

REFERENCE TITLE: **civil rights restoration; requirements; process**

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

HB 2119

Introduced by
Representative Kaiser

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 ~~D. 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 Sec. 3. Section 13-908, Arizona Revised Statutes, is amended to
2 read:

3 13-908. Restoration of civil rights; application; firearm
4 rights; definition

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

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

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

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

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

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

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

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.