

REFERENCE TITLE: restoration of civil rights; requirements

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

## **HB 2838**

Introduced by  
Representative Blackman

AN ACT

AMENDING SECTIONS 13-906, 13-907 AND 13-908, ARIZONA REVISED STATUTES;  
RELATING TO THE RESTORATION OF CIVIL RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-906, Arizona Revised Statutes, is amended to  
3 read:

4 13-906. Restoration of civil rights; process

5 A. At the time of sentencing, the court shall inform a person in  
6 writing of the person's right to the restoration of civil rights.

7 B. The clerk of the court shall notify the department of public  
8 safety if the court restores the person's civil rights **PURSUANT TO SECTION**  
9 **13-908**, including whether a person's right to possess a firearm is  
10 restored **PURSUANT TO SECTION 13-910**. The department of public safety  
11 shall update the person's criminal history with an annotation that the  
12 person's civil rights have been restored and any exceptions ordered but  
13 may not redact or remove any part of the person's record.

14 C. The restoration of a person's civil rights does not preclude the  
15 department of public safety or the board of fingerprinting from  
16 considering a conviction of a person whose civil rights have been restored  
17 when evaluating an application for a fingerprint clearance card pursuant  
18 to section 41-1758.03 or 41-1758.07.

19 D. If the court denies an application for the restoration of a  
20 person's civil rights, the court shall state its reasons for the denial in  
21 writing.

22 E. If the restoration of a person's civil rights is discretionary  
23 with the court, a victim has the right to be present and be heard at any  
24 proceeding in which the defendant files an application for the restoration  
25 of civil rights. If the victim has made a request for postconviction  
26 notice, the attorney for the state shall provide the victim with notice of  
27 the defendant's application and of the rights provided to the victim in  
28 this section.

29 Sec. 2. Section 13-907, Arizona Revised Statutes, is amended to  
30 read:

31 13-907. Automatic restoration of civil rights; notification;  
32 exception; definition

33 A. On final discharge, any person who has ~~not previously~~ been  
34 convicted of a felony offense shall automatically be restored any civil  
35 rights that were lost or suspended as a result of the conviction if the  
36 person ~~pays any~~ **WAS NOT ORDERED TO PAY VICTIM RESTITUTION OR HAS PAID ALL**  
37 victim restitution imposed.

38 B. **WITHIN THIRTY DAYS AFTER FINAL DISCHARGE, THE DISCHARGING ENTITY**  
39 **SHALL SEND NOTICE OF FINAL DISCHARGE AND RESTORATION OF CIVIL RIGHTS TO**  
40 **THE PERSON, THE SENTENCING COURT, THE SECRETARY OF STATE AND THE**  
41 **DEPARTMENT OF PUBLIC SAFETY.** A person who is entitled to the restoration  
42 of any civil rights pursuant to this section is not required to file an  
43 application pursuant to section 13-908.

1 C. This section does not apply to a person's right to possess a  
2 firearm as defined in section 13-3101. The court may order the  
3 restoration of the right to possess a firearm pursuant to section 13-910.

4 D. For the purposes of this section, "final discharge" means ANY OF  
5 THE FOLLOWING:

6 1. The completion of probation. ~~OR~~

7 2. The receipt of an absolute discharge from the state department  
8 of corrections or the ~~United States~~ FEDERAL bureau of prisons.

9 3. THE COMPLETION OF A SENTENCE, INCLUDING INCARCERATION, PROBATION  
10 OR PAROLE, THAT WAS IMPOSED BY ANOTHER STATE.

11 Sec. 3. Section 13-908, Arizona Revised Statutes, is amended to  
12 read:

13 13-908. Restoration of civil rights; application; definition

14 A. On final discharge, a person who has ~~previously~~ been convicted  
15 of a felony ~~OR~~ AND who has not paid ~~any~~ ALL victim restitution that was  
16 imposed may apply to the superior court to have the person's civil rights  
17 restored. ~~A person who has received an absolute discharge from~~  
18 ~~imprisonment may file an application for restoration of civil rights no~~  
19 ~~sooner than two years from the date of the person's absolute discharge.~~  
20 The restoration of civil rights is in the discretion of the judicial  
21 officer. IN DETERMINING WHETHER TO RESTORE THE PERSON'S CIVIL RIGHTS, THE  
22 JUDICIAL OFFICER SHALL CONSIDER THE PERSON'S ABILITY TO PAY RESTITUTION,  
23 WHETHER THE PERSON IS INDIGENT AND THE PERSON'S PREVIOUS EFFORTS TO PAY  
24 RESTITUTION.

25 B. The person or the person's attorney or probation officer may  
26 file the application for the restoration of civil rights. The clerk of  
27 the court may not charge a filing fee for an application. The clerk of  
28 the court shall forward a copy of the application to the county attorney.

29 ~~C. A person whose civil rights were lost or suspended as a result~~  
30 ~~of a felony conviction in a United States district court and whose period~~  
31 ~~of probation has been completed may file the application for restoration~~  
32 ~~of civil rights in the county in which the person now resides. The person~~  
33 ~~shall file an affidavit of discharge from the judicial officer who~~  
34 ~~discharged the person at the end of the term of probation.~~

35 ~~D. A person who has received an absolute discharge from~~  
36 ~~imprisonment and who files an application for the restoration of civil~~  
37 ~~rights shall file with the application a certificate of absolute discharge~~  
38 ~~from the director of the state department of corrections.~~

39 ~~E. A person whose civil rights were lost or suspended as a result~~  
40 ~~of a felony conviction in a United States district court and who has~~  
41 ~~received an absolute discharge from imprisonment in a federal prison shall~~  
42 ~~file the application for the restoration of civil rights in the county in~~  
43 ~~which the person now resides. The person shall file with the application~~  
44 ~~a certificate of absolute discharge from the director of the federal~~

1 ~~bureau of prisons, unless it is shown to be impossible to obtain a~~  
2 ~~certificate.~~

3 ~~F.~~ C. If the court grants the application, the court shall restore  
4 the person's civil rights.

5 ~~G.~~ D. This section does not apply to a person's right to possess a  
6 firearm as defined in section 13-3101. The court may order the  
7 restoration of the right to possess a firearm pursuant to section 13-910.

8 ~~H.~~ E. For the purposes of this section, "final discharge" means  
9 ANY OF THE FOLLOWING:

- 10 1. The completion of probation. ~~or~~
- 11 2. The receipt of an absolute discharge from the state department  
12 of corrections or the ~~United States~~ FEDERAL bureau of prisons.
- 13 3. THE COMPLETION OF A SENTENCE, INCLUDING INCARCERATION, PROBATION  
14 OR PAROLE, THAT WAS IMPOSED BY ANOTHER STATE.