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## Judiciary Committee

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### HB 2671

**Title:** An act relating to clarifying the current law for possession of firearms.

**Brief Description:** Revising provisions relating to possession of firearms.

**Sponsors:** Representatives Moeller and Chase.

#### Brief Summary of Bill

- Restructures provisions relating to restoration of the right to possess a firearm;
- Makes explicit in several places that the prescribed court petition is the exclusive method for restoring that right;
- Provides procedures for a restoration of rights petition; and
- Requires a person with disqualifying convictions in more than one county to file a petition in each county of conviction.

**Hearing Date:** 2/3/04

**Staff:** Bill Perry (786-7123).

#### Background:

Any felony and certain non-felony convictions result in the loss of the right to possess a firearm. Possession of a firearm after a conviction for a felony that is a "serious offense" is unlawful possession in the first degree, a class B felony. Possession of a firearm after a conviction for any other felony, or for certain non-felony disqualifying offenses, is unlawful possession in the second degree, a class C felony.

The right to possess a firearm may be restored after some, but not all, of these disqualifying offenses. Conviction for any class A felony, any disqualifying sex offense, or any felony with a maximum penalty of 20 years or more results in permanent loss of the right to possess. For other felonies, a person must have spent at least five consecutive years in the community without a conviction of any kind before applying for restoration. All disqualifying felony convictions must also have washed out of the offender's criminal history score under the sentencing reform act. For disqualifying non-felony convictions, a person must have spent at least three years without a conviction of any kind. In no case may a person with pending criminal charges petition for restoration of the right to possess a firearm.

A person may petition a court of record to have his or her right to possess a firearm restored.

An otherwise disqualifying conviction does not prohibit possession of a firearm if the conviction has been the subject of a pardon, annulment, or certificate of rehabilitation based on a finding of innocence or a finding of rehabilitation.

**Summary of Bill:**

The statutes on restoration of the right to possess a firearm are re-organized. Several new cross references are made to the process for restoration, including explicit statements that rights may be restored only through the petitioning of a court of record.

If a person has multiple disqualifying convictions in more than one county, the person must petition and be granted restoration in each county before the right to possess is restored. Failure to serve the prosecuting attorney in the county of conviction with a copy of the petition for restoration results in a void order of restoration, if one is issued.

A pardon or annulment based on rehabilitation or innocence are explicitly declared to be the only methods by which a person convicted of a class A felony or a sex offense may have his or her rights restored. References to certificates of rehabilitation are removed.

Other sections of law dealing with restoration of civil rights or vacations of records of convictions, are amended to provide explicitly that only a petition to a court of record can restore the right to possess a firearm.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.