

# Restoration of Civil Rights

## Five Year Application Instructions

### PLEASE READ CAREFULLY:

Persons who have been convicted of a *violent offense, a drug manufacturing or distribution offense, an offense against a minor, or an election law offense* must use this form to apply for restoration of rights.

Current policy states that in order to be eligible for the restoration of rights by Governor Robert F. McDonnell, an applicant must be free from supervised probation and not have *any* convictions or charges pending for a period of five (5) years immediately preceding the application. **No application is considered if there is a charge pending or a conviction for Driving While Intoxicated for a period of five (5) years immediately preceding the application.**

To apply for restoration of rights, you must:

- Be a resident of Virginia, and/or have been convicted of a felony in a Virginia court, a U.S. District Court, or a military court
  - Have paid all costs, fines, and/or restitution associated with your convictions
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The Secretary of the Commonwealth will conduct a criminal history and DMV check on all applicants.

The civil rights restored through this process include the rights to:

- ✓ Register to vote
- ✓ Hold public office
- ✓ Serve on a jury
- ✓ Serve as a notary public.

The restoration of rights does not restore the right to possess a firearm. You must petition the appropriate Circuit Court pursuant to Va. Code §18.2-308.2. It also does not expunge a criminal charge, which can only be done by petitioning a Circuit Court pursuant to Va. Code §§19.2-392.1 and 19.2-392.2.

This is not a pardon. A person who has been convicted of a felony must first have his or her rights restored in order to be considered for a simple pardon.

Applicants residing outside the Commonwealth of Virginia must include certified copies of their Driving Record and Criminal Record from the state they reside.

The Governor has sole discretion to restore civil rights. There is no process for appealing his decision. A person who has been denied may reapply after one year from his or her denial date.

This packet contains the necessary forms to petition the Governor for the restoration of your rights. Please read all information and instructions carefully.

If you think you are eligible to have your rights restored, complete all the forms, assemble the documents, and return them to this office. There are no costs or fees required of you as a petitioner.

If you have questions about your eligibility, contact:

Restoration of Rights  
Secretary of the Commonwealth  
P. O. Box 2454  
Richmond, VA 23218

Phone: (804) 692-2531

THE SECRETARY OF THE COMMONWEALTH WILL NOT ACCEPT INCOMPLETE APPLICATIONS

## QUESTIONS AND ANSWERS ABOUT RESTORATION OF CIVIL RIGHTS

### HOW DO I KNOW IF I HAVE LOST MY CIVIL RIGHTS?

You have lost your civil rights if you have ever been convicted of a felony in:

- Any Virginia court;
- Any court of any other state or the District of Columbia;
- Any federal court;
- Any court of an associated commonwealth, territory, or possession of the United States.

You have not lost your civil rights if you have only been convicted of a misdemeanor or misdemeanors.

### HOW DO I KNOW IF A CONVICTON WAS A FELONY?

Request a copy of your sentencing order from the Clerk of the Circuit Court in which you were convicted. The sentencing order will state the charge for which you were convicted, the sentencing date, and the original sentence information.

### HOW DO I KNOW IF I AM ELIGIBLE TO HAVE MY RIGHTS RESTORED?

You are eligible if you:

- Have completed all prison or jail terms;
- Are not presently under probation or parole supervision;
- Have no pending charges in any locality;
- Have paid all fines, restitution, and/or court costs associated with convictions; and
- Have been free of any parole or supervised probation for the last five years.

If you do not know the status of fines, restitution, and/or court costs, you will need to consult the Clerk of the Court in which you were convicted.

### **WHAT IF I STILL OWE COURT COSTS?**

If you are still under an order to pay court costs, fines, and/or restitution as a condition of your sentence, you may not have your rights restored. You must show proof of payment of all court costs, fines, or restitution before being eligible to apply for restoration of your civil rights.

### **WHAT IS THE DIFFERENCE BETWEEN A RESTORATION OF RIGHTS AND A PARDON?**

Restoration of civil rights, if granted, will fully restore citizenship. It removes all civil disabilities and disqualifications imposed as a result of a felony conviction. These rights include the right to vote, to run for and hold public office, to serve on juries, and to serve as a Notary Public. A restoration of rights may allow you to apply for a pardon.

A pardon is an act of official forgiveness and is granted only in exceptional cases. It often serves as a means for the petitioner to advance in employment, education, and self-esteem.

### **WILL THE RESTORATION OF MY CIVIL RIGHTS RESTORE MY RIGHTS TO POSSESS OR TRANSPORT ANY FIREARM OR TO CARRY A CONCEALED WEAPON?**

No. A person convicted of a felony under the laws of Virginia, or any other state or under federal law may not possess or transport any firearm or carry a concealed weapon (defined to include both handguns and long guns).

To regain **state** firearms privileges, a convicted felon may apply to the Circuit Court of his residence for a permit to possess or carry a firearm. The court “in its discretion and for good cause shown” may grant the petition. If your conviction, however, was for a federal offense, you may only seek restoration of your firearms privileges through the federal system.

