

LEESA MANION (she/her)
PROSECUTING ATTORNEY



Office of the Prosecuting Attorney
JUVENILE DIVISION
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RESTORATION OF FIREARMS RIGHTS

If you are seeking information pertaining to **Reinstatement of Firearms Rights** you should **contact an attorney** to see if you qualify under the Revised Code of Washington. Please be advised that the Office of the Prosecuting Attorney cannot provide you with any legal advice. The Office of Public Defense can be reached at [206-296-7662](tel:206-296-7662).

If, after reviewing the Revised Code of Washington and/or consulting an attorney you believe that you are eligible for the order you are requesting, you can submit your motion to the King County Prosecuting Attorney's office by e-mail PAOJuvenileFirearmsandSealing@kingcounty.gov

You must submit a petition and a proposed order restoring right to possess a firearm. **Forms are found below.** The petition and the order must be filled out by you or your attorney.

Include the following documentation in support of your motion:

- (1) Copy of all relevant Juvenile Order of Disposition(s)
- (2) If restitution was ordered, include proof of payment
- (3) If the juvenile matter is sealed, simply indicate it is a sealed case in lieu of providing the Order of Disposition

To obtain the court documents and proof of payment of restitution, you may contact the King County Clerk's Office.

If you submit all of the above documents and are eligible for the order you are requesting, the Prosecuting Attorney's Office will present the order to the appropriate court for approval. If the motion is granted, the Prosecutor's Office will e-mail you a copy. If the state cannot agree to your request, or the court denies your request, you will also be notified by e-mail of that decision.

Superior Court of Washington, County of _____

Defendant/Petitioner DOB

vs.

State of Washington, Plaintiff/Respondent

No.: _____

**Petition to Restore Firearm Rights
(PTFRARM)**

Petition to Restore Firearm Rights

My name is _____. I am petitioning to restore my firearm rights.

My date of birth is _____. I have used the following other names: _____.

1. Type of Restoration

I was convicted or found not guilty by reason of insanity of the following:

Crime (include degree): _____ Conviction date: _____

Crime (include degree): _____ Conviction date: _____

Crime (include degree): _____ Conviction date: _____

Commitment or Incompetency

- I was involuntarily committed for treatment for a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction;
- I was detained under RCW 71.05.150 or 71.05.153; or
- My charges were dismissed based on incompetency to stand trial under RCW 10.77.086 or 10.77.088 and the court made a finding that I have a history of one or more violent acts.

2. Case information for any case where firearms rights were removed?

Court _____ Case number _____.

Court _____ Case number _____.

Court _____ Case number _____.

3. Prohibited Offenses

I have **not** been convicted or found not guilty by reason of insanity of any of the following crimes:

- Any class A felony;
- Any felony sex offense; or
- A felony offense where the maximum sentence is 20 years or more.

4. Time in Community

Felonies and Disqualifying Gross Misdemeanors. In the 5 years preceding this petition, I have lived in the community and have not been convicted or been found not guilty by reason of insanity of any crime that prohibits the possession of a firearm.

Finding of Not Guilty by Reason of Insanity. It has been 1 year since I have been discharged and my charges dismissed based on being found not guilty by reason of insanity. RCW 9.41.047(3)(a).

Commitment or Incompetency. I have been discharged from an involuntary commitment for a mental disorder or had my charges dismissed based on incompetency to stand trial where the court made a finding that I had a history of violent acts. RCW 9.41.047(3)(a).

Some Gross Misdemeanors. In the 3 years preceding this petition, I have lived in the community and have not been convicted or been found not guilty by reason of insanity of any crime that prohibits the possession of a firearm.

5. Additional Requirements

I was convicted or found not guilty by reason of insanity and:

- There are no criminal charges pending against me in any state court or federal court.
- I have completed all sentencing conditions, other than non-restitution fines and fees, for each felony, gross misdemeanor, or misdemeanor conviction on which the prohibition was based, including all court-ordered treatment.
- I have no prior felony convictions that would count as part of an offender score under RCW 9.94A.525 and have no out-of-state conviction for an offense which would disqualify me from purchasing or possessing a firearm in the state of conviction.
- I believe I am not subject to any other prohibition on possessing a firearm at the time of this petition and would be able to pass a background check to purchase a firearm if the petition to restore firearm rights is granted.

