURSUANT TO SECTION 13-907, THE COURT SHALL INFORM THE PERSON OF
16 THE PERSON'S RIGHT TO THE RESTORATION OF CIVIL RIGHTS. THE COURT'S ORDER
17 AND JUDGMENT OF GUILT MUST INCLUDE AN EXPLANATION THAT INCLUDES WHEN THE
18 PERSON CAN APPLY TO HAVE THE PERSON'S CIVIL RIGHTS RESTORED.

19 B. THE PROBATION DEPARTMENT SHALL PROVIDE A COPY OF THE COURT'S
20 SENTENCING ORDER AND JUDGMENT OF GUILT TO EACH PERSON WHO COMPLETES
21 PROBATION. THE STATE DEPARTMENT OF CORRECTIONS SHALL PROVIDE A COPY OF
22 THE COURT'S SENTENCING ORDER AND JUDGMENT OF GUILT TO EACH PRISONER WHO
23 OBTAINS AN ABSOLUTE DISCHARGE FROM IMPRISONMENT UNLESS THE PRISONER WAS
24 SENTENCED TO A TERM OF PROBATION TO BEGIN ON ABSOLUTE DISCHARGE FROM THE
25 STATE DEPARTMENT OF CORRECTIONS.

26 ~~B.~~ C. THE CLERK OF THE COURT SHALL NOTIFY THE DEPARTMENT OF PUBLIC
27 SAFETY WHEN A PERSON'S CIVIL RIGHTS ARE AUTOMATICALLY RESTORED PURSUANT TO
28 SECTION 13-907, INCLUDING WHETHER THE PERSON'S RIGHT TO POSSESS A FIREARM
29 IS RESTORED. The clerk of the court shall notify the department of public
30 safety if the court restores the person's civil rights, including whether
31 a person's right to possess a firearm is restored. The department of
32 public safety shall update the person's criminal history with an
33 annotation that the person's civil rights have been restored and any
34 exceptions ordered but may not redact or remove any part of the person's
35 record.

36 ~~C.~~ D. The restoration of a person's civil rights does not preclude
37 the department of public safety or the board of fingerprinting from
38 considering a conviction of a person whose civil rights have been restored
39 when evaluating an application for a fingerprint clearance card pursuant
40 to section 41-1758.03 or 41-1758.07.

41 ~~D.~~ E. If the court denies an application for the restoration of a
42 person's civil rights, the court shall state its reasons for the denial in
43 writing.

1 ~~E.~~ F. If the restoration of a person's civil rights is
2 discretionary with the court, a victim has the right to be present and be
3 heard at any proceeding in which the defendant files an application for
4 the restoration of civil rights. If the victim has made a request for
5 postconviction notice, the attorney for the state shall provide the victim
6 with notice of the defendant's application and of the rights provided to
7 the victim in this section.

8 Sec. 2. Section 13-907, Arizona Revised Statutes, is amended to
9 read:

10 13-907. Automatic restoration of civil rights for first
11 offenders; firearm rights

12 A. On ~~final discharge~~ COMPLETION OF PROBATION FOR AN OFFENSE
13 COMMITTED IN THIS STATE OR ABSOLUTE DISCHARGE FROM IMPRISONMENT, any
14 person who has not previously been convicted of a felony offense shall
15 automatically be restored any civil rights that were lost or suspended as
16 a result of the conviction if the person pays ~~any~~ ALL victim restitution
17 imposed.

18 ~~B.~~ A person who is entitled to the restoration of any civil rights
19 pursuant to this ~~section~~ SUBSECTION is not required to file an application
20 pursuant to section 13-908, EXCEPT THAT IF THE PERSON DOES FILE AN
21 APPLICATION, THE COURT SHALL GRANT THE APPLICATION WITHOUT RECEIVING A
22 RESPONSE FROM THE STATE OR HOLDING A HEARING.

23 B. ON COMPLETION OF PROBATION FOR AN OFFENSE COMMITTED OUTSIDE THE
24 JURISDICTION OF THIS STATE OR ABSOLUTE DISCHARGE FROM A PRISON IN ANOTHER
25 STATE OR THE FEDERAL BUREAU OF PRISONS, A PERSON WHO HAS NOT PREVIOUSLY
26 BEEN CONVICTED OF A FELONY OFFENSE IS ELIGIBLE FOR AUTOMATIC RESTORATION
27 OF ANY CIVIL RIGHTS THAT WERE LOST OR SUSPENDED AS A RESULT OF THE
28 CONVICTION IF THE PERSON PAYS ALL VICTIM RESTITUTION IMPOSED. A PERSON
29 WHO IS ENTITLED TO THE RESTORATION OF ANY CIVIL RIGHTS PURSUANT TO THIS
30 SUBSECTION SHALL FILE AN APPLICATION PURSUANT TO SECTION 13-908, AND THE
31 COURT SHALL GRANT THE APPLICATION WITHOUT RECEIVING A RESPONSE FROM THE
32 STATE OR HOLDING A HEARING.

33 C. This section does not apply to a person's right to possess a
34 firearm as defined in section 13-3101 IF THE PERSON WAS CONVICTED OF ANY
35 OF THE FOLLOWING:

36 1. A DANGEROUS OFFENSE UNDER SECTION 13-704 OR AN OFFENSE COMMITTED
37 OUTSIDE THE JURISDICTION OF THIS STATE THAT WOULD BE A DANGEROUS OFFENSE
38 UNDER SECTION 13-704 IF COMMITTED IN THIS STATE.

