**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 OR A CONCEALED PISTOL LICENSE (CPL).
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)
4. YOU MAY ONLY PETITION THIS COURT FOR RESTORATION OF FIREARM RIGHTS IF:
	1. LEWIS COUNTY SUPERIOR COURT ORDERED THE PROHIBITION ON POSSESSION OF A FIREARM, OR
	2. YOU CURRENTLY RESIDE IN LEWIS COUNTY.
		1. If you reside in Lewis County and are seeking restoration on matters outside of Lewis County and **do not** have a disqualifying Lewis County conviction out of the Lewis County Superior or Juvenile Courts, the Petition must be filed as a civil action and a civil filing fee will be required by the Court Clerk.
	3. If you are seeking restoration on a Lewis County Superior or Juvenile Court matter, the restoration can be sought under the applicable criminal case number to avoid the civil filing fee.
	4. If you are seeking restoration on a Lewis County Superior or Juvenile Court matter **and** you have other disqualifying offenses from other counties, they can all be listed under the applicable Lewis County criminal case number to avoid the civil filing fee.
	5. If you are seeking restoration as a result of involuntary commitment for mental health, be sure include Attachment A with your Petition.
		1. It is STRONGLY recommended you provide some form of RECENT documentation from a mental health professional about the condition(s) for which you were treated and the likelihood of recurrence in the future.
5. AN ORDER VACATING A CONVICTION, AN ORDER SEALING OR OTHER SIMILAR ORDERS **DOES NOT** RESTORE YOUR RIGHTS TO OWN/POSSESS/CONTROL FIREARMS.

**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. 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 Lewis County Prosecuting Attorney. You will end up filing the original with the court.
3. **Before** filing the Petition with the Superior Court or noting the matter for a hearing, serve the Lewis County Prosecuting Attorney’s office (2nd floor of Law and Justice Center) with a copy of your Petition **and** your proposed Order. Serve the Lewis County Prosecuting Attorney with the papers as soon as possible.
4. Leave contact information so you can be contacted with any questions and upon completion of the review or if any questions arise.
5. If the Petition is approved by the Prosecuting Attorney, you will be contacted to arrange a time for filing and presentation of your Petition and Order to the court.
6. If approved by the Court, obtain certified copies (two or three sets are recommended). One certified copy you should forward to the Washington State Patrol at the address listed on the Order. You should keep the additional copy/copies for your records.
	1. The Lewis County Superior Court Clerk’s Office does charge for certified copies.
7. If the Prosecutor does not agree that you are eligible for restoration and you wish to have a hearing on the matter:
	1. 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 Lewis County Prosecuting Attorney.
	2. File the original Petition with the Lewis County Superior Court Clerk at 345 W. Main St. Floor 2, Chehalis, WA 98532 at the Law and Justice Center and conform (Clerk’s date stamp) both copies.
		1. If the underlying conviction is out of Lewis County, you can file the Petition under that cause number.
		2. If the conviction is out of another county or state and you are filing in Lewis County because you live in Lewis County, there will be a filing fee with the Lewis County Superior Court Clerk’s Office.
	3. Take the Note for Hearing form, which is in your packet, to the Superior Court Administrator (fourth floor) 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.
	4. Hearings can be scheduled on the normal criminal docket (Thursdays) at 3:00 p.m.
	5. Complete the Note for Hearing with the date and time. Make at least two copies of the form, one for yourself and one for the Lewis County Prosecuting Attorney’s office.
	6. You must serve the Lewis County Prosecuting Attorney’s office (2nd floor of Law and Justice Center) with a copy of your Petition, attachments, and a copy of the Note for Hearing that indicates the date and time of hearing. The Lewis County Prosecuting attorney is entitled to seven (7) working days’ notice of the hearing. Serve the Lewis County Prosecuting Attorney with the papers as soon as possible.
	7. When you have completed service, file the original Note for Hearing with the Lewis County Clerk. You may also want to file proof of service.
	8. 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 Lewis County Prosecuting Attorney has an objection to your Petition, the Prosecuting Attorney will be present at the hearing. You and the Prosecuting Attorney will each have an opportunity to address the judge about your Petition and whether it should be granted.
	9. If the judge approves your petition and signs the Order, follow the instruction outlined in (6) above. If not, the judge will explain why not, and that decision may be subject to appeal.