

RESTORATION OF RIGHT TO POSSESS FIREARMS in Pierce County Superior Court

RCW 9.41.040/9.41.047

READ THIS ADVISEMENT

Petitioning the court for restoration of the right to possess a firearm is complicated. You should hire an attorney. The number for the lawyer referral service is 253 383-3432. A lawyer can guide you through the process and help you do it correctly. If you choose to do this on your own, then you are responsible for knowing and following the law and complying with all the rules and procedures. Neither the clerk's office nor the law librarians can give you legal advice.

FOR YOUR INFORMATION

1. Successful completion may not have any effect on your rights to possess a firearm under the laws of the federal government, the laws of other states, or other jurisdictions.
2. Successful completion of this process will not expunge a criminal conviction from your record.
3. Successful completion of this process will not guarantee the licensing agency will issue a firearm(s) possession permit.
4. If you are prohibited from possessing a firearm by reason of having been involuntarily committed for mental health in the State of Washington or any other jurisdiction, you must specifically comply with the provisions of RCW 9.41.047. Do not use the attached petition if you have been involuntarily committed.

Noting a Motion to Vacate a Criminal Conviction?

Do not use this packet! Motions to vacate a criminal conviction should be filed under the existing criminal case. This packet is for motions to restore the right to possess a firearm. Motions to restore must be filed under a new civil case Superior Court case number.

INSTRUCTIONS

1. Go to the Pierce County Law Library and ask to copy a firearm restoration packet. There is a copy fee at the law library.
2. The packet includes the following:
 - a) Civil Case Cover Sheet
 - b) Confidential Information Form
 - c) Petition for Restoration of Rights to Possess Firearms
3. Please read the petition carefully and check the boxes that apply to you.
4. You must also attach to the petition a copy of your record of all criminal convictions. In order to obtain your record you must do the following:
 - (a) For a copy of your statewide criminal record, you must submit a request to the Washington State Patrol. You can submit your request on line at: <https://watch.wsp.wa.gov>.
 - (b) If the conviction was in another state, the Judge may require a copy of your national record.
5. If you have been convicted of a misdemeanor domestic violence offense, you must also attach to the petition a certified copy of the order that indicates you have successfully completed the terms and conditions of your sentence. An order needs to be provided for each domestic violence conviction. If the conviction is out of the country or out of this state, you must contact that court in order to obtain the necessary certified copies.
6. Items 4 and 5 above must be attached to your petition before your petition is filed.
7. Make three copies of your petition and the supporting documents. One copy is for your records, one copy is for the Pierce County Prosecutor's Office, and one is for the Judge assigned to your case.
8. File the original petition with the Pierce County Superior Court Clerk. You will be required to pay a \$240.00 filing fee. The Clerk will stamp all of your copies.
9. You must now serve the Pierce County Prosecutor's Office with a copy of your petition and attachments.

Serve your copies on the criminal division of the prosecutor's office located at:

Pierce County Prosecuting Attorney's Office-Criminal Division
County-City Building, Room 946
930 Tacoma Ave South
Tacoma WA 98402

10. Make sure to have the Prosecutor's Office stamp your copies with a "received" stamp. This is your proof of service.
11. **Hearing information:** Beginning in September of 2015, firearm restoration petitions will be heard in courtroom 260 on select Friday afternoons. Be sure to provide a legible and current mailing address at the time of filing so that Superior Court may send you notice of the hearing date. You no longer need to note a motion. Pierce County Superior Court administrative will notify you of the date and time of the hearing.
12. Appear at the hearing on the date and time scheduled.
13. If the Judge grants your request and signs an order restoring your right to possess a firearm you must file it with the Clerk's Office and obtain a certified copy of it to attach it to any and all applications for a gun permit, and
14. Distribute a certified copy of the order to:

Washington State Patrol, Identification and Criminal History Section, PO Box 42633,
3000 Pacific Ave, Suite 204, Olympia WA 98504-2633 or via fax to (360) 534-2071.

If you are applying for a concealed pistol license, you will need to also provide a certified copy along with your application at South Sound 911, 3580 Pacific Ave. Tacoma WA 98418. (253) 287-4900.

Confused by these instructions? Unsure what you need to do? Then you need to hire an attorney to help guide you through this process. The number for the Pierce County Lawyer Referral Service is **(253)383-3432**.

**SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY
CASE COVER SHEET / CIVIL CASES**

Case Number: _____
Case Title: VS State of Washington
Litigant: _____
Street Address: _____
City, State, & ZIP: _____
Phone#: () _____

Please check one category that best describes this case for indexing purposes:

OTHER CIVIL COMPLAIN OR PETITION
 Restoration of Firearm Rights (RFR 2) REV 4

Confidential Information Form (INFO)

The information below is subject to limited disclosure. It may be disclosed to governmental agencies without notice to you; but will not be disclosed to other parties or the public unless allowed by law.

County:

Cause Number:

Do not file in a public access file.

Court Clerk: This is a Restricted Access Document

Restoration of Rights to Possess Firearms

The following information about the Petitioner is required in all Restoration of Rights to Possess Firearms cases:

Type or Print Only

Petitioner Information

Name (Last, First, Middle)

Race

Sex

Birthdate

Driver's Lic. or Identocard (# and State)

Additional information: _____

I certify under penalty of perjury under the laws of the state of Washington that the above information is true and accurate. The information is unavailable because _____

Signed on _____ (Date) at _____ (City and State).

Petitioner

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IN THE SUPERIOR COURT
OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY

In Re the Petition of:

NO.

(name of petitioner)

PETITION FOR RESTORATION OF
RIGHT TO POSSESS FIREARM
PURSUANT TO RCW 9.41.040(4)

Comes Now, _____, petitioner, and petitions the Court for an
order restoring the right to possess a firearm in accordance with RCW 9.41.041(4).

Part I. Criminal History Information

1. Criminal History

I have been convicted* of the following crime(s):

CHARGE	DATE OF SENTENCE	COURT	CAUSE NUMBER
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

[attach separate page if necessary]

1 * Per RCW 9.41.040(3), a "conviction" includes a dismissal entered after a period of probation, suspension,
2 or deferral of sentence and also includes equivalent dispositions by courts in jurisdictions other than
3 Washington State.

4 **2. Pardons, Annulments, and Certificates of Rehabilitation.**

5 If any of the above listed convictions have been the subject of a pardon, annulment, or
6 certificate of rehabilitation, based on a finding of the rehabilitation of the person convicted, or the
7 conviction or disposition has been the subject of a pardon, annulment, or other equivalent
8 procedure based on a finding of innocence, attach a certified copy of such to this petition. RCW
9 9.41.040(3).

10 No, this section does not apply to any of the above listed convictions.

11 Yes, I have received a pardon, annulment, or certificate of rehabilitation and I have
12 attached a certified copy.

13 **3. Pre-SRA Felony Convictions Entered Before July 1, 1984.**

14 A person convicted, or found not guilty by reason of insanity, of an offense prohibiting the
15 possession of a firearm other than murder, manslaughter, robbery, rape, indecent liberties, arson,
16 assault kidnapping, extortion, burglary, or violations with respect to controlled substances under
17 RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and
18 who received a dismissal of the charge under RCW 9.95.240 may be eligible for restoration.

19 Attach a certified copy of the order of dismissal if this section applies to any of the above-listed
20 convictions. RCW 9.41.040(4).

21 No, this section does not apply to any of the above listed convictions.

22 Yes, this section applies to one or more of the above listed convictions and I have
23 attached a certified copy of the order of dismissal.

24 **4. Orders to Vacate.**

25 If any of the above listed convictions was the subject of an order to vacate, attach a
certified copy of the court order.

No. This section does not apply to any of the above convictions.

1 [] Yes, I have obtained an order vacating a conviction for one or more of the above listed
2 convictions and I am attaching a certified copy.

3
4 **Part II. Eligibility Information**

5 [check all that apply]

6 **1. Name and Age**

7 My full name is _____
8 [list first, middle, and last name]

9 I am over eighteen years of age. My date of birth is _____

10 **2. Venue**

11 [] I am a current resident of Pierce County, or

12 [] Pierce County Superior Court is the court of record for the disqualifying
13 conviction(s).

14 **3. Pending Criminal Charges**

15 [] I have no criminal charges pending in any court of this state, or any other state, or
16 in any tribal or federal court(s), or in any other jurisdiction.

17 [] I am not free on bond or personal recognizance pending trial, sentencing, or
18 appeal.

19 **4. Mental Health Treatment**

20 [] I have never been found "not guilty by reason of insanity" on any criminal offense.

