

INSTRUCTIONS

Petition for Restoration of Firearm and Ammunition Rights (FIR102)

Use this form when you are not eligible to possess firearms and ammunition due to a crime of violence conviction or juvenile delinquency adjudication. If you are not eligible to possess firearms and ammunition due to a civil commitment, use forms FIR201 and FIR202.

Forms you will need for this process:

- Petition for Restoration of Firearm and Ammunition Rights (FIR102)
- Affidavit of Service (FIR103)

What you Need to Do

1. Complete the court forms, following all of the steps in these instructions.
2. Serve copies of the *Petition*.
3. File the forms with the Court (either electronically or at the courthouse).

Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions, but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Have a question about court forms or instructions?

- Visit www.mncourts.gov/SelfHelp
- Call the MN Courts Self Help Center at (651) 435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.mncourts.gov/Help-Topics/Find-a-Lawyer

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.

General Information About Filing a *Petition for Restoration of Firearm and Ammunition Rights (FIR102)*

The information contained in this document is not intended as legal advice but as a general guide to you to explain the legal process. If you do not understand any of these procedures, talk to an attorney. Court staff cannot give legal advice.

Individuals convicted of or adjudicated delinquent for a crime of violence are barred from possessing, shipping, transporting or receiving a firearm and/or ammunition for the remainder of their life unless their rights are later restored.

[Minn. Stat. § 609.165, subd. 1\(d\)](#) allows individuals to ask the court to restore the right to possess firearms and ammunition after being convicted or adjudicated delinquent of a crime of violence. [Minn. Stat. § 624.712, subd. 5](#) provides the list of crimes of violence that can cause an individual to lose the right to possess firearms and ammunition.

When do I qualify for Restoration of Firearm and Ammunition Rights?

The *Petition for Restoration of Firearm and Ammunition Rights (FIR102)* may **ONLY be used IF** all of the below are true for your case:

- It has been at least three years since your last request for restoration of firearm and ammunition rights;
- You have been discharged from felony probation; and
- You are not currently incarcerated.

If you are not sure if all of the above are true for your case, you should talk to an attorney.

What information do I need to complete the *Petition*?

The judge will need information about any criminal and juvenile delinquency case that resulted in the loss of firearm and ammunition rights to determine if there is good cause to grant your petition. This includes all charges, convictions, adjudications, and all pending actions involving felony level offenses.

It is recommended that you get the following:

- 1. Register of Action:** Request a copy of the Register of Action (ROA) for the case that resulted in the loss of the right to possess a firearm. If you were convicted or adjudicated delinquent of multiple crimes of violence under different cases, each of these convictions

could have caused you to lose your right to possess a firearm. Make sure to request and attach to your *Petition* a ROA for each Criminal and Juvenile Delinquency case that caused you to lose your right to possess a firearm.

If you have more than one criminal case in multiple counties and/or judicial districts and are unsure which case caused you to lose this right, you should talk to an attorney for legal advice.

The ROA can be printed at a MN county courthouse through the Records Center or the Minnesota Public Access terminals. There is a court copy fee for the ROA.

- 2. Background Check:** Criminal background checks are available through the Minnesota Bureau of Criminal Apprehension (BCA) and the Federal Bureau of Investigation (FBI). The BCA offers a Minnesota-only background check, but may not offer a national check. The FBI offers a national background check.

Different judges may have different preferences regarding nationwide and Minnesota-only background checks. The more information you provide, the better informed the judge is to decide your *Petition*.

Costs and Process: It costs money to request a background check and takes time to complete.

You can get full details about the costs and process from the BCA and FBI websites.

BCA: <https://dps.mn.gov/divisions/bca/Pages/background-checks.aspx>

FBI: <https://www.fbi.gov/services/cjis/identity-history-summary-checks>

NOTICE: Even if the judge grants your *Petition*, you may still be prohibited from possessing firearms and ammunition under other applicable state or federal laws. We strongly encourage you to get legal advice and not assume you may lawfully possess a firearm even if your *Petition* is granted.

Where and how should I file the *Petition*?

There are a few issues to keep in mind when deciding where (county) to file your case and whether to file within your existing case or to start a new Civil case. Please consider the following issues to help decide where to file and in which case.

One Case with Conviction: If you were convicted, or adjudicated delinquent, of a crime of violence in only one case, you may choose to file this *Petition* in that case. Filing within that specific case will make sure that any order restoring your rights is available in that case and is communicated to state and federal justice partners who are responsible for determining your

eligibility to possess firearms. There is no filing fee when you file into your existing Criminal or Juvenile Delinquency case. If you choose to open a new Civil case then you will pay the filing fee in that county.

