

Frequently Asked Questions (FAQs) for Special Restoration of Citizenship (Firearms) and Pardon Application

(updated September 1, 2016)

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(1) Question:

Who can apply for restoration of firearms?

Short Answer:

An individual convicted of a felony in the State of Iowa (not federal court) may apply five (5) years after they discharge their sentence.

An individual convicted of a criminal offense in the State of Iowa may apply for restoration of his firearm rights. It is the general policy of the Governor's Office to require at least five (5) years to pass from the date a person discharges their sentence before granting restoration of firearm rights.

(2) Question:

Who can apply for a pardon?

Short Answer:

An individual convicted of a crime in the State of Iowa (not felony court) may apply ten (10) after they discharge their sentence.

Although you may submit an application at any time, it is the general policy of the Governor's Office to require at least ten (10) years to pass from the discharge date for a pardon.

(3) Question: **Do I need to fill out the Special Restoration of Citizenship (Firearms) and Pardon Application if I only want my Voting rights restored?**

Short Answer: No.

If you are seeking to have your voting rights restored, fill out the Streamlined Application for Restoration of Citizenship Rights Application. This application is only 13 questions and takes approximately two months to process a completed application.

(4) Question: **Can I file a Pardon application if I am currently incarcerated?**

Short Answer: No.

Individuals are only eligible to apply for a Pardon ten years after they discharge their sentence. Individuals who are currently incarcerated for a Class A felony may apply for a Commutation of a Life Sentence.

(5) Question: **Does a Pardon expunge or erase my criminal record?**

Short Answer: No.

A pardon, which if full and unconditional, restores all rights (right to vote, holder public office, and firearm rights) and relieves an offender from further punishment imposed by reason of a conviction of a criminal offense. A pardon will not erase or expunge the record of conviction.

(6) Question: **Can the Governor of Iowa restore my firearm rights or grant me a Pardon if I was convicted in federal court?**

Short Answer: No.

Individuals convicted of a federal offense may apply for a Presidential Pardon through the Pardon Attorney's Office of the Department of Justice in Washington, DC.

Pardon Attorney's Office, U.S. Department of Justice
500 First Street, NW. Suite 400
Washington, DC 20530

(7) Question: **Can the Governor of Iowa restore my firearm rights or grant me a Pardon if I was convicted in a state outside of Iowa?**

Short Answer: No.

Individuals convicted of a State offense outside of the State of Iowa may contact the State of their conviction for information regarding restoration of firearm rights or a Pardon.

(8) Question: How long does the application process take?
Short Answer: The process may take up to two years.

(9) Question: Can I apply to have my firearm rights restored if I have a simple misdemeanor domestic abuse?
Short Answer: No.

Federal law prohibits possession of a firearm by a person who has been convicted of a “Misdemeanor Crime of Domestic Violence” (*See* 18 USC § 922(g)(9)). The term “Misdemeanor Crime of Domestic Violence” as used in 18 USC § 922(g)(9) is defined in federal law at 18 USC § 921(a)(33). An individual may only receive their firearm rights back if their “civil rights” are restored. Federal case law has held that the term “civil rights” includes the right to vote, hold public office, and serve on a jury. In order to overcome a firearm possession prohibition due to a Misdemeanor Crime of Domestic Violence conviction, all core “civil rights” must have been restored by way of pardon or other form of restoration of rights. In Iowa, an individual convicted of a misdemeanor does not lose their right to vote, hold public office or serve on a jury. An individual cannot have rights restored they never lost. Therefore, under federal law, an individual cannot have their firearm rights restored by the Governor of Iowa.

<https://www.atf.gov/qa-category/misdemeanor-crime-domestic-violence>

(10) Question: Can I apply for a Pardon if I received a deferred judgment?
Short Answer: No.

Article, IV, Section 16 of the Iowa Constitution states the Governor may pardon an individual *after a conviction*. A deferred judgment is not a conviction; therefore, the Governor does not have the power to grant a Pardon to an individual who received a deferred judgment.

(11) Question: I received a deferred judgment for a felony; did I lose my right to firearms?

Short Answer: Although you are unable to possess a firearm while serving the terms of your deferred judgment, after you discharge your sentence for your deferred judgment, your firearm rights are restored.

In *State v. Tong*, the Iowa Supreme Court made it clear that a person who has not yet successfully completed the terms of a deferred judgment for a felony offense or misdemeanor crime of domestic violence may not legally possess a firearm. It is important to note that the Iowa Department of Public Safety has been informed that some state and federal prosecutors have pursued charges for “felon in possession of a firearm” in cases involving an individual who had not completed the terms of a deferred judgment.

Once an individual successfully completes their deferred judgment for a disqualifying offense (a felony or misdemeanor crime of domestic violence) the individual has their firearm rights.

(12)

Question:

Who cannot have their rights to firearms restored?

Short Answer:

Iowa law prohibits an individual who was convicted of a forcible felony or some crimes involving firearms from having their firearm rights restored by the Governor. Federal law prohibits individuals convicted of misdemeanor domestic assault from having their firearm rights restored by the Governor.

Under Iowa Law, a person who has been convicted of a forcible felony, a felony in violation of chapter 124 involving a firearm, or a felony violation of chapter 724 shall not have the person’s rights of citizenship restored to the extent of allowing the person to receive, transport, or possess firearms.

(1) Pursuant to Iowa Code § 702.11, an individual convicted of a forcible felony:

- Felonious child endangerment
- Assault
- Murder
- Sexual abuse
- Kidnapping
- Robbery
- Arson in the first degree
- Burglary in the first degree

(2) An individual convicted of a felony in violation of Iowa Code § 724 (weapons)

(3) An individual convicted of a felony in violation of Iowa Code § 124 controlled substances involving a firearm

(4) A minor who committed a public offense involving a firearm

(13)

Question:

What is the likelihood my application will be approved?

Short Answer: **Each application is reviewed on a case-by-case basis. Approximately less than 10% of applications are granted each year.**

Year	Restoration of Firearm Applications Grants	Pardons Granted	Approximate percentage of application approved (based on an average of 100 pardon and firearm applications decided each year)
2011	3	2	5% of applications approved
2012	5	3	8% of applications approved
2013	4	2	6% of applications approved
2014	2	1	3% of applications approved
2015	5	4	9% of applications approved

(14) **Question:** **What impact does my felony that I received under the age of 18 have on my firearm rights?**

Answer: If a person has been adjudicated delinquent for an offense that would be a felony if committed by an adult, the person is prohibited from possessing a firearm for life under state law. However, if the juvenile adjudication has been sealed by order of the juvenile court, then the adjudication is deemed not to have occurred, and is therefore no longer a prohibitor once sealed.

If a person has been adjudicated delinquent for an offense that would be a felony if committed by an adult, but the person has no serious misdemeanor or higher criminal convictions at ages 18, 19, or 20, then the person's criminal history for the juvenile offense(s) is automatically expunged and the juvenile offense(s) would not appear on the rap sheet; however, if the automatic expungement occurs but a court has not sealed the record, then the offense would still be prohibiting.

If there was a consent decree for a felony level offense, that would not be prohibiting regardless of whether the juvenile court later did or did not seal the record.