

Arizona House of Representatives
Committee on the Judiciary

HB _____

Draft Amendment

Section 1. Renumbering:

- A.R.S. Section 13-904 is renumbered Section 13-906
- A.R.S. Section 13-905 is renumbered Section 13-907
- A.R.S. Section 13-906 is renumbered Section 13-908
- A.R.S. Section 13-907 is renumbered Section 13-904
- A.R.S. Section 13-907.01 is renumbered Section 13-905
- A.R.S. Section 13-908 is renumbered Section 13-910
- A.R.S. Section 13-912.01 is renumbered Section 8-348.01

Section 2. Repeal

- A.R.S. Section 13-910, 13-911, and 13-912 are repealed

Section 3. A.R.S. Section 13-904 is amended to read:

13-906. 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 §§ 13-907, 13-908, OR 13-910. AS USED IN THIS SUBSECTION, "FINAL DISCHARGE" MEANS COMPLETION OF PROBATION OR RECEIPT OF A CERTIFICATE OF ABSOLUTE DISCHARGE FROM THE ARIZONA DEPARTMENT OF CORRECTIONS.

C. THIS SECTION DOES NOT:

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

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

D. 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.

E. 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.

F. 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.

G. 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.

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

I. 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.

J. 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 4. A.R.S. Section 13-905 is amended to read:

13-907. 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~~ **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 A FELONY IN THE UNITED STATES DISTRICT COURT AND WHOSE PERIOD OF PROBATION HAS BEEN COMPLETED MAY APPLY TO HAVE THE RIGHT TO POSSESS A FIREARM UNDER ARIZONA LAW WHICH WAS 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 § 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 OFFENSE 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.

Renumber to conform.

Section 5. A.R.S. Section 13-906 is amended to read:

13-908. 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. A PERSON WHO HAS RECEIVED AN ABSOLUTE DISCHARGE FROM IMPRISONMENT IN A FEDERAL PRISON MAY HAVE THE RIGHT TO POSSESS A FIREARM UNDER ARIZONA LAW WHICH WAS LOST OR SUSPENDED AS A RESULT OF THE FELONY CONVICTION RESTORED BY THE SUPERIOR COURT IN THE COUNTY IN WHICH THE PERSON NOW RESIDES. THE PERSON SHALL FILE WITH THE APPLICATION A CERTIFICATE OF ABSOLUTE DISCHARGE FROM THE DIRECTOR OF THE FEDERAL BUREAU OF PRISONS.

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 13-706 IF COMMITTED IN THIS STATE, the person may not file for the restoration of the right to possess or carry a gun or firearm. 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 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 6. A.R.S. Section 13-909 is added to read.

13-909. NOTICE REGARDING THE RESTORATION OF THE RIGHT TO POSSESS A FIREARM

THE CLERK OF THE COURT MUST NOTIFY THE DEPARTMENT OF PUBLIC SAFETY IF A PERSON'S RIGHT TO POSSESS A FIREARM IS RESTORED. THE DEPARTMENT OF PUBLIC SAFETY MUST UPDATE THE PERSON'S CRIMINAL HISTORY WITH AN ANNOTATION THAT THE PERSON'S RIGHT TO POSSESS A FIREARM HAS BEEN RESTORED AND ANY EXCEPTIONS ORDERED, BUT MAY NOT REDACT OR REMOVE ANY PART OF THE PERSON'S RECORD.

Renumber to conform.

Section 7. A.R.S. Section 13-908 is amended to read.

13-910. 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.~~

Renumber to conform.

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2:24 pm