

Post-Conviction Actions Task Force Agenda

Thursday, September 13, 2018; 10:00 a.m. – 3:00 p.m.
 Conference Room 329/330
 State Courts Building, 1501 W. Washington, Phoenix, AZ 85007
[Post-Conviction Actions Task Force Home Page](#)

Time*	Agenda Items	Presenter
10:00 a.m.	Welcome and Opening Remarks Approval of Minutes from August 20, 2018 <input type="checkbox"/> Formal Action/Request	<i>Jerry Landau, Chair AOC Government Affairs Director</i>
10:15 a.m.	Discuss pending rule change petition re: Criminal Rule 24.3(c)(3) – Public benefits and victims’ rights issues	<i>Jennifer Greene</i>
10:45 a.m.	1. Discuss legislative drafts <i>(Drafts appear in the order indicated below.)</i> <ul style="list-style-type: none"> • ARS § 8-349 Sealing of juvenile records (Chair’s revised version) <input type="checkbox"/> Formal Action/Request • ARS § 8-202 Jurisdiction of juvenile court • ARS § 8-348.01 Class 6 felony <input type="checkbox"/> Formal Action/Request • ARS § 8-348 Setting aside adjudication (Repeal discussion; draft included) <input type="checkbox"/> Formal Action/Request • ARS § 8-431 Right to possess a firearm • ARS § 8-341 Disposition and commitment • ARS § 13-912.01 Repealed • ARS § 13-3113 Adjudicated delinquents <input type="checkbox"/> Formal Action/Request 	<i>Jerry Landau Judge Kathleen Quigley</i>

**All times are approximate and subject to change. The committee chair reserves the right to set the order of the agenda. For any item on the agenda, the committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration § 1-202. Please contact Kathy Sekardi, PCA-TF staff, at (602) 452-3253 or Susan Pickard, PCA-TF staff, at (602) 452-3252 with any questions concerning this agenda. Any person with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting Sabrina Nash at (602) 452-3849. Requests should be made as early as possible to allow time to arrange the accommodation.*

2. Discuss Juvenile Workgroup forms and instructions
 - a. Application to Set Aside/Instructions
 - b. Application to Seal/Instructions
 - c. Application to Restore Firearm Rights/Instructions
 - d. Legal Requirements Instructions for all applications

3. Discuss sealing of diversion files *Jerry Landau*
 - Formal Action/Request**

12:15 p.m. *Lunch break (\$5.00)*

1:00 p.m. Continue to discuss Juvenile Workgroup draft legislation, forms, and instructions *Jerry Landau*

1:30 p.m. Discuss automatic restoration of civil rights *Jerry Landau*

- Modernize current statute (draft)
- Automatic Restoration of Civil Rights (Mussman draft)
- Automatic Restoration of Civil Rights (abbreviated version)
- Restoration of Civil Rights Memo (Mussman)
- Fines, Fees and Restitution Memo (Mussman)

2:45 p.m. Good of the Order/Call to the public *Jerry Landau*

3:00 p.m. Adjournment

Next Meeting

Wednesday, October 17, 2018; 10 a.m.-3:00 p.m.
 Conference Room 345 A/B
 Arizona State Courts Building

**All times are approximate and subject to change. The committee chair reserves the right to set the order of the agenda. For any item on the agenda, the committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration § 1-202. Please contact Kathy Sekardi, PCA-TF staff, at (602) 452-3253 or Susan Pickard, PCA-TF staff, at (602) 452-3252 with any questions concerning this agenda. Any person with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting Sabrina Nash at (602) 452-3849. Requests should be made as early as possible to allow time to arrange the accommodation.*

Post-Conviction Actions Task Force Draft Minutes

Tuesday, August 20, 2018

Established by A.O. No. 2018-52

Present: Jerry Landau, Chair; Kurt Altman; Cathy Clarich; Kirstin Flores; Judge John Hudson; Donald Jacobson; Jeremy Mussman; Judge Sam Myers; Aaron Nash; Tom O’Connell; Judge Kathleen Quigley; Judge Antonio Riojas; Lisa Royal; Leonard Ruiz; Amber Sliwinski; Mikel Steinfeld; Kent Volkmer

Appearing Telephonically: Alex Benezra; Ryan Glover; Judge Margaret McCullough (*until 1:30*); Judge Keith Russell (*after 1:37*)

Absent: Julie Ahlquist; Colleen Clase; Mirisue Galindo; Will Gaona; Kathy Waters

Presenters/Guests: Beth Broeker; Cheryl Clark; Anthony Coulson; Jennifer Greene; Sandra Hunter; Chris Phillis; Beth Rosenberg

Staff: Kathy Sekardi; Susan Pickard

Welcome and Opening Remarks

With a quorum present, Jerry Landau, Chair, welcomed the members. Self-introductions were made by all who were in attendance either in person or on the telephone. Then Mr. Landau laid out his goal of finalizing the statutes and forms related to the recommendations of the PCA Juvenile Adjudication Set Aside Subcommittee. He noted that he would be conducting two “Call to the Public” comment periods: one before lunch and one before the meeting’s adjournment.

Minutes

Mr. Landau presented the minutes of the July 10, 2018, meeting of the Task Force for approval.

Motion: To approve the minutes of July 10, 2018, as presented by Aaron Nash. **2nd:** Kurt Altman

Vote: Passed unanimously.

Review Recommendations of the Juvenile Adjudication Set Aside Subcommittee

Judge Quigley began by thanking the members of the Subcommittee for their efforts in developing the recommendations. Her honor presented the recommendations highlighting:

- Allow the court to retain jurisdiction until the juvenile is age 19, if adjudicated for an undesignated class 6 felony, and
- 13-912.01 has two issues that need to be addressed:
 - Paragraph A states, juveniles who have been “adjudicated delinquent” which encompasses felonies and misdemeanors. The statute is out of date. Only a juvenile

who has been adjudicated delinquent for a felony loses his/her right to possess a firearm.

- the amount of time a person who has lost the right to possess a firearm must wait to apply differs greatly between adults (after 10 years) and juveniles (age 30).
- Change the record retention schedule to retain juvenile records for 60 years.
- Investigate presumptive records sealing for juveniles who meet certain criteria.
- Provide judicial officer training regarding:
 - The loss of right to possess a firearm and verbal and written notice to the juvenile.
 - The impact of a short stay at the Arizona Department of Juvenile Corrections. If a juvenile court judge sends a juvenile to ADJC, but there is not sufficient time for the staff to process and determine a treatment program for the youth (30 days), that youth may not have the time to meet ADJA's requirements before being discharged. This prevents the youth from obtaining an absolute discharge from ADJC. An absolute discharge impacts the time needed for the youth to have rights restored, adjudications set aside, or records sealed.
 - The clearance of criminal history and fingerprints. If a youth is charged as an adult and the case handled by the Superior Court, the youth is fingerprinted. If that case is later reverse transferred to the juvenile court or the prosecutor dismisses the adult charges and decides to prosecute the youth as a juvenile, the fingerprints remain accessible in the adult criminal history record. The Department of Public Safety has shared an email address that can be used to submit minute entries regarding the reverse transfer or dismissal, so DPS can clear that information from the criminal history records.

Statutes

Mr. Landau walked the members through the proposed statutory amendments that were drafted to capture the Subcommittee's recommendations, remove antiquated language, and reorganize.

§8-202 Section (D)(3) would allow the retention of jurisdiction until age 19 in cases where the person was adjudicated delinquent for an undesignated class 6 felony.

No concerns noted.

§8-341 Along with minor grammatical corrections, section R was moved to §8-431(B) would allow the consolidation of all sections relating to the prohibition of a person adjudicated delinquent to carry or possess a firearm in one section.

No concerns noted.

§8-348

- Adds conforming language regarding section 8-202 and retention of jurisdiction.
- Requires the court to inform the juvenile of the right to apply to set aside the adjudication in writing at the time of disposition.
- Prohibits a filing fee for the application.
- Defines the factors that the court must consider.
- Identifies when a set-aside adjudication may be used.
- Requires the court to state its reasons for denying the set aside in writing and on the record.
- Requires victim post adjudication notification, if requested.
- Prohibits set aside for certain offenses.

- Allows the court to designate an undesignated class 6 felony.

Concerns/Comments:

- Is “adjudicated incorrigible” an antiquated term? No, it is still in use.
- Does the requirement that the court notify the juvenile of the right to apply for set aside at disposition work within court processes and procedures?
 - Processes and procedures will be developed internally. Requiring the court to make the notification means the notification will be centrally located, rather than with probation and ADJC, and the notification will be standardized. Perhaps the notice could be included in the standardized probation terms and commitment order.
- Are juveniles put on “parole?” Section (C)(2) change “parole” to “conditional liberty”
- Add “those imposed by” after “except” in (D) and remove that same language at the beginning of (D)(1).
- Section (E) change “A conviction” to “An adjudication.”
- Section (F) delete second sentence.
- Section (I) change “the attorney for the state” to “the state.”
- There is no definition of “successful” or “satisfactorily,” therefore these terms have been removed.
- Section (J) how can a person apply based upon a court finding? The court shall not grant an application to set aside, if. . . a dangerous or serious offense subsequent to 18. . .”
 - Delete (J)
 - Add “or convicted” after “who was adjudicated delinquent”
- Section (A) change “if jurisdiction is extended” to “if jurisdiction is retained”

Action Item: Mr. Landau to address (K)(5) with ADOT.

§3-348.01 Allows the court to designate an undesignated class 6 felony.

Concerns/Comments:

Change “adjudicated of” to “adjudicated for” and “defendant” to “person”

§8-349 Sections (B) and (C) – Age 18 or 19

- Section (B)(4) and (C)(5) delete “satisfactorily” and “all of”
- Section (B) “The person shall certify under oath. . .” A person cannot certify, but he/she can avow.
- Section (B)(5) change to read: “All victim restitution owed by the person has been paid in full, or that extenuating circumstances exist and sealing the records is in the interests of justice.” Because restitution is addressed separately in code, it is not included in the term of probation or commitment to ADJC.
- Need to address extenuating circumstances and moneys owed by persons other than the juvenile.
- Do not create a victim right for sealing but maintain for set-aside.

Call to the Public

A call to the public was made at 12:26 p.m. No comment was made.

Review Recommendations of the Juvenile Adjudication Set Aside Subcommittee (Continued.)

§8-349 Sections (D) and (E) – Age 21

- Sections (D)(5) and (E)(5) change to mirror (C)(5)
- Section (D) change “serve” to “provide” – In all other instances of requiring the juvenile to serve the application change “served” to “provide.”
- Because the records are currently destroyed, (I)(3) and (4) broaden access to the record through the juvenile.

§8-431 **Concerns/Comments:**

- Section (A) and (B) delete “pursuant to Title 8, Chapter 3”
- Sections (C) and (D) were redrafted to read:
 - “C. A person who was adjudicated delinquent for a felony who has been discharged from probation or from the department of juvenile corrections pursuant to section 41-2820 on successful completion of the individualized treatment plan may apply after **two years** from the date of discharge or release or escape from custody to the juvenile court in the county where the juvenile was adjudicated delinquent to have the right to carry or possess a firearm restored. This subsection does not apply to a person who was adjudicated delinquent for any of the following offenses:
 1. a dangerous offense as defined in section 13-704,
 2. a serious offense or a violent or aggravated offense as defined in section 13-706,
 3. burglary in the second degree,
 4. arson.
 - D. The clerk of the superior court shall process the application on the request of the person involved or the person's attorney. the applicant shall provide a copy of the application to the prosecutor.”
- Section (F) was redrafted to read:
 - “The person’s right to possess a firearm under this section, if not previously restored, is restored **ten years** from the date of adjudication or release or escape from custody.”
- Add section that discusses what an “extenuating circumstance” might be.
- Add victim notification section.
- Remove the term “gun;” use only “firearm.” In statute and on forms and in instructions.

§13-3113 **Concerns/Comments:**

- A juvenile does not have a right to carry, so “carry or” should be removed from the first sentence.

Redrafted to read:

“A person who was previously adjudicated delinquent for an offense and whose right to possess a firearm is not restored is guilty of a class 5 felony for a first offense and a class 4 felony for a second or subsequent offense.”

§13-3101 Requires further review regarding “civil.”

Motion: Subject to further edits, recommend by Judge Myers. 2nd: Judge Quigley Vote: Passed unanimously.
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Forms and Instructions

Judge Quigley presented regarding set aside, sealing, and restoration of firearms forms and instructions.

Comments/Concerns:

- The caption of the set aside application form should read: “Application to Set Aside a Juvenile Adjudication and Restore Right to Possess a Firearm”
- In the instructions add “at least 18 or 19”
- Split application to seal from application to set aside
- Include monetary obligations with restitution payments as the same extenuating circumstances may apply to both. Additionally, the statute should reference monetary obligations. The sealed and set aside actions should mirror each other regarding financial obligations.
- Make room to explain the extenuating circumstances.
- Endorse any law enforcement agency on the order, so that they may consider records management.

Action Item: Mr. Landau asked Tom O’Connell and the Forms Subcommittee to review and make technical and conforming changes as needed.

Entering and removal of juvenile adjudications into NICS

Mr. Landau introduced Antoni Coulson, a consultant to the Arizona Criminal Justice Commission (ACJC) and to the NICS Task Force. There is a statutory requirement, that states if a person is a prohibited possessor, data about that person must transferred into the National Instant Criminal System (NICS). The Task Force, with input from stakeholders, has made several recommendations. One of the major recommendations that involved the courts was the inclusion of all mental health adjudications being included in the NICS indexes. These adjudications are automatically transmitted to NICS. Other issues that have been or are being addressed by the NICS Task Force include felony conviction, indictments, verified complaints, active warrants, drug use, mental health, orders of protection, and domestic violence.

Recently and purely by accident, the FBI discovered that no one outside of the courts and DPS were aware of the prohibited possessor status of juveniles with felony adjudications. Currently, a juvenile who was adjudicated for a serious or dangerous offense, has not had the right to possess a firearm restored, and seeks to purchase a firearm, will pass the background check conducted by a retailer who has a Federal Firearm License (FFL). Arizona needs to correct this reporting.

The NICS Task Force is recommending that the same method used with the mental health adjudications be used for reporting prohibited possessor status of a juvenile with a felony adjudication. Once the rules for reporting to and removal from the indexes as well as the nuances and implications are determined, the next step is to determine how far back in the records should reporting go? ACJA working with the AOC make these determinations.

Comments/Concerns:

- How much information can an FFL see?
 - An FFL receives only a deny, delay, or proceed response and cannot see any data.
- Once this is put into place, a person who has a juvenile felony adjudication and continues to be a prohibited possessor, will be blocked from purchasing a firearm and protected from committing that crime.

Discuss pending rule change petition re: Criminal Rules 24.3(c)(3)

This discussion was tabled until the September meeting.

Good of the Order/Call to the public

Mr. Landau made the second call to the public. No comments were made.

The agenda for the September meeting will include

- Discuss pending rule change petition re: Criminal Rules 24.3(c)(3)
- Vote to finalize juvenile records sealing, adjudication set aside, and restoration of firearm statutes, forms, and instructions
- Discuss diversion
- Discuss restoration of civil rights

Mr. Landau proposed an October 17, 2018, meeting.

Adjournment

The meeting adjourned at 3:01 p.m.

Next Meeting:

Thursday, September 13, 2018

10:00 a.m. to 3:00 p.m.

Conference Rooms 329 & 330

David K. Byers
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IN THE SUPREME COURT
STATE OF ARIZONA

In the Matter of)
)
PETITION TO AMEND RULES)
24.3 and 26.12 OF THE ARIZONA) Supreme Court No. R-18-____
RULES OF CRIMINAL)
PROCEDURE; AND RULE 24.1)
RULES OF COURT PROCEDURE)
FOR CIVIL TRAFFIC AND CIVIL)
BOATING VIOLATIONS)
_____)

Pursuant to Rule 28 of the Arizona Supreme Court, David K. Byers, Administrative Director, Administrative Office of the Courts, and Chair of the Supreme Court Task Force on Fair Justice for All: Court-Ordered Fines, Penalties, Fees, and Pretrial Release Policies (“the Task Force”) respectfully petitions this Court to amend Rules 24.3 and 26.12 of the Rules of Criminal Procedure and to add a new Rule 24.1 to the Rules of Court Procedure for Civil Traffic and Civil Boating Violations. The rule changes are set forth in Appendix A.

The Task Force recommended changes to various statutes that give judges greater discretion to mitigate penalties and surcharges when warranted by a

defendant's financial circumstances. That recommendation culminated in the Arizona Judicial Council's legislative proposals introduced and enacted by the legislature as HB 2313 (Laws 2018, Chap. 237, §9) and HB 2169 (Laws 2018, Chap. 113, §8). Both bills are effective January 1, 2019. An additional bill, also effective on January 1, 2019, HB 2527 (Laws 2018, Chap. __ §2) permits mitigation of Police Training Equipment assessment pursuant to A.R.S. §12-112.08.¹

Purpose and Explanation of the Proposed Rule Amendments. The proposed rule changes are consistent with the policies underlying the new legislation and to clarify that courts are permitted to mitigate certain monetary obligations contained in criminal sentences and civil traffic judgments - even after the sentence is pronounced. The proposed changes follow through on the Task Force's principles and should enable the courts to more effectively deal with individuals in the justice system experiencing serious financial challenges.

In criminal cases, Arizona case law currently limits a court's ability to change a sentence to those situations where a sentence is found to be unlawful or imposed in an unlawful manner pursuant to Rule 24.3, or to correct a clerical error pursuant to Rule 24. *See, e.g., State v. Superior Court*, 124 Ariz. 288, 603 P.2d 915 (1979); *State v. Falkner*, 112 Ariz. 372, 542 P.2d 404 (1975); *State v. Guthrie*, 110 Ariz.

¹ The statutory reference, §12-112.08, may change as two bills in the 2018 legislative session enacted the same numbered statutes. Legislative Council will renumber one of the statutes, probably by mid-June. Petitioner will correct the reference, if necessary, in his Reply.

257, 517 P.2d 1253 (1974); *State v. Serrano*, 234 Ariz. 491, 323 P.3d 774, (App. Div. 2, 2014); *State v. Thomas*, 142 Ariz. 201, 204, 688 P.2d 1093, 1096 (App. Div. 1, 1984); “[T]he trial court's jurisdiction in post-trial motions is limited to that set out in the Rules, and an exercise of that jurisdiction is permissible only upon the grounds specified therein.” *State v. Falkner*, *supra*. See also, *State v. Filipov*, 118 Ariz. 319, 326, 576 P.2d 507, 514 (Ariz. Ct. App. Div. 1, 1977) (“It is clear that Rule 24.3, Arizona Rules of Criminal Procedure does not permit a sentencing judge's reduction of an already lawfully imposed sentence”).

The proposed amendments to Criminal Rules 24.3 and 26.12 authorize courts to mitigate the fine and civil penalty at any time following sentencing, with the exception of a mandatory fine in a criminal case and the clean elections surcharge (ARS § 16-954). Even though a mandatory fine in a criminal case cannot be mitigated, the surcharges, except the clean elections surcharge, can be mitigated, consistent with the newly-enacted ARS §13-825. The proposal, consistent with HB 2527, also permits the mitigation of the Peace Officer Training Fund assessment under A.R.S. § 12-116.08.²

The proposed addition of Civil Traffic Rule 24.1 mirrors the changes made to Criminal Rule 24.3(c) with modifications to terminology consistent with the Civil Traffic Rules, and consistent with newly-enacted ARS § 28-1603 (Laws 2018, Chap.

² See footnote #1

113 § 8), which permits the court to mitigate a civil traffic penalty imposed pursuant to Title 28, Chapters 3, 5, 7 and 9.

By operation of law, if a fine or civil penalty is mitigated, all surcharges are reduced as they are a percentage component of the fine or civil penalty imposed.

II. Preliminary Comments. The proposed amendments have not been circulated to stakeholders for comment before filing. Therefore, an opportunity for comment as part of the Court's review is recommended. Due to the importance of this proposal, Petitioner requests the Court set a comment period ending October 15, 2018, with Petitioner's Reply due October 25, 2018, and consideration by the Court at its regular December rules agenda.

Wherefore, petitioner respectfully requests that the Court amend the Rules of Criminal Procedure and the Rules of Court Procedure for Civil Traffic and Civil Boating Violations, as proposed in Appendix A.

RESPECTFULLY SUBMITTED this 8th day of May, 2018.

By /s/ _____
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APPENDIX A³

(language to be removed is shown in ~~strikethrough~~, new language is underlined)

Arizona Rules of Criminal Procedure

Rule 24.3. Modification of Sentence

(a) Generally. No later than 60 days of the entry of judgment and sentence or, if a notice of appeal has already been filed under Rule 31, no later than 15 days after the appellate clerk distributes a notice under Rule 31.9(e) that the record on appeal has been filed, the court may correct any unlawful sentence or one imposed in an unlawful manner.

(b) Appeal.

(1) *Noncapital Cases.* In noncapital cases, the party appealing a final decision under Rule 24.3 must file a notice of appeal with the trial court clerk no later than 20 days after entry of the decision in superior court cases, or no later than 14 days after entry of the decision in limited jurisdiction court cases.

(2) *Capital Cases.* In capital cases, after denying modification of a sentence of death, the court must order the clerk to file a notice of appeal from the denial.

(c) Mitigation. On motion of the defendant, or on the court's own motion, the court may mitigate a fine, surcharge under A.R.S. §§12-116.01 and 12-116.02, and an assessment under A.R.S. §12-116.08, contained in the judgment and sentence, other than a mandatory fine, due to defendant's financial circumstances. The court may also mitigate a surcharge if a mandatory fine is imposed. In deciding whether to mitigate a fine, surcharge or assessment, the court may consider any relevant evidence including:

(1) The impact of the fine on the ability of the defendant to pay the restitution.

(2) The extent of the financial hardship on the defendant or on the defendant's immediate family.

(3) Whether the defendant is receiving benefits pursuant to any of the following:

³ All statutory references to §12-112.08 may change as two bills in the 2018 legislative session enacted the same numbered statutes. Legislative Council will renumber one of the statutes, probably by mid-June. Petitioner will correct the reference, if necessary, in his Reply.

(A) The Temporary Assistance for Needy Families Program established by § 403 of Title IV of the Social Security Act.

(B) The Supplemental Nutrition Assistance Program (7 U.S. C. §§ 2011 through 2036c).

(C) The Supplemental Security Income Program (42 U.S.C. §§ 1381 through 1383f).

(4) Whether the defendant is seeking, obtaining, or maintaining employment if legally permitted to do so or is attending school.

(5) The defendant's medical condition.

Rule 26.12. Defendant's Compliance with Monetary and Non-Monetary Terms of a Sentence

(a) Method of Payment--Installments. The court may permit the defendant to pay any fine, restitution, or other monetary obligation within a specified period of time or in specified installments. The defendant must pay restitution as promptly as possible, given the defendant's ability to pay.