Multiple Cases with Convictions: If you were convicted, or adjudicated delinquent, of multiple crimes of violence in different cases, each of these convictions could have caused you to lose your right to possess a firearm. Make sure to include all of the Criminal and Juvenile Delinquency cases that caused you to lose your right to possess a firearm.

- **Cases in the same Judicial District** – If all of your cases are in the same Judicial District, even if in different counties (for example, all the cases are in the 10th Judicial District but are in Anoka County and Washington County) then you may:
 - File one *Petition* in the county where one of the cases is located. You must list only that case on the caption in your *Petition*, but should include all Criminal and Juvenile Delinquency case numbers in the body of the *Petition*. There is no filing fee when filing into your existing Criminal or Juvenile Delinquency case. **OR**
 - File one *Petition* in the county where one of the cases is located, or where you live, as a new Civil case. Each case will need to be included in the body of the *Petition*. There is a filing fee to open a new Civil case.
- **Cases in different Judicial Districts** – If you have multiple cases in different judicial districts then you may:
 - File a *Petition* within each judicial district in one of the Criminal or Juvenile Delinquency case that resulted in the loss of your firearm rights. There is no filing fee when filing into your existing Criminal or Juvenile Delinquency case. **OR**
 - File one *Petition* in the county where one of the cases is located, or where you live, as a new Civil case. Each case will need to be included in the body of the *Petition*. There is a filing fee to open a new Civil case.

NOTE ON JUVENILE DELINQUENCY CASE INFORMATION: If you choose to file a Civil case, you are required to give information about all Criminal and Juvenile Delinquency cases that resulted in the loss of firearm rights. All of the information in your *Petition*, including any references to confidential Juvenile Delinquency cases, will be public in the Civil case file.

Step 1
Complete the *Petition for Restoration of Firearm and Ammunition Rights (FIR102)*

The caption for your case will depend on how you have chosen to file, either within your existing Criminal or Juvenile Delinquency case or a new Civil case. See the examples below for each.

Match the number in the boxes above with the numbered instructions below for your case.

Section A – CRIMINAL CASE: The Caption

A – CRIMINAL CASE	
<p>State of Minnesota</p> <p>County of: 1</p>	<p>Judicial District: 2</p> <p>Court File Number: _____</p> <p>Case Type: <u>Criminal</u></p>
<p>STATE OF MINNESOTA 3</p> <hr style="width: 80%; margin-left: 0;"/> <p>vs.</p> <p style="text-align: center;">4</p> <hr style="width: 80%; margin-left: 0;"/> <p>Defendant (first, middle, last)</p>	<p>Petition for Restoration of Firearm and Ammunition Rights</p> <p>Minn. Stat. § 609.165, subd. 1d</p>

1. Fill in the county where the criminal case was filed. If you are unsure of any information needed for the caption, you can find this information on any official court document from your case or your ROA.
2. Look at your ROA or court document to:
 - a. Fill in the Judicial District for the county where the case was filed.
 - b. Fill in the Court File Number from the case.
 - c. Fill in “Criminal” for Case Type.
3. Fill in “STATE OF MINNESOTA” on line three.
4. In a criminal case, you are the Defendant. Fill in your first, middle, last name as entered on an official court document from your case.

Section A – JUVENILE DELINQUENCY CASE: The Caption

A – JUVENILE DELINQUENCY	
State of Minnesota	District Court
County of: 1	Judicial District: 2
	Court File Number: 2
	Case Type: Juvenile Delinquency
In the Matter of the Welfare of: 3 [Name of Juvenile on Court Order]	
vs.	Petition for Restoration of Firearm and Ammunition Rights
4	Minn. Stat. § 609.165, subd. 1d

1. Fill in the county where the Juvenile Delinquency case was filed. If you are unsure of any information needed for the caption, you can find this information on any official court document from your case or your ROA.
2. Look at your ROA or court document to:
 - a. Fill in the Judicial District for the county where the case was filed.
 - b. Fill in the Court File Number from the case.
 - c. Fill in “Juvenile Delinquency” for Case Type.
3. In a Juvenile Delinquency case fill in “In the Matter of the Welfare of:” and then your name as listed on the court document.
4. There is nothing to fill in on this line for a Juvenile Delinquency case.

Section A – CIVIL CASE: The Caption

A – CIVIL CASE	
DISTRICT COURT	
State of Minnesota County of: _____ 1	Judicial District: _____ 2 Court File Number: _____ Case Type: Civil _____ 3
In RE Petition for Restoration of Rights of: _____ [Full legal name] 4	
vs. _____ 5	Petition for Restoration of Firearm and Ammunition Rights Minn. Stat. § 609.165, subd. 1d

1. Fill in the county where the new civil case will be filed. This can be in either the county where the case was or where you live.
2. Fill in the Judicial District for the county where you file. If you do not know the judicial district, you can find a map with all of the judicial districts at www.mncourts.gov/Find-Courts.
3. Fill in “Civil” for Case Type.
4. When filing a new civil case, you are the Petitioner. Fill in “In Re Petition for Restoration of Rights of: your full legal name – first, middle, last.”
5. Line 5 will be left blank.

