

# Post-Conviction Actions Task Force Agenda

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Tuesday, June 25, 2019; 9:30 a.m. – 3:30 p.m.  
 Conference Room 119 A/B  
 State Courts Building, 1501 W. Washington, Phoenix, AZ 85007  
[Post-Conviction Actions Task Force Home Page](#)

Time*	Agenda Items	Presenter
9:30 a.m.	1. Welcome and Opening Remarks Approval of Minutes from <b>May 7, 2019</b> <input type="checkbox"/> <i>Formal Action/Request</i>	<i>Jerry Landau, Chair</i> <i>AOC Government Affairs</i> <i>Director</i>
9:40 a.m.	2. Juvenile Subcommittee report on forms/instructions <ul style="list-style-type: none"> <li>• <b>Application to Set Aside Juvenile Adjudication</b></li> <li>• <b>Application for Destruction of Records</b></li> <li>• <b>Application for Restoration of Firearm Rights</b></li> <li>• <b>Legal Requirements</b></li> <li>• <b>Notice of Important Rights</b></li> <li>• <b>Court Order form</b></li> <li>• <b>Instruction sheets</b> <ul style="list-style-type: none"> <li>○ <b>Set Aside Adjudication</b></li> <li>○ <b>Destruction of Records</b></li> <li>○ <b>Restoration of Firearm Rights</b></li> </ul> </li> </ul> <input type="checkbox"/> <i>Formal Action/Request</i>	<i>Jerry Landau</i> <i>Tom O'Connell</i> <i>Judge Kathleen Quigley</i>
11:30 a.m.	3. Review of restoration of civil rights forms <ul style="list-style-type: none"> <li>• <b>Application to Set Aside Conviction</b></li> <li>• <b>Application Upon Discharge to:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Restore Civil Rights</b></li> <li><input type="checkbox"/> <b>Restore Firearm Rights</b></li> <li><input type="checkbox"/> <b>Request for Reconsideration to Set Aside Conviction and Restoration of Gun and Firearm Rights</b></li> </ul> </li> <li>• <b>Application Upon Discharge to:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Restore Right to Possess a Firearm</b></li> <li><input type="checkbox"/> <b>Request for Reconsideration</b></li> </ul> </li> <li>• <b>Court order forms</b> <ul style="list-style-type: none"> <li>○ <b>Order Regarding Application to Set Aside Conviction and Restoration of Gun and Firearm Rights</b></li> </ul> </li> </ul>	<i>Jerry Landau</i>

- Order Regarding Application to Restore Civil Rights and Right to Possess or Own Firearms

*Formal Action/Request*

12:30 p.m. Lunch (Please RSVP - \$5.00 cash)

1:15 p.m. 4. Implementation of Restoration of Civil Rights

*Jerry Landau  
Jennifer Marson, Exec. Dir. of  
AZ Assoc. of Counties;  
Leslie Hoffman, Yavapai  
County Recorder; Jasper  
Altaha, Maricopa Voter  
Registration Manager;  
Kenosha Skinner, Maricopa  
Community Relations Team*

2:15 p.m. 5. Continue review of restoration of civil rights forms  
 *Formal Action/Request*

*Jerry Landau  
Tom O'Connell*

3:00 p.m. 6. Discuss potential additional/clean-up legislative proposals

- To previously passed bills
  - a. HB2055 – Remove “an offense for which there has been a finding of sexual motivation pursuant to section ARS 13-118”
  - b. HB2080 - Strike “any” from the first sentence before “victim restitution that was imposed...”
  - c. HB2080 – Pg. 1, ln. 18: “The applicant shall serve a copy of the application on the county attorney.”
- Treatment of minor traffic offenses
  - a. Remove Title 28 offenses that do not affect ADOT administrative actions from set aside and restoration of rights statutes.

*Jerry Landau*

*Formal Action/Request*

3:15 p.m. 7. Future meetings  
Good of the Order  
Call to the public  
Adjournment

*Jerry Landau*

# Post-Conviction Actions Task Force Minutes

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Tuesday, May 7, 2019

Established by A.O. No. 2018-52

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**Present:** Jerry Landau, Chair; Kurt Altman; Alex Benezra; Cathy Clarich; Kirstin Flores; Judge Craig Jennings; Donald Jacobson; Amy Love; Jeremy Mussman; Judge Sam Myers; Leonard Ruiz; Judge Keith Russell; Mikel Steinfeld; Kent Volkmer; Kathy Waters

**Appearing Telephonically:** Julie Ahlquist; Colleen Clase; Ryan Glover; Judge Antonio Riojas; Lisa Royal; Amber Sliwinski; Tom Zaworski

**Absent:** Mirisue Galindo; Tom O'Connell; Judge Kathleen Quigley

**Presenters/Guests:** Christina Phillis; Cathy Whalen

**Staff:** Kathy Sekardi; Susan Pickard, Jennifer Greene

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## Welcome and Opening Remarks

With a quorum present, Jerry Landau, Chair, called the meeting to order at 10:08 a.m. and welcomed the members. Kathy Sekardi called the roll.

Mr. Landau announced that he:

- Has requested that Chief Justice Bales extend the term of the Task Force through to the end of the year,
- Will be scheduling 1-2 summer meetings of this body to discuss further statutory changes,
- Shortened the meeting agenda due to the absence of Judge Quigley and Tom O'Connell,
- Will be out-of-the-office for 10 weeks beginning in July.

## Minutes

Mr. Landau presented the minutes of the November 27, 2018, meeting of the Task Force for approval.

<p><b>Motion:</b> Mr. Mussman moved to approve the minutes of the November 27, 2018. <b>Second:</b> Mr. Altman. <b>Vote:</b> Passed unanimously.</p>
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## Report on Legislative Session

**Action Item:** Mr. Landau will send a legislative summary to Ms. Sekardi who will distribute it to members.

Mr. Landau highlighted the changes made by the following chaptered laws.

**HB 2055** (compilation of three bills)

A.R.S. § 8-202

- Extends the court's jurisdiction for designating a Class 6 offense as a misdemeanor or a felony.

#### A.R.S. § 8-348

- Prohibits the clerk of court from charging a filing fee for an application to set aside a juvenile adjudication.
- Requires the clerk of court to transmit application to county attorney.
- Lists factors for the court to consider when deciding whether to set aside an adjudication.
- Adds A.R.S. § 28-3319 as a department of transportation exception to set aside.
- Allows the court to modify monetary obligations except victim restitution for good cause.

#### **Concerns:**

- “An offense for which there has been a finding of sexual motivation pursuant to 13-118,” recently added language does not apply to juveniles and should be removed.

#### A.R.S. § 8-349

- Prohibits the clerk of court from charging a filing fee for an application for destruction of juvenile records.
- Requires the clerk of court to transmit a copy of the application to the county attorney.
- Permits the county attorney to file an objection.
- Allows the court to modify monetary obligations for good cause except victim restitution.
- Requires the court, clerk, and juvenile probation department to destroy records that did not result in further action or resulted in a successful completion of diversion.
- Defines “successfully.”

