

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**.