While the Governor has the authority to restore state firearms privileges expressly by a pardon or through restoration of political rights, he does not customarily do so.

## **INSTRUCTIONS**

### **APPLICATION for RESTORATION of CIVIL RIGHTS**

Item A: Print your full name, as you are **now** known. If you have ever changed your name, see instructions for Item B.

Item B: If you have ever had your name legally changed **since** the time of a prior conviction, print the name under which you were convicted. Also, if you were ever convicted under an alias, print the alias name on this line.

Item C: Print your date of birth and Social Security Number.

Item D: If you were an inmate in the Virginia Department of Corrections, print your prison number (if known) on this line. If you were an inmate in any other system, print the name of the state or other authority beside the number.

Item E: Print your **present** home address street number or post office box.

Item F: Print the city and state where you reside.

Item G: Print your mailing address if different from above.

Item H: Print your **present** home and work telephone numbers, including the area codes.

Item I: Print your present cell phone number and email address if you wish to include either or both.

Item J: Print your present employer's name.

Item K: Print your present employer's address.

**Obtain a letter from your most recent Probation or Parole officer outlining your period of supervision.**

This letter should be addressed to the Governor, c/o Secretary of the Commonwealth, and may be mailed with your application or mailed directly from the Probation/Parole office. If your officer has retired or is no longer working in that office, call the Probation/Parole office that you reported to and explain to them that you are applying to have your rights restored. They will know what type of letter to provide.

**Request a copy of your Pre-sentence Report, if applicable, from your supervising Probation or Parole officer/office. The Probation or Parole officer/office will send this directly to the Secretary of the Commonwealth's Office. You will not receive a copy of this report.** If there is no Pre-sentence Report available, or one was not ordered by the court to be prepared for sentencing, you must obtain a letter on the Probation/Parole office letterhead indicating it is not available or was not ordered by the court.

It is very important that you list **each** felony conviction on the application.

If you do not have this information, you may obtain it from your Probation and Parole Officer, the Clerk of the Court in which you were convicted or through requesting a copy of your criminal record.

If you cannot list all convictions on the application, put the remainder on a separate sheet of paper and attach this to the application.

You must attach **certified** copies of every sentencing order for each felony conviction on your record. These may be obtained from the Clerk of the Court in which you were convicted. NOTE: Your order of conviction and sentencing order may be the same document.

If you have ever had a sentence terminated by any court, or if you have ever had your probation or parole terminated, you should obtain and attach **certified** copies of any court order or other official document modifying that term.

## **LETTER OF PETITION**

Read and sign the letter of petition. Be sure to put the date on the proper line.

## **LETTERS OF REFERENCE**

Take the three (3) letters of reference to three (3) reputable people who live in your home community. Be certain these are people who know you well enough to certify your good character. Good people to ask for references might be:

- Your employer or job supervisor;
- A local businesswoman or businessman;
- Your minister, priest, rabbi, or other spiritual advisor;
- A leader of a local civic group;
- A state or local public official; or
- A law enforcement officer.

Have each person answer the questions in the letter and sign and date it at the bottom.

Ask each person to return the letter to you. **You must return the three (3) letters with your application.**

**NOTE: Family members or in-laws may NOT sign these letters of reference.** It is not necessary to explain the purpose of the letter of reference to the people who sign it, but they may wish to know. The decision to tell them is up to you.

## **LETTER TO THE GOVERNOR**

Please provide the Governor with a letter describing the circumstances of your offense, community or comparable service and any other information you may want the Governor to know when reviewing your petition. This letter may be prepared by a family member, friend, attorney, or civil organization representative and signed by you.

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## **APPLICANTS PETITIONING OUTSIDE OF THE COMMONWEALTH OF VIRGINIA**

Please provide the Governor with the following documents:

- A certified copy of your Driving Record from the state you reside
- A certified copy of your Criminal Record from the state you reside

If a conducted search has returned **NO** record of a criminal history, please submit certified documentation stating such.

**Mail your application to:**

Restoration of Rights  
Secretary of the Commonwealth  
P. O. Box 2454  
Richmond, VA 23218

Make certain you have included the following:

- ✓
- The application, completely filled out, signed and notarized
- Certified copies of all felony sentencing orders
- Certified proof of payment for any fines, restitution and/or court costs
- The letter of petition, signed and dated
- Three letters of reference, completed, signed and dated by three (3) reputable citizens
- A current letter from your most recent Probation or Parole officer/office, addressed to the Governor, outlining your period of supervision
- A letter to the Governor describing the circumstances of your offense, community or comparable service and any additional information you may want the Governor to know when reviewing your petition
- If you are an applicant living outside the Commonwealth of Virginia**, attach certified copies of your Driving Record and Criminal Record from the state you reside.

If applicable, please be sure to request your Pre-sentence Report from your Probation or Parole officer/office. They will send this directly to the Secretary of the Commonwealth's Office.

