

**PETITION FOR RCW 9.41.040 / 9.41.047**  
**CERTIFICATE RESTORATION OF GUN RIGHTS**

**FOR YOUR INFORMATION:**

1. You may only petition this court for restoration of firearm rights if Spokane County Court(s) ordered the prohibition on Possession of a Firearm, or if you currently reside in Spokane County.
2. If you are prohibited from possessing 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). (Can be found at [Http://apps.let.wa.gov](http://apps.let.wa.gov) )
3. 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 the following:
  - (1) are no longer required to participate in any inpatient or outpatient treatment program by obtaining official discharge records from the facility you were treated at.
  - (2) have successfully managed the condition related to the commitment.
  - (3) do not present a substantial danger to yourself, others, or the public.
  - (4) the circumstances resulting in the commitment are not reasonably likely to recur.
4. Successful Completion of this process WILL NOT expunge a Criminal Conviction from your record or guarantee the appropriate licensing agency will issue a firearm(s) possession permit.

**INSTRUCTIONS:**

- 1 Please read and fill-out the Petition carefully and check only the boxes that apply to you. Sign and date the petition.
- 2 You must attach to the Petition a certified copy of the order of commitment or a certified copy of the order from 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. You must contact the court where the offense occurred to obtain the necessary orders.
- 3 Attach 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. To obtain this 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](mailto:crimhis@wsp.wa.gov) or [watch.help@wsp.wa.gov](mailto:watch.help@wsp.wa.gov)  
Url: <http://watch.wsp.wa.gov>

4. Make **two copies** of the Completed Petition and the documents from above instructions.
5. Complete the Note for Hearing from the packet.
  - a. Contact the Unassigned Civil Motion Judge's Judicial Assistant (509-477-5792) for a hearing date.
  - b. Make 3 copies.
6. From the packet take out the Order & Certificate Restoring Right to Possess Firearms. You will need to include ORIGINAL Order with your copies to the Prosecuting Attorney.
  - a. Sign the second page
  - b. Fill out address, email & Phone number
7. File with the **Spokane County Superior Court Clerk's Office Rm. 300**, Spokane County Superior Courthouse. There is a filing fee. Please contact the Clerk's office for the fee amount
  - a. Original Petition with attachments
  - b. Original Note for Hearing
8. Conform with Clerk's date stamp all copies.
9. Take One Copy of the Note for Hearing to the Court Administrator's Office located on the third floor of the Annex. The Copy of the Note for Hearing needs to go in the **Unassigned Civil Motion Docket Judge's box**.
10. You must serve the **Spokane County Prosecuting Attorney's office** with a copy of:
  - a. Copy of Petition & Attachments
  - b. Copy of Note for Hearing that includes the date and time of the hearing.
  - c. The **Original** Order & Certificate Restoring Right to Possess Firearms that you have signed.
  - d. They have agreed to accept service of this paperwork at their main office in the Public Safety Building. **The Note for Hearing form has a place where the Prosecutor's office can stamp your copy accepting service.** The Prosecuting Attorney is entitled to a minimum of seven working days' notice of the hearing.
11. For your records keep a complete copy of:
  - a. Petition & Attachments

- b. Note for Hearing that includes the date and time of the hearing that has been stamped by the Prosecutors office.
12. If you have **not received a signed copy of the Certificate & Order Restoring Right to Possess Firearms by the Wednesday** before the scheduled hearing date, then you must Contact the JA by email (LMHill@spokanecounty.org) regarding a status of hearing.

**Superior Court of Washington, County of Spokane**

\_\_\_\_\_  
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 Spokane**

\_\_\_\_\_  
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.