(b) Method of Payment--to Whom. The defendant must pay a fine, restitution, or other monetary obligations to the court, unless the court orders otherwise. The court must apply the defendant's payments first to satisfy the restitution order and the payment of any restitution in arrears. The court must forward restitution payments to the victim as promptly as practicable.

(c) Failure to Pay a Monetary Obligation or to Comply with Court Orders.

(1) *Defendants Not on Supervised Probation.* If a defendant who is not on supervised probation fails to pay a fine, restitution, or other monetary obligation, or fails to comply with any other term or condition of sentence within the prescribed time, the court must promptly notify the State.

(2) *Defendants on Supervised Probation.* If a defendant who is on supervised probation fails to pay a fine, restitution, or other monetary obligation, or fails to comply with any other term or condition of probation within the prescribed time, the court must promptly notify the defendant's probation officer.

(3) *Court Action upon Failure of a Defendant to Pay a Fine, Restitution, or Other Monetary Obligation or to Comply with Court Orders.* If the defendant fails to timely pay a fine, restitution, or other monetary obligation, or otherwise fails to comply with a court order, and fails to respond to a court notice informing the defendant of the consequences and resolution options, the court may issue an arrest warrant or a summons and require the defendant to show cause why he or she should not be held in contempt. The court must issue a summons unless there is reason to believe a warrant is required to secure the defendant's appearance. A prosecutor who requests a warrant, or a judge who orders a warrant, must state the reasons for the issuance of a warrant rather than a summons.

(4) *Authority to Modify Monetary Obligation.* If the court finds the defendant's default is not willful and the defendant is unable to pay all or part of the monetary obligation, the court may mitigate the fine, surcharge under A.R.S. §§12-116.01 and 12-116.02, and an assessment under 12-116.08, other than a mandatory fine. The court may also mitigate a surcharge if a mandatory fine is imposed. In determining whether the defendant is unable to pay all or part of a financial sanction, the court may consider the factors listed in Rule 24.3(c).

(5) *Incarceration for Contempt.* If the court finds the defendant in contempt for failure to pay a monetary obligation or failure to comply with a court order, before ordering the defendant incarcerated for contempt, the court must determine that no reasonable measures other than incarceration are adequate to meet the State's interests and permit the defendant a reasonable period of time to pay the obligation in full or make other payment arrangements.

Rules of Court Procedure for Civil Traffic and Civil Boating Violations

Rule 24.1. Mitigation

On motion of the defendant, or on the court's own motion, the court may mitigate a civil penalty imposed pursuant to Title 28, Chapters 3, 5, 7, and 9, a surcharge under A.R.S. §§12-116.01 and 12-116.02, and an assessment under A.R.S. 12-112.08, if the person demonstrates that the payment would be a hardship on the person or on the person's immediate family. In deciding whether to mitigate a civil penalty, surcharge, or assessment, the court may consider any relevant evidence including:

(a) The extent of the financial hardship on the defendant or on the defendant's immediate family.

(b) Whether the defendant is receiving benefits pursuant to any of the following:

(1) The Temporary Assistance for Needy Families Program established by § 403 of Title IV of the Social Security Act.

(2) The Supplemental Nutrition Assistance Program (7 U.S. C. §§ 2011 through 2036c).

(3) The Supplemental Security Income Program (42 U.S.C. §§ 1381 through 1383f).

(c) Whether the defendant is seeking, obtaining, or maintaining employment if legally permitted to do so or is attending school.

(d) The defendant's medical condition.

8-349. ~~Destruction~~ SEALING of juvenile records; electronic research records

A. A person who has been referred to juvenile court may apply ~~for destruction of~~ TO HAVE the person's juvenile court and department of juvenile corrections records SEALED.

B. If the records concern ~~a referral or citation that did not result in further action or that resulted in diversion, OR placement in a community based alternative program~~ or an adjudication for an offense other than an offense listed in section 13-501, subsection A or B or title 28, chapter 4, the person shall file an application with the juvenile court and shall ~~serve~~ TRANSMIT a copy of the application on the ~~county attorney~~ PROSECUTOR in the county in which the referral was made. The person shall certify ~~under oath~~ that all of the following apply:

1. The person is at least eighteen years of age, AND NOT UNDER THE JURISDICTION OF THE JUVENILE COURT OR THE ARIZONA DEPARTMENT OF JUVENILE CORRECTIONS.
2. The person has not been convicted of a felony offense or adjudicated delinquent for an offense that would be an offense listed in section 13-501, subsection A or B or title 28, chapter 4.
3. A criminal charge is not pending.
4. The person has ~~successfully~~ completed all of the terms and conditions of court ordered probation or been discharged from the ARIZONA Department of Juvenile Corrections pursuant to section 41-2820 on successful completion of the individualized treatment plan.
5. All restitution ~~and monetary assessments have~~ OWED BY THE PERSON HAS been paid in full, OR THE PERSON HAS PROVIDED, WITH THE APPLICATION, SUFFICIENT EVIDENCE TO SUPPORT A FINDING OF SPECIAL CIRCUMSTANCES UNDER SUBSECTION (C)(6) OF THIS SECTION.

C. The juvenile court ~~may~~ SHALL order the ~~destruction of~~ records TO BE SEALED under subsection B of this section if the court finds all of the following:

1. The person is at least eighteen years of age, AND NO LONGER UNDER THE JURISDICTION OF THE JUVENILE COURT OR THE ARIZONA DEPARTMENT OF JUVENILE CORRECTIONS.
2. The person has not been convicted of a felony offense.
3. A criminal charge is not pending.

4. The person was not adjudicated for an offense listed in section 13-501, subsection A or B or title 28, chapter 4.

5. The person ~~successfully~~ completed all of the terms and conditions of probation or was discharged from the ~~ARIZONA Department of Juvenile Corrections pursuant to section 41-2820 on successful completion of the individualized treatment plan.~~

6. All restitution ~~and monetary assessments have~~ OWED BY THE PERSON HAS been paid in full, UNLESS THE COURT FINDS, AFTER CONSIDERING VICTIM INPUT, THAT SPECIAL CIRCUMSTANCES EXIST, AND SEALING THE RECORDS IS IN THE INTERESTS OF JUSTICE. THE COURT SHALL NOT CONSIDER OUTSTANDING FINES AND FEES WHEN DETERMINING WHETHER TO SEAL THE RECORDS.

7. ~~The destruction~~ SEALING of the records is in the interests of justice.

8. ~~7. The destruction~~ SEALING of the records would further the rehabilitative process of the applicant.

D. ~~If the records concern a referral that resulted in an adjudication of delinquency for an offense not subject to~~ A PERSON WHO IS NOT ELIGIBLE TO HAVE THE PERSON'S RECORDS SEALED UNDER subsection B of this section ~~the person~~ shall file the application with the juvenile court and shall ~~serve~~ TRANSMIT a copy of the application on the ~~county attorney~~ PROSECUTOR in the county in which the referral was made. The person shall certify ~~under oath~~ that all of the following apply:

1. The person is at least ~~twenty-five~~ TWENTY-ONE years of age.

2. The person has not been convicted of a felony offense.

3. A criminal charge is not pending.

4. ~~The person has successfully completed all of the terms and conditions of court ordered probation or been discharged from the department of juvenile corrections pursuant to section 41-2820 on successful completion of the individualized treatment plan.~~ THE PERSON IS NOT REQUIRED TO REGISTER PURSUANT TO SECTION 13-3821.

5. All restitution ~~and monetary assessments have~~ OWED BY THE PERSON HAS been paid in full, OR THE PERSON HAS PROVIDED, WITH THE APPLICATION, SUFFICIENT EVIDENCE TO SUPPORT A FINDING OF SPECIAL CIRCUMSTANCES UNDER SUBSECTION (E)(5) OF THIS SECTION.

E. The juvenile court may order the ~~destruction of~~ records TO BE SEALED under subsection D of this section if the ~~county attorney~~ PROSECUTOR does not object within ninety days after the date of the notice and the court finds that all of the following apply:

1. The person is at least ~~twenty-five~~ TWENTY-ONE years of age.

2. The person has not been convicted of a felony offense.

3. A criminal charge is not pending.

~~4. The person has successfully completed all of the terms and conditions of probation, including the payment of all restitution, or been discharged from the department of juvenile corrections pursuant to section 41-2820 on successful completion of the individualized treatment plan.~~ THE PERSON IS NOT REQUIRED TO REGISTER PURSUANT TO SECTION 13-3821.

5. All restitution ~~and monetary assessments have~~ OWED BY THE APPLICANT HAS been paid in full, UNLESS THE COURT FINDS, AFTER CONSIDERING VICTIM INPUT, THAT SPECIAL CIRCUMSTANCES EXIST, AND SEALING THE RECORDS IS IN THE INTERESTS OF JUSTICE. THE COURT SHALL NOT CONSIDER OUTSTANDING FINES AND FEES WHEN DETERMINING WHETHER TO SEAL THE RECORDS.

~~6. The destruction SEALING of the records would be in the interests of justice.~~

7. ~~6. The destruction~~ SEALING of the records would further the rehabilitative process of the applicant.

F. The juvenile court and the ARIZONA Department of Juvenile Corrections may store any records for research purposes.

G. A PERSON WHOSE RECORDS HAVE BEEN SEALED UNDER THIS SECTION SHALL CONTINUE TO OWE ANY RESTITUTION, FINES AND ASSESSMENTS THAT REMAIN UNPAID AT THE TIME THE RECORDS ARE SEALED, AND IS SUBJECT TO ALL ORDINARY REMEDIES PURSUANT TO SECTIONS 8-344 AND 8-345 UNTIL THE FINANCIAL OBLIGATIONS ARE PAID.

H. A PERSON WHOSE RECORDS HAVE BEEN SEALED UNDER THIS SECTION SHALL NOT BE REQUIRED TO DISCLOSE THE EXISTENCE OF THE RECORDS OR ANY INFORMATION CONTAINED IN THE SEALED RECORDS FOR ANY PURPOSE.

I. RECORDS SEALED UNDER THIS SECTION MAY BE REQUESTED AND OBTAINED ONLY BY:

1. THE PERSON WHOSE RECORDS WERE SEALED, OR

2. THE PERSON'S CONSERVATOR OR GUARDIAN, IF THE PERSON IS DECEASED OR HAS BEEN ADJUDICATED TO BE AN INCAPACITATED PERSON.

J. WITHIN 6 MONTHS OF NOTIFICATION BY THE SUPERIOR COURT THAT A PERSON'S JUVENILE RECORDS WERE SEALED, THE DEPARTMENT OF CHILD SAFETY SHALL DESTROY ALL DELINQUENCY COURT, JUVENILE PROBATION, AND ARIZONA DEPARTMENT OF JUVENILE CORRECTIONS RECORDS PRODUCED IN THE DELINQUENCY MATTER.

K. FOR THE PURPOSES OF THIS SECTION, "SEALED" MEANS THAT THE COURT SHALL NOT DISCLOSE, RELEASE, OR PROVIDE ACCESS TO THE RECORDS TO ANY PERSON FOR ANY REASON EXCEPT UNDER SUBSECTION (I) OF THIS SECTION.

Class 6 felonies; designation; juveniles

1 Section 1. 8-202. Jurisdiction of juvenile court

2 A. The juvenile court has original jurisdiction over all
3 delinquency proceedings brought under the authority of this title.

4 B. The juvenile court has exclusive original jurisdiction over all
5 proceedings brought under the authority of this title except for
6 delinquency proceedings.

7 C. The juvenile court may consolidate any matter, except that the
8 juvenile court shall not consolidate any of the following:

9 1. A criminal proceeding that is filed in another division of
10 superior court and that involves a child who is subject to the
11 jurisdiction of the juvenile court.

12 2. A delinquency proceeding with any other proceeding that does
13 not involve delinquency, unless the juvenile delinquency
14 adjudication proceeding is not heard at the same time or in the
15 same hearing as a nondelinquency proceeding.

16 D. The juvenile court has jurisdiction of proceedings to:

17 1. Obtain judicial consent to the marriage, employment or
18 enlistment in the armed services of a child, if consent is required
19 by law.

20 2. In an action in which parental rights are terminated pursuant
21 to chapter 4, article 5 or 11 of this title, change the name of a
22 minor child who is the subject of the action. If the minor child
23 who is the subject of the action is twelve years of age or older,
24 the court shall consider the wishes of the child with respect to
25 the name change.

26 3. IN THE CASE OF A PERSON ADJUDICATED DELINQUENT FOR AN
27 UNDESIGNATED CLASS 6 FELONY, DESIGNATE THE OFFENSE AS A
28 MISDEMEANOR, INCLUDING AFTER THE PERSON'S EIGHTEENTH BIRTHDAY OR
29 THE PERSON'S NINETEENTH BIRTHDAY IF JURISDICTION WAS RETAINED
30 PURSUANT TO SUBSECTION H OF THIS SECTION.

31 E. The juvenile court has jurisdiction over both civil traffic
32 violations and offenses listed in section 8-323, subsection B that
33 are committed within the county by persons who are under eighteen
34 years of age unless the presiding judge of the county declines
35 jurisdiction of these cases. The presiding judge of the county may
36 decline jurisdiction of civil traffic violations committed within
37 the county by juveniles if the presiding judge finds that the
38 declination would promote the more efficient use of limited
39 judicial and law enforcement resources located within the county.

1 If the presiding judge declines jurisdiction, juvenile civil
2 traffic violations shall be processed, heard and disposed of in
3 the same manner and with the same penalties as adult civil traffic
4 violations.

5 F. The orders of the juvenile court under the authority of this
6 chapter or chapter 3 or 4 of this title take precedence over any
7 order of any other court of this state except the court of appeals
8 and the supreme court to the extent that they are inconsistent
9 with orders of other courts.

10 G. Except as provided in subsection H of this section, jurisdiction
11 of a child that is obtained by the juvenile court in a proceeding
12 under this chapter or chapter 3 or 4 of this title shall be retained
13 by it, for the purposes of implementing the orders made and filed
14 in that proceeding, until the child becomes eighteen years of age,
15 unless terminated by order of the court before the child's
16 eighteenth birthday.

17 H. If the state files a notice of intent to retain jurisdiction
18 when proceedings are commenced pursuant to section 8-301,
19 paragraph 1 or 2, the court shall retain jurisdiction over a
20 juvenile who is at least seventeen years of age and who has been
21 adjudicated a delinquent juvenile until the juvenile reaches
22 nineteen years of age, unless before the juvenile's nineteenth
23 birthday either:

- 24 1. Jurisdiction is terminated by order of the court.
- 25 2. The juvenile is discharged from the jurisdiction of the 15
26 department of juvenile corrections pursuant to section 41-2820.

27 I. Persons who are under eighteen years of age shall be prosecuted
28 in the same manner as adults if either:

- 29 1. The juvenile court transfers jurisdiction pursuant to section
30 19 8-327. 20
- 31 2. The juvenile is charged as an adult with an offense listed in
32 section 13-501.

33 Section 2. 8-348.01. Class 6 felony; designation
34 IF A PERSON IS ADJUDICATED FOR A CLASS 6 UNDESIGNATED FELONY, THE
35 COURT, HAVING REGARD TO THE NATURE AND CIRCUMSTANCES OF THE CRIME
36 AND TO THE HISTORY AND CHARACTER OF THE PERSON, MAY DESIGNATE THE
37 OFFENSE AS A CLASS 1 MISDEMEANOR. THE OFFENSE SHALL BE TREATED AS
38 A FELONY FOR ALL PURPOSES UNTIL SUCH TIME AS THE COURT MAY ACTUALLY
39 ENTER AN ORDER DESIGNATING THE OFFENSE A MISDEMEANOR.

40 8/22/18
41 10:35 am

Setting aside adjudications; requirements

1 Section 3. ~~8-348.~~ Setting aside adjudication; application; release
2 from disabilities; exceptions

3 A. Except as provided in subsections ~~C and D~~ J of this section, a
4 person who is at least eighteen years of age, **OR NINETEEN YEARS OF**
5 **AGE IF JURISDICTION IS RETAINED PURSUANT TO SECTION 8-202**, who has
6 been adjudicated delinquent or incorrigible and who has fulfilled
7 the conditions of probation and discharge ordered by the court or
8 who is discharged from the department of juvenile corrections
9 pursuant to section 41-2820 on successful completion of the
10 individual treatment plan may apply to the juvenile court to set
11 aside the adjudication. The court ~~or the department of juvenile~~
12 ~~corrections~~ shall inform the person of this right **IN WRITING** at
13 the time ~~the person is discharged~~ **OF THE DISPOSITION**.

14 B. The person or, ~~if authorized in writing~~, the person's attorney,
15 probation officer or parole officer may apply to set aside the
16 adjudication. A copy of the application shall be served on the
17 prosecutor. **THE CLERK OF THE COURT MAY NOT CHARGE A FILING FEE FOR**
18 **AN APPLICATION TO HAVE AN ADJUDICATION SET ASIDE.**

19 C. **THE COURT SHALL CONSIDER THE FOLLOWING FACTORS WHEN DETERMINING**
20 **WHETHER TO SET ASIDE AN ADJUDICATION:**

- 21 1. **THE NATURE AND CIRCUMSTANCES OF THE OFFENSE UPON WHICH THE**
22 **ADJUDICATION IS BASED.**
- 23 2. **THE APPLICANT'S COMPLIANCE WITH THE CONDITIONS OF PROBATION OR**
24 **CONDITIONAL LIBERTY, THE SENTENCE IMPOSED AND ANY STATE DEPARTMENT**
25 **OF JUVENILE CORRECTIONS RULES OR REGULATIONS, IF APPLICABLE.**
- 26 3. **ANY PRIOR OR SUBSEQUENT ADJUDICATIONS OR CONVICTIONS.**
- 27 4. **THE VICTIM'S INPUT AND THE STATUS OF VICTIM RESTITUTION, IF**
28 **ANY.**
- 29 5. **ANY OTHER FACTOR THAT IS RELEVANT TO THE APPLICATION.**

30 ~~B D.~~ If the court grants the application, the court shall set aside
31 the adjudication, **DISMISS THE PETITION** and shall order that the
32 person be released from all penalties and disabilities resulting
33 from the adjudication except **THOSE IMPOSED BY:**

- 34 1. ~~Those imposed by~~ The department of transportation pursuant to
35 section 28-3304, 28-3306, 28-3307, ~~or~~ 28-3308 **OR 28-3319.**
- 36 2. **THE GAME AND FISH COMMISSION PURSUANT TO SECTION 17-314 OR 17-**
37 **340.**

38 ~~Regardless of whether the court sets aside the adjudication, the~~
39 ~~adjudication may be used for any purpose as provided in section 8-~~
40 ~~207 or 13-501 and the department of transportation may use the~~

~~adjudication for the purposes of enforcing the provisions of section 28-3304, 28-3306, 28-3307 or 28-3308 as if the adjudication had not been set aside.~~

E. AN ADJUDICATION THAT IS SET ASIDE MAY BE:

1. ALLEGED AS AN ELEMENT OF AN OFFENSE.

2. CONSIDERED BY THE COURT AND THE PROBATION DEPARTMENT AS PART OF A PRESENTENCE REPORT.

3. USED BY THE DEPARTMENT OF TRANSPORTATION IN ENFORCING SECTION 28-3304, 28-3305, 28-3306, 28-3307, 28-3308, OR 28-3319 AS IF THE ADJUDICATION HAD NOT BEEN SET ASIDE.

F. THE CLERK OF THE COURT MUST NOTIFY THE DEPARTMENT OF PUBLIC SAFETY IF AN ADJUDICATION IS SET ASIDE.

G. THIS SECTION DOES NOT REQUIRE A LAW ENFORCEMENT AGENCY TO REDACT OR REMOVE A RECORD OR INFORMATION FROM THE RECORD OF A PERSON WHOSE ADJUDICATION IS SET ASIDE.

H. IF THE COURT DENIES AN APPLICATION TO HAVE AN ADJUDICATION SET ASIDE, THE COURT SHALL STATE ITS REASONS FOR THE DENIAL IN WRITING AND ON THE RECORD.

I. A VICTIM HAS THE RIGHT TO BE PRESENT AND BE HEARD AT ANY PROCEEDING IN WHICH THE JUVENILE HAS FILED AN APPLICATION TO HAVE AN ADJUDICATION SET ASIDE PURSUANT TO THIS SECTION. IF THE VICTIM HAS MADE A REQUEST FOR POST ADJUDICATION NOTICE, THE STATE SHALL PROVIDE THE VICTIM WITH NOTICE OF THE JUVENILE'S APPLICATION AND OF THE RIGHTS PROVIDED TO THE VICTIM IN THIS SECTION.

~~C. A person may not apply to set aside the adjudication if the person either:~~

~~1. Has been convicted of a criminal offense.~~

~~2. Has a criminal charge pending.~~

~~3. Has not successfully completed all of the terms and conditions of probation or been discharged from the department of juvenile corrections pursuant to section 41-2820 on successful completion of the individual treatment plan.~~

~~4. Has not paid in full all restitution and monetary assessments~~

~~{D J. This section does not apply to a person who was adjudicated delinquent OR CONVICTED for any of the following:~~

~~1. An offense involving the infliction of serious physical injury as defined in section 13-105.~~

~~2. An offense involving the use or exhibition of a deadly weapon or dangerous instrument A DANGEROUS OFFENSE as defined in section 13-105.~~

- 1 2. A SERIOUS OR A VIOLENT OR AGGRAVATED OFFENSE AS DEFINED IN
2 SECTION 13-706
- 3 3. An offense in ~~violation of title 13, chapter 14~~ FOR WHICH THE
4 PERSON IS REQUIRED OR ORDERED BY THE COURT TO REGISTER PURSUANT TO
5 SECTION 13-3821.
- 6 ~~4. An offense in violation of section 28-1381, 28-1382, 28-1383 or~~
7 ~~28-3473.~~
- 8 ~~5. A civil traffic violation under title 28, chapter 3.~~
- 9 4. AN OFFENSE FOR WHICH THERE HAS BEEN A FINDING OF SEXUAL
10 MOTIVATION PURSUANT TO SECTION 13-118.
- 11 5. AN OFFENSE IN VIOLATION OF SECTION 28-3473, ANY LOCAL ORDINANCE
12 RELATING TO STOPPING, STANDING OR OPERATION OF A VEHICLE OR TITLE
13 28, CHAPTER 3, EXCEPT A VIOLATION OF SECTION 28-693 OR 28-695 OR
14 ANY LOCAL ORDINANCE RELATING TO THE SAME SUBJECT MATTER AS SECTION
15 28-693 OR 28-695.}

9/9/18
1:45 PM

Juvenile court; possession of firearms

1 Section 2. 8-341. Disposition and commitment; definitions

2 A. After receiving and considering the evidence on the proper
3 disposition of the case, the court may ~~enter judgment as follows~~:

4 1. It may award a delinquent juvenile:

5 (a) To the care of the juvenile's parents, subject to the
6 supervision of a probation department.

7 (b) To a probation department, subject to any conditions the court
8 may impose, including a period of incarceration in a juvenile
9 detention center of not more than one year.

10 (c) To a reputable citizen of good moral character, subject to the
11 supervision of a probation department.

