

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
RULE 41, FORMS 31(a) AND 31(b),) Administrative Order
ARIZONA RULES OF CRIMINAL) No. 2025 - 215
PROCEDURE)
)
)
_____)

The Rules of Criminal Procedure, Rule 41, provides Form 31(a) (“Application to Set Aside Conviction”) and Form 31(b) (“Order Regarding Application to Set Aside Conviction and Restore Firearm Rights”) that may be used for the conviction set aside process.

Under certain circumstances, firearm rights may be restored when a conviction is set aside under A.R.S. § 13-905. It has come to this Court’s attention that until a rule petition can be considered by this Court, amendments to Forms 31(a) and 31(b) are necessary to better align Forms 31(a) and 31(b) with the provisions of A.R.S. § 13-905 relating to the restoration of firearm rights upon the set aside of a conviction.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED temporarily amending Rule 41, Forms 31(a) and 31(b) of the Rules of Criminal Procedure in accordance with Attachment A of this Order.

IT IS FURTHER ORDERED that this Order shall remain in effect until further order of this Court, including an order regarding a rule petition to amend Forms 31(a) and (b).

Dated this 17th day of December, 2025.

ANN A. SCOTT TIMMER
Chief Justice

ATTACHMENT A

(language to be removed appears in ~~strike through~~, language to be added is underlined)

Form 31(a). Application to Set Aside Conviction

_____ COURT OF ARIZONA
IN _____ COUNTY

STATE OF ARIZONA -vs- _____ Defendant (FIRST, MI, LAST) Date of Birth: _____ Applicant is: <input type="checkbox"/> Defendant <input type="checkbox"/> Attorney for Defendant <input type="checkbox"/> Probation Officer	Case Number: _____ APPLICATION TO SET ASIDE CONVICTION (A.R.S. § 13-905) Note: Your application may entitle you to restoration of the right to possess and carry a firearm pursuant to A.R.S. § 13-905(O)
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SECTION I. CONVICTION(S)

A Judgment of Guilt was entered in the _____ Court against the
defendant on the _____ day of _____, _____, on the conviction of:

1. Count I: _____
2. Count II: _____
3. Count III: _____
4. Count IV: _____

Additional counts continue on a separate page.

SECTION II. SENTENCE COMPLIANCE

1. I have complied with all required terms of the **sentence** (including all probation,
employment, classes, community restitution, victim restitution or other monetary obligations,
drug/alcohol testing, or other requirements). **Yes** **No**. If no, please explain:

2. I received a certificate of absolute discharge from the Arizona Department of
Corrections.

Yes **No**.

3. Victim restitution [] **has** [] **has not** been paid in full or [] **was not ordered**.

If victim restitution has not been paid in full, please explain:

4. All other court-ordered monetary obligations [] **have** [] **have not** been paid in full or [] **were not ordered**.

If all other monetary obligations have not been paid in full, please explain:

In some circumstances, you may be eligible to apply to the court to modify the amount owed or convert monies owed to community restitution.

SECTION III. PRIOR SET ASIDE(S)

1. Have you previously applied to set aside any conviction? [] **Yes** [] **No**. If so, what was the date of your last application? _____
2. Have you previously been granted a set aside? [] **Yes** [] **No**. If so, was the set aside on a felony conviction? [] **Yes** [] **No**.
3. If you have previously been granted a set aside on a felony conviction, did you receive a certificate of second chance? [] **Yes** [] **No** [] **N/A**.
4. Have you previously been denied a set aside? [] **Yes** [] **No**.

SECTION IV. PENDING CASES

1. Are there any open criminal cases against you? [] **Yes** [] **No**. If yes, please explain:

SECTION V. OTHER INFORMATION FOR THE COURT

1. Is there anything you would like the court to take into consideration?

2. Attached is other pertinent documentation. List attached documents:

3. The defendant, prosecutor, or the victim may request a hearing, but the court is not required to set a hearing. Do you request a hearing? Yes No.

I understand that even if I am ~~granted~~ restored the right to possess and carry a firearm pursuant to this application, I may still be prohibited from possessing and carrying a firearm under other state or federal laws.

I understand that this application may be denied if information in this application is found to be inaccurate.

I declare under penalty of perjury that, to the best of my knowledge, the information provided in this application and any attachments is true and correct.

