

LWV-VA Restoration of Civil Rights of Felons in Virginia Study 2007-9

QUESTIONS AND ANSWERS ABOUT RESTORATION OF CIVIL RIGHTS

From Restoration of Rights long application – Secretary of the Commonwealth

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:

- ³⁵₁₇ Any Virginia court
- ³⁵₁₇ Any court of any other state or the District of Columbia
- ³⁵₁₇ Any federal court
- ³⁵₁₇ 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 CONVICTION WAS FOR A FELONY?

Ask the Clerk of the Court in which you were convicted or your probation and parole officer

WHO MAY RESTORE MY CIVIL RIGHTS?

The Governor of Virginia.

If your conviction was in a Virginia court. only the Governor may restore your rights.

If your conviction was in another state, you may have your rights restored under the laws of that state or by the Governor of Virginia.

If your conviction was in a federal court, your rights may be restored only by a Presidential Pardon or by the Governor of Virginia.

CAN A REGISTRAR OF VOTERS RESTORE MY RIGHTS?

No. If you register to vote by concealing your prior record, you may be guilty of a crime. Only a legal restoration of rights by the Governor or other appropriate authority gives you the right to vote.

WHO CAN I CALL IF I NEED HELP FILLING OUT MY APPLICATION?

Your local probation and parole officer will help you.

Visit our web site: www.sbe.state.va.us for information.

Note: Normally, you will not need an attorney to petition to have your rights restored.

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

You are eligible if you:

- ³⁵₁₇ Have completed all prison or jail terms;
- ³⁵₁₇ Are not under probation or parole supervision, or any suspended sentence;
- ³⁵₁₇ Have no pending charges in any locality;
- ³⁵₁₇ Have paid all fines, restitution, and/or court costs for any convictions; and
- ³⁵₁₇ Have been free of any suspended sentence, parole or supervised probation for the last five years.

If you do not know the status of a suspended sentence, fines, restitution, or court costs, consult the clerk of the court in which you were convicted.

WHAT IF I FAIL TO MEET ONE OF THE CONDITIONS?

If you are still under a suspended sentence, you may not have your rights restored. However, the court in which you were convicted may act to terminate your sentence. Consult your probation and parole officer.

If you are still under parole, probation, or court supervision, you may not have your rights restored. However, you may talk to your parole and probation officer about having your sentence terminated

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 allows 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.

HOW MAY I HAVE MY CIVIL RIGHTS RESTORED?

By following all instructions that are found in this booklet.

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.