12 (d) To a private agency or institution, subject to the supervision
13 of a probation officer.

14 (e) To the department of juvenile corrections.

15 (f) To maternal or paternal relatives, subject to the supervision
16 of a probation department.

17 (g) To an appropriate official of a foreign country of which the
18 juvenile is a foreign national who is unaccompanied by a parent or
19 guardian in this state to remain on unsupervised probation for at
20 least one year on the condition that the juvenile cooperate with
21 that official.

22 2. It may award an incorrigible child:

23 (a) To the care of the child's parents, subject to the supervision
24 of a probation department.

25 (b) To the protective supervision of a probation department,
26 subject to any conditions the court may impose.

27 (c) To a reputable citizen of good moral character, subject to the
28 supervision of a probation department.

29 (d) To a public or private agency, subject to the supervision of
30 a probation department.

31 (e) To maternal or paternal relatives, subject to the supervision
32 of a probation department.

33 B. If a juvenile is placed on probation pursuant to this section,
34 the period of probation may continue until the juvenile's
35 eighteenth birthday, except that the term of probation shall not
36 exceed one year if all of the following apply:

37 1. The juvenile is not charged with a subsequent offense.

38 2. The juvenile has not been found in violation of a condition of
39 probation.

1 3. The court has not made a determination that it is in the best
2 interests of the juvenile or the public to require continued
3 supervision. The court shall state by minute entry or written
4 order its reasons for finding that continued supervision is
5 required.

6 4. The offense for which the juvenile is placed on probation does
7 not involve a dangerous offense as defined in section 13-105.

8 5. The offense for which the juvenile is placed on probation does
9 not involve a violation of title 13, chapter 14 or 35.1.

10 6. Restitution ordered pursuant to section 8-344 has been made.

11 7. The juvenile's parents have not requested that the court
12 continue the juvenile's probation for more than one year.

13 C. If a juvenile is adjudicated as a first time felony juvenile
14 offender, the court shall provide the following written notice to
15 the juvenile:

16 You have been adjudicated a first time felony juvenile
17 offender. You are now on notice that if you are adjudicated of
18 another offense that would be a felony offense if committed by an
19 adult and if you commit the other offense when you are fourteen
20 years of age or older, you will be placed on juvenile intensive
21 probation, which may include home arrest and electronic
22 monitoring, or you may be placed on juvenile intensive probation
23 and may be incarcerated for a period of time in a juvenile
24 detention center, or you may be committed to the department of
25 juvenile corrections or you may be prosecuted as an adult. If you
26 are convicted as an adult of a felony offense and you commit any
27 other offense, you will be prosecuted as an adult.

28 D. If a juvenile is fourteen years of age or older and is
29 adjudicated as a repeat felony juvenile offender, the juvenile
30 court shall place the juvenile on juvenile intensive probation,
31 which may include home arrest and electronic monitoring, may place
32 the juvenile on juvenile intensive probation, which may include
33 incarceration for a period of time in a juvenile detention center,
34 or may commit the juvenile to the department of juvenile
35 corrections pursuant to subsection A, paragraph 1, subdivision (e)
36 of this section for a significant period of time.

37 E. If the juvenile is adjudicated as a repeat felony juvenile
38 offender, the court shall provide the following written notice to
39 the juvenile:

40 You have been adjudicated a repeat felony juvenile offender. You
41 are now on notice that if you are arrested for another offense

1 that would be a felony offense if committed by an adult and if you
2 commit the other offense when you are fifteen years of age or
3 older, you will be tried as an adult in the criminal division of
4 the superior court. If you commit the other offense when you are
5 fourteen years of age or older, you may be tried as an adult in
6 the criminal division of the superior court. If you are convicted
7 as an adult, you will be sentenced to a term of incarceration. If
8 you are convicted as an adult of a felony offense and you commit
9 any other offense, you will be prosecuted as an adult.

10 F. The failure or inability of the court to provide the notices
11 required under subsections C and E of this section does not
12 preclude the use of the prior adjudications for any purpose
13 otherwise permitted.

14 G. Except as provided in subsection S of this section, after
15 considering the nature of the offense and the age, physical and
16 mental condition and earning capacity of the juvenile, the court
17 shall order the juvenile to pay a reasonable monetary assessment
18 if the court determines that an assessment is in aid of
19 rehabilitation. If the director of the department of juvenile
20 corrections determines that enforcement of an order for monetary
21 assessment as a term and condition of conditional liberty is not
22 cost-effective, the director may require the youth to perform an
23 equivalent amount of community restitution in lieu of the payment
24 ordered as a condition of conditional liberty.

25 H. If a child is adjudicated incorrigible, the court may impose a
26 monetary assessment on the child of not more than one hundred fifty
27 dollars.

28 I. A juvenile who is charged with unlawful purchase, possession or
29 consumption of spirituous liquor is subject to section 8-323. The
30 monetary assessment for a conviction of unlawful purchase,
31 possession or consumption of spirituous liquor by a juvenile shall
32 not exceed five hundred dollars. The court of competent
33 jurisdiction may order a monetary assessment or equivalent
34 community restitution.

35 J. The court shall require the monetary assessment imposed under
36 subsection G or H of this section on a juvenile who is not committed
37 to the department of juvenile corrections to be satisfied in one
38 or both of the following forms:

39 1. Monetary reimbursement by the juvenile in a lump sum or
40 installment payments through the clerk of the superior court for
41 appropriate distribution.

1 2. A program of work, not in conflict with regular schooling, to
2 repair damage to the victim's property, to provide community
3 restitution or to provide the juvenile with a job for wages. The
4 court order for restitution or monetary assessment shall specify,
5 according to the dispositional program, the amount of
6 reimbursement and the portion of wages of either existing or
7 provided work that is to be credited toward satisfaction of the
8 restitution or assessment, or the nature of the work to be
9 performed and the number of hours to be spent working. The number
10 of hours to be spent working shall be set by the court based on
11 the severity of the offense but shall not be less than sixteen
12 hours.

13 K. If a juvenile is committed to the department of juvenile
14 corrections, the court shall specify the amount of the monetary
15 assessment imposed pursuant to subsection G or H of this section.

16 L. After considering the length of stay guidelines developed
17 pursuant to section 41-2816, subsection C, the court may set forth
18 in the order of commitment the minimum period during which the
19 juvenile shall remain in secure care while in the custody of the
20 department of juvenile corrections. When the court awards a
21 juvenile to the department of juvenile corrections or an
22 institution or agency, it shall transmit with the order of
23 commitment copies of a diagnostic psychological evaluation and
24 educational assessment if one has been administered, copies of the
25 case report, all other psychological and medical reports,
26 restitution orders, any request for postadjudication notice that
27 has been submitted by a victim and any other documents or records
28 pertaining to the case requested by the department of juvenile
29 corrections or an institution or agency. The department shall not
30 release a juvenile from secure care before the juvenile completes
31 the length of stay determined by the court in the commitment order
32 unless the county attorney in the county from which the juvenile
33 was committed requests the committing court to reduce the length
34 of stay. The department may temporarily escort the juvenile from
35 secure care pursuant to section 41-2804, may release the juvenile
36 from secure care without a further court order after the juvenile
37 completes the length of stay determined by the court or may retain
38 the juvenile in secure care for any period subsequent to the
39 completion of the length of stay in accordance with the law.

40 M. Written notice of the release of any juvenile pursuant to
41 subsection L of this section shall be made to any victim requesting

1 notice, the juvenile court that committed the juvenile and the
2 county attorney of the county from which the juvenile was
3 committed.

4 N. Notwithstanding any law to the contrary, if a person is under
5 the supervision of the court as an adjudicated delinquent juvenile
6 at the time the person reaches eighteen years of age, treatment
7 services may be provided until the person reaches twenty-one years
8 of age if the court, the person and the state agree to the provision
9 of the treatment and a motion to transfer the person pursuant to
10 section 8-327 has not been filed or has been withdrawn. The court
11 may terminate the provision of treatment services after the person
12 reaches eighteen years of age if the court determines that any of
13 the following applies:

- 14 1. The person is not progressing toward treatment goals.
- 15 2. The person terminates treatment.
- 16 3. The person commits a new offense after reaching eighteen years
17 of age.
- 18 4. Continued treatment is not required or is not in the best
19 interests of the state or the person.

20 O. On the request of a victim of an act that may have involved
21 significant exposure as defined in section 13-1415 or that if
22 committed by an adult would be a sexual offense, the prosecuting
23 attorney shall petition the adjudicating court to require that the
24 juvenile be tested for the presence of the human immunodeficiency
25 virus. If the victim is a minor the prosecuting attorney shall
26 file this petition at the request of the victim's parent or
27 guardian. If the act committed against a victim is an act that if
28 committed by an adult would be a sexual offense or the court
29 determines that sufficient evidence exists to indicate that
30 significant exposure occurred, it shall order the department of
31 juvenile corrections or the department of health services to test
32 the juvenile pursuant to section 13-1415. Notwithstanding any law
33 to the contrary, the department of juvenile corrections and the
34 department of health services shall release the test results only
35 to the victim, the delinquent juvenile, the delinquent juvenile's
36 parent or guardian and a minor victim's parent or guardian and
37 shall counsel them regarding the meaning and health implications
38 of the results.

39 P. If a juvenile has been adjudicated delinquent for an offense
40 that if committed by an adult would be an offense listed in section
41 41-1750, subsection C, the court shall provide the department of

1 public safety Arizona automated fingerprint identification system
2 established in section 41-2411 with the juvenile's ten-print
3 fingerprints, personal identification data and other pertinent
4 information. If a juvenile has been committed to the department
5 of juvenile corrections the department shall provide the
6 fingerprints and information required by this subsection to the
7 Arizona automated fingerprint identification system. If the
8 juvenile's fingerprints and information have been previously
9 submitted to the Arizona automated fingerprint identification
10 system the information is not required to be resubmitted.

11 Q. Access to fingerprint records submitted pursuant to subsection
12 P of this section shall be limited to the administration of
13 criminal justice as defined in section 41-1750. Dissemination of
14 fingerprint information shall be limited to the name of the
15 juvenile, juvenile case number, date of adjudication and court of
16 adjudication.

17 ~~R. If a juvenile is adjudicated delinquent for an offense that if
18 committed by an adult would be a misdemeanor, the court may
19 prohibit the juvenile from carrying or possessing a firearm while
20 the juvenile is under the jurisdiction of the department of
21 juvenile corrections or the juvenile court.~~

22 ~~S~~ R. If a juvenile is adjudicated delinquent for a violation of
23 section 13-1602, subsection A, paragraph 5, the court shall order
24 the juvenile to pay a fine of at least three hundred dollars but
25 not more than one thousand dollars. Any restitution ordered shall
26 be paid in accordance with section 13-809, subsection A. The court
27 may order the juvenile to perform community restitution in lieu of
28 the payment for all or part of the fine if it is in the best
29 interests of the juvenile. The amount of community restitution
30 shall be equivalent to the amount of the fine by crediting any
31 service performed at a rate of ten dollars per hour. If the
32 juvenile is convicted of a second or subsequent violation of
33 section 13-1602, subsection A, paragraph 5 and is ordered to
34 perform community restitution, the court may order the parent or
35 guardian of the juvenile to assist the juvenile in the performance
36 of the community restitution if both of the following apply:

37 1. The parent or guardian had knowledge that the juvenile intended
38 to engage in or was engaging in the conduct that gave rise to the
39 violation.

40 2. The parent or guardian knowingly provided the juvenile with the
41 means to engage in the conduct that gave rise to the violation.

1 **F S.** If a juvenile is adjudicated delinquent for an offense
2 involving the purchase, possession or consumption of spirituous
3 liquor or a violation of title 13, chapter 34 and is placed on
4 juvenile probation, the court may order the juvenile to submit to
5 random drug and alcohol testing at least two times per week as a
6 condition of probation.

7 **U T.** A juvenile who is adjudicated delinquent for an offense
8 involving the purchase, possession or consumption of spirituous
9 liquor or a violation of title 13, chapter 34, who is placed on
10 juvenile probation and who is found to have consumed any spirituous
11 liquor or to have used any drug listed in section 13-3401 while on
12 probation is in violation of the juvenile's probation. If a
13 juvenile commits a third or subsequent violation of a condition of
14 probation as prescribed by this subsection, the juvenile shall be
15 brought before the juvenile court and, if the allegations are
16 proven, the court shall either revoke probation and hold a
17 disposition hearing pursuant to this section or select additional
18 conditions of probation as it deems necessary, including
19 detention, global position system monitoring, additional alcohol
20 or drug treatment, community restitution, additional drug or
21 alcohol testing or a monetary assessment.

22 **V U.** For the purposes of this section:

23 1. "First time felony juvenile offender" means a juvenile who is
24 adjudicated delinquent for an offense that would be a felony
25 offense if committed by an adult.

26 2. "Repeat felony juvenile offender" means a juvenile to whom both
27 of the following apply:

28 (a) Is adjudicated delinquent for an offense that would be a felony
29 offense if committed by an adult.

30 (b) Previously has been adjudicated a first time felony juvenile
31 offender.

32 3. "Sexual offense" means oral sexual contact, sexual contact or
33 sexual intercourse as defined in section 13-1401.

34 **Section 2.8-431. Right to possess a firearm; loss; restoration**

35 **A. A PERSON WHO IS ADJUDICATED DELINQUENT FOR AN OFFENSE IF**
36 **COMMITTED BY AN ADULT WOULD BE A FELONY DOES NOT HAVE THE RIGHT TO**
37 **CARRY OR POSSESS A FIREARM.**

38 **B. IF ORDERED BY THE COURT, A PERSON WHO IS ADJUDICATED DELINQUENT**
39 **FOR AN OFFENSE THAT IF COMMITTED BY AN ADULT WOULD BE A**
40 **MISDEMEANOR, DOES NOT HAVE THE RIGHT TO CARRY OR POSSESS A FIREARM**

1 WHILE UNDER THE JURISDICTION OF THE JUVENILE COURT OR THE
2 DEPARTMENT OF JUVENILE CORRECTIONS.

3 C. A PERSON WHO WAS ADJUDICATED DELINQUENT FOR A FELONY WHO HAS
4 BEEN DISCHARGED FROM PROBATION OR FROM THE DEPARTMENT OF JUVENILE
5 CORRECTIONS PURSUANT TO SECTION 41-2820 ON SUCCESSFUL COMPLETION
6 OF THE INDIVIDUALIZED TREATMENT PLAN MAY APPLY AFTER TWO YEARS
7 FROM THE DATE OF DISCHARGE TO THE JUVENILE COURT IN THE COUNTY
8 WHERE THE JUVENILE WAS ADJUDICATED DELINQUENT TO HAVE THE RIGHT TO
9 POSSESS A FIREARM RESTORED. THIS SUBSECTION DOES NOT APPLY TO THE
10 FOLLOWING OFFENSES:

- 11 1. A DANGEROUS OFFENSE AS DEFINED IN SECTION 13-704,
- 12 2. A SERIOUS OFFENSE OR A VIOLENT OR AGGRAVATED OFFENSE AS DEFINED
13 IN SECTION 13-706,
- 14 3. BURGLARY IN THE SECOND DEGREE,
- 15 4. ARSON

16 D. THE COURT SHALL CONSIDER THE NATURE AND CIRCUMSTANCES OF THE
17 OFFENSE THAT THE ADJUDICATION IS BASED ON AND ANY OTHER FACTOR
18 THAT IS RELEVANT TO THE APPLICATION.

19 E. A PERSON WHO WAS ADJUDICATED DELINQUENT FOR AN OFFENSE LISTED
20 IN SUBSECTION C SHALL HAVE THE RIGHT TO POSSESS A FIREARM RESTORED
21 AFTER TEN YEARS.

22 F. THE CLERK OF THE SUPERIOR COURT SHALL PROCESS AN APPLICATION ON
23 THE REQUEST OF THE PERSON OR THE PERSON'S ATTORNEY. THE APPLICANT
24 SHALL PROVIDE A COPY OF THE APPLICATION TO THE PROSECUTOR.

25 G. THE PERSON'S RIGHT TO POSSES A FIREARM UNDER THIS SECTION, IF
26 NOT PREVIOUSLY RESTORED, IS RESTORED TEN YEARS FROM THE DATE OF
27 DISCHARGE FROM PROBATION OR THE DEPARTMENT OF JUVENILE
28 CORRECTIONS.

29 Section 3. Section 13-912.01 is repealed.

30 Section 4. ~~13-3113. Adjudicated delinquents; firearm possession;~~
31 ~~classification~~

32 A person who was previously adjudicated delinquent for an offense
33 that would be a felony if committed by an adult and who possesses,
34 ~~uses or carries~~ a firearm ~~within ten years from the date of his~~
35 ~~adjudication or his release or escape from custody~~ AND WHOSE RIGHT
36 TO POSSESS A FIREARM IS NOT RESTORED PURSUANT TO SECTION 8-431 is
37 guilty of a class 5 felony for a first offense and a class 4 felony
38 for a second or subsequent offense ~~if the person was previously~~
39 ~~adjudicated for an offense that if committed as an adult would~~
40 ~~constitute:~~

- 41 ~~1. Burglary in the first degree.~~

- 1 ~~2. Burglary in the second degree.~~
- 2 ~~3. Arson.~~
- 3 ~~4. Any felony offense involving the use or threatening exhibition~~
- 4 ~~of a deadly weapon or dangerous instrument.~~
- 5 ~~5. A serious offense as defined in section 13-706.~~

8/22/2018

5:18 PM

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____



SUPERIOR COURT OF ARIZONA
IN _____ COUNTY

IN THE MATTER OF:

CASE NO(S): JV: _____

(Applicant's Name)

**APPLICATION TO SET ASIDE
JUVENILE ADJUDICATION
(A.R.S. § 8-348)**

(Applicant's Date of Birth)

(USE BLUE INK: PRINT LEGIBLY)

1. APPLICANT'S PERSONAL INFORMATION

First Name

Middle Name

Last Name

Street Address (if not protected)

Mailing Address (if different)

City, State, Zip Code

City, State, Zip Code (if different)

() _____

Phone Number

E-mail Address

2. STATEMENTS TO AND REQUESTS OF THE COURT.

I apply for the relief indicated below and certify under penalty of law that the following is true:
(Check all that are true.)

- Pursuant to A.R.S. § 8-348, I request the Court to set aside the adjudication(s) on the petition(s) under this/these case number(s) _____ and that I be released from all penalties and disabilities. See note below.

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

- I am at least **18** years of age OR I am at least **19** years of age where the Juvenile Court retained jurisdiction under A.R.S. § 8-202.
- The offense was not in violation of statutes identified in A.R.S. § 8-348(D) (i.e., an offense involving: the infliction of serious physical injury or use or exhibition of a deadly weapon or dangerous instrument as defined in A.R.S. § 13-105; an offense in violation of Title 13, Chapter 14; specific offenses under Title 28 or Title 28, Chapter 3).
- I have not been convicted of any criminal offense in an adult court.
- I do not have a criminal charge pending in an adult court.
- I have completed the conditions of my court-ordered probation or I have received an absolute discharge from the Arizona Department of Juvenile Corrections, under A.R.S. § 41-2820(B), on successful completion of my individualized treatment plan.
- All restitution and monetary assessments I was ordered to pay, have been **paid in full**.
- OR**
- If restitution **has not been paid in full**, I certify that I will not be released from the requirement to pay restitution, but special circumstances exist for incomplete payment as follows: (Explain)
-
-

3. REQUEST FOR HEARING

I have special circumstances that prevented full payment of restitution. I request a hearing, so the court may consider the special circumstances. I understand the court may deny my request for a hearing.

I certify under the penalty of perjury that the foregoing information is true and correct to the best of my knowledge and belief.

Date

Applicant's Signature

**APPLICATION TO SET ASIDE JUVENILE ADJUDICATION
INSTRUCTIONS: HOW TO COMPLETE THE APPLICATION FORM**

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

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

Heading: At the top of the form, please fill in your name; street address (if address is not protected), city, state, zip code and telephone 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.”

Item 1: APPLICANT’S PERSONAL INFORMATION.

Fill in all requested information, except your address if it is protected.

Fill in the name of the law enforcement agency that referred you to the Juvenile Court.

Item 2: STATEMENTS TO AND REQUESTS OF THE COURT.

Fill in the date the Petition was filed. You must enter a specific date. Requests for the court to set aside “ALL” adjudications will be denied.

Check all boxes that are **true**.

Item 3: REQUEST FOR HEARING. The court can rule on your requests **without a hearing**. If you would like a hearing to explain any special circumstances, you may request one by checking this box.

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** using **BLUE** ink.
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 of the Court.

The Clerk of the Court will transmit a copy of the Application to the prosecutor. The prosecutor has up to 90 days within which to file a response to the Application regarding your juvenile records.

5. The Clerk of the Court will return one copy of the Application for **your records**.

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____



SUPERIOR COURT OF ARIZONA
IN _____ COUNTY

IN THE MATTER OF:

CASE NO(S): JV: _____

(Applicant's Name)

**APPLICATION TO SEAL JUVENILE
RECORDS (A.R.S. § 8-349)**

(Applicant's Date of Birth)

(USE BLUE INK: PRINT LEGIBLY)

1. APPLICANT'S PERSONAL INFORMATION

First Name Middle Name Last Name

Street Address (if not protected) Mailing Address (if different)

City, State, Zip Code City, State, Zip Code (if different)

() _____
Phone Number E-mail Address

2. STATEMENTS TO AND REQUESTS OF THE COURT:

I apply for the relief indicated below and certify under penalty of law that the following is true:
(as marked)

A. I request my juvenile records be sealed (including Arizona Department of Juvenile Corrections records) pursuant to **A.R.S. § 8-349(B)**. (Check all that are true.)

 I am at least **18** years of age and not under the jurisdiction of the Juvenile Court or the Arizona Department of Juvenile Corrections

 I have not been convicted of a felony offense (in an adult court) or adjudicated delinquent (in juvenile court) for an offense listed in A.R.S. § 13-501 subsections A or B or Title 28. (*See* handout for description of the offenses contained in these statutes.)

 A criminal charge is not pending against me in an adult court.

 I have completed **probation or court ordered consequences**.

OR

 I have received an **absolute discharge**, under A.R.S. § 41-2820(B), from the Arizona Department of Juvenile Corrections.

 All restitution and monetary assessments I was ordered to pay have been **paid in full**.

OR

 If restitution **has not been paid in full**, I certify the following is true:

 Special circumstances exist for incomplete payment. (Explain)

OR

B. I request my juvenile records be sealed (including Arizona Department of Juvenile Corrections records) pursuant to **A.R.S. § 8-349(D)**. (Check all that are true.)

 I am at least **21** years of age.

 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 am not required to register pursuant to A.R.S. § 13-3821. (*See* handout.)

 All restitution and monetary assessments I was ordered to pay have been **paid in full**.

OR

 If restitution **has not been paid in full**, I certify the following is true:

 Special circumstances exist for incomplete payment. (Explain)

3. REQUEST FOR HEARING

 I have special circumstances that prevented full payment of restitution. I request a hearing, so the court may consider the special circumstances. I understand the court may deny my request for a hearing.

