

Restoration of Rights

Why restoration of rights is important

- Regain benefits that were lost as a result of a felony conviction
 - Housing
 - Food Stamps
 - Social Security benefits
 - Education assistance
 - Child custody issues
 - State employment
 - Occupational and Business licenses
 - Ability to serve in the military
- Right to Vote
- Right to serve on a jury
- Be a contributing member of society

Adult Convictions:

Suspension of Civil Liberties (13-904)

- Right to Vote
- Right to hold public office of trust or profit
- Right to serve as a juror
- Right to possess a gun

May also affect one's ability to obtain business and professional licenses

Conviction Restore Civil Liberties for AZ and Federal convictions

- 1st felony conviction automatically restored upon absolute discharge from probation or the Arizona Department of Corrections (13-912) and payment of any fine or restitution
 - Does not apply to right to possess a gun.
- 2 or more felonies
 - Absolute discharge from probation (13-905)
 - 2 years from absolute discharge from prison (13-906)
- Right to possess a gun
 - 2 years from absolute discharge
 - 10 years from absolute discharge of probation or the department of corrections for a serious offense define in 13-604
 - Never if convicted of a dangerous offense under 13-604.

Setting aside Judgment (13-907)

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 denotation 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.

However:

- Does not apply to DMV records
- Set aside conviction may be used at subsequent trial
- Does not apply to Game and Fish
- Does not apply to convicted criminal offenses for:
 - Infliction of serious physical injury
 - Use or exhibition of deadly weapon or dangerous instrument
 - Required to register
 - Finding of sexual motivation
 - Victim is under 15

Juvenile Convictions:

Destruction of Records for diversion, misdemeanor and some felony

- Must be 18
- Not convicted or adjudicated of an offense listed in 13-501
 - 1st degree murder
 - 2nd degree murder
 - Forcible sexual assault
 - Armed robbery
 - Any violent felony
 - An offense committed by a chronic felon offender
 - Class 1 or 2 felony
 - Class 3 felony in chapters 10-17 and 19-23.
 - Class 4, 5, 6 felonies for intentional or knowing infliction of serious physical injury or discharge or threatening exhibition of a weapon.
 - Driving under the influence
- No criminal charge pending
- Successfully completed probation
- All restitution and fees paid

Destruction of Records for 13-501 Felony and DUI Offenses

- Must be 25
- Not convicted of a felony offense
- No charges pending
- Successful discharge
- All restitution and fines paid

Setting Aside Adjudications - An adult may wish to set aside their adjudication if the adult is unable to destroy his/her record at 18 because the offense was a 13-501 Act. The adult may at the age of 25 request the juvenile record be destroyed even if the adjudication was set aside.

- Must be 18
- Successful discharge
- All restitution and fines paid
- No felony convictions
- No charges pending
- Does not apply to
 - DUI
 - Chapter 14
 - Use or exhibition of a deadly weapon or dangerous instrument
 - Intentional infliction of serious physical injury

Expungement for Juveniles in the Adult system

Upon completion of probation and discharge a person may file to have their judgment set aside and their record expunged. Expungement releases the citizen from all penalties and disabilities resulting from the conviction.

- Must be under 18 at time of commission of crime
- Successfully complete probation
- Not sentenced to a term of imprisonment
- No prior felony convictions

Class 6 open felonies

A person with a class six open felony may request the court reduce the conviction to a misdemeanor upon successful completion of court ordered penalties.

- Must be a Class 6 OPEN felony – not designated at sentencing
- Discharged from probation
- Prior to admitting/ being found guilty of the Class 6, the person had not convicted of two felony offenses
- Offense did not involve the intentional or knowing infliction of serious physical injury
- Offense did not involve the discharge or use of a dangerous instrument or deadly weapon.

Information that you need to restore your rights and set aside the judgment of guilt is:

- Case Number (s)
- Date of Arrest/Arresting Agency
- What you pled guilty to and the date of the plea
- Date of Discharge from Probation
- Absolute Discharge from ADOC
- Proof of completed financial obligations

If you **do not** have the information listed above, you can get it at

<http://www.courtminutes.maricopa.gov/JONamesearch.asp> if your case occurred in 2000 or later. If your case occurred before 2000, you can get your information at: 601 W. Jackson, Phoenix.

Our office has quarterly events where we help you fill out the application to complete this process. There is no charge for our services or for the filing of the paperwork. These events are held the second Wednesday of January, April, July and October from 9:00 am-11:00 am at 101 W. Jefferson, Phoenix-2nd floor of the Law Library.