39 2. A SERIOUS OFFENSE AS DEFINED IN SECTION 13-706 OR AN OFFENSE
40 COMMITTED OUTSIDE THE JURISDICTION OF THIS STATE THAT WOULD BE A SERIOUS
41 OFFENSE AS DEFINED IN SECTION 13-706 IF COMMITTED IN THIS STATE.

42 D. IF THE PERSON IS NOT ENTITLED TO THE AUTOMATIC RESTORATION OF
43 FIREARM RIGHTS PURSUANT TO THIS SECTION, the court may order the
44 restoration of the right to possess a firearm pursuant to section 13-910.

1 ~~D. For the purposes of this section, "final discharge" means the~~
2 ~~completion of probation or the receipt of an absolute discharge from the~~
3 ~~state department of corrections or the United States bureau of prisons.~~

4 Sec. 3. Section 13-908, Arizona Revised Statutes, is amended to
5 read:

6 13-908. Restoration of civil rights; application; firearm
7 rights; definition

8 A. On final discharge, a person who has previously been convicted
9 of a felony or who has not paid ~~any~~ ALL victim restitution that was
10 imposed may apply to the superior court to have the person's civil rights
11 restored. ~~A person who has received an absolute discharge from~~
12 ~~imprisonment may file an application for restoration of civil rights no~~
13 ~~sooner than two years from the date of the person's absolute discharge.~~
14 The restoration of civil rights is in the discretion of the judicial
15 officer.

16 B. The person or the person's attorney or probation officer may
17 file the application for the restoration of civil rights. The clerk of
18 the court may not charge a filing fee for an application. The clerk of
19 the court shall forward a copy of the application to the county attorney
20 OR ATTORNEY GENERAL.

21 C. A person whose civil rights were lost or suspended as a result
22 of a felony conviction in ANOTHER STATE OR a United States district court
23 and whose period of probation has been completed may file the application
24 for restoration of civil rights in the county in which the person now
25 resides. ~~The person shall file an affidavit of discharge from the~~
26 ~~judicial officer who discharged the person at the end of the term of~~
27 ~~probation.~~

28 ~~D. A person who has received an absolute discharge from~~
29 ~~imprisonment and who files an application for the restoration of civil~~
30 ~~rights shall file with the application a certificate of absolute discharge~~
31 ~~from the director of the state department of corrections.~~

32 ~~E.~~ D. A person whose civil rights were lost or suspended as a
33 result of a felony conviction in ANOTHER STATE OR a United States district
34 court and who has received an absolute discharge from imprisonment in A
35 PRISON IN ANOTHER STATE OR a federal prison shall file the application for
36 the restoration of civil rights in the county in which the person now
37 resides. ~~The person shall file with the application a certificate of~~
38 ~~absolute discharge from the director of the federal bureau of prisons,~~
39 ~~unless it is shown to be impossible to obtain a certificate. THE~~
40 RESTORATION OF CIVIL RIGHTS IS IN THE DISCRETION OF THE JUDICIAL OFFICER.

41 ~~F. If the court grants the application, the court shall restore the~~
42 ~~person's civil rights.~~

1 ~~E.~~ E. This section does not apply to a person's right to possess a
2 firearm as defined in section 13-3101 IF THE PERSON WAS CONVICTED OF ANY
3 OF THE FOLLOWING:

4 1. A DANGEROUS OFFENSE UNDER SECTION 13-704 OR AN OFFENSE COMMITTED
5 OUTSIDE THE JURISDICTION OF THIS STATE THAT WOULD BE A DANGEROUS OFFENSE
6 UNDER SECTION 13-704 IF COMMITTED IN THIS STATE.

7 2. A SERIOUS OFFENSE AS DEFINED IN SECTION 13-706 OR AN OFFENSE
8 COMMITTED OUTSIDE THE JURISDICTION OF THIS STATE THAT WOULD BE A SERIOUS
9 OFFENSE AS DEFINED IN SECTION 13-706 IF COMMITTED IN THIS STATE.

10 F. IF THE PERSON IS NOT ENTITLED TO THE RESTORATION OF FIREARM
11 RIGHTS PURSUANT TO THIS SECTION, the court may order the restoration of
12 the right to possess a firearm pursuant to section 13-910.

13 ~~H.~~ G. For the purposes of this section, "final discharge" means
14 the completion of probation or the receipt of an absolute discharge from
15 the state department of corrections, A PRISON IN ANOTHER STATE or the
16 ~~United States~~ FEDERAL bureau of prisons.

17 Sec. 4. Section 13-910, Arizona Revised Statutes, is amended to
18 read:

19 13-910. Restoration of right to possess a firearm

20 A. A person who is convicted of a dangerous offense under section
21 13-704 or an offense committed ~~in another state~~ OUTSIDE THE JURISDICTION
22 OF THIS STATE that would be a dangerous offense under section 13-704 if
23 committed in this state may not file for the restoration of the right to
24 possess or carry a firearm. A person who is convicted of a serious
25 offense as defined in section 13-706 or an offense committed ~~in another~~
26 ~~state~~ OUTSIDE THE JURISDICTION OF THIS STATE that would be a serious
27 offense as defined in section 13-706 if committed in this state may not
28 file for the restoration of the right to possess or carry a firearm for
29 ten years from the date of the person's absolute discharge. ~~A person who~~
30 ~~is convicted of any other felony offense may not file for the restoration~~
31 ~~of the right to possess or carry a firearm for two years from the date of~~
32 ~~the person's absolute discharge.~~

33 B. The restoration of the right to possess a firearm PURSUANT TO
34 THIS SECTION is in the discretion of the judicial officer.

APPROVED BY THE GOVERNOR APRIL 29, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2022.