I certify under the penalty of perjury that the foregoing information is true and correct to the best of my knowledge and belief.

Date

Applicant's Signature

APPLICATION TO SEAL JUVENILE RECORDS
INSTRUCTIONS: HOW TO COMPLETE THE APPLICATION FORM

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

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

Heading: At the top of the form, please fill in your name; street address (if address is not protected), city, state, zip code; and telephone 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."

Item 1: **APPLICANT'S PERSONAL INFORMATION.** Fill in all requested information, except your address if it is protected.

Item 2: **STATEMENTS TO AND REQUEST OF THE COURT.**

Item 2A: Complete this section if you are at least **18** and no longer under the jurisdiction of Juvenile Court (not on probation or under community supervision of Arizona Department of Juvenile Corrections).

Check all boxes that are **true**.

Item 2B: Complete this section if you are at least **21**.

Check all boxes that are **true**.

Item 3: The court can rule on your request **without a hearing**. If you would like to explain any special circumstances related to unpaid restitution, you may request a hearing by checking this box.

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** using **BLUE** ink.
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 of the Court.

The Clerk of the Court will transmit a copy of the Application to the prosecutor. The prosecutor has up to 90 days within which to file a response to the Application regarding your juvenile records.

5. The Clerk of the Court will return one copy of the Application for **your records**.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____

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 RIGHT
TO POSSESS A FIREARM
(A.R.S. § 8-431; § ~~13-912.01~~)**

(Applicant's Date of Birth)

*(note: remove 13-912.01 if repealed and
replaced with 8-431 as recommend)*

(USE BLUE INK: PRINT LEGIBLY)

1. APPLICANT'S PERSONAL INFORMATION.

_____ First Name	_____ Middle Name	_____ Last Name
_____ Street Address (if not protected)	_____ Mailing Address (if different)	
_____ City, State, Zip Code	_____ City, State, Zip Code (if different)	
() _____ Phone Number	_____ E-mail Address	

2. STATEMENTS TO AND REQUESTS OF THE COURT.

I apply for the relief indicated below and certify under penalty of law that the following is true:
(as marked)

I request the court restore my civil right to possess a firearm pursuant to A.R.S. § 13-912.01
(note: replace with 8-431 if 13-912.01 is repealed). The statement checked below is true and
accurate. (Choose only ONE.)

I was adjudicated for a felony offense and it has been at least **two 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~~ (note: this is covered in “serious offense”, suggest removing once
statutory changes are finalized), burglary in the second degree, or arson. A.R.S. § 13-
912.01(B).

OR

I was adjudicated delinquent for a dangerous offense under section A.R.S. § 13-704 or a
serious offense as defined in ARS 13-706, burglary in the second degree or arson. A.R.S.
§ 13-912.01(C) AND it has been at least **ten years** since I was discharged from probation
or the Arizona Department of Juvenile Corrections.

I understand that:

1. Even if I am granted the right to possess a gun or 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 gun or firearm as a result of this application, it may not give me the right to possess a gun or firearm if I have a felony adjudication in another Arizona County and my right to possess a firearm has not been restored.

I certify under the penalty of perjury that the foregoing information is true and correct to the best of my knowledge and belief.

Date

Applicant’s Signature

**APPLICATION TO RESTORE RIGHT TO POSSESS A FIREARM
INSTRUCTIONS: HOW TO COMPLETE THE APPLICATION FORM**

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

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

Heading: At the top of the form, please fill in your name; street address (if address is not protected), city, state, zip code, and telephone 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."

Item 1: **APPLICANT'S PERSONAL INFORMATION.** Fill in all requested information, except your address if it is protected.

Item 2: **STATEMENTS TO AND REQUESTS OF THE COURT.** Check the box that applies to the charge for which you were adjudicated.

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** using **BLUE** ink.
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 of the Court.

The Clerk of the Court will transmit a copy of the Application to the prosecutor. The prosecutor has up to 90 days within which to file a response to the Application regarding your juvenile records.

5. The Clerk of the Court will return one copy of the Application for **your records**.

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

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

SEALING OF JUVENILE RECORDS, SETTING ASIDE ADJUDICATION, AND RESTORATION OF RIGHT TO POSSESS A FIREARM

LEGAL REQUIREMENTS FOR SEALING OF JUVENILE RECORDS A.R.S. § 8-349 (B)

If you are AT LEAST **18** years old, and no longer under the jurisdiction of juvenile court or the Arizona Department of Juvenile Corrections you may apply to have Juvenile Court and Arizona Department of Juvenile Corrections delinquency records sealed ***IF***

- The records concern a referral or citation that did not result in further action; ***OR***
- Your case resulted in diversion, placement in a community based alternative program; ***OR***
- You were adjudicated delinquent for an offense other than those identified below.

In your Application, you must certify under oath that ***ALL*** of the following are true:

- You are at least 18 years of age, and not under the jurisdiction of Juvenile Court. A.R.S. § 8-202.
- A criminal charge is not pending against you in adult court.
- You have not been convicted of a criminal offense in adult court.
- You have completed the conditions of your juvenile court-ordered probation or received an absolute discharge, under A.R.S. § 41-2820(B), from the Arizona Department of Juvenile Corrections.
- All victim restitution has been paid in full. If victim restitution has not been paid, all of the following must be true:
 - Special circumstances exist for incomplete payment; ***AND***
 - 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 A.R.S. § 13-501(A)	Offenses included in A.R.S. § 13-501(B)
13-1105 First Degree Murder.	<ul style="list-style-type: none"> • Any Class 1 Felony. • Any Class 2 Felony. • 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.) • 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. • Any felony offense committed by a chronic felony offender.
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.	

LEGAL REQUIREMENTS FOR SEALING OF JUVENILE RECORDS
A.R.S. §8-349 (D)

If you are **21** years of age or older but could not apply for the sealing of juvenile records under A.R.S. § 8-349(B) (above), you may apply to have Juvenile Court and Arizona Department of Juvenile Corrections delinquency records sealed.

In your Application, you must certify under oath that **ALL** of the following are true:

- You are at least 21 years of age.
- You have not been convicted of a felony offense in an adult court.
- A criminal charge is not pending against you in an adult court.
- All victim restitution has been paid in full. If victim restitution has not been paid, all of the following must be true:
 - Special circumstances exist for incomplete payment; **AND**
- You are not required to register as a sex offender under A.R.S. § 13-3821,
OR
- You were required to register as a sex offender under A.R.S. § 13-3821, but the Juvenile Court Judge relieved you of the responsibility to register under A.R.S. § 13-3826.

LEGAL REQUIREMENTS FOR SETTING 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 Arizona Department of Juvenile Corrections, have been adjudicated delinquent or incorrigible, and have fulfilled the conditions of probation or received an absolute discharge, under A.R.S. § 41-2820(B), from the Arizona Department of Juvenile Corrections, you may apply to set aside the adjudication.

You are **NOT** eligible to apply to set aside the adjudication if you were adjudicated delinquent for any of the following offenses:

- An offense involving the infliction of serious physical injury.
- An offense involving the use or exhibition of a deadly weapon or dangerous instrument.
- An offense in violation of Title 13, Chapter 14 (sexual offenses).
- An offense in violation of section A.R.S § 28-1381 (driving under the influence), A.R.S § 28-1382 (driving under the extreme influence), A.R.S § 28-1383 (aggravated driving under the influence): or A.R.S § 28-3473 (driving on a suspended license).
- A traffic violation under Title 28, Chapter 3 (various traffic offenses—See A.R.S. § 8-348(D)(5)).

In the Application, you must certify under oath that **ALL** of the following are true:

- You are at least 18 years of age and no longer under the jurisdiction of Juvenile Court or the Arizona Department of Juvenile Corrections
- The offense was not in violation of the above stated statutes.
- You have not been convicted of a criminal offense in an adult court.

- You do not have a criminal charge pending in an adult court.
- You have completed the conditions of your court-ordered probation or received an absolute discharge, under A.R.S. § 41-2820(B), from the Arizona Department of Juvenile Corrections.
- All victim restitution you (not your parent/guardian) were ordered to pay, has been paid in full or special circumstances exist for incomplete payment.

**LEGAL REQUIREMENTS FOR RESTORATION OF RIGHT TO POSSESS A GUN OR FIREARM
A.R.S. § 8-431**

You may apply for the restoration of your civil right to carry or possess a gun or firearm as set forth below. In the Application, you must certify under oath 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 must certify that it has been **ten years** since you were terminated from probation or discharged, under A.R.S. § 41-2820(B), from the Arizona Department of Juvenile Corrections.
 - 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 or discharged, under A.R.S. § 41-2820(B), from the Arizona Department of Juvenile Corrections.

IMPORTANT ADVISEMENT — You should understand that:

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

1 Section 1. Renumbering:

2 A.R.S. Section 13-904 is renumbered Section 13-906

3 A.R.S. Section 13-905 is renumbered Section 13-910

4 A.R.S. Section 13-906 is renumbered Section 13-911

5 A.R.S. Section 13-907 is renumbered Section 13-904

6 A.R.S. Section 13-907.01 is renumbered Section 13-905

7 A.R.S. Section 13-908 is renumbered Section 13-909

8 A.R.S. Section 13-912 is renumbered Section 13-908

9 A.R.S. Section 13-912.01 is renumbered Section 8-348.01

10 Section 2. Repeal

11 A.R.S. Section 13-909, 13-910 and 13-911 are repealed

12 Section 3. A.R.S. §13-904 as renumbered is amended to read:

13 13-906. Suspension of civil rights and occupational disabilities

14 A. A conviction for a felony suspends the following civil rights
15 of the person sentenced:

16 1. The right to vote.

17 2. The right to hold public office of trust or profit.

18 3. The right to serve as a juror.

19 4. During any period of imprisonment any other civil rights the
20 suspension of which is reasonably necessary for the security of
21 the institution in which the person sentenced is confined or for
22 the reasonable protection of the public.

23 5. The right to possess ~~a gun or~~ firearm.

24 B. Persons sentenced to imprisonment shall not thereby be rendered
25 incompetent as witnesses upon the trial of a criminal action or
26 proceeding, or incapable of making and acknowledging a sale or
27 conveyance of property.

28 C. A person sentenced to imprisonment is under the protection of
29 the law, and any injury to his person, not authorized by law, is
30 punishable in the same manner as if such person was not convicted
31 and sentenced.

32 D. The conviction of a person for any offense shall not work
33 forfeiture of any property, except if a forfeiture is expressly
34 imposed by law. All forfeitures to the state, unless expressly
35 imposed by law, are abolished.

36 E. A person shall not be disqualified from employment by this state
37 or any of its agencies or political subdivisions, nor shall a
38 person whose civil rights have been restored be disqualified to
39 engage in any occupation for which a license, permit or certificate
40 is required to be issued by this state solely because of a prior
41 conviction for a felony or misdemeanor within or without this
42 state. A person may be denied employment by this state or any of
43 its agencies or political subdivisions or a person who has had his
44 civil rights restored may be denied a license, permit or
45 certificate to engage in an occupation by reason of the prior

1 conviction of a felony or misdemeanor if the offense has a
2 reasonable relationship to the functions of the employment or
3 occupation for which the license, permit or certificate is sought.
4 F. Subsection E of this section is not applicable to any law
5 enforcement agency.

6 G. Any complaints concerning a violation of subsection E of this
7 section shall be adjudicated in accordance with the procedures set
8 forth in title 41, chapter 6 and title 12, chapter 7, article 6.

9 H. A person who is adjudicated delinquent under section 8-341 for
10 a felony does not have the right to carry or possess a gun or
11 firearm.

12 Section 4. Title 13, Chapter 9 is amended by adding section 13-
13 907

14 13-907. Restoration of civil rights; application; firearm
15 possession; exceptions

16 A. EXCEPT AS PROVIDED IN THIS CHAPTER, EVERY PERSON CONVICTED OF
17 A CRIMINAL OFFENSE, ON FULFILLMENT OF THE CONDITIONS OF PROBATION
18 OR SENTENCE AND DISCHARGE BY THE COURT, MAY APPLY TO THE SUPERIOR
19 COURT TO HAVE THE PERSON'S CIVIL RIGHTS RESTORED. THE CONVICTED
20 PERSON SHALL BE INFORMED OF THIS RIGHT AT THE TIME OF SENTENCING.

21 B. THE PERSON OR THE PERSON'S ATTORNEY OR PROBATION OFFICER MAY
22 APPLY TO RESTORE THE PERSON'S CIVIL RIGHTS. THE CLERK OF THE COURT
23 MAY NOT CHARGE A FILING FEE FOR AN APPLICATION TO HAVE CIVIL RIGHTS
24 RESTORED.

25 C. IF THE APPLICATION IS GRANTED, THE COURT SHALL RESTORE THE
26 PERSON'S CIVIL RIGHTS EXCEPT AS OTHERWISE PROVIDED FOR IN THIS
27 CHAPTER.

28 D. THE CLERK OF THE COURT MUST NOTIFY THE DEPARTMENT OF PUBLIC
29 SAFETY IF A PERSON'S CIVIL RIGHTS ARE RESTORED. THE DEPARTMENT OF
30 PUBLIC SAFETY MUST UPDATE THE PERSON'S CRIMINAL HISTORY WITH AN
31 ANNOTATION THAT THE PERSON'S CIVIL RIGHTS HAVE BEEN RESTORED AND
32 ANY EXCEPTIONS ORDERED, BUT MAY NOT REDACT OR REMOVE ANY PART OF
33 THE PERSON'S RECORD.

34 E. THIS SECTION DOES NOT:

35 1. REQUIRE A LAW ENFORCEMENT AGENCY TO REDACT OR REMOVE A RECORD
36 OR INFORMATION FROM THE RECORD OF A PERSON WHOSE CIVIL RIGHTS ARE
37 RESTORED.

38 2. PRECLUDE THE DEPARTMENT OF PUBLIC SAFETY OR THE BOARD OF
39 FINGERPRINTING FROM CONSIDERING A CONVICTION OF A PERSON WHOSE
40 CIVIL RIGHTS HAVE BEEN RESTORED WHEN EVALUATING AN APPLICATION FOR
41 A FINGERPRINT CLEARANCE CARD PURSUANT TO SECTION 41-1758.03 OR 41-
42 1758.07.

1 F. IF THE COURT DENIES AN APPLICATION TO HAVE A PERSON'S CIVIL
2 RIGHTS RESTORED, THE COURT SHALL STATE ITS REASONS FOR THE DENIAL
3 IN WRITING AND ON THE RECORD.

4 G. IF RESTORATION OF CIVIL RIGHTS IS DISCRETIONARY WITH THE COURT,
5 A VICTIM HAS THE RIGHT TO BE PRESENT AND BE HEARD AT ANY PROCEEDING
6 IN WHICH THE DEFENDANT HAS FILED AN APPLICATION TO HAVE CIVIL
7 RIGHTS RESTORED. IF THE VICTIM HAS MADE A REQUEST FOR
8 POSTCONVICTION NOTICE, THE ATTORNEY FOR THE STATE SHALL PROVIDE
9 THE VICTIM WITH NOTICE OF THE DEFENDANT'S APPLICATION AND OF THE
10 RIGHTS PROVIDED TO THE VICTIM IN THIS SECTION.

11 Section 5. A.R.S. section 13-908 as renumbered and is amended as
12 follows

13 13-908. Restoration of civil rights for first offenders; exception

14 A. Any person who has not previously been convicted of ~~any other~~
15 A felony OFFENSE shall automatically be restored any civil rights
16 that were lost or suspended by AS A RESULT OF the conviction if
17 the person both:

18 1. Completes a term of probation or receives an absolute discharge
19 from imprisonment.

20 2. ~~Pays any fine or~~ PAYS IN FULL VICTIM restitution imposed.

21 B. This section does not apply to a person's right to possess
22 ~~weapons~~ A FIREARM as defined in section 13-3101 unless the person
23 applies to a court pursuant to section ~~13-905 or 13-906~~ 13-910 OR
24 13-911.

25 Section 6. A.R.S. section 13-909 as renumbered is amended as
26 follows:

27 13-909. Restoration of civil rights in the discretion of the
28 superior court

29 Except as provided in section ~~13-912~~ 13-908, the restoration of
30 civil rights ~~and the dismissal of the accusation or information~~
31 ~~under the provisions of this chapter~~ shall be in the discretion
32 of the superior court ~~judge by whom the person was sentenced or~~
33 ~~his successor in office.~~

34 Section 7. A.R.S. section 13-910 as renumbered is amended to
35 read

36 13-910. Restoration of civil rights; persons completing probation

37 A. A person who has been convicted IN SUPERIOR COURT of two or
38 more felonies and whose period of probation has been completed may
39 have any civil rights which were lost or suspended by the felony
40 conviction restored by the ~~judge who discharges him~~ COURT at the
41 end of the term of probation.

~~B On proper application, A person who has been discharged from probation either before or after adoption of this chapter may have any civil rights which were lost or suspended by the felony conviction restored by the superior court judge by whom the person was sentenced or the judge's successors in office from IN the county in which the person was originally convicted. The clerk of the superior court shall have the responsibility for processing the application on request of the person involved or the person's attorney. The superior court shall serve a copy of the application on the county attorney.~~

B. A PERSON WHO HAS BEEN CONVICTED OF TWO OR MORE FELONIES IN THE UNITED STATES DISTRICT COURT AND WHOSE PERIOD OF PROBATION HAS BEEN COMPLETED MAY APPLY TO HAVE ANY CIVIL RIGHTS WHICH WERE LOST OR SUSPENDED BY A FELONY CONVICTION IN A UNITED STATES DISTRICT COURT RESTORED BY THE SUPERIOR COURT IN THE COUNTY IN WHICH THE PERSON RESIDES.

C. If the person was convicted of a dangerous offense under section 13-704 OR AN OFFENSE THAT WOULD BE A DANGEROUS OFFENSE UNDER SECTION 13-704 IF COMMITTED IN THIS STATE 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 a serious offense OR A VIOLENT OR AGGRAVATED OFFENSE as defined in section 13-706 OR AN OFFENSE THAT WOULD BE A SERIOUS OFFENSE OR A VIOLENT OR AGGRAVATED AS DEFINED IN SECTION 13-706 IF COMMITTED IN THIS STATE 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 his 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 discharge from probation.

Section 8. A.R.S. 13-911 as renumbered is amended as follows:

13-911. Applications by persons discharged from prison

A. ~~On proper application,~~ A person who has been convicted of two or more felonies and who has received an absolute discharge from imprisonment may have any civil rights which were lost or suspended ~~by his~~ AS A RESULT OF THE conviction restored by the superior court ~~judge by whom the person was sentenced or the judge's successors in office from~~ IN the county in which the person was originally sentenced. THE PERSON SHALL FILE WITH THE APPLICATION A CERTIFICATE OF ABSOLUTE DISCHARGE FROM THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS.

1 ~~B. A person who is subject to subsection A of this section may~~
2 ~~file, no sooner than two years from the date of his absolute~~
3 ~~discharge, an application for restoration of civil rights that~~
4 ~~shall be accompanied by a certificate of absolute discharge from~~
5 ~~the director of the state department of corrections. The clerk of~~
6 ~~the superior court that sentenced the applicant shall have the~~
7 ~~responsibility for processing applications for restoration of~~
8 ~~civil rights upon request of the person involved, the person's~~
9 ~~attorney or a representative of the state department of~~
10 ~~corrections. The superior court shall serve a copy of the~~
11 ~~application on the county attorney.~~

12 B. A PERSON WHO HAS BEEN CONVICTED OF TWO OR MORE FELONIES AND WHO
13 HAS RECEIVED AN ABSOLUTE DISCHARGE FROM IMPRISONMENT IN A FEDERAL
14 PRISON MAY HAVE ANY CIVIL RIGHTS WHICH WERE LOST OR SUSPENDED AS
15 A RESULT OF THE CONVICTION RESTORED BY THE SUPERIOR COURT IN THE
16 COUNTY IN WHICH THE PERSON NOW RESIDES. THE PERSON SHALL FILE WITH
17 THE APPLICATION A CERTIFICATE OF ABSOLUTE DISCHARGE FROM THE
18 DIRECTOR OF THE FEDERAL BUREAU OF PRISONS, UNLESS IT IS SHOWN TO
19 BE IMPOSSIBLE TO OBTAIN SUCH CERTIFICATE

20 C. If the person was convicted of a dangerous offense under section
21 13-704, OR AN OFFENSE THAT WOULD BE A DANGEROUS OFFENSE UNDER
22 SECTION 13-706 IF COMMITTED IN THIS STATE the person may not file
23 for the restoration of the right to possess or carry a ~~gun or~~
24 firearm. If the person was convicted of a serious offense OR A
25 VIOLENT OR AGGRAVATED OFFENSE as defined in section 13-706 OR AN
26 OFFENSE THAT WOULD BE A SERIOUS OFFENSE OR A VIOLENT OR AGGRAVATED
27 AS DEFINED IN SECTION 13-706 IF COMMITTED IN THIS STATE, the person
28 may not file for the restoration of the right to possess or carry
29 a ~~gun or~~ firearm for ten years from the date of his absolute
30 discharge from imprisonment. If the person was convicted of any
31 other felony offense, the person may not file for the restoration
32 of the right to possess or carry a gun or firearm for two years
33 from the date of the person's absolute discharge from imprisonment.

5/14/2017
7:00 AM

Arizona House of Representatives
Committee on the Judiciary

HB _____

Draft Amendment

Section 1. A.R.S. Section 13-904 is amended to read:

13-904. Suspension of civil rights and occupational disabilities

A. A conviction for a felony suspends the following civil rights of the person sentenced:

1. The right to vote.
2. The right to hold public office of trust or profit.
3. The right to serve as a juror.
4. During any period of imprisonment any other civil rights the suspension of which is reasonably necessary for the security of the institution in which the person sentenced is confined or for the reasonable protection of the public.
5. The right to possess a gun or firearm.

B. UPON FINAL DISCHARGE, A PERSON CONVICTED OF ANY FELONY SHALL AUTOMATICALLY BE RESTORED THE RIGHT TO VOTE, THE RIGHT TO HOLD PUBLIC OFFICE OF TRUST OR PROFIT, AND THE RIGHT TO SERVE AS A JUROR, EXCEPT THAT THE RIGHT TO POSSESS A FIREARM SHALL NOT BE RESTORED UNLESS ORDERED BY THE COURT UNDER §§ 13-905, 13-906, 13-909, or 13-910. AS USED IN THIS SUBSECTION, "FINAL DISCHARGE" MEANS COMPLETION OF IMPRISONMENT, COMMUNITY SUPERVISION, AND PROBATION AS REQUIRED BY THE PERSON'S SENTENCE.

C. Persons sentenced to imprisonment shall not thereby be rendered incompetent as witnesses upon the trial of a criminal action or proceeding, or incapable of making and acknowledging a sale or conveyance of property.

D. A person sentenced to imprisonment is under the protection of the law, and any injury to his person, not authorized by law, is punishable in the same manner as if such person was not convicted and sentenced.

