

House Engrossed

civil rights restoration; requirements; process

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

# 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 of the person's right to the restoration of civil rights.

7 B. IF A PERSON IS ELIGIBLE FOR AUTOMATIC RESTORATION OF CIVIL  
8 RIGHTS PURSUANT TO SECTION 13-907, AT THE TIME OF THE COMPLETION OF  
9 PROBATION OR ABSOLUTE DISCHARGE FROM IMPRISONMENT, THE PROBATION  
10 DEPARTMENT OR THE STATE DEPARTMENT OF CORRECTIONS SHALL INFORM THE PERSON  
11 IN WRITING THAT THE PERSON'S RIGHTS HAVE BEEN AUTOMATICALLY RESTORED. THE  
12 NOTICE PROVIDED PURSUANT TO THIS SUBSECTION MUST INCLUDE AN EXPLANATION OF  
13 THE CIVIL RIGHTS THAT HAVE BEEN RESTORED.

14 C. IF A PERSON IS NOT ELIGIBLE FOR AUTOMATIC RESTORATION OF CIVIL  
15 RIGHTS PURSUANT TO SECTION 13-907, AT THE TIME OF THE COMPLETION OF  
16 PROBATION OR ABSOLUTE DISCHARGE FROM IMPRISONMENT, THE PROBATION  
17 DEPARTMENT OR STATE DEPARTMENT OF CORRECTIONS SHALL INFORM THE PERSON IN  
18 WRITING OF THE PERSON'S RIGHT TO THE RESTORATION OF CIVIL RIGHTS. THE  
19 NOTICE PROVIDED PURSUANT TO THIS SUBSECTION MUST INCLUDE AN EXPLANATION OF  
20 WHEN A PERSON CAN APPLY TO HAVE THE PERSON'S CIVIL RIGHTS RESTORED.

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

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

37 ~~D.~~ F. If the court denies an application for the restoration of a  
38 person's civil rights, the court shall state its reasons for the denial in  
39 writing.

40 ~~E.~~ G. If the restoration of a person's civil rights is  
41 discretionary with the court, a victim has the right to be present and be  
42 heard at any proceeding in which the defendant files an application for  
43 the restoration of civil rights. If the victim has made a request for  
44 postconviction notice, the attorney for the state shall provide the victim

1 with notice of the defendant's application and of the rights provided to  
2 the victim in this section.

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

5 13-907. Automatic restoration of civil rights for first  
6 offenders; firearm rights

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

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

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

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

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

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

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

40 ~~B. For the purposes of this section, "final discharge" means the~~  
41 ~~completion of probation or the receipt of an absolute discharge from the~~  
42 ~~state department of corrections or the United States bureau of prisons.~~



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

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

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

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

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

16           13-910. Restoration of right to possess a firearm

17           A. A person who is convicted of a dangerous offense under section  
18 13-704 or an offense committed ~~in another state~~ OUTSIDE THE JURISDICTION  
19 OF THIS STATE that would be a dangerous offense under section 13-704 if  
20 committed in this state may not file for the restoration of the right to  
21 possess or carry a firearm. A person who is convicted of a serious  
22 offense as defined in section 13-706 or an offense committed ~~in another~~  
23 ~~state~~ OUTSIDE THE JURISDICTION OF THIS STATE that would be a serious  
24 offense as defined in section 13-706 if committed in this state may not  
25 file for the restoration of the right to possess or carry a firearm for  
26 ten years from the date of the person's absolute discharge. ~~A person who~~  
27 ~~is convicted of any other felony offense may not file for the restoration~~  
28 ~~of the right to possess or carry a firearm for two years from the date of~~  
29 ~~the person's absolute discharge.~~

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