#### **HB2080**

#### A.R.S § 8-249

- Moves A.R.S. §13-912.01, restoration of civil rights; person adjudicated delinquent, to Title 8.
- Removes “gun or” and uses only “firearm.”

#### A.R.S. § 13-906

- Defines restoration of civil rights process.
- Requires the court to provide written notice to the defendant regarding restoration of civil rights.
- Requires the clerk of court to notify the department of public safety of the restoration.
- Requires the court to state its reasons for denial in writing.
- If the victim has requested post-conviction notice, the victim has a right to be present and heard at any proceeding regarding the application for restoration.

#### A.R.S. § 13-907

- Establishes automatic restoration of civil rights for first-time offenders.

#### A.R.S. § 13-908

- New section that establishes restoration of civil rights by application.

#### A.R.S. § 13-910

- New section created by section reorganization and renumbering.

#### **Concerns:**

- In A.R.S. § 13-907(A) “any” should have been stricken from in the first sentence before “victim restitution that was imposed. . .”

- When restoration of rights has been granted, who notifies the County Recorder, or the Secretary of State?

**Action Item:** Invite representatives from the Secretary of State and a County Recorder to a future meeting to discuss who notifies these agencies about restoration of rights and what is the procedure.

**Action Item:** The application's statement, "I understand that even if I am granted the right to possess a firearm under Arizona law, it may not give me the right to possess a firearm under federal law," should be mirrored in the order.

**Action Item:** Ms. Sliwinski to find a copy of court order containing the above language.

### **Review of Rule and Forms Due to Passing Legislation**

This item was tabled by Mr. Landau who asked members to review the forms provided in the meeting packet as homework.

### **Discuss Amendments to Set Aside Statute Regarding Title 28 Offenses (Transportation, Game & Fish)**

Through discussions with the motor vehicle department, Mr. Landau has secured an agreement to allow a legislative proposal that would remove Title 28 exclusions from the set aside statutes.

**Action Item:** Add the discussion about removing Title 28 offenses that do not affect ADOT administrative actions from set aside and restoration of rights statutes on future agenda.

### **Future Meetings**

The next meeting of this body will be held on June 25, 26, or 27.

### **Good of the Order/Call to the Public**

Mr. Landau made the call to the public at 11:22 a.m. No comment was made.

### **Adjournment**

The meeting adjourned at 11:24 a.m.



Person Filing: \_\_\_\_\_  
Mailing Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
If Attorney, State Bar Number: \_\_\_\_\_



**SUPERIOR COURT OF ARIZONA**  
**IN \_\_\_\_\_ COUNTY**

**IN THE MATTER OF:**

**CASE NO(S): JV:** \_\_\_\_\_

\_\_\_\_\_  
(Applicant's Name)

**APPLICATION TO SET ASIDE  
JUVENILE ADJUDICATION**

\_\_\_\_\_  
(Applicant's Date of Birth)

**[ ] Request to Modify Monetary Obligations  
(A.R.S. § 8-348)**

**(USE BLACK OR BLUE INK: PRINT LEGIBLY)**

**STATEMENTS TO AND REQUEST(S) OF THE COURT**

[ ] I request the court set aside the adjudication(s) on the petition(s) in this/these case number(s) and that the court dismiss the petition(s) and I be released from all penalties and disabilities resulting from the adjudication, except those noted below.

**Note:** Be advised that a set aside will not relieve you from unpaid monetary obligations in this case, or penalties imposed by the Department of Transportation pursuant to A.R.S. §§ 28-3304, 28-3306, 28-3307, 28-3308 or 28-3319.

Check all that are true.

[ ] I am at least **18** years of age and no longer under the jurisdiction of the juvenile court or the Department of Juvenile Corrections.

[ ] I was not adjudicated delinquent for any of the following:

- A dangerous offense as defined in A.R.S. § 13-105,
- An offense for which there has been a finding of sexual motivation pursuant to A.R.S. § 13-118,
- An offense in violation of title 13, chapter 14,
- An offense in violation of A.R.S. §§ 28-1381, 28-1382 or 28-1383 **(DUI)** if the offense can be alleged as a prior violation pursuant to title 28, chapter 4, or



Person Filing: \_\_\_\_\_  
Mailing Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
If Attorney, State Bar Number: \_\_\_\_\_



**SUPERIOR COURT OF ARIZONA**  
**IN \_\_\_\_\_ COUNTY**

**IN THE MATTER OF:**

**CASE NO(S): JV: \_\_\_\_\_**

\_\_\_\_\_  
(Applicant's Name)

**APPLICATION FOR DESTRUCTION OF  
JUVENILE RECORDS**

\_\_\_\_\_  
(Applicant's Date of Birth)

**Request to Modify Monetary Obligations**  
(A.R.S. § 8-349)

**(USE BLACK OR BLUE INK: PRINT LEGIBLY)**

**STATEMENTS TO AND REQUEST(S) OF THE COURT**

- A.** I request destruction of my juvenile court records, including Department of Juvenile Corrections records, pursuant to **A.R.S. § 8-349(A)**. (Check all that are true.)
  - I am at least **18** years of age and not under the jurisdiction of the Juvenile Court or the Department of Juvenile Corrections.
  - I have not been convicted of a felony offense in adult court.
  - A criminal charge is not pending against me in an adult court.
  - I was not adjudicated for an offense listed in A.R.S. § 13-501 subsections A or B or Title 28, chapter 4. (See ~~handout for description of the offenses contained in these statutes~~ [Legal Requirements for the Destruction of Juvenile Records](#) handout.)
  - I have completed the terms and conditions of court-ordered **probation, or** I have **been discharged**, from the Department of Juvenile Corrections pursuant to A.R.S. § 41-2820 on successful completion of the individualized treatment plan.
  - I am not required to register pursuant to A.R.S. § 13-3821. (See [Legal Requirements for the Destruction of Juvenile Records](#) handout.)







Person Filing: \_\_\_\_\_  
Mailing address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
If Attorney, State Bar Number: \_\_\_\_\_

For Clerk's Use Only

**SUPERIOR COURT OF ARIZONA**  
**IN \_\_\_\_\_ COUNTY**

**IN THE MATTER OF:**

**CASE NO: JV(s):** \_\_\_\_\_

\_\_\_\_\_  
(Applicant's Name)

**APPLICATION TO RESTORE  
FIREARM RIGHTS  
(A.R.S. § 8-249)**

\_\_\_\_\_  
(Applicant's Date of Birth)

**(USE BLACK OR BLUE INK: PRINT LEGIBLY)**

**1. STATEMENTS TO AND REQUEST(S) OF THE COURT.**

I request the court restore my ~~civil~~ right to possess a firearm pursuant to A.R.S. § 8-249. The statement checked below is true and accurate. (Choose only ONE.)

I was adjudicated for a felony offense and it has been **at least 2 years** since I was discharged from probation. I have not been adjudicated delinquent for a dangerous offense under A.R.S. § 13-704, a serious offense as defined in A.R.S. § 13-706, burglary in the first degree, burglary in the second degree, or arson.

