

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 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))
4. 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.

INSTRUCTIONS

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 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.
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 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 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, Rm 300.

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 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; 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 five.

Service and Filing:

8. File the original Petition with the Spokane County Superior Court Clerk (Rm. 300, Spokane County Superior Courthouse) and conform (Clerk's date stamp) all copies. There is a filing fee. Please contact the Clerk's office for the fee amount. (you will need to have 3 copies of the packet, see # 11)

9. Complete the note for hearing, which is in your packet, and take 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.

The Civil Presiding department is:

Judge Julie McKay

Courtroom 403

PH: (509) 477-4707

10. The Civil Presiding Court Judicial Assistant will give you a court date for a hearing on your Petition at least twelve days from the date the Petition was filed.
11. Make at least three copies of the Petition and the documents attached to the Petition so that you have the original and three additional copies.
 - a. One copy is for your records
 - b. Take One copy to the Spokane County or City Prosecuting Attorney – see # 12
 - c. Take One copy to the Court Administrator’s Office – 3rd floor annex
 - d. File the original in the Clerk office – Rm 300
12. 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.
13. Call the Spokane County Superior Civil Court Presiding Department (509) 477-4707, no later than 12:00 P.M. **three court days** prior to your scheduled hearing and let the Court know you are ready to proceed with your hearing. If you don’t call the hearing in ready, your hearing will be struck from the docket and you will have to start the process over.
14. Appear in the Civil 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.
15. If the judge approves your petition and signs the Order you should then obtain a certified copy of the Order for you records. You can obtain this from the Superior Court Clerk’s office, Rm 300