E. The conviction of a person for any offense shall not work forfeiture of any property, except if a forfeiture is expressly imposed by law. All forfeitures to the state, unless expressly imposed by law, are abolished.

F. A person shall not be disqualified from employment by this state or any of its agencies or political subdivisions, nor shall a person whose civil rights have been restored be disqualified to

engage in any occupation for which a license, permit or certificate is required to be issued by this state solely because of a prior conviction for a felony or misdemeanor within or without this state. A person may be denied employment by this state or any of its agencies or political subdivisions or a person who has had his civil rights restored may be denied a license, permit or certificate to engage in an occupation by reason of the prior conviction of a felony or misdemeanor if the offense has a reasonable relationship to the functions of the employment or occupation for which the license, permit or certificate is sought.

G. Subsection E of this section is not applicable to any law enforcement agency.

H. Any complaints concerning a violation of subsection E of this section shall be adjudicated in accordance with the procedures set forth in title 41, chapter 61 and title 12, chapter 7, article 6.

I. A person who is adjudicated delinquent under § 8-341 for a felony does not have the right to carry or possess a gun or firearm.

Renumber to conform.

Section 2. A.R.S. Section 13-905 is amended to read:

13-905. Restoration of RIGHT TO POSSESS A FIREARM civil rights; persons completing probation

~~A. A person who has been convicted of two or more felonies and whose period of probation has been completed may have any civil rights which were lost or suspended by the felony conviction restored by the judge who discharges him at the end of the term of probation.~~

A. On proper application, a person who has been discharged from probation either before or after adoption of this chapter may have **THE RIGHT TO POSSESS A FIREARM** any civil rights which were **WAS** lost or suspended by **THE PERSON'S** the felony conviction restored by the superior court judge by whom the person was sentenced or the judge's successors in office from the county in which the person was originally convicted. The clerk of the superior court shall have the responsibility for processing the application on request of the person involved or the person's attorney. The superior court shall serve a copy of the application on the county attorney.

B. If the person was convicted of a dangerous offense under § 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 a serious offense as defined in § 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 his 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 discharge from probation.

Renumber to conform.

Section 3. A.R.S. Section 13-906 is amended to read:

13-906. ~~Applications by persons discharged from prison~~ RESTORATION OF RIGHT TO POSSESS A FIREARM; PERSONS DISCHARGED FROM PRISON

~~A. On proper application, a person who has been convicted of two or more felonies and who has received an absolute discharge from imprisonment may have any civil rights which were lost or suspended by his conviction restored by the superior court judge by whom the person was sentenced or the judge's successors in office from the county in which the person was originally sentenced.~~

A. ON PROPER APPLICATION, A PERSON WHO HAS BEEN CONVICTED OF A FELONY AND WHO HAS A RECEIVED AN ABSOLUTE DISCHARGE FROM IMPRISONMENT MAY HAVE THE RIGHT TO POSSESS A FIREARM RESTORED. A person who is subject to subsection A of this section ~~THE PERSON~~ may file, no sooner than two years from the date of his absolute discharge, an application for restoration of **THE RIGHT TO POSSESS A FIREARM** ~~civil rights~~ that shall be accompanied by a certificate of absolute discharge from the director of the state department of corrections. The clerk of the superior court that sentenced the applicant shall have the responsibility for processing applications for restoration of **THE RIGHT TO POSSESS A FIREARM** ~~civil rights~~ upon request of the person involved, the person's attorney or a representative of the state department of corrections. The superior court shall serve a copy of the application on the county attorney.

B. If the person was convicted of a dangerous offense under § 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 a serious offense as defined in § 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 his absolute discharge from

imprisonment. 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.

Renumber to conform.

Section 4. A.R.S. Section 13-908 is amended to read.

13-908. Restoration of THE RIGHT TO POSSESS A FIREARM civil rights in the discretion of the superior court judge

~~Except as provided in § 13-912, the~~ **THE** restoration of **THE RIGHT TO POSSESS A FIREARM** ~~civil rights~~ and the dismissal of the accusation or information under the provisions of this chapter shall be in the discretion of the superior court judge by whom the person was sentenced or his successor in office.

Section 5. A.R.S. Section 13-909 is amended to read.

13-909. Restoration of THE RIGHT TO POSSESS A FIREARM civil rights; persons completing probation for federal offense

A. ~~A person who has been convicted of two or more felonies and whose period of probation has been completed may have any civil rights which were lost or suspended by the felony conviction in a United States district court restored by the presiding judge of the superior court in the county in which the person now resides, on filing of an affidavit of discharge from the judge who discharged him at the end of the term of probation.~~

B. On proper application, a person who has been discharged from probation either before or after adoption of this chapter may have **THE RIGHT TO POSSESS A FIREARM** ~~any civil rights~~ which **WAS** were lost or suspended by the felony conviction restored by an application filed with the clerk of the superior court in the county in which the person now resides. The clerk of the superior court shall process the application on request of the person involved or the person's attorney.

C. 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 gun or 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 gun or firearm for ten years from the date of the person's discharge from probation. If the person was convicted of any other felony offense, the person may not file for the restoration of his right to possess or carry a gun or firearm for two years from the date of his discharge from probation.

Renumber to conform.

Section 6. A.R.S. Section 13-910 is amended to read.

13-910. ~~Applications by persons discharged from federal prison~~
**RESTORATION OF RIGHT TO POSSESS A FIREARM; PERSONS DISCHARGED FROM
FEDERAL PRISON**

~~A. On proper application, a person who has been convicted of two or more felonies and who has received an absolute discharge from imprisonment in a federal prison may have any civil rights which were lost or suspended by the conviction restored by the presiding judge of the superior court in the county in which the person now resides.~~

A. ON PROPER APPLICATION, A PERSON WHO HAS BEEN CONVICTED OF A FELONY AND WHO HAS A RECEIVED AN ABSOLUTE DISCHARGE FROM IMPRISONMENT MAY HAVE THE RIGHT TO POSSESS A FIREARM RESTORED.~~A person who is subject to subsection A of this section~~ **THE PERSON** may file, no sooner than two years from the date of his absolute discharge, an application for restoration of **THE RIGHT TO POSSESS A FIREARM** ~~civil rights~~ that shall be accompanied by a certificate of absolute discharge from the director of the federal bureau of prisons, unless it is shown to be impossible to obtain such certificate. Such application shall be filed with the clerk of the superior court in the county in which the person now resides, and such clerk shall be responsible for processing applications for restoration of **THE RIGHT TO POSSESS A FIREARM** ~~civil rights~~ upon request of the person involved or the person's attorney.

B. 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 gun or 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 gun or firearm for ten years from the date of the person's absolute discharge from

imprisonment. 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.

Renumber to conform.

Section 7. A.R.S. Section 13-911 is amended to read.

13-911. Restoration of **THE RIGHT TO POSSESS A FIREARM** ~~civil rights~~ in the discretion of the presiding judge of the superior court

The restoration of **THE RIGHT TO POSSESS A FIREARM** ~~civil rights~~ under provisions of §§ 13-909 or 13-910 is within the discretion of the presiding judge of the superior court in the county in which the person resides.

Section 8. A.R.S. Section 13-912 is repealed in its entirety.

1/20/2018
2:15PM

MEMORANDUM

TO: Jeremy Mussman
FROM: Jeff Cappellini
RE: Restoration of Firearm Rights for Federal Convictions
DATE: 2/12/2018

ISSUE PRESENTED:

- I. Are the proposed automatic restoration of rights changes to A.R.S. §§ 13-909 & 13-910 superseded by federal law?

BRIEF ANSWER:

- I. Yes. With respect to Federal felony convictions, the United States Supreme Court declared in *Beecham v. United States*, 511 U.S. 368 (1994), that only Federal law can nullify the effect of the conviction through expungement, pardon, or restoration of civil rights. This is so, the Court ruled, even though there is no Federal procedure for restoring the civil rights of Federal felons. *Office of the United States Attorney, Criminal Resource Manual* at 1431.

STATEMENT OF FACTS:

We are currently drafting a proposal to the Arizona Restoration of Rights statutory scheme that would allow for the automatic restoration of the right to vote, hold public office, and serve a juror. The first draft included changes to A.R.S. §§ 13-909 & 13-910. The pertinent portions of these statutes read respectively:

On proper application, a person who has been discharged from probation either before or after adoption of this chapter ***may have any civil rights which were lost or suspended by the felony conviction restored*** by an application filed with the clerk of the superior court in the county in which the person now resides.

A.R.S. § 13-909(B)(emphasis added);

A person who is subject to subsection A of this section ***may file***, no sooner than two years from the date of his absolute discharge, ***an application for restoration of civil rights*** that shall be accompanied by a certificate of absolute discharge from the director of the federal bureau of prisons, unless it is shown to be impossible to obtain such certificate. Such application shall be filed with the clerk of the superior

court in the county in which the person now resides, and such clerk shall be responsible for processing applications for restoration of civil rights upon request of the person involved or the person's attorney.

A.R.S. § 13-910(B)(emphasis added).

The proposed changes would have changed the above quoted language to apply to only the restoration of firearm rights. This change would be necessary, because under our proposed changes to A.R.S. § 13-904, the restoration of all civil rights other than the right to bear firearms would be automatic. After reviewing the proposed changes to the restoration of civil rights statutory scheme, Chris Phillips, pointed out that the changes to A.R.S. § 13-909 & 13-910 would render them legally incorrect as a matter of Federal Law.

LAW/ANALYSIS:

A. Under Federal Law Only the Jurisdiction Which the Person Was Convicted Can Restore the Right to Possess a Firearm.

The Federal Statute that governs a felons right to possess a firearm is 18 U.S.C. § 922. Under that section, it is a federal offense “for any person who has been convicted ... [of] a crime punishable by imprisonment for a term exceeding one year ... [to possess] any firearm” 18 U.S.C. § 922(g). The same statute defines what a “conviction” is under the section and it states “[w]hat constitutes a conviction . . . shall be determined in accordance with the law of the jurisdiction in which the proceedings were held.” 18 U.S.C. § 921(a)(20). Furthermore, “[a]ny conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction” *Id.*

In *Beecham v. United States*, 511 U.S. 368 (1994), the court considered whether a felon who has had their civil rights restored by a state court could legally possess a firearm resulting from the loss of that right in conjunction with a federal conviction. The Supreme Court reasoned that the word “conviction” is used throughout 18 U.S.C. 922, and therefore the clauses should be

read together not separately. *Beecham*, 511 U.S. at 371. The Court went on to hold that when considering a federal conviction for the purposes of 18 U.S.C. 922 the only “jurisdiction” that can restore the right to possess a firearm is a federal jurisdiction. *Id.* at 374.

The current draft proposal is therefore legally incorrect because it would seek to allow “the presiding judge of the superior court in the county in which the person now resides” to restore the right to possess a firearm resulting from a disability concerning a federal conviction. Under *Beecham*, even if a person’s right to possess a firearm were restored under the proposed draft versions of A.R.S. 13-909 or 13 910, they could still face federal criminal liability for possession of a firearm.

CONCLUSION:

In conclusion, the changes that were previously proposed regarding A.R.S. §§ 13-909 & 13-910 should be abandoned. If there is some sort of benefit to leaving the statutes as they are then we should not make any recommendations regarding them (i.e. preserving a method for persons with federal convictions to restore civil rights other than the right to possess a firearm). If our proposed changes to A.R.S § 13-904 would accomplish the goal of restoring a federally convicted person’s civil rights other than the right to possess a firearm, then we might propose that A.R.S. §§ 13-909 & 13-910 be repealed entirely.

MEMORANDUM

TO: Jeff Cappellini
FROM: Karen Nielsen
RE: Fine, Fee, and Restitution Requirements for the Restoration of Civil Rights
DATE: August 28, 2018

Figure 1, attached below, contains the results of a fifty state survey, plus the District of Columbia. The survey examines which states condition the restoration of civil rights on the payment of court-ordered fines, fees, or restitution. The results are summarized as follows:

Restoration of the Right to Vote

- The majority of states (40) do not expressly condition the restoration of the right to vote on the payment of fines, fees, or restitution.¹ Of these, sixteen require a convicted person to complete *all* terms of the sentence, including parole or probation, prior to restoring the right to vote, but move any remaining due fines, fees, and in some cases restitution to a civil judgment, allow the court to discretionarily remove the fines prior to automatic restoration, or do not allow revocation or discharge to be postponed due to nonpayment.²
- Two states (Maine and Vermont) never rescind the right to vote, even while a person is incarcerated.
- Seven states require the payment of fines, fees, or restitution prior to restoration of the right to vote.³
- Two states grant the courts broad discretion on whether to remit fines and fees prior to restoring the right to vote.⁴

¹ Alaska, California, Colorado, Delaware, District of Columbia, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, Wyoming.

² Alaska, California, Idaho, Nevada, North Carolina, and South Carolina move the fines to a civil judgment after all other terms of probation or parole are completed. Georgia, New Jersey, Oklahoma, Texas, and West Virginia allow the courts to remove fines upon showings of substantial hardship or for other reasons. Missouri and New Mexico do not permit probation revocation for failure to make payments.

³ Alabama, Arkansas, Connecticut, Florida, Kentucky, Maryland, Washington.

⁴ Arizona and Kansas.

Restoration of the Right to Hold Office

- Twenty-six states do not expressly require financial obligations to be paid to restore the right to hold office.⁵
- Six states never revoke the right to hold office except for specific crimes.⁶
- Four states grant courts broad discretion prior to restoration of the right to hold office.⁷
- Eleven states require financial obligations to be paid to restore the right to hold office⁸ and six more consider whether a person paid them prior to restoring that right.⁹

Restoration of the Right to Serve on a Jury

- Twenty-four states do not expressly require the payment of fines, fees, or restitution to restore the right to serve on a jury.¹⁰
- Four states never rescind the right to serve on a jury for a convicted person.¹¹
- Twelve states require the payment of court-ordered financial obligations to serve on a jury¹² and seven more consider whether a convicted person has paid all financial obligations prior to restoring the right to serve on a jury.¹³
- Four states leave the restoration of the right to serve on a jury up to the court's discretion.¹⁴

⁵ Alaska, California, Colorado, Delaware, District of Columbia, Hawaii, Idaho, Illinois, Indiana, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Virginia, West Virginia, Wisconsin.

⁶ Louisiana, Maine, Massachusetts, Michigan, Mississippi, Vermont.

⁷ Arizona, Arkansas, Kansas, Tennessee.

⁸ Alabama, Connecticut, Florida, Georgia, Kentucky, Maryland, Ohio, Oklahoma, Oregon, Utah, Washington.

⁹ Iowa, Nebraska, New York, Pennsylvania, Texas, Wyoming.

¹⁰ Alaska, California, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Indiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, South Dakota, Virginia, Wisconsin.

¹¹ Colorado, Illinois, Iowa, Maine.

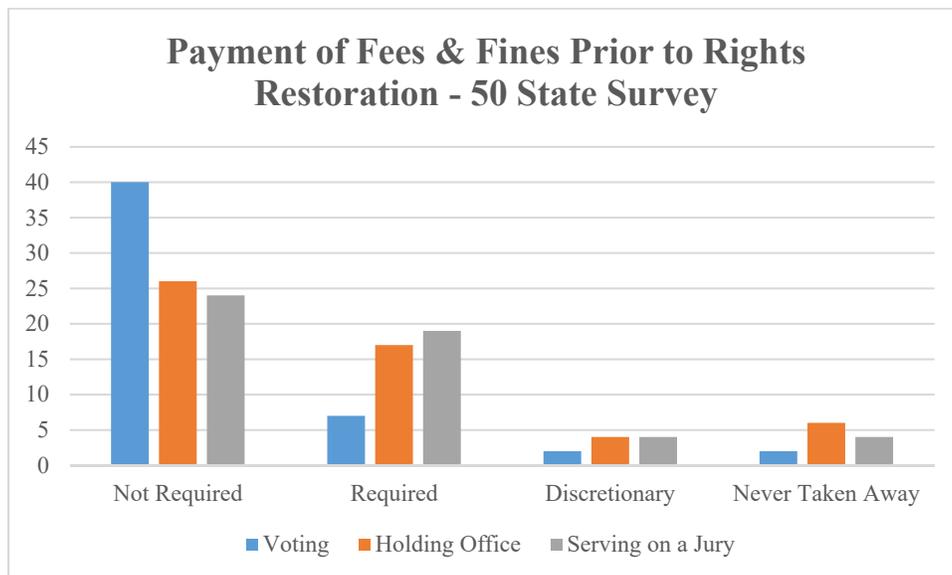
¹² Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Ohio, Oklahoma, South Carolina, Tennessee, Utah, Washington.

¹³ Maryland, Nebraska, New York, Pennsylvania, Texas, Vermont, Wyoming.

¹⁴ Arizona, Kansas, New Hampshire, Tennessee.

Cross-Analysis of Automatic Civil Rights Restoration in All Cases and No Requirement to Pay Fines and Fees

- Of the sixteen states (including the District of Columbia) that allow for a *full automatic restoration of rights*¹⁵:
 - Only Connecticut requires the payment of fines, fees, or restitution to restore the right to vote.
 - Connecticut, Ohio, and Oregon require the payment of fines, fees, or restitution to restore the right to hold office.
 - Only Ohio requires the payment of fines, fees, or restitution to restore the right to serve on a jury.



¹⁵ Alaska, Colorado (right to serve on jury never lost), Connecticut, District of Columbia, Idaho, Illinois, Kansas, Massachusetts, Minnesota, Montana, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, and South Dakota.

FIGURE 1

STATE	RIGHT TO VOTE	RIGHT TO HOLD OFFICE	RIGHT TO SERVE ON A JURY
<p>ALABAMA</p> <p>MUST pay all fines and fees before restoration of all rights.</p>	<p>All fees and fines must be paid in order to be eligible for a pardon, a person must petition the Board of Pardons and Paroles for a Certificate of Eligibility to Register to Vote after a conviction. ALA. CODE § 15-22-36.1(a)(3). Additionally, a person convicted of certain crimes are ineligible to apply to vote. ALA. CODE § 15-22-36.1 (g). The Board of Pardons and Paroles may remit fines and forfeitures, however. ALA. CODE § 15-22-36 (a).</p>	<p>Only qualified electors are eligible to hold state office. ALA. CODE § 36-2-1; <i>see also</i> ALA. CODE § 15-22-36.1(a)(1), (3). Thus, in order to hold office a person formerly convicted must have their right to vote reinstated via the process outlined in ALA. CODE § 15-22-36.1, which includes the payment of fines and fees.</p>	<p>To be eligible to sit on a jury a person must not have “lost the right to vote by conviction for any offense involving moral turpitude.” ALA. CODE § 12-16-60(a)(4). Thus, the right to vote must be restored prior to the right to serve on a jury. The right to serve on a jury is restored only by action of the Board of Pardons and Paroles. The Board of Pardons and Parole has the power to remit fines. ALA. CODE § 15-22-36.</p>
<p>ALASKA</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines and fees before the restoration of the right to vote.</p> <p>The person must be unconditionally discharged. An unconditional discharge is when the “defendant is released from all disability arising under a sentence including probation and</p>	<p>A person who has had his or her right to vote restored will also have the right to hold public office restored. ALASKA STAT. §§ 15.25.030(10); 39.05.100.</p>	<p>There is no requirement to pay fines and fees before the restoration of the right to serve on a jury.</p> <p>The right to serve on a jury is automatically restored upon unconditional discharge. ALASKA STAT. § 09.20.020(2). An unconditional discharge is when the</p>

	<p>parole.” ALASKA STAT. § 12.55.185(18).</p> <p>“The judgment for restitution remains civilly enforceable after the expiration of the period of probation.” ALASKA R. CRIM. P. 32.6(i)(2).</p>		<p>“defendant is released from all disability arising under a sentence including probation and parole.” ALASKA STAT. § 12.55.185(18).</p> <p>“The judgment for restitution remains civilly enforceable after the expiration of the period of probation.” ALASKA R. CRIM. P. 32.6(i)(2).</p>
<p>ARIZONA</p> <p>Fines and fees MUST be paid for automatic restoration of rights, <i>however</i> when restoration of rights is applied for through the court a judge has discretion on whether they must be paid.</p>	<p>All fees and fines must be paid in order for the right to vote to be restored if the person is a first time felony offender receiving automatic restoration of his rights. ARIZ. RULES OF CRIM. PRO. 30.1; <i>See also</i> ARIZ. REV. STAT. § 13-912.</p> <p>A person who has subsequent felony convictions must apply for their civil rights to be restored, and the judge hearing the request considers the status of restitution and court-ordered monetary obligations when determining whether to restore the person’s right to vote. ARIZ. RULES OF</p>	<p>All fees and fines must be paid in order to have the right to hold office restored if the person is a first time felony offender receiving automatic restoration of his rights. ARIZ. RULES OF CRIM. PRO. 30.1; <i>See also</i> ARIZ. REV. STAT. § 13-912.</p> <p>A person who has subsequent felony convictions must apply for their civil rights to be restored, and the judge hearing the request considers the status of restitution and court-ordered monetary obligations when determining whether to restore the person’s right to hold office. ARIZ. RULES</p>	<p>All fees and fines must be paid in order to have the right to serve on a jury to be restored if the person is a first time felony offender receiving automatic restoration of his rights. ARIZ. RULES OF CRIM. PRO. 30.1; <i>See also</i> ARIZ. REV. STAT. § 13-912.</p> <p>A person who has subsequent felony convictions must apply for their civil rights to be restored, and the judge hearing the request considers the status of restitution and court-ordered monetary obligations when determining whether to restore the person’s right to</p>

	CRIM. PRO. 30.2; <i>See also</i> ARIZ. REV. STAT. § 13-911	OF CRIM. PRO. 30.2; <i>See also</i> ARIZ. REV. STAT. § 13-911.	serve on a jury. ARIZ. RULES OF CRIM. PRO. 30.2; <i>See also</i> ARIZ. REV. STAT. § 13-911.
<p>ARKANSAS</p> <p>Fines and fees MUST be paid prior to restoration of right to vote. There is NO requirement to pay fines and fees for restoration of other civil rights, however.</p>	<p>A person’s right to vote is automatically restored upon providing the county clerk with proof he or she has satisfied all terms of imprisonment including the payment of all fees and fines, and the successful completion of parole or probation. ARK. CONST. amend. 51, § 11(d).</p>	<p>There is no explicit requirement to pay all fines and fees before expungement. ARK. CODE § 16-93-204.</p> <p>Only expungement restores an individual’s ability to hold office. <i>Haile v. Johnston</i>, 482 S.W.3d 323, 326 (Ark. 2016).</p>	<p>There is no explicit requirement to pay fines and fees before the restoration of the right to serve on a jury, the governor has discretion to remit fines.</p> <p>ARK. CODE § 16-93-207.</p> <p>Arkansas law disqualifies any person “convicted of a felony and not pardoned” from serving on a jury. ARK. CODE § 16-31-102(a)(4). Thus, the right to serve on a jury is restored only by a pardon by the governor who may also remit fines and forfeitures through his pardoning power. ARK. CONST. art. VI, § 18.</p>
<p>CALIFORNIA</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no explicit requirement to pay all fines and fees before completion of sentence or parole. Upon completion of the sentence or parole the ex-felon’s voting rights are automatically</p>	<p>The right to hold office may not be restored after conviction unless pardoned by the governor. CAL. GOV'T CODE § 1770.2; 4853.</p>	<p>There is no explicit requirement to pay fines and fees before a Certificate of Rehabilitation is granted. CAL. PENAL § 4852.01.</p> <p>A person’s right to serve on a jury is</p>