**OR**

I was adjudicated delinquent for a dangerous offense under section A.R.S. § 13-704 or a serious offense as defined in A.R.S. § 13-706, burglary in the first degree, burglary in the second degree or arson **AND I am at least thirty (30) years of age.**

**I understand that:**

1. Even if I am granted the right to possess a firearm under Arizona law by the juvenile court, it may not give me the right to possess a firearm under federal law.

2. Even if I am granted the right to possess a firearm as a result of this application, it may not give me the right to possess a firearm if I have another felony adjudication or an adult felony conviction in ~~another~~ Arizona ~~county~~ or another state jurisdiction for which my right to possess a firearm has not been restored.

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Date

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Applicant's Signature

--OR--

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Date

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Signature of Applicant's Attorney

# DESTRUCTION OF JUVENILE RECORDS, SET ASIDE ADJUDICATION, AND RESTORATION OF RIGHT TO POSSESS A FIREARM

## LEGAL REQUIREMENTS FOR DESTRUCTION OF JUVENILE RECORDS

### A.R.S. § 8-349 (A)

You are eligible to have your juvenile court and Department of Juvenile Corrections delinquency records destroyed under A.R.S. § 8-349(A) **IF**:

- You are at least **18** years of age and not under the jurisdiction of the juvenile court. (A.R.S. § 8-202)
- You have not been convicted of a felony offense in **adult** court.
- A criminal charge is not pending against you in **adult** court.
- You are not required to register pursuant to A.R.S. § 13-3821.
- You have completed the conditions of your juvenile court-ordered probation or received a discharge, under A.R.S. § 41-2820(B), from the Department of Juvenile Corrections upon successful completion of the individual treatment plan.
- All victim restitution has been **paid in full**.
- All court-ordered monetary obligations have been paid in full. If not, you may request a modification.
- You have **not** been adjudicated delinquent in **juvenile** court for an offense listed in A.R.S. § 13-501 subsection A or B (*see below*) or Title 28 Chapter 4 (driving under the influence).

Offenses included in <b>A.R.S. § 13-501(A)</b>	Offenses included in <b>A.R.S. § 13-501(B)</b>
13-1105 First Degree Murder.	<ul style="list-style-type: none"> <li>• Any Class 1 Felony.</li> <li>• Any Class 2 Felony.</li> <li>• A Class 3 Felony in violation of any offense in Chapters 10-17, 19 or 23 of Title 13. (Includes most crimes <i>except</i> theft, forgery, and fraud.)</li> <li>• A Class 3, 4, 5, or 6 Felony involving the intentional or knowing infliction of serious physical injury or the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.</li> <li>• Any felony offense committed by a chronic felony offender.</li> </ul>
13-1104 Second Degree Murder.	
13-1406 Forcible Sexual Assault.	
13-1904 Armed Robbery.	
13-1204(A)(1) Aggravated Assault: Serious Injury.	
13-1204(A)(2) Aggravated Assault: Deadly Weapon.	
13-1209 Drive by Shooting.	
13-1211 Discharging a firearm at a structure.	
Any felony offense committed by a chronic felony offender.	

In your Application, you must state that **ALL** of the above are true.

**IMPORTANT ADVISEMENT:** Following an order granting destruction, your entire file will be destroyed including the court’s destruction order. After destruction, the court will no longer have any information regarding your juvenile case. You **MUST SHOULD** preserve the court’s order destroying your record as you may need this order in the future for job applications, security clearances, entry into the military, further education such as law school, occupational licensing or other reasons.

## LEGAL REQUIREMENTS FOR DESTRUCTION OF JUVENILE RECORDS

### A.R.S. §8-349 (E)

If you were not eligible at age 18, you may be eligible at age 25.

You are eligible to have your juvenile court and Department of Juvenile Corrections delinquency records destroyed under A.R.S. § 8-349(E) **IF**:

- You are at least 25 years of age.
- A criminal charge is not pending against you in an adult court.
- You have not been convicted of a criminal offense in an adult court.
- You are not required to register pursuant to A.R.S. § 13-3821.
- All victim restitution has been paid in full.
- All court-ordered monetary obligations have been paid in full. If not, you may request a modification.

In your Application, you must state that **ALL** of the above are true.

**IMPORTANT ADVISEMENT:** Following an order granting destruction, your entire file will be destroyed including the court's destruction order. After destruction, the court will no longer have any information regarding your juvenile case. You **MUST-SHOULD** preserve the court's Order destroying your record as you may need this order in the future for job applications, security clearances, entry into the military, further education such as law school, occupational licensing or other reasons.

## LEGAL REQUIREMENTS FOR SET ASIDE ADJUDICATIONS

### A.R.S. § 8-348

If you are at least **18** years of age, and no longer under the jurisdiction of juvenile court or the Department of Juvenile Corrections, have been adjudicated delinquent or incorrigible, and have fulfilled the conditions of probation or received a discharge, under A.R.S. § 41-2820, from the Department of Juvenile Corrections, you may apply to set aside the adjudication.

The court **CANNOT** grant the application to set aside the adjudication if you were adjudicated delinquent for any of the following offenses:

- A dangerous offense as defined in A.R.S. § 13-105 means "an offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person."
- An offense for which there has been a finding of sexual motivation pursuant to A.R.S. §13-118.
- An offense in violation of title 13, chapter 14 (sexual offenses)
- An offense in violation of A.R.S. § 28-1381, 28-1382 or 28-1383 if the offense can be alleged as a prior violation pursuant to title 28, chapter 4 (DUI)

In the Application, you must state:

- You are at least 18 years of age and no longer under the jurisdiction of juvenile court or the Department of Juvenile Corrections.
- You have completed the conditions of your court-ordered probation or received a discharge, under A.R.S. § 41-2820(B), from the Department of Juvenile Corrections upon successful completion of the individual treatment plan.
- You were not adjudicated of an offense listed above.

- Whether you have been convicted of a criminal offense in an adult court.
- Whether you have a criminal charge pending in an adult court.
- All monetary obligations have been paid in full or good cause exists for modification of any unpaid monetary obligations. In this application you may request the court modify the monetary obligations (except victim restitution).

**NOTE:** If an application to set aside an adjudication is granted, all remaining unpaid monetary obligations continue to be owed.

## LEGAL REQUIREMENTS FOR RESTORATION OF RIGHT TO POSSESS A FIREARM

### A.R.S. § 8-249

**If you have been adjudicated of a felony offense or an offense that remains undesignated as a Class 6 open-ended offense, you have lost your right to possess a firearm. You MUST apply with the court to have that legal right returned to you, even after you turn 18 years of age.**

You may apply for the restoration of your civil right to carry or possess a firearm as set forth below.

