

PETITION FOR RCW 9.41.040/9.41.047 CERTIFICATE
RESTORATION OF GUN RIGHTS

FOR YOUR INFORMATION:

1. Successful Completion of this process WILL NOT expunge a Criminal Conviction from your record.
2. Successful Completion of this process WILL NOT guarantee the appropriate licensing agency will issue a firearm(s) possession permit.
3. If you are prohibited from possession a firearm by reason of having been involuntarily committed for Mental Health Treatment in the State of Washington or any other jurisdiction, YOU MUST comply with the provisions of RCW 9.41.047(3).
4. You may only petition this court for restoration of firearm rights if Spokane Court ordered the prohibition on Possession of a Firearm, or if you currently reside in Spokane County.

I N S T R U C T I O N S

1. This packet contains an instruction sheet and four forms, a Petition for RCW 9.41.040/9.41.047 Certificate, Note for Hearing and Order/Certificate. There are two versions of the Petition, one for convictions and one for involuntary commitment for mental health treatment. Use only the Petition that applies to you.
2. Please read and fill-out the Petition carefully and check only the boxes that apply to you. Sign and date the petition.

For Convictions:

3. You must attach to the Petition a certified copy of the order of the court where you were sentenced that you have successfully completed the terms and conditions of your sentence. An order needs to be provided for each offense. If the offense was ordered in a court that is outside of this county or state, you must contact that court to obtain the necessary order.

4. You must attach to the Petition a certified copy - issued not more than thirty (30) days prior to filing the Petition - of your local, state and national (FBI NCII) criminal history. To obtain your record, you must contact the Washington State Patrol (WSP), and they will make a copy of your state criminal record for a fee. This record must be attached to your Petition. The WSP can be contacted as follows:

Washington State Patrol
Identification and Criminal History Section
P.O. Box 42633
Olympia, WA 98504-2633

Customer Service: 360-534-2000
Email: crimhis@wsp.wa.gov or watch.help@wsp.wa.gov
Url: <http://watch.wsp.wa.gov>

5. Items 3 and 4 above must be attached to your Petition before the Petition is filed in the Superior Court with the Spokane County Clerk.

For Involuntary Commitment:

6. If your right to possess a firearm was taken by reason of having been involuntarily committed for mental health treatment under RCW 71.05.240, 71.05.740, 71.34.740, 71.34.750, chapter 10.77 RCW or equivalent statutes of another jurisdiction, at your hearing you must prove that you (1) are no longer required to participate in any inpatient or outpatient treatment program; (2) have successfully managed the condition related to the commitment; (3) do not present a substantial danger to yourself, others, or the public; and (4) the circumstances resulting in the commitment are not reasonably likely to recur.
7. Attach the order of commitment, a certified copy of your local, state (WSP) and national (FBI NCII) criminal history, (issued not more than thirty (30) days prior to filing the Petition) along with any paperwork regarding your release to the petition. Contact information for the WSP can be found above in item four.
8. While not required, attachment of copies of official records from the commitment treatment facility establishing each of the facts in Item 6 is encouraged.

Service and Filing:

9. Make at least two copies of the Petition and the documents attached to the Petition so that you have the original and two additional copies. One copy is for you and one copy is for the Spokane County Prosecuting Attorney.

10. File the original Petition with the Spokane County Superior Court Clerk (Rm. 300, Spokane County Superior Courthouse) and conform (Clerk's date stamp) both copies. There is a filing fee. Please contact the Clerk's office for the fee amount.
11. Take the Note for Hearing form, which is in your packet, to the Superior Court Civil Presiding Court Judicial Assistant with a conformed copy of your Petition and attachments within 60 days of filing the petition. If you do not, you will be required to provide updated copies of your criminal background checks.
12. The Civil Presiding Court Judicial Assistant will give you a court date for a hearing on your Petition at least ten days from the date the Petition was filed.
13. Complete the Note for Hearing form with the date and time given to you by the Presiding Court Judicial Assistant. Make at least two copies of the form, one for yourself and one for the Spokane County Prosecuting Attorney's office.
14. You must serve the Spokane County Prosecuting Attorney's office with a copy of your Petition, attachments, and a copy of the Note for Hearing that indicates the date and time of hearing. The Spokane County Prosecuting Attorney's office has agreed to accept service of this paperwork at their main office in the City-County Public Safety Building. The Note for Hearing form has a place where the Prosecutor's office can stamp the original document accepting service. The Spokane County Prosecuting Attorney is entitled to a minimum of seven working days' notice of the hearing. Serve the Spokane County Prosecuting Attorney with the papers as soon as possible.
15. When you have completed service and the Spokane County Prosecutor has stamped the original Note for Hearing, file the original Note for Hearing with the Spokane County Clerk. This form is your proof the Petition and attachments were served on the Spokane County Prosecuting Attorney.
16. Call the Spokane County Superior Civil Court Presiding Department (509) 477-6373, no later than 12:00 P.M. two court days prior to your scheduled hearing and let the Court know you are ready to proceed with your hearing.
17. Appear in the Presiding Court on the date and time of hearing and present the signed Certificate form in this packet. If it is not made available at the time of hearing, a Certificate will not be signed by the judge. If the Spokane County Prosecuting Attorney has an objection to your Petition, the Prosecuting Attorney will be present at the hearing.
18. If the judge approves your petition and signs the Order, then obtain a certified copy of the Order for you records.