

REFERENCE TITLE: automatic restoration of civil rights

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2277

Introduced by
Representatives Sinema: Ableser, Campbell CL, Gallardo, Lopes, Lujan,
Meza, Prezelski, Tom

AN ACT

REPEALING SECTIONS 13-905 AND 13-906, ARIZONA REVISED STATUTES; AMENDING SECTIONS 13-908, 13-911 AND 13-912, ARIZONA REVISED STATUTES; RELATING TO RESTORATION OF RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Sections 13-905 and 13-906, Arizona Revised Statutes, are repealed.

4 Sec. 2. Section 13-908, Arizona Revised Statutes, is amended to read:

5 13-908. Dismissal of accusation or information in the
6 discretion of the superior court judge

7 ~~Except as provided in section 13-912, the restoration of civil rights~~
8 ~~and~~ The dismissal of the accusation or information under ~~the provisions of~~
9 this chapter shall be in the discretion of the superior court judge by whom
10 the person was sentenced or ~~his~~ THE JUDGE'S successor in office.

11 Sec. 3. Section 13-911, Arizona Revised Statutes, is amended to read:

12 13-911. Restoration of civil rights in the discretion of the
13 presiding judge of the superior court

14 The restoration of civil rights under ~~provisions of sections~~ SECTION
15 13-909 or 13-910 is within the discretion of the presiding judge of the
16 superior court in the county in which the person resides.

17 Sec. 4. Section 13-912, Arizona Revised Statutes, is amended to read:

18 13-912. Restoration of civil rights; exception

19 A. Any person who ~~has not previously been convicted of any other~~
20 ~~felony~~ WAS CONVICTED OF A FIRST OR SUBSEQUENT FELONY OFFENSE shall
21 automatically be restored any civil rights that were lost or suspended by the
22 conviction if the person both:

23 1. Completes a term of probation or receives an absolute discharge
24 from imprisonment.

25 2. Pays any fine or restitution imposed.

26 B. SUBSECTION A OF this section does not apply to a person's right to
27 possess weapons as defined in section 13-3101 unless the person applies to a
28 court ~~pursuant to section 13-905 or 13-906~~ TO HAVE THE PERSON'S RIGHT TO
29 POSSESS WEAPONS RESTORED. ON PROPER APPLICATION, THE PERSON'S RIGHT TO
30 POSSESS WEAPONS MAY BE RESTORED BY THE SUPERIOR COURT JUDGE BY WHOM THE
31 PERSON WAS SENTENCED OR THE JUDGE'S SUCCESSORS IN OFFICE FROM THE COUNTY IN
32 WHICH THE PERSON WAS ORIGINALLY CONVICTED. IF THE PERSON IS APPLYING FOR
33 RESTORATION OF THE RIGHT TO POSSESS WEAPONS ON THE PERSON'S ABSOLUTE
34 DISCHARGE FROM IMPRISONMENT, THE APPLICATION SHALL INCLUDE A CERTIFICATE OF
35 ABSOLUTE DISCHARGE FROM THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS.
36 THE CLERK OF THE SUPERIOR COURT SHALL PROCESS THE APPLICATION ON REQUEST OF
37 THE PERSON INVOLVED OR THE PERSON'S ATTORNEY. THE SUPERIOR COURT SHALL SERVE
38 A COPY OF THE APPLICATION ON THE COUNTY ATTORNEY.

39 C. IF THE PERSON WAS CONVICTED OF A DANGEROUS OFFENSE UNDER SECTION
40 13-604, THE PERSON MAY NOT FILE FOR THE RESTORATION OF THE PERSON'S RIGHT TO
41 POSSESS OR CARRY A GUN OR FIREARM. IF THE PERSON WAS CONVICTED OF A SERIOUS
42 OFFENSE AS DEFINED IN SECTION 13-604 THE PERSON MAY NOT FILE FOR THE
43 RESTORATION OF THE PERSON'S RIGHT TO POSSESS OR CARRY A GUN OR FIREARM FOR
44 TEN YEARS FROM THE DATE OF THE PERSON'S DISCHARGE FROM PROBATION OR THE
45 PERSON'S ABSOLUTE DISCHARGE FROM IMPRISONMENT. IF THE PERSON WAS CONVICTED

1 OF ANY OTHER FELONY OFFENSE, THE PERSON MAY NOT FILE FOR THE RESTORATION OF
2 THE PERSON'S RIGHT TO POSSESS OR CARRY A GUN OR FIREARM FOR TWO YEARS FROM
3 THE DATE OF THE PERSON'S DISCHARGE FROM PROBATION OR THE PERSON'S ABSOLUTE
4 DISCHARGE FROM IMPRISONMENT.