

REFERENCE TITLE: voting rights; restoration

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1636

Introduced by
Senators Gonzales: Diaz, Mendez

AN ACT

AMENDING SECTIONS 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 13-907, Arizona Revised Statutes, is amended to
3 read:

4 13-907. Automatic restoration of civil rights for first
5 offenders; firearm rights; definition

6 A. On completion of probation for an offense committed in this
7 state or absolute discharge from imprisonment, any person who has not
8 previously been convicted of a felony offense shall automatically be
9 restored any civil rights that were lost or suspended as a result of the
10 conviction if the person pays all victim restitution imposed, EXCEPT THAT
11 THE PERSON'S RIGHT TO VOTE IS AUTOMATICALLY RESTORED ON FINAL DISCHARGE.
12 A person who is entitled to the restoration of any civil rights pursuant
13 to this subsection is not required to file an application pursuant to
14 section 13-908, except that if the person does file an application, the
15 court shall grant the application without receiving a response from the
16 state or holding a hearing.

17 B. On completion of probation for an offense committed outside the
18 jurisdiction of this state or absolute discharge from a prison in another
19 state or the federal bureau of prisons, a person who has not previously
20 been convicted of a felony offense is eligible for automatic restoration
21 of any civil rights that were lost or suspended as a result of the
22 conviction if the person pays all victim restitution imposed. A person
23 who is entitled to the restoration of any civil rights pursuant to this
24 subsection shall file an application pursuant to section 13-908, and the
25 court shall grant the application without receiving a response from the
26 state or holding a hearing.

27 C. This section does not apply to a person's right to possess a
28 firearm as defined in section 13-3101 if the person was convicted of any
29 of the following:

30 1. A dangerous offense under section 13-704 or an offense committed
31 outside the jurisdiction of this state that would be a dangerous offense
32 under section 13-704 if committed in this state.

33 2. A serious offense as defined in section 13-706 or an offense
34 committed outside the jurisdiction of this state that would be a serious
35 offense as defined in section 13-706 if committed in this state.

36 D. If the person is not entitled to the automatic restoration of
37 firearm rights pursuant to this section, the court may order the
38 restoration of the right to possess a firearm pursuant to section 13-910.

39 E. FOR THE PURPOSES OF THIS SECTION, "FINAL DISCHARGE" MEANS THE
40 COMPLETION OF PROBATION OR THE RECEIPT OF AN ABSOLUTE DISCHARGE FROM THE
41 STATE DEPARTMENT OF CORRECTIONS, A PRISON IN ANOTHER STATE OR THE FEDERAL
42 BUREAU OF PRISONS.

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

3 13-908. Restoration of civil rights; application; firearm
4 rights; definition

5 A. On final discharge, a person who has previously been convicted
6 of a felony or who has not paid all victim restitution that was imposed
7 may apply to the superior court to have the person's civil rights
8 restored, EXCEPT THAT THE PERSON'S RIGHT TO VOTE IS AUTOMATICALLY RESTORED
9 ON THE PERSON'S FINAL DISCHARGE. The restoration of civil rights is in
10 the discretion of the judicial officer.

11 B. The person or the person's attorney or probation officer may
12 file the application for the restoration of civil rights. The clerk of
13 the court may not charge a filing fee for an application. The clerk of
14 the court shall forward a copy of the application to the county attorney
15 or attorney general.

16 C. A person whose civil rights were lost or suspended as a result
17 of a felony conviction in another state or a United States district court
18 and whose period of probation has been completed may file the application
19 for restoration of civil rights in the county in which the person now
20 resides, EXCEPT THAT THE PERSON'S RIGHT TO VOTE IS AUTOMATICALLY RESTORED
21 ON THE PERSON'S DISCHARGE FROM PROBATION.

22 D. A person whose civil rights were lost or suspended as a result
23 of a felony conviction in another state or a United States district court
24 and who has received an absolute discharge from imprisonment in a prison
25 in another state or a federal prison shall file the application for the
26 restoration of civil rights in the county in which the person now resides,
27 EXCEPT THAT THE PERSON'S RIGHT TO VOTE IS AUTOMATICALLY RESTORED ON THE
28 PERSON'S ABSOLUTE DISCHARGE FROM IMPRISONMENT. The restoration of civil
29 rights is in the discretion of the judicial officer.

30 E. This section does not apply to a person's right to possess a
31 firearm as defined in section 13-3101 if the person was convicted of any
32 of the following:

33 1. A dangerous offense under section 13-704 or an offense committed
34 outside the jurisdiction of this state that would be a dangerous offense
35 under section 13-704 if committed in this state.

36 2. A serious offense as defined in section 13-706 or an offense
37 committed outside the jurisdiction of this state that would be a serious
38 offense as defined in section 13-706 if committed in this state.

39 F. If the person is not entitled to the restoration of firearm
40 rights pursuant to this section, the court may order the restoration of
41 the right to possess a firearm pursuant to section 13-910.

42 G. For the purposes of this section, "final discharge" means the
43 completion of probation or the receipt of an absolute discharge from the
44 state department of corrections, a prison in another state or the federal
45 bureau of prisons.