

Idaho Commission of Pardons and  Parole	Standard Operating Procedure	Title: Firearm Restoration		Page: 1 of 3
		Control Number: 104	Version: 1.0	Adopted: 05/09/2016

Sandy Jones, Executive Director, approved this document on 05/09/2016.

Open to the public: Yes No

Redacted version available: Yes No

SCOPE

This policy applies to the employees of the Commission of Pardons and Parole. This policy provides specific procedures that must be followed for the processing of applications for firearm restoration according to Idaho Code 18-310.

Revision Summary
Revision date (05/09/2016) version 1.0:

TABLE OF CONTENTS

Scope	1
Table of Contents	1
Purpose	1
Responsibility	1
General Requirements	2
1. Application	2
2. Report	2
3. Hearing	2
3 Exceptions	2

COMMISSION OF PARDONS AND PAROLE IDAPA RULE NUMBER

IDAPA 50.01.01.551

POLICY CONTROL NUMBER

104

PURPOSE

This Standard Operating Procedure (SOP) outlines the procedures for processing applications for firearm restoration.

RESPONSIBILITY

This SOP applies to Commission employees involved in processing applications for firearm restoration.

Control Number: 104	Version: 1.0	Title: Firearm Restoration	Page Number: 2 of 3
-------------------------------	------------------------	--------------------------------------	-------------------------------

GENERAL REQUIREMENTS

When a person has been sentenced to the custody of the Idaho state board of correction after having been convicted of any felony offense enumerated in Idaho Code § 18-310(2)(a) through (ii), that person must apply to the Commission for restoration of their civil rights to ship, transport, possess, or receive a firearm.

1. Application: An application for the restoration of an individual's civil rights to ship, transport, possess, or receive a firearm may not be considered until five (5) years after their date of final discharge from imprisonment, probation, or parole, as the case may be.

- The application must request the restoration of the firearms right under Section 18-310, Idaho Code.
- be a signed original document
- be in writing and legible
- include all court conviction and dismissal documents
- state the reason(s) for the request
- be submitted to the Commission office

An incomplete application will be returned to the applicant. Unless the Commission specifies a longer time frame, an application may be submitted once every 12 months.

This application is not a pardon for the conviction of a crime, nor will such application expunge the applicants' criminal record.

2. Report: When the completed application is received, a request for an investigation will be made of correctional field personnel or a hearing officer located near the applicant's residence. The investigation report will be provided to the Commission for consideration at a hearing, and shall include, at a minimum, the following:

- A criminal record check of the applicant.
- The applicant's employment history since completion of sentence.
- The applicant's status in the community.
- A summary of an interview with the applicant.
- Evidence that all restitution and fines ordered by the sentencing court have been paid.

After receipt of an investigation report, and after determination that such report contains all necessary information, a hearing will be scheduled and notice provided to the applicant. If the Commission determines more information is needed, such application may be continued for further investigation.

Control Number: 104	Version: 1.0	Title: Firearm Restoration	Page Number: 3 of 3
-------------------------------	------------------------	--------------------------------------	-------------------------------

3. **Hearing:**

- The hearing will be scheduled for the months of January, April, July, or October.
- The hearing will be advertised in the in the legal advertisement section of the local newspaper four weeks prior to the scheduled hearing.
- Applicants are encouraged to appear at the hearing.
- The hearing, deliberation, and notice of decision will occur in open session.
- The hearing may be continued if the Commission deems it necessary to obtain more information.

4. **Exceptions:** See the exceptions listed in Section 18-310, Idaho Code:

- The rights to ship, transport, possess, or receive a firearm shall not be restored to any person having been convicted of the following offenses:
 - Murder in the first degree (I.C. 18-4003)
 - Murder in the second degree (I.C. 18-4003)Any felony enumerated in I.C. 18-310(2)(a) through (ii) wherein the sentence was enhanced for use of a firearm during the commission of said felony.

REFERENCES

IC 18-310

IC 20-213

IDAPA 50.01.01-551

– End of Document –