21 [] I have not been involuntarily committed for mental health treatment.

22 [If you have been involuntarily committed for mental health treatment or found "not
23 guilty by reason of insanity", you must proceed under RCW 9.41.047. Do not use this
24 form]

25 **5. Sex Offenses and Felony Convictions**

[] I have not been convicted of any sex offense.

[] I have not been convicted of any class A felony.

1 [] I have not been convicted of any crime with a maximum sentence of at least
2 twenty years.

3 **6. Law Abiding Behavior, Completion of Sentence, and Prior Felony**
4 **Convictions**

5 FOR NON-FELONY CRIMES (GROSS MISDEMEANOR / MISDEMEANOR): The
6 crime(s) for which I was convicted was not a felony; and,

7 [] I have spent three (3) or more years in the community following the
8 conviction without having been convicted or charged with any other crime (s); and,

9 [] I have completed all the conditions of the sentence [attach a certified copy of
10 the court order showing you have completed the conditions of the sentence]; and,

11 [] I have no prior felony convictions that prohibit possession of firearms
12 counted as part of the offender score under RCW 9.94A.525.**

13
14 FOR FELONY CRIMES: The crime(s) for which I was convicted was a felony, and,

15 [] I have spent five (5) or more years in the community following the conviction
16 without having been convicted of or charged with any other crime (s); and,

17 [] I have no prior felony convictions that prohibit possession of firearms
18 counted as part of the offender score under RCW 9.94A.525.**

19 ** Includes any felony or sex offense and any prior felony conviction that has not "washed
20 out" and is included in the offender score at the time this petition is filed. See *State v.*
Mihali, 152 Wn. App. 879 (2009).

21 **7. Court Orders**

22 [] I am not listed as a party to any order, either civil or criminal, that prohibits the
23 possession of a firearm.

24 [] I am not a party to any protection order or any restraining order that prohibits or
25 restricts possession of a firearm.

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8: Warnings and Notifications

By signing below, the petitioner understands and agrees to the following:

I AM REQUESTING RESTORATION OF MY RIGHT TO POSSESS A FIREARM UNDER WASHINGTON LAW. I UNDERSTAND THAT THE ORDER, IF GRANTED, ONLY RESTORES MY RIGHT TO POSSESS A FIREARM IN WASHINGTON STATE. THE ORDER WILL NOT RESTORE MY RIGHT TO POSSESS A FIREARM UNDER THE LAWS OF THE FEDERAL GOVERNMENT, THE LAWS OF OTHER STATES, OR THE LAWS OF OTHER JURISDICTIONS.

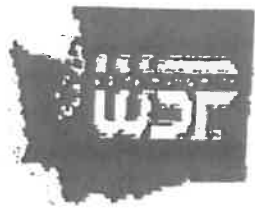
I UNDERSTAND THAT THE RESTORATION OF MY RIGHT TO POSSESS A FIREARM UNDER WASHINGTON LAW DOES NOT CONSTITUTE A CONCEALED PISTOL LICENSE OR ANY OTHER FIREARM PERMIT OR LICENSE. IT DOES NOT GUARANTEE MY ELIGIBILITY FOR A CONCEALED PISTOL LICENSE OR ANY OTHER FIREARM PERMIT OR LICENSE.

I CERTIFY AND DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: _____ PLACE WHERE SIGNED: _____

PETITIONER'S SIGNATURE: _____

PETITIONER'S MAILING ADDRESS AND PHONE NUMBER:



WATCH

Internet Access To Criminal History!!

**The Washington State Patrol invites you to
participate in the
Washington Access To Criminal History
program...**

<https://watch.wsp.wa.gov>

**Washington State Patrol
Criminal Records Division
Identification and Criminal History Section
P.O. Box 42633
Olympia WA 98504-2633
(360) 534-2000**

TO CONTACT US

PHONE

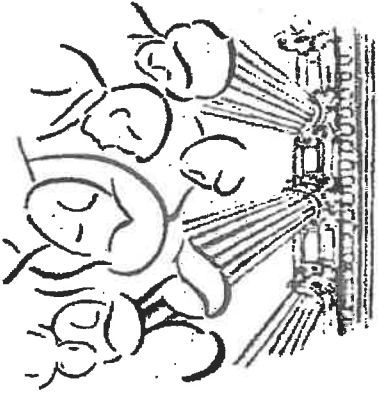
(253) 383-3432

A time saving referral source.....

