

INSTRUCTIONS
OBTAINING RELIEF FROM FIREARMS PROHIBITIONS
As a Result of Criminal Convictions

CIVIL FILING FEE \$240.00

The law governing relief from firearms prohibitions is contained in RCW 9.41.040. You may want to review that statute before filing your application to ensure you meet the qualifications and requirements. If you have questions about the requirements, including interpretations of laws or applicability to your case, you need to speak with a private attorney. Neither prosecutors, prosecutor's office staff, nor court staff will be able to provide you with legal advice in this regard. If you believe you qualify, please take the following steps to have your application considered by the Prosecuting Attorney's Office:

1. **Complete the Petition and Order.** Review the attached petition carefully. All spaces must be filled in either in clearly legible writing (blue or black ink) or by typewriting. After the petition is filled out, it must be notarized before filing. If you have been convicted of a federal crime, you must obtain relief from the Attorney General of the United States prior to completing this process, and a copy of the relief must be attached to your petition.

You **must** be able to answer "yes" to the statements in lines 5-8 on the Petition For Order Restoring Firearms Rights in order to qualify. If you cannot answer "yes" to these statements, *do not fill out the declaration on page 2 of the petition.* Remember that by filling out and notarizing this form, you are swearing under penalty of perjury that the contents are true.

2. **Obtain the Judgment and Sentence of your sentence.** You must provide the judgment and sentence from your conviction(s). This document should be in your court file and you may obtain these from the appropriate court. Both District Court and Superior Court Clerk Offices are located in the Benton County Justice Center.

Proof of Compliance required for Misdemeanor Convictions. This should be in your court file and you may be able to obtain these from the District or Superior Court Clerk's Office in the form of a Financial Statement of Fines paid relating to the conviction, if any.

3. **Obtain a copy of your Washington Criminal History.** To obtain your criminal history record, visit the Washington State patrol online at <http://watch.wsp.wa.gov> and request a Name and Date of Birth Background Check (notarized copy not required). There is a fee for this service. Do not request a background check from local WSP offices. Request online or from Olympia only.

Washington State Patrol
Identification & Criminal History Section
PO Box 42633
Olympia, WA 98504-2633
(360) 534-2000, press Option 2
Email: watch.help@wsp.wa.gov

4. **Submit Completed Packet to Benton County Prosecutor's Office.** This should include:

- Petition for Order Restoring Firearm Rights
- Order Restoring Firearm Rights
- WSP Criminal History Record
- Judgment and Sentence of Conviction(s)
- Proof of Compliance of Conviction(s) – *for Misdemeanors Only*

Forward completed packet to:

Civil Division
Benton County Prosecuting Attorney
7122 W. Okanogan, Bldg A
Kennewick, WA 99336

5. **Petition is Reviewed.** The Prosecuting Attorney's office will review the petition and supporting information and contact you upon completion. This process can take between 3-4 weeks depending on many factors including workloads in the office and how easy it is to verify your application information. You may check on the status of your application by calling the Prosecuting Attorney's Office at (509) 735-3591.

6. **File the Petition & Order with Fee Upon Approval.** If your application is approved, it will be signed and returned to you, along with your original attachments. You are then responsible for taking the necessary steps to secure a Judge's signature on the order, and filing the petition (\$240.00 civil filing fee required) and original criminal records with the Benton County Clerk.

If your application is not approved, you will receive a letter explaining the reason, and all of your original application materials will be returned to you. If you disagree with the letter, you may want to seek the advice of a private attorney. Prosecutors are prohibited by law from giving legal advice to the public. As such, they may decline to discuss the reasons for your application not being approved beyond the explanation in the letter, and also will not discuss interpretations of statutes and other laws with you.

To verify your application has been fully processed, you may contact the Washington State Patrol at 360-534-2000 #5.

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

In re Petition of

NO.

Petitioner,

**PETITION FOR ORDER
RESTORING FIREARMS
RIGHTS**

THE STATE OF WASHINGTON,
Respondent.

PETITION

1. My name is _____
2. My date of birth is _____
3. My current address is _____

4. I was convicted of the following offense(s) (list each offense, cause no, county, and court)

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

In re Petition of

Petitioner,

THE STATE OF WASHINGTON,
Respondent.

NO.

**ORDER RESTORING
FIREARMS RIGHTS**

Clerk's Action Required

THIS MATTER having come on regularly before the undersigned Judge of the above court on the petition of defendant, filed in the above referenced cause number, for restoration of right to possess firearms;

The petition is limited to court cause numbers:

The prosecuting attorney received notice of the motion, responded in writing, and did not object to restoration of defendant's right to possess firearms. The court finds defendant is eligible for restoration of right to possess firearms pursuant to RCW 9.41.040(4);

AND THE COURT having considered the records and files herein and being fully advised;
Now Therefore, pursuant to RCW 9.41.040(4), and on the agreement of the prosecuting attorney,

IT IS HEREBY ORDERED that Petitioner's right to possess firearms is restored as to the offense(s) listed in the above referenced cause numbers.

The Clerk of the Court shall transmit this order to the Washington State Patrol Criminal History and Identification Section, which shall update its records according to this Order of Restoration.

The United States and all other States are requested to grant full faith and credit to this Order under ordinary rules of comity.

Defendant Should Obtain Legal Advice:

Defendant is advised that this Order is a Washington State Order and does not automatically have any influence on the law and procedures of the United States or any other State. Defendant should make no assumptions as to this Order's influence on the law or procedures of the United States or any other State. 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 is not a defense to any federal prosecution or any prosecution in another State.

WARNING:

This Order 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.

DATED this _____ day of _____, 20_____.

JUDGE

Presented by:

Attorney for Defendant WSBA #

Defendant

Deputy Prosecuting Attorney WSBA #

NCIC Report and JABS reviewed: _____