Print Defendant's Name

Defendant's Signature

Address

OR

AUTHORIZATION TO PROCEED ON BEHALF OF DEFENDANT

I authorize _____ Attorney, or Probation Officer to

petition the _____ Court in _____ County, to take the above-indicated action.

Date

Defendant's Signature

To the best of my knowledge, the information provided in this application is true and correct.

Print Attorney/Probation Officer Name

Attorney/Probation Officer Signature

Attorney/Probation Officer Address

Form 31(b). Order Regarding Application to Set Aside Conviction and Restore Firearm Rights

_____ **COURT OF ARIZONA**
IN _____ **COUNTY**

STATE OF ARIZONA, Plaintiff -vs- _____ Defendant (FIRST, MI, LAST) Date of Birth: _____	Case Number: _____ ORDER REGARDING APPLICATION TO SET ASIDE CONVICTION AND RESTORATION OF FIREARM RIGHTS A.R.S. §§ 13-905 & 13-910
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Based upon the information presented to the Court, **THE COURT FINDS THAT:** (only those items marked)

The prosecutor has received a copy of the Application to Set Aside Conviction.

- The defendant **has met** all statutory requirements for setting aside the conviction; AND
 - The defendant **has met** all statutory requirements for a Certificate of Second Chance.
 - The defendant **has not met** all statutory requirements for a Certificate of Second Chance.
- The conviction for which the defendant has applied to have set aside is for a serious offense as defined in A.R.S. § 13-706.

OR

- The defendant **has not met** all the statutory requirements for setting aside the conviction.
- The defendant was convicted of a criminal offense not eligible to be set aside due to:
 - a dangerous offense.
 - an offense for which the person is required or ordered by the court to register pursuant to A.R.S. § 13-3821.
 - an offense for which there has been a finding of sexual motivation pursuant to A.R.S. § 13-118.
 - a felony offense in which the victim is a minor under fifteen years of age.

IT IS ORDERED:

- DENYING** the application to set aside conviction for the following reasons:
- The defendant **has not met** all statutory requirements for the application.
 - The defendant was convicted of a criminal offense **not eligible** for a conviction to be set aside.
 - Other reasons:
_____.

- GRANTING** the application setting aside the judgment of guilt, dismissing the complaint, information, or indictment, and that the applicant be released from all penalties and disabilities resulting from the conviction **except those imposed by:**
 - a. The **Department of Transportation** pursuant to A.R.S. §§ 28-3304, 28-3305, 28-3306, 28-3307, 28-3308, 28-3312, and 28-3319.
 - b. The **Game and Fish Commission** pursuant to A.R.S. §§ 17-314 or 17-340.
 - c. A lifetime injunction issued pursuant to A.R.S. § 13-719.

~~The applicant's right to possess a firearm is also **restored**.~~

~~OR~~

- The ~~applicant's~~ defendant's right to possess a firearm is ~~DENIED~~ due to the applicant's **NOT** restored by this Order because the conviction was for a serious offense as defined in section A.R.S. § 13-706, and the defendant's right to possess a firearm cannot be restored through this Application.

NOTICE: Even if your right to possess and carry a firearm is restored under A.R.S. § 13-905(O), you may still be prohibited from possessing a firearm under other state or federal laws or based on other convictions.

CERTIFICATE OF SECOND CHANCE

IT IS FURTHER ORDERED:

- DENYING** a certificate of second chance.
- OR

[] **GRANTING** a certificate of second chance, and accordingly, pursuant to A.R.S. § 13-905(M):

1. Unless specifically excluded by A.R.S. § 13-905, the defendant is released from all barriers and disabilities in obtaining an occupational license issued under title 32 that resulted from the conviction if the defendant is otherwise qualified;
2. An employer of the defendant is provided with all of the protections that are provided pursuant to section A.R.S. § 12-558.03;
3. Another person or an entity that provides housing to the defendant is provided with all of the protections limiting the introduction of evidence that are provided to an employer pursuant to A.R.S. § 12-558.03(B); and
4. This certificate of second chance is not a recommendation or sponsorship for or a promotion of the defendant when applying for an occupational license, employment or housing.

DATED this _____ day of _____, _____.

Judicial Officer