In the Application, you must state that *ONE* of the following is true:

- If you were adjudicated delinquent for a dangerous offense under A.R.S. §13-704, a serious offense as defined in A.R.S. § 13-706, burglary in the first degree, burglary in the second degree, or arson, you may not apply for restoration of your civil right to carry a firearm until you are thirty (30) years of age.
  - A dangerous offense under A.R.S. § 13-704 means “an offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person” (see A.R.S. § 13-105(13)).
  - Serious offense under A.R.S. § 13-706 includes: first degree murder, second degree murder, manslaughter, aggravated assault resulting in serious physical injury or involving the discharge, use, or threatening exhibition of a deadly weapon or dangerous instrument, sexual assault, any dangerous crime against children, arson of an occupied structure, armed robbery, burglary in the first degree, kidnapping, or sexual conduct with a minor under 15 years of age, and child prostitution.
- If you were adjudicated delinquent for any other felony offense, you must certify that it has been **two years** since you were terminated from probation.
- If you were adjudicated delinquent for an undesignated Class 6 felony,

**IMPORTANT ADVISEMENT — You should understand that:**

1. Even if you are granted the right to possess a -firearm under Arizona law by the juvenile court, it may not give you the right to possess a firearm under federal law.
2. Even if you are granted the right to possess a firearm as a result of this application, it may not give you the right to possess a firearm if you have **another** felony adjudication or an adult felony conviction in **another** Arizona **county** or another **state jurisdiction** for which your right to possess a firearm has not been restored.



FOR CLERK'S USE ONLY

**ARIZONA SUPERIOR COURT**

**IN \_\_\_\_\_ COUNTY**

**IN THE MATTER OF:**

**CASE NO(S): JV: \_\_\_\_\_**

\_\_\_\_\_  
(Juvenile's Name)

**NOTICE OF  
IMPORTANT RIGHTS**

\_\_\_\_\_  
(Juvenile's Date of Birth)

**LOSS OF RIGHT TO POSSESS A FIREARM – ADJUDICATION FOR FELONY/CLASS 6  
UNDESIGNATED OFFENSE**

A.R.S. § 8-341

If you have been adjudicated of a felony offense or an offense that remains undesignated as a Class 6 open-ended offense, you have lost your right to possess a firearm. It is a Class 4 felony if you possess a firearm. You **MUST** apply with the court to have that legal right returned to you, even after you turn 18 years of age.

**RIGHT TO HAVE ADJUDICATION SET ASIDE AFTER TURNING 18**

A.R.S. § 8-348

You may apply to the court where you were sentenced to have your adjudication set aside (i.e. petition dismissed) when you:

- are at least eighteen years of age,
- have fulfilled the conditions of probation, and
- are no longer under the jurisdiction of the juvenile court **OR** have been discharged from the department of juvenile corrections *and* you have successfully completed the treatment plan.

**Note:** If the Department of Transportation has given you a penalty or placed a restriction or limitation on your license, a set aside will not change that.

**RIGHT TO HAVE JUVENILE COURT OR ARIZONA DEPARTMENT OF JUVENILE  
CORRECTIONS RECORDS DESTROYED**

A.R.S. § 8-349

1. You may apply to have your juvenile records or your Department of Juvenile Records destroyed *if all the following are true:*
- You are at least **eighteen** years of age,
  - You have not been convicted of a felony offense,
  - You do not have a criminal charge pending,
  - You were not adjudicated for an offense listed in A.R.S. § 13-501, subsection A or B or title 28, chapter 4,
  - You successfully completed the terms and conditions of probation or were discharged from the department of juvenile corrections pursuant to A.R.S. § 41-2820 and completed the individualized treatment plan,
  - You have paid all the victim restitution you were ordered to pay in full,
  - All fines and fees you or your parents were ordered to pay have been paid in full or you applied to the court to modify them and you have a zero balance,
  - You are not under the jurisdiction of the juvenile court or the department of juvenile corrections, and
  - You are not required to register as a sex offender pursuant to A.R.S. § 13-3821.

**OR**

2. You may apply to have your juvenile records or your Department of Juvenile Corrections records destroyed if you do not qualify to have your records destroyed when you are at least *eighteen* and *if all the following are true:*
- You are at least **twenty-five** years of age,
  - You have not been convicted of a felony offense,
  - A criminal charge is not pending,
  - All victim restitution has been paid in full,
  - All fines and fees you or your parents were ordered to pay have been paid in full or you applied to the court to modify them and you have a zero balance, and
  - You are not required to register as a sex offender pursuant to A.R.S. § 13-3821.

~~You may seek the assistance of your defense attorney or the Juvenile Public Defender in your county, if assigned in this matter, to assist you with the application process or explain it to you.~~

**RECEIPT BY JUVENILE**

I have received a copy of this notice explaining my rights to apply to have my firearm rights restored, adjudication set aside and juvenile records destroyed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Juvenile's Signature

For Clerk's Use Only

**SUPERIOR COURT OF ARIZONA**  
**IN \_\_\_\_\_ COUNTY**

**IN THE MATTER OF:**

**CASE NO(S): JV: \_\_\_\_\_**

\_\_\_\_\_  
(Applicant's Name)

**ORDER REGARDING APPLICATION**

\_\_\_\_\_  
(Applicant's Date of Birth)

- Destruction of Juvenile Records
- Set Aside Juvenile Adjudication
- Restoration of Firearm Rights

**THE COURT FINDS:**

**1. Destruction of Juvenile Records / Set Aside Juvenile Adjudication**

a. The County Attorney  **objects**  **does not object** to the granting of the application.

a.b.  **The County Attorney's objection has been considered by the court.**

b.c. The applicant  **has**  **has not** met all statutory requirements for the application.

e.d. Victim restitution  **is**  **is not** paid in full.

d.e. Monetary obligations  are **paid in full**

remain **unpaid** in the amount of \$ \_\_\_\_\_ **owed**.

Good cause to modify unpaid monetary obligations  **exists**  **does not exist**.

**2. Restoration of Firearm Rights:**

a. The County Attorney  **objects**  **does not object** to the granting of the application.

a.b.  **The County Attorney's objection has been considered by the court.**

b.c. The applicant  **has**  **has not** met all statutory requirements for the application.

**THE COURT ORDERS:**

**A. Monetary obligations:**

Remaining balance is **waived** in full, no amount is owed by the applicant.

- Remaining balance is **reduced to** \$ \_\_\_\_\_.
- The applicant may reapply for destruction of juvenile records upon payment in full.
- No modification** of monetary obligations. The applicant may reapply upon payment in full.

**B. Destruction of Juvenile Records:**

- The **destruction of records** would be in the interest of justice and would further the rehabilitative process of the applicant and **grants** the request for the destruction of the applicant's juvenile records. ~~This order includes that the~~ The Chief Juvenile Probation Officer, the Clerk of the Court, the Department of Juvenile Corrections, or their designees shall destroy all files and records concerning the applicant. ~~It is ordered that the County Attorney and Public Defender, if assigned in this matter, note on their files that an Order for Destruction of Records was entered on this date.~~ Within six months after receiving a notification from the superior court that a person's juvenile delinquency or incorrigibility records were destroyed, the department of child safety shall destroy all court, juvenile probation and department of juvenile corrections records that are in the department of child safety's possession and that were produced in the delinquency or incorrigibility matter.

