

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2377
(Reference to printed bill)

1 Page 5, between lines 11 and 12, insert:

2 "Sec. 5. Section 13-907, Arizona Revised Statutes, is amended to
3 read:

4 13-907. Setting aside judgment of convicted person on
5 discharge; application; release from disabilities;
6 firearm possession; exceptions

7 A. Except as provided in subsection E of this section, every person
8 convicted of a criminal offense, on fulfillment of the conditions of
9 probation or sentence and discharge by the court, may apply to the COURT
10 ~~judge, justice of the peace or magistrate who pronounced sentence or~~
11 ~~imposed probation or such judge, justice of the peace or magistrate's~~
12 ~~successor in office~~ to have the judgment of guilt set aside. The
13 convicted person shall be informed of this right at the time of discharge.

14 B. The convicted person or, if authorized in writing, the convicted
15 person's attorney or probation officer may apply to set aside the
16 judgment.

17 C. If the COURT ~~judge, justice of the peace or magistrate~~ grants
18 the application, the COURT ~~judge, justice of the peace or magistrate~~ shall
19 set aside the judgment of guilt, dismiss the accusations or information
20 and order that the person be released from all penalties and disabilities
21 resulting from the conviction except those imposed by:

22 1. The department of transportation pursuant to section 28-3304,
23 28-3306, 28-3307, 28-3308 or 28-3319, except that the conviction may be

1 used as a conviction if the conviction would be admissible had it not been
2 set aside and may be pleaded and proved in any subsequent prosecution of
3 such person by the state or any of its subdivisions for any offense or
4 used by the department of transportation in enforcing section 28-3304,
5 28-3306, 28-3307, 28-3308 or 28-3319 as if the judgment of guilt had not
6 been set aside.

7 2. The game and fish commission pursuant to section 17-314 or
8 17-340.

9 D. Notwithstanding section 13-905 or 13-906, if a judgment of guilt
10 is set aside pursuant to this section, the person's right to possess a gun
11 or firearm is restored. This subsection does not apply to a person who
12 was convicted of a serious offense as defined in section 13-706.

13 E. This section does not apply to a person who was convicted of a
14 criminal offense:

15 1. Involving a dangerous offense.

16 2. For which the person is required or ordered by the court to
17 register pursuant to section 13-3821.

18 3. For which there has been a finding of sexual motivation pursuant
19 to section 13-118.

20 4. In which the victim is a minor under fifteen years of age.

21 5. In violation of section 28-3473, any local ordinance relating to
22 stopping, standing or operation of a vehicle or title 28, chapter 3,
23 except a violation of section 28-693 or any local ordinance relating to
24 the same subject matter as section 28-693.

25 Sec. 6. Section 13-908, Arizona Revised Statutes, is amended to
26 read:

27 13-908. Restoration of civil rights in the discretion of a
28 judicial officer in the superior court

29 Except as provided in section 13-912, the restoration of civil
30 rights and the dismissal of the accusation or information under the
31 provisions of this chapter shall be in the discretion **OF A JUDICIAL**

1 OFFICER of the superior court ~~judge by whom the person was sentenced or~~
2 ~~his successor in office.~~"

3 Renumber to conform

4 Between lines 37 and 38, insert:

5 "Sec. 8. Section 13-910, Arizona Revised Statutes, is amended to
6 read:

7 13-910. Applications by persons discharged from federal
8 prison

9 A. On proper application, a person who has been convicted of two or
10 more felonies and who has received an absolute discharge from imprisonment
11 in a federal prison may have any civil rights which were lost or suspended
12 by the conviction restored by A JUDICIAL OFFICER IN the ~~presiding judge of~~
13 the superior court in the county in which the person now resides.

14 B. A person who is subject to subsection A of this section may
15 file, no sooner than two years from the date of his absolute discharge, an
16 application for restoration of civil rights that shall be accompanied by a
17 certificate of absolute discharge from the director of the federal bureau
18 of prisons, unless it is shown to be impossible to obtain such
19 certificate. Such application shall be filed with the clerk of the
20 superior court in the county in which the person now resides, and such
21 clerk shall be responsible for processing applications for restoration of
22 civil rights upon request of the person involved or the person's attorney.

23 C. If the person was convicted of an offense which would be a
24 dangerous offense under section 13-704, the person may not file for the
25 restoration of the right to possess or carry a gun or firearm. If the
26 person was convicted of an offense which would be a serious offense as
27 defined in section 13-706, the person may not file for the restoration of
28 the right to possess or carry a gun or firearm for ten years from the date
29 of the person's absolute discharge from imprisonment. If the person was
30 convicted of any other felony offense, the person may not file for the

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1 restoration of the right to possess or carry a gun or firearm for two
2 years from the date of the person's absolute discharge from imprisonment."

3 Renumber to conform

4 Amend title to conform

EDWIN W. FARNSWORTH

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