

REFERENCE TITLE: voting rights; felonies; automatic restoration.

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1504

Introduced by
Senator Quezada

AN ACT

AMENDING SECTIONS 13-607, 13-907 AND 13-908, 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 13-607, Arizona Revised Statutes, is amended to
3 read:

4 13-607. Judgment of guilt and sentence document; fingerprint;
5 contents of document; recitations

6 A. At the time of sentencing a person who is convicted of a felony
7 offense, a violation of section 13-1802 or 13-1805, a domestic violence
8 offense as defined in section 13-3601 or a violation of chapter 14 of this
9 title or title 28, chapter 4, the court shall execute a judgment of guilt
10 and sentence document or minute order as prescribed by this section.

11 B. The court shall require either that the defendant's fingerprint
12 be permanently affixed to the document or order or that the defendant's
13 two fingerprint biometric-based identifier be obtained and recorded in the
14 court case file.

15 C. The document or order shall recite all of the following in
16 addition to any information deemed appropriate by the court:

17 1. The defendant's full name and date of birth.

18 2. The name of the counsel for the defendant or, if counsel was
19 waived, the fact that the defendant knowingly, voluntarily and
20 intelligently waived the defendant's right to counsel after having been
21 fully apprised of the defendant's right to counsel.

22 3. The name, statutory citation and classification of the offense.

23 4. Whether there was a finding by the trier of fact that the
24 offense was of a dangerous or repetitive nature pursuant to section 13-703
25 or 13-704 or was committed while released from confinement pursuant to
26 section 13-708.

27 5. Whether the basis of the finding of guilt was by trial to a jury
28 or to the court, or by plea of guilty or no contest.

29 6. That there was a knowing, voluntary and intelligent waiver of
30 the right to a jury trial if the finding of guilt was based on a trial to
31 the court.

32 7. That there was a knowing, voluntary and intelligent waiver of
33 all pertinent rights if the finding of guilt was based on a plea of guilty
34 or no contest.

35 8. A certification by the court or the clerk of the court that
36 either the defendant's fingerprint was permanently affixed to the document
37 or order or the defendant's two fingerprint biometric-based identifier was
38 obtained and recorded in the court case file.

39 D. The document or order shall be made a permanent part of the
40 public records of the court, and the recitations contained in the document
41 or order are prima facie evidence of the facts stated in the recitations.

42 E. If the supreme court has authorized the clerk of the court to
43 maintain an electronic court record, the clerk may maintain only an
44 electronic reproduction or image of the original document or order.

F. AT THE TIME OF SENTENCING A PERSON WHO IS CONVICTED OF A FELONY OFFENSE, THE COURT SHALL INFORM THE PERSON THAT THE PERSON'S RIGHT TO VOTE IS AUTOMATICALLY RESTORED ON THE PERSON'S DISCHARGE FROM PROBATION OR ABSOLUTE DISCHARGE FROM IMPRISONMENT.

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

13-907. Automatic restoration of civil rights for first offenders; automatic restoration of voting rights; exception; definition

A. On final discharge, any person who has not previously been convicted of a felony offense shall automatically be restored any civil rights that were lost or suspended as a result of the conviction if the person pays any victim restitution imposed, EXCEPT THAT THE PERSON'S RIGHT TO VOTE IS AUTOMATICALLY RESTORED ON FINAL DISCHARGE.

B. A person who is entitled to the restoration of any civil rights pursuant to this section is not required to file an application pursuant to section 13-908.

C. This section does not apply to a person's right to possess a firearm as defined in section 13-3101. The court may order the restoration of the right to possess a firearm pursuant to section 13-910.

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

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

13-908. Restoration of civil rights; application; definition

A. On final discharge, a person who has previously been convicted of a felony or who has not paid any victim restitution that was imposed may apply to the superior court to have the person's civil rights restored, EXCEPT THAT THE PERSON'S RIGHT TO VOTE IS AUTOMATICALLY RESTORED ON THE PERSON'S FINAL DISCHARGE. A person who has received an absolute discharge from imprisonment may file an application for restoration of civil rights ~~no~~ NOT sooner than two years from the date of the person's absolute discharge. The restoration of civil rights is in the discretion of the judicial officer.

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

C. A person whose civil rights were lost or suspended as a result of a felony conviction in a United States district court and whose period of probation has been completed may file the application for restoration of civil rights in the county in which the person now resides, EXCEPT THAT THE PERSON'S RIGHT TO VOTE IS AUTOMATICALLY RESTORED ON THE PERSON'S

1 DISCHARGE FROM PROBATION. The person shall file an affidavit of discharge
2 from the judicial officer who discharged the person at the end of the term
3 of probation.

4 D. A person who has received an absolute discharge from
5 imprisonment and who files an application for the restoration of civil
6 rights shall file with the application a certificate of absolute discharge
7 from the director of the state department of corrections.

8 E. A person whose civil rights were lost or suspended as a result
9 of a felony conviction in a United States district court and who has
10 received an absolute discharge from imprisonment in a federal prison shall
11 file the application for the restoration of civil rights in the county in
12 which the person now resides, EXCEPT THAT THE PERSON'S RIGHT TO VOTE IS
13 AUTOMATICALLY RESTORED ON THE PERSON'S ABSOLUTE DISCHARGE FROM
14 IMPRISONMENT. The person shall file with the application a certificate of
15 absolute discharge from the director of the federal bureau of prisons,
16 unless it is shown to be impossible to obtain a certificate.

17 F. If the court grants the application, the court shall restore the
18 person's civil rights.

19 G. This section does not apply to a person's right to possess a
20 firearm as defined in section 13-3101. The court may order the
21 restoration of the right to possess a firearm pursuant to section 13-910.

22 H. For the purposes of this section, "final discharge" means the
23 completion of probation or the receipt of an absolute discharge from the
24 state department of corrections or the ~~United States~~ FEDERAL bureau of
25 prisons.