For just \$35 we can schedule you to meet with a lawyer experienced in the type of legal problem that concerns you.

Call us!

Lawyer Referral is a public service of the Tacoma-Pierce County Bar Association



For low-income civil legal matters

contact CLEAR

(coordinated legal education, advice & referral) at 1-888-201-1014

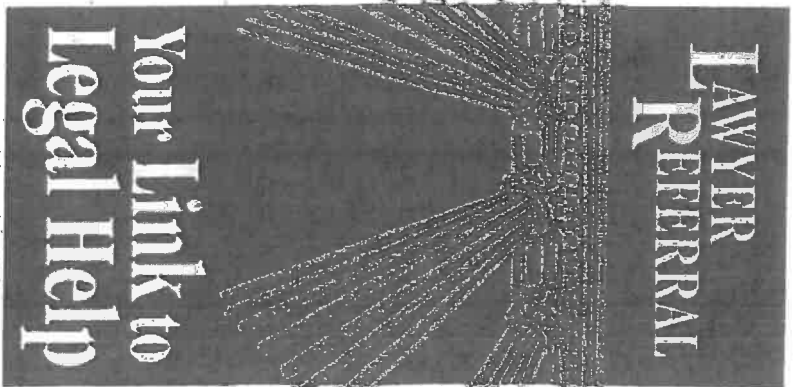
CLEAR for Seniors

1-888-387-7111

Take the guesswork out of choosing your lawyer.....

Tacoma-Pierce County
Bar Association
621 Tacoma Avenue South, Suite 403
Tacoma, WA 98402

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- >> Real estate
- >> Wills

A Public Service of the
Tacoma-Pierce County Bar Association

(253) 383-3432

Lawyer Referral Service

When You Need a Lawyer

Legal problems can be confusing when you don't know where to turn for help. There are times when you may need legal assistance but perhaps you don't know how to find the right lawyer.

The Tacoma-Pierce County Bar Association, through its continual desire to be of service to the community, has established the Lawyer Referral Service to help you.

The Lawyer Referral Service is a convenient way to introduce you to an attorney experienced in the field of your particular legal problem. The registered attorneys on our panel are in private practice and are participating members, in good standing, with both the Tacoma-Pierce County Bar Association and the Washington State Bar Association. They are considered *qualified* in their areas of practice.

It is important to seek competent legal assistance when you need it. Call the *Lawyer Referral Service* - *it's a time-saving referral source.*

Tacoma-Pierce County Bar Association

Lawyer Referral Service -
A quick referral source

www.TPCBA.com

Your Link to Lawyers - Just one call away!

1. **CALL** - Lawyer Referral (253) 383-3432.
2. **ASK** - A helpful operator will briefly evaluate your situation and determine the nature of your legal matter.

3. **SET THE APPOINTMENT** - The operator cannot give legal advice, but can schedule a 30-minute appointment for you with a lawyer who has experience with your type of legal problem, at a time and location convenient for you.

4. **GET ANSWERS** - You will meet with the attorney in his or her office. Be sure to bring all documents and information relating to your problem to this meeting. A \$35 fee will be charged for the initial 30-minute consultation with the attorney, which you pay at the time of your appointment.

If your problem requires work beyond the first half hour you're under no obligation to pay more than the initial \$35 fee unless you decide to hire the attorney as your legal representative. To help you make that decision you'll receive specific details of rates and fees at the time of your appointment.

Any problem, *especially a legal one*, is more complicated when you don't have the facts and the answers you need. A good lawyer can give you those answers, and Lawyer Referral can help you find that lawyer. Call Lawyer Referral and take the guesswork out of choosing your lawyer.

Reasons for Needing a Lawyer may include:

- ♦ Accidents and personal injuries
- ♦ Bankruptcy
- ♦ Buying or selling a home or property
- ♦ Consumer problems and collection disputes
- ♦ Contract matters
- ♦ Corporate
- ♦ Criminal actions
- ♦ Divorce and child support
- ♦ Domestic violence
- ♦ Employment problems
- ♦ Insurance problems
- ♦ Landlord/tenant problems
- ♦ Medical malpractice
- ♦ Social security disability
- ♦ Starting a business
- ♦ Writing a will and more.....

Call (253) 383-3432

Mon. through Fri.

8:30 a.m. to 12:00 Noon

1:00 p.m. to 4:30 p.m.