Attach the following documents: copy of judgment and sentence, copy of certificate of discharge, or other document showing completion of all conditions of sentence as required under the statute (you can provide verification from the sentencing court that the records have been destroyed or attest that no records are available), and copy of current criminal history.

I was involuntarily committed or found incompetent and:

- There are no active *Extreme Risk Protection Orders* or *Orders to Surrender or Prohibit Weapons* entered against me.
- I am no longer required to participate in court-ordered inpatient or outpatient treatment.
- I have successfully managed the condition related to my commitment, detention, or incompetency.
- I am no longer a danger to myself or others.
- The symptoms related to my commitment or detention or incompetency are not reasonably likely to recur.

Explain: _____

6. I understand the following warnings:

- I am requesting restoration of my right to possess a firearm under Washington law. Federal law and Washington law may be different. I may remain prohibited by federal law from possessing a firearm. Restoration of my right to possess a firearm under Washington law is not a defense to any federal prosecution.
- The laws of other states also may be different than Washington law. I may remain prohibited from possessing a firearm in other states. Restoration of my right to possess a firearm under Washington law is not a defense to prosecution in another state.
- An order restoring my right to possess a firearm under Washington law does not constitute a concealed pistol license or any other firearm permit or license. Restoration of my right to possess a firearm does not guarantee my eligibility for a concealed pistol license or any other firearm permit or license.

7. I served this *Petition to Restore Firearm Rights* and the *Notice of Hearing* on the prosecuting attorney of _____ county on (date) _____.

I declare, under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

Signed on (date) _____ at (city) _____, Washington.

 Petitioner

 Print Name

Address: _____

Email: _____

Petitioner's lawyer (if any) fills out below:



Petitioner's lawyer signs here Print name and WSBA No. Date

Address: _____

Email: _____

Superior Court of Washington, County of _____

Defendant/Petitioner DOB

vs.

State of Washington, Plaintiff/Respondent

No. _____

Order on Petition to Restore Firearm Rights

Granted (ORF)

Denied (ORDYF)

Clerk's Action Required:

This matter comes before the court on the Petitioner's petition to restore firearm rights pursuant to RCW 9.41.041 or RCW 9.41.047. The court heard argument of the parties and considered the case records and files, and the pleadings submitted on the matter.

The Court makes the following findings:

1. Notice was was not given to the appropriate parties and agencies.
2. **Venue**
Venue is is not properly located in _____ County.

3. **Type of Petition**

Petitioner was convicted or found not guilty by reason of insanity of the following:

Crime (include degree): _____ Conviction date: _____

Crime (include degree): _____ Conviction date: _____

Crime (include degree): _____ Conviction date: _____

Commitment or Incompetency

- The Petitioner was involuntarily committed for treatment for a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or
- The Petitioner was detained under RCW 71.05.150 or 71.05.153, or
- The Petitioner's charges were dismissed based on incompetency to stand trial under RCW 10.77.086 or RCW 10.77.088 and the court made a finding that they had a history of one or more violent acts.

4. Case information for any case where firearms rights were removed.

Court _____ Case number _____.

Court _____ Case number _____.

Court _____ Case number _____.

5. Prohibited Offenses

The Petitioner was **not** convicted or found not guilty by reason of insanity of one of the following offenses:

- Any class A felony;
- Any felony sex offense; or
- A felony offense where the maximum sentence is 20 years or more.

The Petitioner was convicted or found not guilty by reason of insanity of a class A felony, a felony sex offense, or a felony offense where the maximum sentence is more than 20 years.

6. Time in Community

Felonies and Some Gross Misdemeanors. In the 5 years preceding this petition, the Petitioner lived in the community and has not been convicted or been found not guilty by reason of insanity of any crime that prohibits the possession of a firearm.

Finding of Not Guilty by Reason of Insanity. It has been 1 year since the Petitioner has been discharged and their charges were dismissed based on being found not guilty by reason of insanity. RCW 9.41.047(3)(a).