**C. Set Aside Juvenile Adjudication:**

- The adjudication is **set aside**. The applicant is released from all penalties and disabilities resulting from the adjudication, except those imposed by the Department of Transportation pursuant to A.R.S. §§ 28-3304, 28-3306, 28-3307, 28-3308, or 28-3319.
- Monetary obligations in the amount of \$ \_\_\_\_\_ are **still owing**.

**D. Restoration of Firearm Rights:**

- The right to possess or carry a **firearm is restored**.

**E. The Application is denied:**

- Without prejudice.
- No records** were found (no case/file number). The applicant may reapply upon providing the court with a case/file number.
- Monetary obligations are **owing**. The applicant may reapply upon payment in full.
- Other reason:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer

Copies sent to: Applicant -- County Attorney -- Probation Office -- Department of Child Safety



## ~~APPLICATION TO SET ASIDE JUVENILE ADJUDICATION~~

### INSTRUCTIONS: HOW TO COMPLETE THE APPLICATION FORM

In **BLACK OR BLUE INK**, please complete the form following the instructions below.

If you have been adjudicated in more than one county, you must file a separate application with the Clerk of the Superior Court (Clerk) in each county in which you were adjudicated.

You may obtain information such as your case number(s) from the Clerk in the county in which you were adjudicated.

**Heading:** At the top of the form, please fill in your name; mailing address (if address is not protected), city, state, zip code, telephone number and email address. If you are an attorney filing on behalf of the applicant fill in your State Bar Number.

Fill in your first and last name on the line above "Applicant."

Fill in your date of birth on the line above "Applicant's Date of Birth."

Fill in your case number(s) on the line after "JV."

If you are requesting that the court modify your monetary obligations, check the box before "Request."

### STATEMENTS TO AND REQUEST(S) OF THE COURT

Check all boxes that are **true**.

If the monetary obligations are not paid in full, you may explain to the court the reasons for requesting that the monetary obligations (except victim restitution) be modified in this section.

**NOTE:** If an application to set aside an adjudication is granted, all remaining unpaid monetary obligations continue to be owed.

**Date and sign the form.**

### PROCEDURES

1. The form may be completed by the applicant, the applicant's attorney, or the applicant's probation or parole officer. An attorney is not required.
2. Read all materials prior to filing to determine if you meet the requirements for the request you are making.
3. Complete the Application form **legibly**.
4. Sign the Application. It does **NOT** have to be notarized.
5. **You must file the original and two (2) copies** of the Application with the Clerk in the county where you were adjudicated. ~~The Clerk will not charge a fee.~~
6. **The Clerk will transmit a copy of the Application to the prosecutor.**
7. The Clerk will return one copy of the Application for **your records**.



## ~~APPLICATION FOR~~ DESTRUCTION OF JUVENILE COURT RECORDS

### INSTRUCTIONS: HOW TO COMPLETE THE APPLICATION FORM

In **BLACK OR BLUE INK**, please complete the form following the instructions below.

If you have been adjudicated in more than one county, you must file a separate application with the Clerk of the Superior Court (Clerk) in each county in which you were adjudicated.

You may obtain information such as your case number from the Clerk in the county in which you were adjudicated.

**Heading:** At the top of the form, please fill in your name; mailing address (if address is not protected), city, state, zip code, telephone number and email address. If you are an attorney filing on behalf of the applicant fill in your State Bar Number.

Fill in your first and last name on the line above "Applicant."

Fill in your date of birth on the line above "Applicant's Date of Birth."

Fill in your case number(s) on the line after "JV."

If you are requesting that the court modify your monetary obligations, check the box before "Request to Modify Monetary Obligations."

### STATEMENTS TO AND REQUEST(S) OF THE COURT.

**To determine whether you should complete Item A or Item B, refer to the Legal Requirements document.**

**A.** Complete this section if you are at least **18 years of age** and no longer under the jurisdiction of Juvenile Court (not on probation or under community supervision of Department of Juvenile Corrections).

Check all boxes that are **true**.

If the monetary obligations are not paid in full, you may explain to the court the reasons for requesting that the monetary obligations (except victim restitution) be modified in this section.

**B.** Complete this section if you are at least **25 years of age**.

Check all boxes that are **true**.

If the monetary obligations are not paid in full, you may explain to the court the reasons for requesting that the monetary obligations (except victim restitution) be modified in this section.

**Date and sign the form.**

### PROCEDURES

1. Read all materials prior to filing to determine if you meet the requirements for the request you are making.
2. Complete the Application form **legibly**.
3. Sign the Application. It does **NOT** have to be notarized.

4. **You must file the original and two (2) copies** of the Application with the Clerk. The Clerk will not charge a fee.
5. **The Clerk will transmit a copy of the Application to the county attorney.** The county attorney may file a response to the Application regarding your juvenile records.
6. The Clerk will return one copy of the Application for **your records**.

**ADVISEMENT: Following an order granting destruction, your entire file will be destroyed including the Court's destruction order. After destruction, the Court will no longer have any information regarding your juvenile case. You ~~MUST~~ SHOULD preserve the Court's Order destroying your record as you may need this order in the future for job applications, security clearances, entry into the military, further education such as law school, or occupational licensing or other reasons.**

## ~~APPLICATION TO~~ RESTORE FIREARM RIGHTS

### INSTRUCTIONS: HOW TO COMPLETE THE APPLICATION FORM

In **BLACK OR BLUE INK**, please complete the form following the instructions below.

If you have been adjudicated in more than one county, you must file a separate application with the Clerk of the Superior Court (Clerk) in each county in which you were adjudicated.

You may obtain information such as your case number(s) from the Clerk in the county in which you were adjudicated.

**Heading:** At the top of the form, please fill in your name; mailing address (if address is not protected), city, state, zip code, telephone number and email address. If you are an attorney filing on behalf of the applicant fill in your State Bar Number.

Fill in your first and last name on the line above "Applicant."

Fill in your date of birth on the line above "Applicant's Date of Birth."

Fill in your case number(s) on the line after "JV."

### STATEMENTS TO AND REQUEST(S) OF THE COURT

Check the box that is **true**.

**Date and sign the form.**

### PROCEDURES

1. The form may be completed by the applicant, or the applicant's attorney. An attorney is not required.
2. Read all materials prior to filing to determine if you meet the requirements for the request you are making.
3. Complete the Application form **legibly**.
4. Sign the Application. It does **NOT** have to be notarized.
5. **You must file the original and two (2) copies** of the Application with the Clerk in the county where you were adjudicated.
6. The Clerk will return two copies of the Application to you: one copy for the County Attorney and one copy for your records.<sup>[KS1]</sup>
7. **You must serve a copy of the Application on the County Attorney.**



\_\_\_\_\_ COURT \_\_\_\_\_

\_\_\_\_\_ County, Arizona

STATE OF ARIZONA, Plaintiff

-vs-

Defendant (FIRST, MI, LAST)

Date of Birth: \_\_\_\_\_

Applicant is:  Defendant  Attorney for Defendant

Probation Officer

CASE NUMBER:

**APPLICATION TO SET ASIDE CONVICTION**

A.R.S. § 13-9075

**Note:** Includes application to restore ~~gun and~~ firearm rights pursuant to A.R.S. § 13-907905(J)

**SECTION I. CONVICTION(S)**

A Judgment of Guilt was entered in the \_\_\_\_\_ Court against me, 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 was sentenced to:  a term of probation  the Department of Corrections
- 2.  I completed the conditions of **probation**. The Probation Department's order discharging me from probation is attached to this application, if available.
- 3.  I have complied with all required terms of the **sentence** (*including all probation, employment, classes, community service, victim restitution or other court ordered monetary obligations, drug/alcohol testing, or other requirements.*)
- 4.  I have not complied with all terms of my sentence. Explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5.  I received from the Arizona Department of Corrections a Certificate of Absolute Discharge from Imprisonment AND have attached a copy of that Certificate to this application, if available.