# Restoration of Rights

## Violent Offenders / Drug Offenders / Election Law Offenders Application

Before filling out this application, be sure to read the instructions thoroughly and print or type the complete information in each blank. If a question does not apply, put "N/A" in the blank. Attach certified copies of all required documents to this application. The affidavit on the reverse side must be signed in the presence of a notary public or other official empowered to administer oaths.

A. Legal Name Now Used (Please Print): \_\_\_\_\_

B. Name as Convicted (Please Print): \_\_\_\_\_

C. Date of Birth: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

D. Prison Number (If any): \_\_\_\_\_

E. Home Address: \_\_\_\_\_

F. City and State: \_\_\_\_\_

G. Mailing Address: \_\_\_\_\_

H. Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

I. Cell Phone: \_\_\_\_\_ Email (If any): \_\_\_\_\_

J. Present Employer: \_\_\_\_\_

K. Employer's Address: \_\_\_\_\_

Felony Offense(s): \_\_\_\_\_

Court: \_\_\_\_\_ County/State: \_\_\_\_\_

Date(s) of Conviction: \_\_\_\_\_ Date(s) of Sentence: \_\_\_\_\_

Date of Release from Incarceration (If Applicable): \_\_\_\_\_ Date of Release from Supervised Probation or Parole: \_\_\_\_\_

If necessary, you may use the space below to include additional information.

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1. If you were on supervised probation or parole:  
 Obtain a letter from the District Probation/Parole office outlining your period of supervision or parole.  
 **IF** a Pre-sentence Report was prepared, request that the Probation/Parole office forward this report to: Restoration of Rights, Secretary of the Commonwealth P.O. Box 2454, Richmond, VA 23218.  
**Please Note:** The Pre-sentence Report will not be directly given to the applicant but mailed upon your request to the Secretary of the Commonwealth's Office.
2.  Attach a certified copy of the sentencing order for each felony conviction.
3.  Attach a certified copy of each order that modifies or changes the sentencing order for each felony conviction, if applicable. This includes any order reducing or terminatng any sentence, suspended sentence, or any term of probation.
4.  Attach certified receipt (s) of proof of payment of any fines, court costs, or restitution.
5.  Attach a letter addressed to the Governor describing the circumstances of your offense, community or comparable service and any other information you may want the Governor to know when reviewing your petition.
6. Have you ever had your rights restored for any criminal conviction in Virginia or any other state?  YES  NO (If you have checked 'YES', please attach document)
7. Have you ever had been granted a pardon for any criminal conviction in Virginia or any other state?  YES  NO (If you have checked 'YES', please attach document)
8. Have you completed all prison/jail terms, probation or parole, and/or supervised release for a minimum of five (5) years?  YES  NO (If the answer is 'NO', you may not be eligible for this process at this time)

Instructions: This affidavit must be **signed in the presence of a notary public** or other official empowered to administer an oath.

**AFFIDAVIT**

I, the undersigned, do solemnly swear (or affirm) that the information on this application, including all attachments, is complete, accurate, and true.

\_\_\_\_\_  
Signature of Applicant

Commonwealth of Virginia  
City/County of \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ year \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Mail this application and all required documentation to:  
 Restoration of Rights  
 Secretary of the Commonwealth  
 P.O. Box 2454, Richmond, VA 23218



LETTER OF PETITION

Governor of Virginia  
c/o Secretary of the Commonwealth  
Post Office Box 2454  
Richmond, VA 23218

Date: \_\_\_\_\_

Dear Governor:

I am enclosing my application for the restoration of my civil rights. I believe that the information contained herein is complete and accurate. I understand that an incomplete or ineligible application will not be accepted and may be returned to me.

I have attached certified copies of all orders of conviction and/or sentencing pertaining to my felony conviction(s), as well as all other required documents. In addition, I am submitting three letters of reference from reputable citizens who can attest to my character and reputation in the community.

I believe that my application will prove that I have earned the privilege to have my civil rights restored. I understand that the decision to restore my rights is vested solely in the office of the Governor of Virginia.

Thank you for your consideration.

Respectfully yours,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip code

## Letter of Reference

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Occupation or Title

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip code

Governor of Virginia  
c/o Secretary of the Commonwealth  
Post Office Box 2454  
Richmond, VA 23218

Dear Governor:

I am writing at the request of \_\_\_\_\_

whom I have known personally for \_\_\_\_\_ years. I am not a relative by birth or by marriage, and I believe that he/she is a law abiding citizen of good character. My relationship with the applicant is

\_\_\_\_\_,  
and I am enclosing additional comments below:

I hope this information will be helpful to you.

Respectfully,

\_\_\_\_\_  
Signature of Reference

## Letter of Reference

\_\_\_\_\_

Print Name

\_\_\_\_\_

Occupation or Title

\_\_\_\_\_

Address

\_\_\_\_\_

City, State, Zip code

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c/o Secretary of the Commonwealth  
Post Office Box 2454  
Richmond, VA 23218

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\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Occupation or Title

\_\_\_\_\_  
Address

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City, State, Zip code

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c/o Secretary of the Commonwealth  
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Signature of Reference