	<p>restored. <i>Flood v. Riggs</i>, 145 Cal. Rptr. 573, 583 (Cal. Ct. App. 1978).</p> <p>If fines and fees have not been paid upon completion of sentence or parole, the obligations may be enforced through a civil judgment. CAL. PENAL CODE § 1214. <i>People v. Chambers</i>, (App. 3 Dist. 1998) 76 Cal.Rptr.2d 732, 65 Cal.App.4th 819.</p>		<p>restored only if a pardon is issued. CODE CIV. PROC., §203 subd. (a)(5). A person must usually first apply for a Certificate of Rehabilitation prior to seeking a pardon, but a direct application for pardon may also be filed in some cases.¹⁶ The Certificate of Rehabilitation will itself serve as an application for pardon. CAL. PENAL § 4852.16. There is no explicit requirement to pay fines and fees before a pardon is issued. § 4812.</p>
<p>COLORADO</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines and fees before restoration of right to vote. COLO. CONST. art. VII, § 10.</p> <p>The right to vote upon conviction of a felony that results in imprisonment is automatically restored after serving the full term of imprisonment or upon completion of parole. COLO. CONST. art. VII, § 10. Additionally, persons with convictions who</p>	<p>There is no requirement to pay fines and fees before the right to hold office is restored. COLO. REV. STAT. § 18-1.3-401(3).</p> <p>The right is to hold office is automatically restored upon the completion of the sentence or parole. COLO. REV. STAT. § 18-1.3-401(3).</p> <p>Restitution may still be outstanding after completion of</p>	<p>The right to serve on a jury is not a presumptive penalty of a criminal conviction. COLO. REV. STAT. § 18-1.3-401(3).</p>

¹⁶ https://www.gov.ca.gov/wp-content/uploads/2017/09/How_To_Apply_for_a_Pardon.pdf

	are not in prison may vote, including persons in pre-trial detention. COLO. REV. STAT. § 1-2-103(4).	sentence. COLO. REV. STAT. § 18-1.3-603 (4)(a)(I).	
<p>CONNECTICUT</p> <p>MUST pay all fines and fees prior to restoration of rights to vote and hold office.</p> <p>NO requirement to pay fines and fees prior to restoration of right to serve on a jury.</p>	<p>All fines and fees must be paid to restore voting rights. CONN. GEN. STAT. § 9-46a.</p> <p>Upon the payment of all fines in relation with the conviction and once the person has been discharged from confinement or parole, his or her right to vote is automatically restored. CONN. GEN. STAT. § 9-46a.</p>	<p>Payment of all fines is required to restore right to hold office. CONN. GEN. STAT. § 9-46a.</p> <p>Once a person’s right to vote is restored, his or her right to hold office is also automatically restored. CONN. GEN. STAT. § 9-46a(b).</p>	<p>There is no requirement to pay fines and fees before restoration of right to serve on a jury. CONN. GEN. STAT. § 51-217(a)(2).</p> <p>The right to serve on a jury is <i>automatically</i> restored after seven years (unless the person is still imprisoned). CONN. GEN. STAT. § 51-217(a)(2).</p>
<p>DELAWARE</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines and fees before restoration of right to vote. DEL. CODE ANN. TIT. 15, §§ 6103-05.</p> <p>The right to vote may be restored after expiration of sentence or being pardoned, whichever comes first. DEL. CONST. ART. 5, § 2. A person’s sentence expires upon satisfaction of the <i>period</i> of the sentence. DEL. CONST. ART. 5, § 2.</p>	<p>The right to hold office is only lost after conviction of certain crimes and that right may not be restored after conviction, even if pardoned. DEL. CONST. ART. 2, § 21. No person convicted of “embezzlement of the public money, bribery, perjury or other infamous crime, shall be eligible to a seat in either House of the General Assembly, or capable of holding any office of trust, honor or profit under this</p>	<p>The payment of fines, fees, and restitution is not required before the restoration of the right to serve on a jury, but the right can only be restored through pardon. DEL. CODE 10, § 4509(b)(6); <i>Id.</i> at 11, § 4364.</p> <p>Convicted felony offenders may not serve on juries, unless the person receives a pardon. DEL. CODE 10, § 4509(b)(6); <i>Id.</i> at 11, § 4364.</p>

	<p>If the right will be restored through a <i>pardon</i>, the governor has discretion to remit fines and fees. DEL, CONST. ART. 7, § 1.</p>	<p>State.” DEL. CONST. ART. 2, § 21.</p>	<p>The governor has discretion to remit fines and fees. DEL. CONST. ART. 7, § 1.</p>
<p>DISTRICT OF COLUMBIA</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines and fees before restoration of right to vote, as restoration occurs upon release from confinement, <i>not</i> upon completion of parole or probation. D.C. MUN. REGS. tit. 3, § 3-500.2(c).</p> <p>A person is a qualified voter (elector) even with a felony conviction unless he or she is actually incarcerated. D.C. MUN. REGS. tit. 3, § 3-500.2(c).</p>	<p>There is no requirement to pay fines and fees before restoration of right to hold office, since restoration occurs upon release from confinement and when the person is a qualified elector. D.C. CODE § 1-204.02</p> <p>The right to hold office is restored upon release from incarceration (when the person becomes a qualified elector). D.C. CODE § 1-204.02.</p>	<p>There is no requirement to pay fines and fees before restoration of right to serve on a jury, as restoration occurs a year after completion of incarceration, <i>not</i> upon completion of parole or probation. D.C. CODE § 11-1906(b)(2)(B).</p> <p>The potential to qualify as a juror begins one year after the completion of the term of incarceration. D.C. CODE § 11-1906(b)(2)(B).</p>
<p>FLORIDA</p> <p>MUST pay fines and fees prior to restoration of all rights.</p>	<p>The payment of fines and fees is required to have all civil rights restored via pardon and to have rights restored either with or without a hearing. <i>See</i> RULES OF EXECUTIVE CLEMENCY, R.5, https://www.fcor.state.fl.us/docs/clemency/clemency_rules.pdf.</p> <p>However, a person</p>	<p><i>See</i> Right to Vote</p>	<p><i>See</i> Right to Vote</p>

	may apply for the remission of fines separately prior to requesting rights restoration through these means. <i>Id.</i> , R. 4(I)(E).		
<p>GEORGIA</p> <p>NO requirement to pay fines and fees prior to restoration of voting rights.</p> <p>MUST pay fines and fees prior to restoration of rights to hold public office and serve on a jury.</p>	<p>There is no requirement to pay fines and fees before restoration of right to vote, as it is automatically restored upon the completion of the sentence. GA. CONST. art. II, § 1, ¶ III; <i>see also Holton v. Hollingsworth</i>, 514 S.E.2d 6, 8 (Ga. 1999) (holding convicted felon did not have to “reregister” once he completed his sentence).</p>	<p>All fines and fees must be paid to restore the right to run for and hold public office. <i>See</i> PARDONS & RESTORATION OF RIGHTS, https://pap.georgia.gov/pardons-restoration-rights (last visited Aug. 23, 2018).</p> <p>A person who has been convicted of a felony involving moral turpitude cannot hold office unless ten years have passed since completion of his or her sentence, and that persons civil rights have been restored. GA. CONST. art. II, § 2, ¶ III.</p>	<p>All fines and restitution must be paid in full to restore the right to serve on a jury, which is granted through a pardon <i>See</i> PARDONS & RESTORATION OF RIGHTS, https://pap.georgia.gov/pardons-restoration-rights (last visited Aug. 23, 2018).</p> <p>The right to sit on a jury is regained by pardon or restoration of civil rights. Ga. Op. Att’y Gen. 69 (1983).</p>
<p>HAWAII</p> <p>NO requirement to pay fines and fees prior to restoration of all civil rights.</p>	<p>There is no requirement to pay fines and fees before the restoration of the right to vote. HAW. CONST. art. II, § 2.</p> <p>A person sentenced for a felony may not vote until the</p>	<p>There is no requirement to pay fines and fees before the restoration of the right to run for and hold office. HAW. REV. STAT. § 831-2(a)(2).</p>	<p>There is no requirement to pay fines and fees to restore the right to serve on a jury. <i>See</i> PARDON INFORMATION AND INSTRUCTIONS https://dps.hawaii.gov/wp-</p>

	<p>person’s final discharge. HAW. CONST. art. II, § 2. However, a person may vote if the person is <i>on</i> probation or parole after commitment to imprisonment. HAW. REV. STAT. § 831-2(a)(1).</p>	<p>A person who has been sentenced for a felony may not hold public office until the person’s final discharge. HAW. REV. STAT. § 831-2(a)(2).</p>	<p>content/uploads/2012/09/Pardon-application2.pdf (last visited Aug. 23, 2018).</p> <p>A person who has been convicted of a felony is disqualified from serving on a jury unless he or she has been pardoned. HAW. REV. STAT. § 612-4.</p>
<p>IDAHO</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines and fees before restoration of right to vote, which occurs after “satisfactory completion of imprisonment, probation and parole”. IDAHO CODE § 18-310(2).</p> <p>Any unpaid fines may be collected in a civil proceeding. (IDAHO CODE § 19-2702).</p>	<p><i>See</i> Right to Vote</p>	<p><i>See</i> Right to Vote</p>
<p>ILLINOIS</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines, fees, and restitution to restore the right to vote. 38 ILL. COMP. STAT. 730 § 5-5-5.</p> <p>A person convicted of a felony, or otherwise under</p>	<p>There is no requirement to pay fines, fees, and restitution to restore the right to hold office, as a person can hold office upon completion of his or her sentence. 38 ILL. COMP. STAT. 730 § 5/5-5-5 (b).</p>	<p>There is no requirement to pay fines, fees, and restitution to restore the right to serve on a jury, as Illinois does not exclude convicted felons from jury service. 78 ILL.</p>

	<p>sentenced to a correctional institution or jail, shall lose the right to vote, which shall be restored not later than upon completion of his or her sentence. ILL. CONST. art. III, § 2.</p>		<p>COMP. STAT. 705 § 305/2.</p>
<p>INDIANA</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines, fees, and restitution to restore the right to vote. IND. CODE § 3-7-13-4.</p> <p>A person is disenfranchised during the period of imprisonment, but the right to vote is automatically reinstated upon release or when the person is otherwise not subject to lawful detention. <i>Id.</i></p>	<p>There is no requirement to pay fines, fees, and restitution to restore the right to hold office.</p> <p>A person is disqualified from holding office upon the conviction of a felony offense. IND. CODE § 3-8-1-5. This right is suspended until the person has been pardoned or the conviction has been set aside or expunged. <i>Id.</i> However, an unconditional pardon does not remove fines, fees, or restitution that defendant is ordered to pay by the court. <i>State v. Farley</i>, 8 Blackf. 229 (1846) (A person may be pardoned before the full payment of court ordered fines, fees, or restitution).</p>	<p>There is no requirement to pay fines, fees, and restitution to restore the right to serve on a jury. IND. CODE § 33-28-5-18.</p> <p>The right to serve on a jury is tied to the right to vote. Once the right to vote is restored, the right to serve on a jury is automatically restored. IND. CODE § 33-28-5-18(b)(5).</p>

<p>IOWA</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement of fines, fees, and restitution before the restoration of the right to vote, however it is a factor weighed by the governor or the Board of Parole when applying for restoration of rights. <i>See</i> APPLICATION FOR RESTORATION OF CITIZENSHIP RIGHTS, https://governor.iowa.gov/sites/default/files/Voting%20Application%20-%20REVISED%204.20.18.pdf (last visited Aug. 23, 2018). Additionally, a person may apply for remission of fines or forfeitures separately to the governor’s office as well. IOWA CODE § 914.1</p> <p>Any person convicted of an infamous crime loses the right to vote and hold office. IOWA CONST. art. II, § 5.</p> <p>In order to restore ones civil rights a person must apply to either the Board of Parole or to the</p>	<p>There is no requirement of fines, fees, and restitution before the restoration of the right to hold office, however it is a factor weighed by the governor or the Board of Parole when applying for restoration of rights. <i>See</i> APPLICATION FOR RESTORATION OF CITIZENSHIP RIGHTS, https://governor.iowa.gov/sites/default/files/Voting%20Application%20-%20REVISED%204.20.18.pdf (last visited Aug. 23, 2018).</p> <p><i>See</i> Right to Vote.</p>	<p>There is no requirement to pay fines, fees, and restitution before the restoration of the right to serve on a jury.</p> <p>The State of Iowa does not disqualify persons convicted of felonies from jury service. IOWA CODE § 607A.4.</p>

	governor. IOWA CODE § 914.2.		
<p>KANSAS</p> <p>Grants judges discretion on whether to condition completion of sentence, and thus restoration of all civil rights, on full payment of fines and fees.</p>	<p>The court has discretion to condition the completion of probation on the payment of restitution and fees. Because Kansas has automatic restoration of rights following completion of entire sentence, restitution will be required in most circumstances. KS LEG. RESEARCH DEP'T, PROBATION LENGTH AND CONDITIONS IN KS, http://www.kslegresearch.org/KLRD-web/Publications/JudiciaryCorrectionsJuvJustice/ProbationLengthConditionsMemo.pdf (2015).</p> <p>A person who is convicted of a felony temporarily loses the right to vote. KAN. STAT. § 21-6613(a). Upon completion of the individual's sentence these rights are automatically restored. KAN. STAT. § 21-6613(b).</p>	<p>The court has discretion to condition the completion of probation on the payment of restitution and fees. Because Kansas has automatic restoration of rights following completion of entire sentence, restitution will be required in most circumstances. KS LEG. RESEARCH DEP'T, PROBATION LENGTH AND CONDITIONS IN KS, http://www.kslegresearch.org/KLRD-web/Publications/JudiciaryCorrectionsJuvJustice/ProbationLengthConditionsMemo.pdf (2015).</p> <p>A person who is convicted of a felony temporarily loses the right to hold office. KAN. STAT. § 21-6613(a). Upon completion of the individual's sentence these rights are automatically restored. KAN. STAT. § 21-6613(b).</p>	<p>The court has discretion to condition the completion of probation on the payment of restitution and fees. Because Kansas has automatic restoration of rights following completion of entire sentence, restitution will be required in most circumstances. KS LEG. RESEARCH DEP'T, PROBATION LENGTH AND CONDITIONS IN KS, http://www.kslegresearch.org/KLRD-web/Publications/JudiciaryCorrectionsJuvJustice/ProbationLengthConditionsMemo.pdf (2015).</p> <p>A person who is convicted of a felony temporarily loses the right to serve on a jury. KAN. STAT. § 21-6613(a). After conviction the convicted person loses this right for a minimum of ten years, after which (or the successful completion of a sentence more than 10 years) the right to serve on a jury is</p>

			automatically restored. KAN. STAT. § 43-158(c).
<p>KENTUCKY</p> <p>MUST pay all fines and fees prior to restoration of any rights.</p>	<p>All fees and fines must be paid in order for the right to vote to be restored. KY. REV. STAT. § 196.045 (2)(c).</p> <p>A person convicted of a felony loses his or her right to vote, which can only be restored by executive pardon or gubernatorial restoration of rights. KY. CONST. § 145(1).</p>	<p>All fees and fines must be paid in order for the right to hold office. KY. REV. STAT. § 196.045 (2)(c).</p> <p>A person convicted of a felony loses his or her right to hold office, which can only be restored by executive pardon or gubernatorial restoration of rights. KY. CONST. § 150.</p>	<p>All fees and fines must be paid in order for the right to serve on a jury. KY. REV. STAT. § 196.045 (2)(c).</p> <p>A person who has been convicted of a felony and has not been pardoned or received a restoration of civil rights is disqualified from jury service. KY. REV. STAT. § 29A.080(2)(e).</p>
<p>LOUISIANA</p> <p>NO requirement to pay fines and fees prior to restoration of rights to vote and hold office.</p> <p>MUST pay fines and fees prior to restoration of right to serve on a jury.</p>	<p>There is no requirement to pay fines, fees, or restitution before restoration of the right to vote. LA. REV. STAT. § 18-102.</p> <p>A person is disqualified from voting while under imprisonment for a felony conviction. The right is automatically restored upon release from imprisonment. LA. CONST. art. I, §</p>	<p>There is no requirement to pay fines, fees, or restitution before restoration of the right to hold office. LA. REV. STAT. § 18-102.</p> <p>A person with a felony conviction can currently hold office in Louisiana. In 2016, the Louisiana Supreme Court struck down the constitutional provision disqualifying</p>	<p>There is a requirement to pay fines, fees, or restitution before restoration of the right to serve on a jury.</p> <p>A person with a felony conviction cannot serve on a jury unless he or she has been pardoned by the governor. LA. CODE CRIM. PROC. art. 401(A)(5).</p> <p>“[T]he governor shall not grant any pardon</p>

	<p>10(A); LA. REV. STAT. § 18-102.</p> <p>Louisiana courts extended this to persons on parole, and those who are designated probationers with suspension of a sentence in lieu of successful completion.</p> <p><i>Rosamond v. Alexander</i>, 846 So. 2d 829, 831 (La. Ct. App. 2003).</p>	<p>convicted persons from holding office.</p> <p><i>Shepherd v. Schedler</i>, 209 So. 3d 752, 766 (La. 2016).</p>	<p>to any person unless that person has paid all of the court costs which were imposed in connection with the conviction of the crime for which the pardon is to be issued.” LA. REV. STAT. 15 § 572(A).</p>
<p>MAINE</p> <p>NO requirement to pay fines and fees; civil rights are never lost.</p>	<p>A person who is convicted of a felony does not lose the right to vote. ME. CONST. art. II, § 1.</p>	<p>A person who is convicted of a felony does not automatically lose the right to hold office. A sentencing court can impose this sanction on a convicted felon at sentencing. ME. REV STAT. tit. 17-A, 1152(4).</p>	<p>A person does not lose the right to serve on a jury upon felony conviction. ME. REV. STAT. tit. 14, § 1211.</p>
<p>MARYLAND</p> <p>MUST pay all fines and fees prior to restoration of all rights.</p>	<p>There is a requirement to pay restitution, as a condition of probation, before restoration of the right to vote. MD. CODE, ELEC. LAW § 3-102(b)(1); <i>see also</i> PARDON GUIDELINES, https://www.dpsecs.state.md.us/publicservs/pdfs/pardon_guidelin</p>	<p>There is a requirement to pay restitution, as a condition of probation, before the restoration of the right to hold office. MD. CONST. art. I, § 12.</p> <p>Once a person’s voting rights have been restored he or</p>	<p>There is no requirement to pay fines, fees, or restitution to restore the right to serve on a jury, however a person’s repayment status and other financial obligations are considered when submitting an application for pardon. <i>See</i></p>

	<p>es.pdf (last visited Aug. 24, 2018)</p> <p>A person who is currently serving a sentence on a felony conviction is disqualified from voting but the right is restored upon completion of sentence. MD. CODE, ELEC. LAW § 3-102(b)(1).</p> <p>“The court may extend the probation beyond the time allowed [under Maryland law] if: (1) the defendant consents in writing; and (2) the extension is only for making restitution”. MD. CODE CRIM. PROC. § 6-222(c)(1)(2).</p>	<p>she automatically eligible to hold office. MD. CONST. art. I, § 12.</p> <p><i>See</i> Right to Vote</p>	<p>APPLICATION FOR PARDON, https://www.dpscs.state.md.us/publicservs/pdfs/Application-for-Pardon-Revised.pdf (last visited Aug. 24, 2018).</p> <p>A person is disqualified from serving on a jury if he or she has been convicted of a felony, and the right can only be restored upon pardon. MD. CODE, CTS. & JUD. PROC. § 8-103(b)(4), (c).</p> <p>Full payment of fines, fees, and restitution is not a requirement to apply for a pardon. MD. CODE CORR. SERV. § 7-601.</p>
<p>MASSACHUSETTS</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines, fees, or restitution to restore the right to vote. MASS. GEN. LAWS ch. 51, § 1.</p> <p>A person currently “incarcerated in a correctional facility due to a felony conviction” is not permitted to vote. MASS. CONST. Amend. art. III; MASS. GEN. LAWS ch.</p>	<p>There is no requirement to pay fines, fees, or restitution to restore the right to hold office. MASS. GEN. LAWS ch. 279, § 30.</p> <p>A conviction does not affect the right to run for and hold future public office. <i>See</i> MASS. CONST. Pt. 1, Art. IX; MASS. GEN. LAWS ch. 279, § 30.</p>	<p>There is no requirement to pay fines, fees, or restitution to restore the right to serve on a jury. MASS. GEN. LAWS ch. 234A, § 4(7).</p> <p>A person is disqualified from jury service if convicted of a felony within the past seven years or is in the custody of a correctional institution. MASS.</p>

	51, § 1. A Person may vote so long as they are not incarcerated. <i>Id.</i>		GEN. LAWS ch. 234A, § 4(7).
MICHIGAN NO requirement to pay fines and fees prior to restoration of all rights.	<p>There is no requirement to pay fines, fees, or restitution to restore the right to vote. MICH. COMP. LAWS § 168.758b; <i>see also</i> ELECTIONS AND VOTING, https://www.michigan.gov/sos/0,1607,7-127-29836-202492--F,00.html (last visited Aug. 24, 2018).</p> <p>A person convicted or sentenced for a crime cannot vote “while confined.” MICH. COMP. LAWS § 168.758b.</p> <p>“The legislature may by law exclude persons from voting because of mental incompetence or <i>commitment</i> to a jail or penal institution.”</p> <p>MICH. CONST. art. 2, § 2 (emphasis added).</p>	<p>There is no requirement to pay fines, fees, or restitution to restore the right to vote. MICH CONST. art. 4, § 7.</p> <p>Persons convicted of a felony involving the breach of public trust in connection with his or service in a public office is disqualified from holding public office for 20 years. MICH CONST. art. 4, § 7; Op.Atty.Gen.1978, No. 5295, p. 415.</p> <p>Any public officer convicted of accepting a public bribe is permanently disqualified from holding office. MICH. COMP. LAWS § 750.118.</p>	<p>There is no requirement to pay fines, fees, or restitution to restore the right to vote.</p> <p>A person who has been convicted of a felony is disqualified from serving on a jury unless the conviction is pardoned or expunged. MICH. COMP. LAWS § 600.1307a(1)(e).</p> <p>Full payment of fees, fines and restitution is not a prerequisite for to apply for a pardon. <i>See</i> INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR PARDON AFTER PROBATION, PAROLE, OR DISCHARGE, https://www.michigan.gov/documents/corrections/Pardon_instructions_369334_7.pdf (Last Visited Aug. 24, 2018).</p>

