

It IS Possible to RESTORE Your CIVIL RIGHTS After a Felony Conviction

RESTORATION OF CIVIL RIGHTS

Thank you Michael Infanzon, Legislative Director for [ABATE-AZ](#), for sharing this information with our readers!

What rights are lost when a person is convicted of a felony?

A felony conviction suspends a person's civil liberties. The person loses the right to vote, the right to hold public office of trust or profit, the right to serve as a juror and right to possess a gun. A felony conviction may also prevent a person from obtaining business and professional licenses, government secured loans and housing.

Can a person restore their Civil Liberties?

A person's civil liberties may be restored. A person with only one Arizona felony conviction, whose civil rights were lost or suspended, had their rights automatically restored upon completion of a term of probation, or receipt of an absolute discharge from imprisonment if the person paid all imposed fines or restitution. However, this does not apply to the right to possess a weapon. To restore the right to possess a weapon the person must file an application with Superior Court in the county where you were convicted. A person with two or more Arizona felony convictions must file the applications to restore their civil liberties with Superior Court in the county where you were convicted. A separate application will be required for each felony criminal case.

What if my felony conviction was in another state?

A person wishing to restore their civil liberties must do so in the state in which the felony conviction occurred. Many states automatically restore a person's civil liberties upon completion of probation or discharge from the department of corrections. A person should contact the state in which the conviction occurred to obtain information regarding the restoration process.

What if I was convicted of a felony in federal court?

A person convicted of a felony in federal court may apply to restore their civil liberties in the county in which they currently reside. However, the state may not restore the person's right to possess a fire arm or have their judgment of guilt vacated/set aside.

How do I know if I am eligible to restore my rights?

If you only had one Arizona felony

your rights were restored upon completion of probation or absolute discharge from the Department of Corrections as long as all fines and restitution were paid. However, to ensure that the court informs the elections office that you are eligible to vote you should file an application to restore your civil liberties. Also, the court will not set aside a judgment of guilt without an application. If you have two or more felonies in Arizona you may apply to restore your civil liberties upon completion of probation or two years from your absolute discharge as long as all your fines and restitution were paid.

What is setting aside judgment?

Upon completion of probation or sentence and discharge by the court a person may file to have their judgment set aside. Setting aside a judgment releases the citizen from all penalties and disabilities resulting from the conviction. Setting aside judgment does not seal or expunge ones record. The record is still accessible to the public. However, the record will have a notation stating that the judgment has been set aside. Some employers are more likely to view the setting aside of a judgment favorably. The setting aside of a judgment lets the employer know that the court is satisfied that the person has been rehabilitated. The setting aside of judgment does not apply to Department of Motor Vehicle records or Game and Fish. A felony that has been set aside may be used at a subsequent trial as a prior felony conviction. Persons convicted of criminal offenses involving infliction of serious physical injury, exhibition or use of a weapon, sexual motivation or a victim under fifteen may not have their judgment vacated.

Where can I get an application?

Go to the Superior Court website in the county where you were convicted and look for: ServiceCenter/ Forms/ CriminalCases. This will take you to the Criminal Court forms, and you will want to click on "Requesting the Restoration of Civil Rights Form". This is the application you will need to complete this process. You may also pick up an application in person at the courthouse. Carefully read over the form to ensure you know what information the form is requesting.

Where do I get a copy of my Absolute Discharge?

Certificate of Absolute Discharge from the Department of Corrections may be obtained by writing or visiting the Arizona Department of Corrections, 1601 W Jefferson, M/C 112, Phoenix, AZ 85007

and requesting the records. The information will be mailed in three to six weeks. Absolute Discharges from the Federal Bureau of Prisons may be obtained at the clerk's office of the United States District Court, 401 W Washington, Phoenix; 123 N. San Francisco St, Flagstaff; 405 W Congress St, Tucson; Prescott Valley Courthouse, 325 W 19th St, Suite A, 3001 N Main St, Prescott Valley; or 325 W 19th St, Yuma AZ 85364. The person may wish to contact the restoration clerk at 602-506-4949 to assist with a federal conviction.

Once I complete the application, then what?

After making a copy of the completed application and absolute discharge (if you were sentenced to the Department of Corrections), file the documents at the Court Clerk's desk marked criminal at the Court house. The Court will send you written notice of whether your request was granted or denied. It may take 90 days or more to get your notice. If the Court denies your application the court will provide you with the reason for the denial. You may file an application for reconsideration.

My Felony was dropped to a Misdemeanor, but background checks are still showing that I have a felony. Why?

It appears that the state does not forward the information regarding a person's Class 6 designation from a felony to misdemeanor to anyone. This means that when background checks are done, the charges are still showing as felonies. You need to make copies of your designation form and write a note asking the following entities to please change the information in their databases. The three (3) entities that need to be contacted about this issue are:

Maricopa County Sheriff's Office

550 West Jackson Street

Phoenix, AZ 85003

Arizona Department of Public Safety

PO Box 6638

Phoenix, AZ 85005-6638

Note: To ensure proper and faster routing of mail inquiries please write the department or subject relating to your inquiry on the outside of your envelope. They will send you an application that you will need to fill out.

Federal Bureau of Investigation

935 Pennsylvania Ave, NW

Washington, DC 20535

For more information, contact Mike at lobbyist@abateofaz.org