6. Have you paid victim restitution in full?  Yes  No If you answered no, please explain:

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~~If not, a set aside of judgment will be denied without a showing of extraordinary circumstances. If you believe you have extraordinary circumstances, explain below. (Attach documentation you think is relevant for the court's consideration.)~~

7. Have you paid all other ~~court-ordered~~ monetary obligations owed to the court in this case including ~~(criminal fines and fees)~~ in full?  Yes  No If you answered no, not, please explain:

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In some circumstances, you may be eligible to apply to the court to mitigate 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

3. Have you previously been denied a set aside?  Yes  No

**SECTION IV. ~~PENDING CASES AND ACTIVE WARRANTS~~ OTHER CRIMINAL CASES**

~~1. Are there any open criminal cases against you? Have you been charged in any other criminal cases~~  Yes  No If yes, please explain:

~~2. Do you have an active warrant?~~

~~Yes  No~~ If yes to either question-

above, please explain:

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**SECTION V. OTHER INFORMATION FOR THE COURT**

1. Is there anything you would like the court to consider?

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2.  Attach any other information you would like the court to consider.

List attached documents:

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3. The court may decide on this application without a hearing unless a hearing is requested by you, the prosecutor's office, or the victim. *(Check the box below if you are requesting a hearing.)*

Hearing requested?  Yes  No

**Even if the defendant is granted the right to possess a firearm under Arizona law, it may not give the defendant the right to possess a firearm under federal law.**

**Even if the defendant is granted the right to possess a firearm as a result of this application, it may not give the defendant the right to possess a firearm if the defendant has another felony conviction in Arizona or another jurisdiction for which the right to possess a firearm has not been restored.**

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

I understand that even if I am granted the right to possess a gun or firearm under Arizona law, it may not give me the right to possess a firearm under federal law.

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

\_\_\_\_\_  
Applicant's Name Printed

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Address

**AUTHORIZATION TO PROCEED ON BEHALF OF ~~DEFENDANT~~ APPLICANT**

I authorize \_\_\_\_\_  Attorney, or  Probation Officer to petition the

Superior Court in \_\_\_\_\_ County, to take the above-indicated action.

Date

~~Defendant's~~ Applicant's Signature

COURT \_\_\_\_\_

County, Arizona

STATE OF ARIZONA Plaintiff

-VS-

Defendant (FIRST, MI, LAST)

Date of Birth

Applicant is:  Defendant  Attorney for defendant

Probation Officer  Guardian

[CASE/COMPLAINT NO.]

**APPLICATION UPON DISCHARGE TO:**

(check all that apply)

**RESTORE CIVIL RIGHTS**

**RESTORE FIREARM RIGHTS**

A.R.S. §§ 13-905, 13-906, 13-908, 13-910, and 13-912  
~~and 13-925~~

**REQUEST FOR RECONSIDERATION** (for applications previously denied)

Civil Rights

Firearm Rights

**SECTION I. CONVICTION(S)**

A Judgment of Guilt was entered against the me, 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. STATE CONVICTION** (For federal convictions, see SECTION III.)

A Judgment of Guilt was entered against the me in the Superior Court of Arizona in \_\_\_\_\_ County.

~~1.  The above stated judgment of guilt and conviction for a felony is my first felony conviction in this or any other state and this application is for restoration of right to possess or carry a gun or firearm only.~~

~~**NOTE:** If this is your first felony conviction in this or any other state, any civil rights lost or suspended by the conviction are automatically restored if you completed a term of probation or received an absolute discharge from imprisonment and paid any fine or restitution imposed; however, your right to possess or carry a gun or firearm requires an application under this rule. Refer to **Section VII** of this application.~~

**NOTE:** If this is your first felony conviction in this or any other state, any civil rights lost or suspended by the conviction are automatically restored if you completed a term of probation or received an absolute discharge from imprisonment and paid any ~~fine or~~ restitution imposed; however, your right to possess a firearm requires an application under this rule. Please use the individual "Application Upon Discharge to Restore Right to Possess a Firearm" form if you are only requesting restoration of your right to possess a firearm and you have only one felony conviction.

1.  I completed the conditions of probation. The Probation Department's order discharging me from probation is in the court file or attached to this form.
2.  I received from the Arizona Department of Corrections a Certificate of Absolute Discharge from Imprisonment on a date two (2) or more years before today's date AND have attached a copy of Certificate to this petition.
3.  I have complied with all required terms of probation (including all employment, classes, community restitution, victim restitution or other ~~court ordered~~ monetary obligations, drug/alcohol testing, or other requirements.)
4.  I have not complied with all terms of my sentence. Explain:

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**SECTION III. FEDERAL CONVICTION** (For state convictions, see SECTION II.)

A Judgment of Guilt was entered against the me in United States District Court for the District of \_\_\_\_\_.

On the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, :

~~1.  The above stated judgment of guilt and conviction for a felony is my first felony conviction in this or any other state and this application is for restoration of right to possess or carry a gun or firearm only.~~

~~**NOTE:** If this is your first felony conviction in this or any other state, any civil rights lost or suspended by the conviction are automatically restored if you completed a term of probation or received an absolute discharge from imprisonment and paid any fine or restitution imposed; however, your right to possess or carry a gun or firearm requires an application under this rule. Refer to **Section VII** of this application.~~

2.1.  I was sentenced to and successfully served a term of federal probation, received an Affidavit of Discharge from the judge who discharged me from probation, **AND** have attached a copy to this petition completed the conditions of probation.

3.2.  I was sentenced to and successfully served a federal prison term and received from the Federal Bureau of Prisons a Certificate of Absolute Discharge, or other official documentation provided by the Bureau of Prisons that indicates successful discharge from Imprisonment on a date two (2) or more years before today's date, **AND** I have attached a copy of the Certificate.

4.3.  I have complied with all required terms of probation (including all employment, classes, community restitution, victim restitution or other ~~court ordered~~ monetary obligations, drug/alcohol testing, or other requirements.)