<p>MINNESOTA</p> <p>The court, in its discretion, may delay for a maximum of two years, the restoration of all civil rights if a convicted person has not paid restitution upon completion of original term of probation.</p>	<p>The court, in its discretion, may delay for a maximum of two years, the restoration of the right to vote if a convicted person has not paid restitution upon completion of original term of probation. MINN. STAT. § 609.135(g).</p> <p>“When a person has been deprived of civil rights by reason of conviction of a crime and is thereafter discharged, such discharge shall restore the person to all civil rights and to full citizenship, with full right to vote and hold office, the same as if such conviction had not taken place, and the order of discharge shall so provide.” MINN. STAT. § 609.165.</p>	<p>The court, in its discretion, may delay for a maximum of two years, the restoration of the right to hold office if a convicted person has not paid restitution upon completion of original term of probation. MINN. STAT. § 609.135(g).</p> <p>Right to run for office is automatically restored upon completion of sentence. MINN. STAT. ANN. § 609.165.</p>	<p>The court, in its discretion, may delay for a maximum of two years, the restoration of the right to serve on a jury if a convicted person has not paid restitution upon completion of original term of probation. MINN. STAT. § 609.135(g).</p> <p>Right to serve on a jury is automatically restored upon completion of sentence. MINN. STAT. ANN. § 609.165.</p>
<p>MISSISSIPPI</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines, fees, and restitution before restoration of the right to vote. MISS. CONST. art. 12, § 253; art. 5 § 124.</p> <p>No loss of voting rights unless convicted of “murder,</p>	<p>There is no requirement to pay fines, fees, and restitution before restoration of the right to hold office. MISS. CONST. art. 12, § 253; art. 5 § 124.</p> <p>“A person convicted of bribery, burglary, theft, arson, obtaining</p>	<p>There is no requirement to pay fines, fees, and restitution before restoration of the right to serve on a jury, as it is restored five years after conviction if the right to vote is also restored. MISS. CODE § 13-5-1.</p>

	<p>rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement or bigamy.” MISS. CONST. art. 12, § 241.</p> <p>Right to vote may be restored by two-thirds vote of the legislature, MISS. CONST. art. 12, § 253, or by pardon, MISS. CONST. art. 5, § 124.</p> <p>The restoration is a discretionary process where all facts related to the crime are considered. MISS. CONST. art. 5, § 124.</p>	<p>money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy, shall not . . . be appointed to hold or perform the duties of any office of profit, trust, or honor, unless after full pardon for the same.” MISS. CODE.§ 99-19-35.</p> <p>Full payment of fines, fees, and restitution is not a requirement to apply for a pardon. MISS. CONST. art. 5 § 124.</p>	<p>Conviction of an “infamous crime” will disqualify an individual from serving on a jury. MISS. CODE ANN. § 13-5-1.</p> <p>An “infamous crime” is any offense punished by death or confinement in a penitentiary. MISS. CODE ANN. § 1-3-19.</p>
<p>MISSOURI</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines, fees, and restitution before restoration of the right to vote. MO. REV. STAT. § 115.133(2); MO. REV. STAT. § 559.021(6). Person is not entitled to vote while confined under a sentence of imprisonment or until discharged from probation or parole. Right is automatically restored unless crime is connected with the right of suffrage.</p>	<p>There is no requirement to pay fines, fees, and restitution before restoration of the right to hold office. MO. REV. STAT. § 115.133(2); MO. REV. STAT. § 559.021(6). The right to hold future office is automatically restored upon completion of sentence or period of probation. MO. REV. STAT. § 561.021(2).</p>	<p>There is no requirement to pay fines, fees, or restitution to restore the right to serve on a jury. CONST. ART. 4, § 7.</p> <p>A person convicted of a felony is disqualified from serving as a juror, unless such person has been restored to his civil rights by a gubernatorial pardon. MO. REV. STAT. § 494.425(4).</p> <p>Full payment of fines, fees, and restitution is</p>

	<p>MO. REV. STAT. § 115.133(2).</p> <p>Probation may not be revoked for failure to pay restitution unless the judge finds that the person “willfully, intentionally, and purposefully failed to make sufficient...efforts to acquire the resources to pay.” MO. REV. STAT. § 559.021(6).</p>		<p>not a requirement to apply for a pardon. MO. CONST. ART. 4, § 7.</p>
<p>MONTANA</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines, fees, or restitution before restoration of the right to vote. MONT. CONST. art. IV, § 2; MONT. CODE ANN. § 46-18-801(2).</p> <p>A person serving a term of imprisonment for a felony conviction is disqualified from voting, but the right to vote is automatically restored upon release from prison. MONT. CONST. art. IV, § 2; MONT. CODE ANN. § 46-18-801(2).</p>	<p>There is no requirement to pay fines, fees, or restitution before restoration of the right to hold office. <i>See below.</i></p> <p>The right to run for office is automatically restored upon discharge from state supervision. MONT. CONST. art. IV, § 4; MONT. CODE ANN. § 46-18-801(2).</p> <p>Supervision fees may be waived as a result of significant financial hardship. DEP’T OF CORRECTIONS PROBATION & PAROLE DIVISION, CASE MGMT FOR ADULT OFFENDERS, https://cor.mt.gov/Portals/0/Case Management for Adult Offenders.pdf</p>	<p>There is no requirement to pay fines, fees, or restitution before restoration of the right to hold office. <i>See Right to Hold Office.</i></p> <p>A person is not competent to act as a juror if they have been convicted of any felony. Mont. Code Ann. § 3-15-303(2). This right is presumably regained upon release from state supervision. MONT. CONST. art. II, § 28; MONT. CODE ANN. § 46-18-801(2).</p>

		<p>tals/104/ProbationParole/PPDOperationalProcedures/PPD%206.1.203%20Case%20Management%20for%20Adult%20Offenders.pdf (last visited Aug. 24, 2018).</p> <p>Upon discharge from state supervision, any delinquent restitution can be collected through wage garnishment, tax offset, or a civil lawsuit. MT DEP'T OF JUSTICE, https://dojmt.gov/victims/restitution/ (last visited Aug. 15, 2018).</p>	
<p>NEBRASKA</p> <p>NO requirement to pay fines and fees prior to restoration of right to vote.</p> <p>Generally, MUST pay fines and fees prior to restoration of rights to hold office and serve on a jury.</p>	<p>There is no requirement to pay fines and fees before restoration of the right to vote. NEB. REV. STAT. § 29-112.</p> <p>The right to vote is automatically restored two years after the successful completion of a term of incarceration plus any period of parole or probation. NEB. REV. STAT. § 29-112.</p> <p>Although state courts generally requires fines or fees as a condition of probation or parole, a</p>	<p>Generally, fines and fees must be paid before restoration of the right to hold office.</p> <p>A person seeking restoration of this right must seek a “warrant of discharge” from the Board of Pardons. An applicant must submit proof that all court-ordered fines, costs, and restitutions are satisfied. Instructions for Filing an Application NE PARDONS BD. – FULL PARDONS,</p>	<p>Generally, fines and fees must be paid before restoration of the right to serve on a jury.</p> <p><i>See</i> Right to Hold Office</p>

	<p>person has a right to a court hearing to ask for more time to pay, to do community service instead of paying, or for a discharge of the fine or costs. <i>See</i> COURT FINES & FEES, https://supremecourt.nebraska.gov/self-help/court-fines-fees (last visited Aug. 24, 2018).</p>	<p>http://www.pardons.nebraska.gov/content/2013-new-application (last visited Aug. 18, 2018). However, the Board of Pardons, in its discretion, may remit fines and forfeitures. <i>Id.</i></p>	
<p>NEVADA</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no explicit requirement to pay fines and fees before restoration of the right to vote. NEV. STAT. § 213.157(1)(a)(1).</p> <p>Unless convicted of certain serious and/or violent offenses, a person’s civil rights are automatically restored upon completion of his sentence. NEV. STAT. § 213.157(1)(a)(1).</p> <p>A probationer or parolee may be honorably discharged from court-ordered supervision even if he is unable to make restitution payments. NEV. STAT. § 176A.850(1). Any unpaid amount of restitution becomes a civil liability. <i>Id.</i> at (2).</p>	<p>There is no explicit requirement to pay fines and fees before restoration of the right to hold office.</p> <p><i>See</i> Right to Vote</p>	<p>There is no explicit requirement to pay fines and fees before restoration of the right to serve on a jury.</p> <p><i>See</i> Right to Vote</p>

	<p>Persons whose civil rights <i>are not</i> automatically restored may seek restoration from the Court or Board of Pardons. NEV. STAT. §§ 213.090(2), 213.155(2), 213.157(2), 176A.850(4).</p> <p>Although the payment of restitution is a factor considered in the pardon process, payment of fines and fees is not a prerequisite for pardon. <i>See</i> STATE OF NV BD. OF PARDONS, CRITERIA AND APPLICATION INSTRUCTIONS (2017) http://pardons.nv.gov/uploadedFiles/pardon_snv.gov/content/AboutCriteriaAndApplicationInstructions.pdf.</p>		
<p>NEW HAMPSHIRE</p> <p>NO requirement to pay fines and fees prior to restoration of right to vote or right to hold office. The right to serve on a jury is lost once convicted.</p>	<p>There is no requirement to pay fines and fees prior to restoration of the right to vote. N.H. REV. STAT. ANN. § 607-A:2(I)(A).</p> <p>A convicted person may vote unless actually incarcerated, and the right to vote is automatically restored following final discharge. N.H.</p>	<p>There is no requirement to pay fines and fees prior to restoration of the right to hold office. N.H. REV. STAT. ANN. § 607-A:2(I)(B).</p> <p>A convicted person has the right to hold office unless actually incarcerated, and the right to hold office is automatically restored following</p>	<p>There is no requirement to pay fines and fees prior to restoration of the right to serve on a jury. <i>See</i> PETITION TO ANNUL RECORD, https://www.courts.state.nh.us/forms/nhjb-2317-ds.pdf (last visited Aug. 28, 2018).</p> <p>A convicted person loses the right to</p>

	REV. STAT. ANN. § 607-A:2(I)(A).	final discharge. N.H. REV. STAT. ANN. § 607-A:2(I)(B).	serve on a jury, unless granted annulment by the court. N.H. Rev. Stat. Ann. § 500-A:7-a(V).
NEW JERSEY NO requirement to pay fines and fees prior to restoration of all rights.	<p>There is no requirement to pay fines and fees before restoration of the right to vote. N.J. STAT. ANN. § 19:4-1(8).</p> <p>A person loses the right to vote while serving a sentence, on parole, or on probation for any indictable offense which is automatically restored after the expiration of the sentence. N.J. STAT. ANN. § 19:4-1(8).</p> <p>The Court may reduce, suspend, revoke, or modify the amount owed. 17 N.J. PRAC., MUNICIPAL COURT PRACTICE § 22:27 (3d ed.).</p>	<p>There is no requirement to pay fines, fees, or restitution before restoration of the right to hold office. N.J. STAT. ANN. § 2A:167-5.</p> <p>“Any person who has been convicted of a crime and by reason thereof has been deprived [civil rights]. . . may make application for the restoration of the right . . . which application the governor may grant by order signed by him.” N.J. STAT. ANN. § 2A:167-5.</p> <p>The State of New Jersey does not require fines, fees, or restitution to be paid as a prerequisite to apply for a pardon. <i>See</i> STATE OF NEW JERSEY, PETITION FOR EXECUTIVE CLEMENCY (2011) https://www.state.nj.us/parole/docs/executiveClemencyApplication.pdf.</p>	<p>There is no requirement to pay fines, fees, or restitution before restoration of the right to serve on a jury. N.J. STAT. ANN. § 2A:167-5.</p> <p>The right to serve as a juror is restored by governor through a grant of restoration of rights. N.J. STAT. ANN. § 2A:167-5.</p> <p><i>See</i> Right to Hold Office</p>

<p>NEW MEXICO</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines, fees, or restitution before restoration of the right to vote. N.M. STAT. ANN. § 31-13-1(C).</p> <p>Upon completion of sentence, including a term of probation or parole, the Department of Corrections issues a certificate of completion and informs the individual that he or she is entitled to vote. N.M. STAT. ANN. § 31-13-1(C).</p> <p>Although non-payment of required fees is a violation of parole, offenders cannot be confronted with possible probation violations for failure to meet financial obligations unless the obligation is a specific condition of probation. NM CORRECTIONS DEP'T, COLLECTIONS DISBURSEMENT OF PROBATION & PAROLE COSTS, RESTITUTION, AND OTHER FEES OR COSTS (2017) http://cd.nm.gov/poli</p>	<p>There is no requirement to pay fines, fees, and restitution before restoration of the right to hold office.</p> <p>“A person who has been convicted of a felony shall not be permitted to hold an office of public trust . . . unless the person has presented the governor with a certificate verifying the completion of the sentence and was granted a pardon or a certificate by the governor restoring the person's full rights of citizenship.” N.M. STAT. ANN. § 31-13-1(E).</p> <p>New Mexico does not require the payment of fines, fees, or restitution as a prerequisite for a governor’s pardon. See STATE OF NM, NOTICE TO APPLICANT (2017) http://www.governor.state.nm.us/uploads/files/Pardon%20Notice%20and%20Application.pdf</p>	<p>There is no requirement to pay fines and fees before restoration of the right to serve on a jury.</p> <p>“A person who was convicted of a felony and who meets all other requirements for eligibility may be summoned for jury service if the person has successfully completed all conditions of the sentence imposed for the felony, including conditions for probation or parole.” N.M. STAT. ANN. § 38-5-1(B).</p> <p>As discussed <i>supra</i> Right to Vote, a person may be discharged from probation, and therefore complete their sentence, even if he cannot meet his court-ordered financial obligations. NM CORRECTIONS DEP'T, COLLECTIONS DISBURSEMENT OF PROBATION & PAROLE COSTS, RESTITUTION, AND OTHER FEES OR COSTS (2017) http://cd.nm.gov/poli</p>
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	<p>cies/docs/CD-053100.pdf.</p> <p>Moreover, the Supreme Court of New Mexico has held that an offender’s failure to pay restitution invokes due process concerns, and requires the sentencing court to inquire into reasons for nonpayment. <i>State v. Jimenez</i>, 111 N.M. 782, 786, 810 P.2d 801, 805 (1991).</p>		<p>cies/docs/CD-053100.pdf.</p>
<p>NEW YORK</p> <p>NO requirement to pay fines and fees prior to restoration of right to vote.</p> <p>A person will LIKELY be required to pay fines and fees prior to restoration of rights to hold office and serve on a jury.</p>	<p>There is no requirement to pay fines and fees before restoration of the right to vote. N.Y. ELEC. LAW § 5-106.</p> <p>Generally, the right to vote is automatically restored when the person is pardoned, the maximum sentence of imprisonment has expired, or he or she is discharged from parole. N.Y. ELEC. LAW § 5-106. On April 18, 2018, Governor Cuomo signed an executive order granting conditional pardons to certain felony offenders, thereby restoring the voting rights of individuals on parole</p>	<p>There may be a requirement to pay restitution prior to restoration of the right to hold office. <i>See below.</i></p> <p>The right to run for office may be restored by governor’s pardon, a Certificate of Relief from Disabilities (“CRD”), or a Certificate of Good Conduct (“CGC”). N.Y. CORRECT. LAW §§ 701, 703-a.</p> <p>Both the CRD and CGC require applicants to provide proof of payment of all court-ordered fines or restitution. CORRECTIONS AND COMMUNITY SUPERVISION, DEP’T</p>	<p>There may be a requirement to pay restitution prior to restoration of the right to hold office. <i>See below.</i></p> <p>The right to serve on a jury may be restored by governor’s pardon, a CRD, or a CGC. N.Y. CORRECT. LAW §§ 701, 703-a; N.Y. Op. Atty. Gen. 38, No. 91-F10 (1991).</p> <p><i>See Right to Hold Office</i></p>

	<p>supervision. EXEC. ORDER No. 181 (April 18, 2018), https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO_181.pdf.</p>	<p>OF CORRECTIONS AND COMMUNITY SUPERVISION, http://www.doccs.ny.gov/pdf/DOCCS-CRD-Application_Instructions.pdf.</p> <p>A pardon does not explicitly require fines and restitution to be paid to apply. <i>See</i> CORRECTIONS AND COMMUNITY SUPERVISION, PARDON REQUEST – BACKGROUND INFORMATION FORM, http://www.doccs.ny.gov/pdf/DOCCS-CRD-Application_Instructions.pdf. However, a pardon will not be considered unless there are exceptional or compelling circumstances. APPLY FOR CLEMENCY, https://www.ny.gov/services/apply-clemency (last visited Aug. 15, 2018).</p>	
<p>NORTH CAROLINA</p> <p>NO requirement to pay fines and fees prior to restoration of all rights</p>	<p>There is no requirement to pay fines, fees, or restitution before restoration of the right to vote. N.C. GEN. STAT. § 13-1.</p>	<p>There is no requirement to pay fines, fees, or restitution before restoration of the right to hold office. N.C. GEN. STAT. § 13-1.</p>	<p>There is no requirement to pay fines, fees, or restitution before restoration of the right to serve on a jury. N.C. GEN. STAT. § 13-1</p>

	<p>Right to vote is automatically restored when unconditional discharge of an inmate, probationer, or parolee. N.C. GEN. STAT. § 13-1.</p> <p>The Court may exempt a person from paying supervision fees for good cause. N.C. GEN. STAT. § 15A-1343(c1). Any unpaid restitution upon the termination of supervision becomes binding on the debtor by civil judgment. N.C. GEN. STAT. § 15A-1340.38(c).</p>	<p>Right to hold future office is automatically restored when unconditional discharge of an inmate, probationer, or parolee. N.C. GEN. STAT. § 13-1.</p> <p><i>See Right to Vote</i></p>	<p>Right to serve on a jury is automatically restored when unconditional discharge of an inmate, probationer, or parolee. N.C. GEN. STAT. § 13-1.</p> <p><i>See Right to Vote</i></p>
<p>NORTH DAKOTA</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines, fees, or restitution before restoration of the right to vote, since the right to vote is not lost except during the term of any actual incarceration. N.D. CENT. CODE § 12.1-33-03(1).</p>	<p>There is no requirement to pay fines, fees, or restitution before restoration of the right to hold office, since the right to hold future office is not lost except during the term of any actual incarceration. N.D. CENT. CODE § 12.1-33-03(1).</p>	<p>There is no requirement to pay fines, fees, or restitution before restoration of the right to serve on a jury, since the right to serve on a jury is only lost during the period of imprisonment in a penitentiary. N.D. CENT. CODE § 27-09.1-08(2)(e).</p>
<p>OHIO</p> <p>NO requirement to pay fines and fees prior to restoration of the right to vote.</p>	<p>There is no requirement to pay fines and fees before restoration of the right to vote. OHIO</p>	<p>Court-imposed fines and restitution must be paid before restoration of the right to hold office.</p>	<p>Court-imposed fines and restitution must be paid before restoration of the right to serve on a</p>

<p>MUST repay fines and fees prior to restoration of rights to hold office and serve on a jury.</p>	<p>REV. CODE § 2961.01(A).</p> <p>A convicted person’s right to vote is restored during the period of parole, post-release control, and upon final discharge. OHIO REV. CODE § 2961.01(A)(2). A person may vote during a period of probation. <i>Id.</i></p>	<p>OHIO REV. CODE § 2967.16(C)</p> <p>A person’s right to run for office is restored by being granted final release from parole, by completing the period of community control or upon completion of the prison term for a person not placed on post-release control. OHIO REV. CODE § 2967.16(C).</p> <p>A person sentenced to a “community control sanction” (probation) regains the right to hold office and sit on a jury upon completion of the sanction, which includes court imposed fines. OHIO REV. CODE §§ 2961.01(2); 2967.16(C)(1)(c); 2929.01(E).</p>	<p>jury. OHIO REV. CODE § 2967.16(C).</p> <p>A person’s right to serve on a jury is restored upon a “final release” from parole or post-release control or upon completion of the prison sentence if the person is not placed on post-release control. OHIO REV. CODE § 2967.16(C).</p> <p>A person sentenced to a “community control sanction” (probation) regains the right to hold office and sit on a jury upon completion of the sanction, which includes court imposed fines. OHIO REV. CODE §§ 2961.01(2); 2967.16(C)(1)(c); 2929.01(E).</p>
<p>OKLAHOMA</p> <p>NO requirement to pay fines and fees prior to restoration of right to vote.</p> <p>Fines and fees MUST be paid prior to restoration of rights to hold office and serve on a jury.</p>	<p>There is no explicit requirement to pay fines, fees, and restitution to restore the right to vote. OKLA. STAT. ANN. tit. 26, § 4-101(1)</p> <p>Persons convicted of a felony may not register to vote for the period of their judgment and</p>	<p>There is a requirement to pay fines, fees, and restitution to restore the right to hold office. OKLA. STAT. ANN. tit. 26 § 5-105a(A), (B).</p> <p>Felony offenders and persons convicted of a misdemeanor involving</p>	<p>There is a requirement to pay fines, fees, and restitution to restore the right to serve on a jury, since this right can only be restored through a pardon. OK PARDON AND PAROLE BD, PARDON PROCESS, https://www.ok.gov/pb/Pardon and Com</p>

	<p>sentence. A person may register to vote after completion of a court-imposed sentence, including probation OKLA. STAT. ANN. tit. 26, § 4-101(1). While the court may discharge payments or order community service instead of payment, if an individual cannot pay and does not notify the court the court will issue an arrest warrant with an application to revoke probation. <i>See</i> ASSESSING THE COST: CRIMINAL FINES, COURT COSTS, AND PROCEDURE VERSUS PRACTICE IN TULSA COUNTY, pp. 15-16, https://law.utulsa.edu/wp-content/uploads/sites/3/2014/12/Final-Report-Assessing-the-Cost.pdf (last visited Aug. 27, 2018).</p>	<p>embezzlement are disqualified from office for fifteen years after completion of sentence or until pardoned. OKLA. STAT. ANN. tit. 26 § 5-105a(A), (B).</p> <p>A person convicted of a felony is permanently disqualified from election to the state legislature. OKLA. CONST. art. V, § 18.</p> <p>To be eligible for a pardon, an applicant must have paid all fines, fees, restitutions, and court costs in full. OK PARDON AND PAROLE BD, PARDON PROCESS, https://www.ok.gov/pb/Pardon_and_Communication_Information/Pardon_Information/Pardon_Process/ (last visited Aug. 15, 2018).</p>	<p>mutation_Information/Pardon_Information/Pardon_Process/ (last visited Aug. 15, 2018).</p> <p>Persons who have been convicted of any felony or who have served a term of imprisonment in any penitentiary for the commission of a felony may not sit on a jury unless they have been fully restored to his or her civil rights by pardon. OKLA. STAT. ANN. tit. 38 § 28(C)(5).</p> <p>.</p>
<p>OREGON</p> <p>NO requirement to pay fines and fees prior to restoration of rights to vote and serve on a jury.</p> <p>MUST pay fines and fees prior to</p>	<p>There is no requirement to pay fines, fees, and restitution to restore the right to vote. OR. REV. STAT. § 137.281(1). Convicted persons with no term of incarceration do not</p>	<p>Persons seeking to restore their right to hold office must pay off fines, fees, and restitution obligations. OR. CONST. art. IV, § 8(4).</p> <p>Eligibility for legislative office is</p>	<p>There is no requirement to pay fines, fees, and restitution to restore the right serve on a jury. OR. REV. STAT. § 137.281 (1).</p> <p>Persons convicted of a felony and sentenced to a term of</p>