Commitment or Incompetency. The Petitioner was discharged from involuntary commitment for a mental disorder or had their charges dismissed based on incompetency to stand trial where the court made a finding that they had a history of violent acts.

Some Gross Misdemeanors. In the 3 years preceding this petition, the Petitioner lived in the community and has not been convicted or been found not guilty by reason of insanity of any crime that prohibits the possession of a firearm.

The Petitioner has **not** met the time in community standards of RCW 9.41.041 or 9.41.047.

7. Additional Requirements

The Petitioner was convicted or found not guilty by reason of insanity and:

- There are no criminal charges pending against the Petitioner in any state court or federal court.
- The Petitioner has completed all sentencing conditions, other than non-restitution fines and fees, for each felony, gross misdemeanor, or misdemeanor conviction on which the prohibition was based, including all court-ordered treatment.

[] The court waives this requirement because the Petitioner provided verification from the sentencing court that relevant court records are no longer available, or attested to the unavailability of relevant records from other entities

- The Petitioner has no prior felony convictions that would count as part of an offender score under RCW 9.94A.525 and has no out-of-state conviction for an offense which would disqualify them from purchasing or possessing a firearm in the state of conviction.
- The Petitioner has been determined by law enforcement as not subject to any other prohibition on possessing a firearm at the time of this petition, and would be able to pass a background check to purchase a firearm if the petition to restore firearm rights is granted.

[] The Petitioner was involuntarily committed or found incompetent and:

- The Petitioner does not have an active *Extreme Risk Protection Order* or *Order to Surrender or Prohibit Weapons* entered against them.
- The Petitioner is no longer required to participate in court-ordered inpatient or outpatient treatment.
- The Petitioner is successfully managing the condition related to their commitment, detention, or incompetency.
- The Petitioner is no longer a danger to themselves or others.
- The symptoms related to the Petitioner’s commitment, detention, or incompetency are not reasonably likely to recur.

The following facts support the finding: _____

[] The Petitioner did not meet the standards of RCW 9.41.041 or 9.41.047 because:

8. Prosecuting Attorney Verification

[] The Prosecuting Attorney verified that they reviewed the relevant records, including written verification from Washington State Patrol (WSP) that WSP has conducted a records check of all civil and criminal records relevant to the prohibitions in RCW 9.41.040, and based on that information, was able to determine that the Petitioner meets all the requirements set forth in RCW 9.41.040 and RCW 9.41.041 to be granted restoration of firearm rights.

The Prosecuting Attorney could not verify that the Petitioner meets all the requirements set forth in RCW 9.41.040 and RCW 9.41.041 to petition for and to be granted restoration of firearm rights.

Does not apply.

The Court orders:

9. The *Petition to Restore Firearm Rights* is granted denied.

If granted, the Court further orders that:

10. The clerk shall within 3 court days of entry forward a copy of the Petitioner's driver's license, identicard, or comparable information to the WSP along with notification that the Petitioner's right to possess a firearm is restored.

The clerk shall within 3 court days of entry forward a copy of the Petitioner's driver's license, identicard, or comparable information to the Department of Licensing, the WSP Criminal Record Division, the health care authority, and the national instant criminal background check system index along with notification that the Petitioner's right to possess a firearm is restored.

Dated: _____

Judge

Prosecuting Attorney WSBA No.

Defendant/Defendant's Attorney WSBA No.

Print Name

Print Name

Warning! The Petitioner should obtain legal advice. This Order only restores the Petitioner's right to possess a firearm in Washington State. The Federal Government may still prohibit possession.

Federal law may be different than Washington law. The laws of other states may also be different than Washington law.

If you remain prohibited by federal law from possessing a firearm you may be prosecuted in federal court.

If you remain prohibited from possessing a firearm in another state, you may be prosecuted if you possess a firearm in that state.

*This order and certificate is **not** a defense to any federal prosecution or any prosecution in another state.*

Warning: This order and certificate does not constitute a concealed pistol license or any other firearm permit or license. Restoration of your right to possess a firearm does not guarantee your eligibility for a concealed pistol license or any other firearm permit or license.