5.4.  I have not complied with all terms of probation. Explain:

**SECTION IV. VICTIM RESTITUTION AND ~~COURT ORDERED~~ MONETARY OBLIGATIONS**

1. Have you paid victim restitution in full?  Yes  No

~~If no, a restoration of rights will be denied without a showing of extraordinary circumstances. If you believe you have extraordinary circumstances explain below. (Attach documentation you think is relevant for the court's consideration.)~~

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2. Have you paid all other ~~court-ordered~~ monetary obligations in this case (criminal fines and fees) in full?  Yes  No  
If not, please explain:

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In some circumstances you may be eligible to apply to the court to mitigate the amount owed or convert monies owed to community restitution (State offenses only, not for Federal convictions).

**SECTION V. PRIOR RESTORATION OF RIGHTS**

1. Have you previously applied to have your rights restored?  Yes  No  
If so, what was the date of your last application? \_\_\_\_\_
2. Have you been granted the restoration of your rights previously?  Yes  No
3. Have you been denied the restoration of your rights previously?  Yes  No

**SECTION VI. ~~PENDING CASES AND ACTIVE WARRANTS~~ OTHER CRIMINAL CASES**

1. ~~Are there any open criminal cases against you?~~ Have you been charged in any other criminal cases?  Yes  No
2. ~~Do you have an active warrant?~~  Yes  No ~~If yes to either question above,~~ please explain current status of other criminal case(s):

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**SECTION VII. RESTORATION OF FIREARM RIGHTS**

**NOTE: Arizona Revised Statutes require:** If the person was convicted of an offense which would be a dangerous offense under A.R.S. § 13-704, the person may not file for the restoration of the right to possess or carry a gun or firearm. If the person was convicted of an offense which would be a serious offense as defined in A.R.S. §13-706, the person may not file for the restoration of the right to possess or carry a gun or firearm for **ten years** from the date of the person's absolute discharge from imprisonment or discharge from probation. If the person was convicted of any other felony offense, the person may not file for the restoration of the right to possess or carry a gun or firearm for **two years** from the date of the person's absolute discharge from imprisonment or discharge from probation.

- 1.  I was convicted of a felony offense not listed in A.R.S. §13-704 or 13-706 and it has been **two** years since absolute discharge from imprisonment or probation.
- 2.  I was convicted of a serious offense as defined in A.R.S. §13-706 and it has been **ten** years since absolute discharge from imprisonment or probation
- 3.  I was convicted of a dangerous offense as defined in A.R.S. §13-704. (if yes, you are not eligible to file for restoration of the right to possess or carry a ~~gun or~~ firearm.)

If you are requesting that your civil right to possess a ~~gun or~~ firearm be restored, please write your reasons for the request below:

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**SECTION VII. OTHER INFORMATION FOR THE COURT**

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

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Attached is other pertinent documentation. List attached documents:

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- 1. **Even if I am granted the right to possess a firearm under Arizona law, it may not give me the right to possess a firearm under federal law.**
- 2. **Even if I am granted the right to possess a firearm as a result of this application, it may not give me the right to possess a firearm if I have another felony conviction in Arizona or another jurisdiction for which my right to possess a firearm has not been restored.**

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

Under Oath I swear or affirm, under penalty of perjury, the information provided in this application is to the best of my knowledge true and correct.

\_\_\_\_\_  
~~Defendant's~~ Applicant's Name Printed

\_\_\_\_\_  
~~Defendant's~~ Applicant's Signature

\_\_\_\_\_  
Address

**OR**

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

\_\_\_\_\_  
Attorney/Probation Officer's name printed

\_\_\_\_\_  
Attorney/Probation Officer's signature

\_\_\_\_\_  
Address

**AUTHORIZATION TO PROCEED ON BEHALF OF ~~DEFENDANT~~ APPLICANT**

I authorize \_\_\_\_\_ [ ] Attorney, or [ ] Probation Officer to petition the Superior Court in \_\_\_\_\_ County, to take the above-indicated action.

\_\_\_\_\_  
Date

\_\_\_\_\_  
~~Defendant's~~ Applicant's signature



COURT

County, Arizona

STATE OF ARIZONA Plaintiff

-vs-

Defendant (FIRST, MI, LAST)

Date of Birth

Applicant is:  Defendant  Attorney for defendant

[CASE/COMPLAINT NO.]

**APPLICATION UPON DISCHARGE TO:**

**RESTORE RIGHT TO POSSESS A FIREARM**  
(A.R.S. § 13-910)

**REQUEST FOR RECONSIDERATION**  
(for applications previously denied)

**SECTION I. CONVICTION(S)**

**RESTORATION OF FIREARM RIGHTS**

**NOTE: Arizona Revised Statutes require:** If the person was convicted of an offense which would be a dangerous offense under §13-704, the person may not file for the restoration of the right to possess or carry a firearm. If the person was convicted of an offense which would be a serious offense as defined in §13-706, the person may not file for the restoration of the right to possess or carry a firearm for **ten years** from the date of the person's absolute discharge from imprisonment or discharge from probation. If the person was convicted of any other felony offense, the person may not file for the restoration of the right to possess or carry a firearm for **two years** from the date of the person's absolute discharge from imprisonment or discharge from probation.

If this is your first felony conviction in this or any other state, any civil rights lost or suspended by the conviction are automatically restored if you completed a term of probation or received an absolute discharge from imprisonment and paid any ~~fine or~~ restitution imposed; however, your right to possess or carry a firearm requires an application under this rule.

A Judgment of Guilt was entered against the me, 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.

- 1.  I was convicted of a felony offense not listed in A.R.S. §§13-704 or 13-706 and it has been **two** years since absolute discharge from imprisonment or probation
- 2.  I was convicted of a serious offense as defined in A.R.S. §13-706 and it has been **ten** years since absolute discharge from imprisonment or probation
- 3.  I was convicted of a dangerous offense as defined in A.R.S. §13-704. (if yes, you are not eligible to file for restoration of the right to possess or carry a firearm.)

If you are requesting that your civil right to possess a firearm be restored, please write your reasons for the request below:

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**SECTION II. STATE CONVICTION** (For federal convictions, see SECTION III.)

A Judgment of Guilt was entered against me in the Superior Court of Arizona in \_\_\_\_\_ County.

1.  I completed the conditions of probation. The Probation Department’s order discharging me from probation is in the court file or attached to this form.
2.  I have complied with all required terms of probation (including all employment, classes, community restitution, victim restitution or other ~~court ordered~~ monetary obligations, drug/alcohol testing, or other requirements.)
3.  I have not complied with all terms of my sentence. Explain:

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**OR**

4.  I received from the Arizona Department of Corrections a Certificate of Absolute Discharge from Imprisonment on a date two (2) or more years before today’s date, AND have attached a copy of Certificate to this petition.

**SECTION III. FEDERAL CONVICTION** (For state convictions, see SECTION II.)

A Judgment of Guilt was entered against the me in United States District Court for the District of \_\_\_\_\_.