<p>restoration of right to hold office.</p>	<p>lose their right to vote. <i>Id.</i></p> <p>Persons convicted of a felony and sentenced to a term of incarceration have voting rights restored upon release from incarceration or when the defendant's conviction is set aside. <i>Id.</i></p>	<p>lost upon conviction until the sentence is completed, including any period of probation, post-prison supervision, and payment of fines. <i>Id.</i></p>	<p>incarceration have the right to serve on a jury restored upon release from incarceration or when the conviction is set aside. <i>Id.</i></p>
<p>PENNSYLVANIA</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines, fees, and restitution to restore voting rights, since the right to vote is restored automatically upon release from prison. <i>United States v. Essig</i>, 10 F.3d 968 (3d Cir. 1993).</p>	<p>While repaying fines and fees is looked upon favorably prior to receiving a pardon, persons seeking to restore the right to hold office through a pardon are not required to pay all fines, fees, and restitution for restoration. PA BD. OF PARDONS, FACTORS CONSIDERED BY THE BD., https://www.bop.pa.gov/application-process/Pages/Factors-Considered-by-the-Board.aspx (last visited Aug. 15, 2018).</p> <p>Persons convicted of embezzlement of public moneys, bribery, perjury or any felony under Pennsylvania state</p>	<p>While repaying fines and fees is looked upon favorably prior to receiving a pardon, there is no requirement to pay fines, fees, and restitution to restore the right to serve on a jury. PA BD. OF PARDONS, FACTORS CONSIDERED BY THE BD., https://www.bop.pa.gov/application-process/Pages/Factors-Considered-by-the-Board.aspx (last visited Aug. 15, 2018).</p> <p>A person convicted of a crime punishable by imprisonment for more than one year, and actually sentenced to more than six months' imprisonment, is ineligible to serve as a juror unless</p>

		law may not be elected to the General Assembly or hold any “office of trust or profit” in the state, unless pardoned. PA. CONST. art. II, § 7.	pardoned. 42 PA. CONS. STAT. § 4502(a)(3).
<p>RHODE ISLAND</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines and fees before restoration of the right to vote, as restoration occurs upon discharge from correctional facility, <i>not</i> upon completion of parole or probation. R.I. CONST. art. II, § 1; 17 R.I. GEN. LAWS § 17-9.2-1, <i>et seq.</i></p>	<p>There is no requirement to pay fines and fees before restoration of the right to serve on jury, as the right is automatically restored three years after completion of probation and parole or earlier by pardon. <i>See</i> R.I. CONST. art. III, § 2; R.I. CONST. art. IX, § 13; R.I. GEN. LAWS § 13-10-1.</p> <p>Probation and parole may be terminated notwithstanding the existence of outstanding fines and fees. R.I. ADMIN CODE R. 17-1-17:1.</p>	<p>There is no requirement to pay fines and fees before restoration of the right to serve on jury, as the right is restored automatically upon completion of sentence. R.I. GEN. LAWS § 9-9-1.1(c).</p> <p>Probation and parole may be terminated notwithstanding the existence of outstanding fines and fees. R.I. ADMIN CODE R. 17-1-17:1.</p>
<p>SOUTH CAROLINA</p> <p>NO requirement to pay fines and fees prior to restoration of rights to vote and hold office.</p>	<p>There is no requirement to pay fines and fees before restoration of right to vote. <i>See below.</i></p> <p>The right to vote restored automatically upon</p>	<p>The right to hold office is contingent on being a qualified voter, so there is no requirement to pay fines and fees before restoration of this right. S.C. CONST. art. XVII, § 1.</p>	<p>Fines and fees must be paid before restoration of the right to serve on a jury. <i>See below.</i></p> <p>The right to serve on jury is restored only by pardon from the</p>

<p>MUST pay all fines and fees prior to restoration of right to serve on a jury.</p>	<p>completion of sentence, including parole and probation. S.C. CODE ANN. § 7-5-120(B)(3).</p> <p>If a person completes their sentence and still has outstanding financial obligations, they are placed under administrative monitoring for civil satisfaction. S.C. CODE ANN. § 24-21-100.</p>	<p>The right to hold office after embezzlement of public funds is restored by a two-thirds vote of the Generally Assembly upon payment in full of principal and interest of the sum embezzled. S.C. CODE ANN. § 16-13-210 (C).</p>	<p>Probation, Parole, and Pardon Board. S.C. CODE ANN. §§ 14-7-810(1), 24-21-920.</p> <p>A pardon may not be granted until all restitution is paid in full. S.C. CODE ANN. § 17-25-322 (E).</p>
<p>SOUTH DAKOTA</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines and fees before restoration of right to vote, as the right to vote is restored upon successful completion of probation or upon issuance of a discharge certificate by the Secretary of Corrections, which is issued when the entire prison sentence is completed. S.D. CODIFIED LAWS §§ 24-5-2, 24-15A-7, 12-4-18; Op.Atty.Gen. No. 05-01.</p>	<p>There is no requirement to pay fines and fees before restoration of right to run for office, as the right to run for office is restored upon successful completion of probation or upon issuance of a discharge certificate by the Secretary of Corrections which is issued when the entire prison sentence is completed, including any period of parole. S.D. CODIFIED LAWS §§ 24-5-2, 24-15A-7.</p>	<p>There is no requirement to pay fines and fees before restoration of right to serve on a jury, as the right to serve on a jury is restored upon successful completion of probation or upon issuance of a discharge certificate by the Secretary of Corrections which is issued when the entire prison sentence is completed, including any period of parole. S.D. CODIFIED LAWS §§ 24-5-2, 24-15A-7.</p>
<p>TENNESSEE</p> <p>NO requirement to pay fines and fees</p>	<p>Before restoration of right to vote, all court-ordered fines, fees, and restitution must be paid, TENN.</p>	<p>There is no requirement to pay all fines and fees before restoration of the right to hold office,</p>	<p>There is no explicit requirement to pay all fines and fees before restoration of the right to sit on a jury,</p>

<p>prior to restoration of all rights.</p>	<p>CODE. ANN. § 40-29-202(b), and a convicted person must also be current in child support obligations. TENN. CODE. ANN. § 40-29-202(c). **There is pending legislation to permit the restoration of rights if an individual is making installment payments in accordance with a court-authorized payment plan. <i>See</i> S.B. 1978, 110th Gen. Assemb., 2nd Reg. Sess. (Tenn. 2017).</p> <p>Persons convicted of murder, rape, treason, or voter fraud after 1986 are permanently ineligible to vote unless pardoned. TENN. CODE. ANN. § 40-29-204.</p>	<p>since persons convicted of a felony are disqualified from office unless and until their rights have been restored by a court. TENN. CODE ANN. § 40-20-114</p>	<p>since persons convicted of a felony or any other “infamous offense” are disqualified from jury service unless and until their rights have been restored by a court. TENN. CODE ANN. § 22-1-102.</p>
<p>TEXAS</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines and fees prior to restoration of right to vote, since the right to vote is automatically restored upon completion of sentence. TEX. ELEC. CODE § 11.002.</p> <p>Payment of all court-ordered fines and fees is generally a</p>	<p>The payment of fines and fees as a condition of restoration is up to the discretion of the governor, who has the power to remit fines and forfeitures upon written recommendation of the Board of Pardons and Paroles, as part of pardon process. TEX. CODE CRIM.</p>	<p>The payment of fines and fees as a condition of restoration is up to the discretion of the governor, who has the power to remit fines and forfeitures upon written recommendation of the Board of Pardons and Paroles, as part of pardon process. TEX. CODE CRIM.</p>

	<p>precondition of the successful completion of community supervision, but may be waived upon a showing of financial hardship. TEX. CODE CRIM. PROC. §§ 42A.651; 42A.655; 42A.701. <i>See also</i> GENERAL CONDITIONS OF COMMUNITY SUPERVISION, https://www.traviscountytx.gov/images/adult_probation/docs/basic_conditions.pdf (last visited Aug. 7, 2018).</p>	<p>PROC. §§ 48.01, 48.05.</p>	<p>PROC. §§ 48.01, 48.05</p>
<p>UTAH</p> <p>NO requirement to pay fines and fees prior to restoration of the right to vote.</p> <p>MUST pay all fines and fees prior to restoration of rights to hold office and serve on a jury.</p>	<p>There is no requirement to pay fines and fees before restoration of right to vote, as the right is restored automatically upon grant of parole, sentence to probation, or completion of term of incarceration. UTAH CODE ANN. §§ 20A-2-101.3(2); 20A-2-101.5(2).</p>	<p>The right to hold elected office is not restored unless all court-ordered restitution and fines are paid.</p> <p>Restoration requires either expungement of all felony convictions or that ten years have passed since successful completion of sentence. Fines must be paid in both instances. UTAH CODE ANN. § 20A-2-101.5</p>	<p>Fines, fees, and restitution must be paid. <i>See below.</i></p> <p>Persons convicted of a felony are ineligible to serve on a jury unless and until the conviction is expunged. UTAH CODE ANN. § 78B-1-105(2).</p> <p>Expungement may not be granted until all fines, fees and restitution are paid in full. UTAH CODE ANN. § 77-40-105(3).</p>
<p>VERMONT</p>	<p>There is no requirement to pay</p>	<p>There is no requirement to pay</p>	<p>Generally, fees, fines, or restitution must be</p>

<p>NO requirement to pay fines and fees for right to vote or hold office, as these rights are never lost. Generally, MUST pay all fines and fees prior to restoration of right to serve on a jury.</p>	<p>fines, fees, or restitution to restore voting rights.</p> <p>Voting rights are not lost as a result of a conviction and prisoners are permitted to vote by absentee ballot. VT. STAT. ANN. tit. 28, § 807.</p>	<p>fines, fees, or restitution to restore the right to hold office.</p> <p>The right to hold office is not lost as a result of conviction. <i>McGrath v. United States</i>, 60 F.3d 1005, 1007 (2d Cir. 1995).</p>	<p>paid to restore the right to serve on a jury.</p> <p>The right to serve on a grand or petit jury is lost only upon term of imprisonment (rather than conviction), and is restored only if a pardon is issued. VT. STAT. ANN. tit. 12, § 64.</p> <p>The governor has discretion to remit fines. VT. CONST. CH II, § 20. However, the current “Vermont Pardon Application Checklist” requires verification that all court costs, fines, and restitution have been paid. <i>See</i> VERMONT PARDON APPLICATION, http://governor.vermont.gov/sites/scott/files/documents/pardon%20application.FINAL%202017.pdf (last visited Aug. 8, 2018).</p>
<p>VIRGINIA</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no explicit requirement to pay fines and fees before the restoration of voting rights. The right to vote is restored only by action of the governor under his pardon power,</p>	<p>There is no explicit requirement to pay fines and fees before the restoration of the right to hold office. The right to hold office is contingent on the right to vote. VA. CONST. art. II, § 5.</p>	<p>There is no explicit requirement to pay fines and fees before the restoration the right to serve on a jury. The right to serve on a jury is restored only by action of the governor under his</p>

	<p>through restoration of rights or pardon. The governor has the power to remit fines and penalties as part of pardon process. VA. CONST. art. V, § 12; VA. CODE § 53.1-231.2.</p>		<p>pardon power, through restoration of rights or pardon. The governor has the power to remit fines and penalties as part of pardon process. VA. CONST. art. V, § 12.</p>
<p>WASHINGTON</p> <p>Generally, MUST pay all fines and fees prior to restoration of all rights.</p>	<p>Generally, there is a requirement to pay fines and fees before the restoration of voting rights.</p> <p>The right to vote is provisionally restored when a person is no longer under the authority of the Department of Corrections. WASH. REV. CODE § 29A.08.520(1). The provisional restoration can be revoked if the sentencing court determines that a person has willfully failed to comply with the terms of his or her order to pay legal financial obligations. WASH. REV. CODE § 29A.08.520(2).</p> <p>Additionally, the right to vote can be permanently restored only once all legal financial obligations are satisfied, unless restored in the</p>	<p>Generally, there is a requirement to pay fines and fees before the restoration of the right to hold office.</p> <p>Right to hold elective public office contingent upon being an “elector,” i.e. eligible to vote. WASH. REV. CODE § 42.04.020; WASH CONST. art. VI, §§ 1, 3.</p> <p>The Clemency and Pardons Board may also issue restoration of the right to hold office, which does not necessarily require payment of fines and fees. WASH. REV. CODE § 9.94A.885.</p>	<p>Generally, there is a requirement to pay fines and fees before the restoration of the right to serve on a jury.</p> <p>The right to serve on a jury is restored upon receipt of certificate of discharge. A prerequisite is that offender has satisfied all legal financial obligations. WASH. REV. CODE § 9.94A.637(1),(5).</p> <p>Alternatively, offenders may seek restoration of these rights at the discretion of the governor’s office, which does not necessarily require payment of fines and fees. WASH. REV. CODE § 9.96.010;</p>

	<p>discretion of the governor's office. WASH. REV. CODE §§ 29A.08.520(6); 9.94A.637; 9.92.066; 9.96.050; 9.96.020; <i>United States v. Loucks</i>, 149 F.3d 1048, 1050 (9th Cir. 1998).</p>		
<p>WEST VIRGINIA</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no explicit requirement to pay fines and fees before restoration of right to vote, as the right is restored automatically upon completion of sentence, including parole (unless for bribery of state officer). <i>See Osborne v. Kanawha County Court</i>, 68 W. Va. 189, 69 S.E. 470 (W. Va. 1910); <i>see also</i> W. Va. Op. Att'y Gen. 3, No. 55 (1972); W. Va Op. Att'y Gen. 182, No. 51 (1965).</p> <p>Generally, the payment of a fine or fee is a condition of parole or probation, W. VA. CODE ANN §§ 62-12-9, 62-12-17, but the court must consider the defendant's ability to pay before making fines a condition of probation or parole.</p>	<p>There is no explicit requirement to pay fines and fees before restoration of right to hold office, as it is restored automatically upon completion of sentence, including parole (unless for bribery of a state officer). <i>See Osborne v. Kanawha County Court</i>, 68 W. Va. 189, 69 S.E. 470 (W. Va. 1910); <i>see also</i> W. Va. Op. Att'y Gen. 3, no. 55 (1972); W. Va. Op. Att'y Gen. 182, No. 51 (1965).</p> <p>Persons convicted of a bribery of a state officer are permanently barred from holding office, while those convicted of a felony are barred from serving in state legislature. <i>See</i> W. VA. CONST. art. VI, § 14;</p>	<p>There is no explicit requirement to pay fines and fees before restoration of right to hold office.</p> <p>The right to sit on a jury is restored only upon issuance of a certificate of discharge from Parole Board. <i>See U.S. v. Morrell</i>, 61 F.3d 279 (4th Cir. 1995); <i>Berger v. United States</i>, 867 F. Supp. 424, 430 (S.D.W. Va. 1994).</p>

	<p><i>State v. Haught</i>, 179 W. Va. 557, 562, 371 S.E.2d 54, 59 (1988); <i>Fox v. State</i>, 176 W. Va. 677, 680, 347 S.E.2d 197, 200–01 (1986). In any case, probation may not exceed seven years, W. VA. CODE ANN § 62-12-11, and parole may not exceed the statutory maximum sentence. W. VA. CODE ANN § 62-12-18.</p>	<p><i>Berger v. United States</i>, 867 F. Supp. 424, 430 (S.D.W. Va. 1994).</p>	
<p>WISCONSIN</p> <p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines and fees before restoration of the right to vote; it occurs automatically upon completion of sentence, including parole or probation. WIS. STAT. § 304.078.</p> <p>A person may be discharged from parole or probation although they have not paid all fees and restitution; outstanding obligations are converted to civil judgments. <i>See</i> WIS. STAT. §§ 304.074(4m); 973.09(3).</p>	<p>There is no explicit requirement to pay fines and fees before the restoration of the right to hold office.</p> <p>No person convicted of a crime involving “a violation of public trust” is eligible to hold office. The right to run for office is restored only by a pardon. WIS. CONST. art. XIII, § 3; Op. Atty. Gen. Mar. 27, 1974.</p> <p>It is at governor’s discretion whether fines and fees must be paid. WIS. CONST. art. V, § 6.</p>	<p>There is no requirement to pay fines and fees.</p> <p>The right to serve on a jury is contingent on the right to vote. WIS. STAT. § 756.02; <i>State v. Mendoza</i>, 227 Wis. 2d 838, 852, 596 N.W.2d 736, 743 (1999).</p>
<p>WYOMING</p>			

<p>NO requirement to pay fines and fees prior to restoration of all rights.</p>	<p>There is no requirement to pay fines and fees before restoration of the right to vote. <i>See below.</i></p> <p>For first-time nonviolent offenders who completed their sentence on or after January 1, 2010, the right to vote is restored automatically upon completion of sentence, including probation and parole. WYO. STAT. ANN. § 7-13-105(b). An individual may complete probation or parole and still have outstanding fines and fees. <i>See</i> WYO. STAT. ANN. §§ 7-13-421, 7-13-109, 7-13-304(a), 7-13-305.</p> <p>All other offenders must submit a written application to governor for restoration once term of sentence expires or probation is satisfactorily completed. WYO. STAT. ANN. § 7-13-105(a).</p>	<p>Wyoming does not expressly require fines and fees to be paid before the restoration of the right to hold office, since persons seeking restoration must submit a written application for restoration to governor once their term of sentence expires or probation is satisfactorily completed. It is at governor's discretion whether fines and fees must be paid. WYO. STAT. ANN. § 7-13-105(a).</p>	<p>Wyoming does not expressly require fines and fees to be paid before the restoration of the right to hold office, since a convicted person must submit a written application for restoration to governor once term of sentence expires or probation is satisfactorily completed. It is at governor's discretion whether fines and fees must be paid. WYO. STAT. ANN. § 7-13-105(a).</p>
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Restoration of Rights / Set Aside Conviction

Upon felony conviction these civil rights are suspended A.R.S. § 13-904(A):



Right to vote

Right to serve as a juror

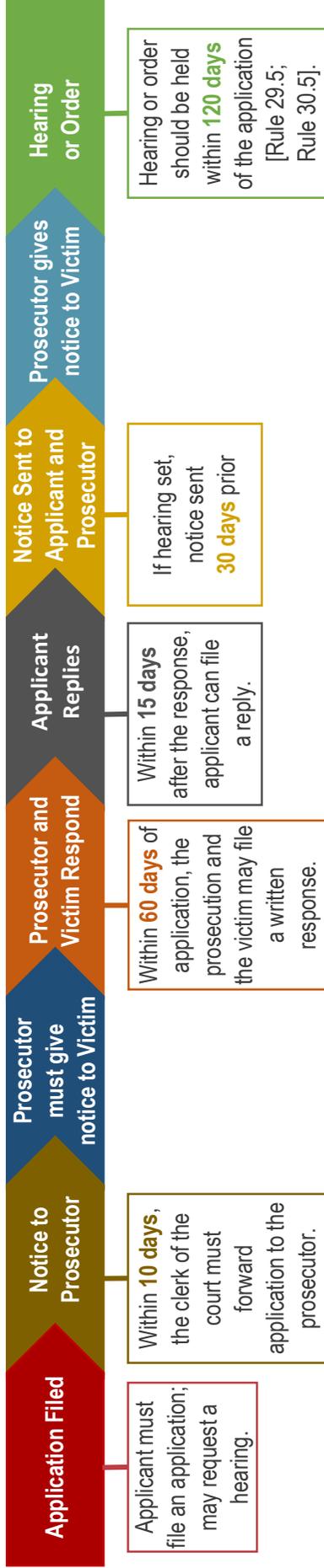


Right to hold public office of trust or profit

Right to possess a gun or firearm

CIVIL RIGHTS	
First Felony Conviction:	Civil rights to be restored upon both 1) completion of the term of probation or absolute discharge from imprisonment, and 2) payment of all fines and restitution. A.R.S. § 13-912. → Right to possess a weapon is not “automatically” restored. Must apply under § 13-905 and 13-906.
Two or More Convictions:	<u>Discharged from Probation:</u> Restoration at the discretion of the Superior Court. A.R.S. §§ 13-908, 13-905(A). <u>Discharged from Prison:</u> No sooner than two years after absolute discharge. A.R.S. § 13-906(B)
GUN RIGHTS	
Generally:	May not apply until two (2) years after completion of probation or absolute discharge from prison. A.R.S. §§ 13-905(C) and 13-906(C). → If Court grants a set aside under 13-907, gun rights reinstated [see A.R.S. § 13-907(D)]. Exception: Set aside for a serious offense does not restore gun rights.
Serious Offense [defined in A.R.S. § 13-706(F)(1)]:	May not apply until ten years after completion of probation or absolute discharge from prison. A.R.S. §§ 13-905(C)[probation], and 906(C)[prison].
Dangerous Offense:	May not apply for restoration of right to possess a weapon. A.R.S. §§ 13-905(C)[probation], and 906(C)[prison].
SET ASIDE JUDGMENT	
Generally:	May apply upon fulfillment of sentence (fines and probation / absolute discharge from prison). A.R.S. § 13-907(A).
Dangerous Offense, Sex Registration, Sexual Motivation or Victim under 15:	Conviction cannot be set aside. A.R.S. § 13-907(E).
Traffic violations in Title 28, chap. 3 [28-601 et seq.] and suspended license:	Conviction cannot be set aside. A.R.S. § 13-907(E)(5).

TIMELINE



SET ASIDE ISSUES:

Factors the Court must consider:

1. The nature or circumstances of the underlying offense;
2. Compliance with either a) the conditions of probation, or b) the prison rules and regulations;
3. Other convictions (earlier or later);
4. Victim's input and status of restitution payments;
5. Time elapsed since completion of sentence;
6. Age of applicant at time of offense; and
7. Any other relevant factor.

Set Aside Judgment: No stated burden of proof.

Set Aside Judgment Order: If an application to set aside a conviction, the court's order must state the reason for the denial in writing and on the record. Rule 29.6(b).

RESTORATION OF RIGHTS ISSUES:

Factors to Consider: No stated factors, except if application arises from Title 36 mental health order, additional considerations identified in Rule 30.6(b).

Restoration of Rights Burden of Proof [Rule 30(6)(C)]: Applicant must establish by clear and convincing evidence both 1) the applicant is not likely to act in a manner that is dangerous to public safety, and 2) granting order is not contrary to public safety.

Restoration of Rights Order: At the conclusion of a hearing for restoration of rights, the court must issue findings of fact and conclusion of law. Rule 30.6(d) and (e).