

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.