On the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, :

1.  I was sentenced to and successfully served a term of federal probation, received an Affidavit of Discharge from the judge who discharged me from probation, **AND** have attached a copy to this petition completed the conditions of probation.
2.  I have complied with all required terms of probation (including all employment, classes, community restitution, victim restitution or other ~~court ordered~~ monetary obligations, drug/alcohol testing, or other requirements.)
3.  I have not complied with all terms of probation. Explain:

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**OR**

4.  I was sentenced to and successfully served a federal prison term and received from the Federal Bureau of Prisons a Certificate of Absolute Discharge, or other official documentation provided by the Bureau of

Prisons that indicates successful discharge from Imprisonment on a date two (2) or more years before today's date, **AND** I have attached a copy of the Certificate.

**SECTION IV. PRIOR RESTORATION OF FIREARM RIGHTS**

1. Have you previously applied to have your firearm rights restored?  Yes  No  
If so, what was the date of your last application? \_\_\_\_\_
2. Have you been granted the restoration of your firearm rights previously?  Yes  No
3. Have you been denied the restoration of your firearm rights previously?  Yes  No

**SECTION V. ~~PENDING CASES AND ACTIVE WARRANTS~~ OTHER CRIMINAL CASES**

4. ~~Are there any open criminal cases against you? Have you been charged in any other criminal cases~~  Yes  No
5. ~~Do you have an active warrant?~~  Yes  No If yes, ~~to either question above~~, please explain current status of other criminal case(s):  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION VI. OTHER INFORMATION FOR THE COURT**

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attached is other pertinent documentation. List attached documents:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. Even if I am granted the right to possess a firearm under Arizona law, it may not give me the right to possess a firearm under federal law.
2. Even if I am granted the right to possess a firearm as a result of this application, it may not give me the right to possess a firearm if I have a felony conviction in Arizona or another jurisdiction for which my right to possess a firearm has not been restored.

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

Under Oath I swear or affirm, under penalty of perjury, the information provided in this application is to the best of my knowledge true and correct.

\_\_\_\_\_  
~~Defendant's~~ Applicant's Name Printed

\_\_\_\_\_  
~~Defendant's~~ Applicant's Signature

\_\_\_\_\_  
Address

**OR**

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

\_\_\_\_\_  
Attorney name printed

\_\_\_\_\_  
Attorney's signature

\_\_\_\_\_  
Address

**AUTHORIZATION TO PROCEED ON BEHALF OF ~~DEFENDANT~~ APPLICANT**

I authorize \_\_\_\_\_ [ ] Attorney to petition the Superior Court in  
\_\_\_\_\_ County, to take the above-indicated action.

\_\_\_\_\_  
Date

\_\_\_\_\_  
~~Defendant's~~ Applicant's signature

COURT

COUNTY

STATE OF ARIZONA, Plaintiff  - VS -  _____ Defendant (FIRST, MI, LAST)  _____ Date of Birth	CASE NUMBER: _____  <b>ORDER REGARDING APPLICATION TO  SET ASIDE CONVICTION AND  RESTORATION OF <u>GUN AND RIGHT TO  POSSESS A FIREARM RIGHTS</u></b>  A.R.S. § 13-90 <del>5</del> <u>7</u>
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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 the application; OR
- The defendant **has not met** all statutory requirements for the application.
- 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.
  - An offense in violation of A.R.S. § 28-3473, any local ordinance relating to stopping, standing, or operation of a vehicle, or title 28, chapter 3, except a violation of A.R.S. § 28-693 or any local ordinance relating to the same subject matter as A.R.S. § 28-693.

**IT IS ORDERED**

- 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.

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

**OR**

The applicant's right to possess a ~~gun or~~ firearm is **DENIED** due to the applicant's conviction for a serious offense as defined in A.R.S. § 13-706.

**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:

\_\_\_\_\_.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judicial Officer

## WHAT DOES HAVING A CONVICTION SET ASIDE MEAN TO YOU?

If this order has been granted, please note A.R.S. § 13-907

- A conviction that is set aside may be:
  1. Used as a conviction if the conviction would be admissible had it not been set aside.
  2. Alleged as an element of an offense.
  3. Used as a prior conviction.
  4. Pleaded and proved in any subsequent prosecution of the person by this state or any subdivision of this state for any offense.
  5. Used by the department of transportation in enforcing A.R.S. §§ 28-3304, 28-3305, 28-3306, 28-3307, 28-3308, 28-3312, and 28-3319 as if the judgment of guilt had not been set aside.
- The clerk of the court must notify the department of public safety if a conviction is set aside. The department of public safety must update the person's criminal history with an annotation that the conviction has been set aside but may not redact or remove any part of the person's record.
- This section **does not** require a law enforcement agency to redact or remove a record or information from the record of a person whose conviction is set aside.

### WARNING

**If this order has been granted, the defendant is granted the right to possess a gun or firearm under Arizona law. This order may not give the defendant the right to possess a gun or firearm under federal law.**

**Even if the defendant is granted the right to possess a firearm as a result of this application, it may not give the defendant the right to possess a firearm if the defendant has another felony conviction in Arizona or another jurisdiction for which the right to possess a firearm has not been restored.**

You may Consult-consult an attorney, if you have further questions.



STATE OF ARIZONA, Plaintiff  -vs-  Defendant (FIRST, MI, LAST)  Date of Birth		CASE NUMBER: _____  <p style="text-align: center;"><b>ORDER REGARDING APPLICATION TO RESTORE CIVIL RIGHTS AND RIGHT TO POSSESS <del>OR OWN A</del> FIREARMS</b></p>
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Based on the information presented to the court, **THE COURT FINDS:** (only those items marked)

- The prosecutor has received a copy of the Application to Restore Civil Rights and Right to Possess ~~or Own a~~ Firearms.
- The defendant **has met** the statutory requirements for the application to restore civil rights.
- The defendant has met the statutory requirements for the application to restore right to possess ~~or own a~~ firearms.
- The defendant **has not met** the statutory requirements for the application to possess ~~or own a~~ firearms including:
  - The defendant was convicted of a **dangerous** offense as defined in A.R.S. § 13-704.
  - The defendant was convicted of a **serious** offense as defined in A.R.S. § 13-706 and **less than ten years** have passed from the date of discharge from probation or prison.
  - The defendant was convicted of any other felony offense and **less than two years** have passed from the date of discharge from probation or prison.

**IT IS ORDERED:**

- GRANTING the application to restore civil rights **and** right to possess ~~or own a~~ firearms.
- GRANTING the application to restore civil rights **excluding** the right to possess ~~or own a~~ firearms.
- GRANTING the application to restore the right to possess ~~or own a~~ firearms.
- DENYING the application to restore civil rights and right to possess ~~or own a~~ firearms for the following reasons: \_\_\_\_\_
- The applicant **has not met** the statutory requirements for the application (as noted above):
- Other reasons: \_\_\_\_\_

1. Even if you are granted the right to possess a firearm under Arizona law, it may not give you the right to possess a firearm under federal law.
2. Even if you are granted the right to possess a firearm as a result of this application, it may not give you the right to possess a firearm if you have another felony adjudication conviction in another Arizona County or another jurisdiction and your right to possess a firearm has not been restored.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Presiding Judge