Section B: The Petition

B	
1. I am petitioning the court for restoration of firearm and ammunition rights pursuant to Minn. Stat. § 609.165, subd. 1d.	
2. My full name, and all other legal names or aliases I have been known as, are: _____ 1	
3. My date of birth is: _____ 2	

1. Fill in your current and all other past full legal names or aliases. This includes your first, middle, and last names.
2. Fill in your date of birth.

4. List all criminal and juvenile delinquency cases that resulted in the loss of firearm and ammunition rights, including all charges, convictions, and adjudications, and also list all pending actions involving felony level offenses. It is recommended that you get a copy of the Register of Actions (ROA) for each case for which you are asking to have your firearm and ammunition rights restored, in order to provide the information requested below. Attach the ROA copies to the Petition. List each case separately. Attach additional pages if necessary.

Court file number: **3** _____

County-State where offense occurred: **4** _____

Type of offense(s): **5** _____

Date of offense: **6** _____

Date of conviction/adjudication: **7** _____

Date of discharge from probation: **8** _____

The information you need to fill out the information in paragraph 4, is in the ROA for your case. Attach a ROA for each case to the *Petition*.

Fill out the following. If you have more than one case, list information for each case separately. If needed, create an attachment with the same information.

3. Fill in the court file number of the case that resulted in the loss of firearm and ammunition rights. If you have more than one case or are unsure, you should talk with an attorney.
4. Fill in the County-State where offense happened. This is likely the county-state where your case was filed.
5. Fill in the type of offense(s) that is listed in the ROA. For example, “Domestic Assault” or “Burglary.”

6. Fill in the date of offense. This may be different than the day the case was opened.
7. Fill in the date of conviction/adjudication of your case.
8. Fill in the date of discharge from probation. If you are still on probation, you should talk with an attorney.

5. Have you filed any requests for Restoration of Firearm and Ammunition Rights in the past?

Yes No **9**

If yes, list each case separately:

Court file number: _____ **10**

Status of request: granted / denied / pending

If granted or denied, list the date of the order: _____

6. In order to petition for a restoration of firearm and ammunition rights, you must be able to check "True" to all three statements below. If you cannot check "True" to all three statements, talk with an attorney for legal advice.

a. It has been at least three years since my last request for restoration of firearm and ammunition rights (see paragraph 5 above).

True False **11**

b. I have been discharged from felony probation.

True False

c. I am not currently incarcerated.

True False

9. Answer whether or not you have asked for a Restoration of Firearm and Ammunition Rights in the past. The request could have been for this case or a different case and does not have to be in the same county you are filing your request now.

10. If yes, answer the following:

a. Fill in the Court File Number of the case that you filed a request.

- b. Fill in the status of the case. If you are not sure, review the ROA or check with court administration.
- c. If granted or denied, list the date of the court order. This can be found on the ROA.

11. Answer the following questions. If you answer “false” to **any** of the questions, you should talk with an attorney for legal advice before moving forward with filing your *Petition*.

<p>7. I am asking for restoration of my firearm and ammunition rights because 12 <i>(Explain why you are asking to have your firearm and ammunition rights restored and if it is sought for employment, sporting, or other purpose. Attach additional pages if needed.):</i></p> <hr/> <hr/>
<p>8. I have taken the following steps toward personal rehabilitation, including treatment, work, community involvement, or other personal history <i>(Describe in detail your record and progress toward personal rehabilitation. Attach additional pages if needed.):</i></p> <hr/> <hr/>
<p>9. I believe that good cause exists to restore my firearm and ammunition rights. <i>(State in detail why restoring your firearm and ammunition rights would not be contrary to public safety and why this petition should be granted.)</i></p> <hr/> <hr/>

12. Answer questions 7 – 9 with enough detail for the judge to have enough information to determine if there is good cause to restore your firearm and ammunition rights.

Section C: Your Information

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116		C
Dated: _____	_____	
_____	Signature	
County and State where signed	Name: _____	
	Address: _____	
	City/State/Zip: _____	
	Telephone: _____	
	E-mail address: _____	

- 13. Date the form.
- 14. Sign the form.
- 15. Fill in the county and state where you signed the form.
- 16. Print your name and fill in your contact information.

Step 2

Make Copies of the *Petition for Restoration of Firearm and Ammunition Rights* (FIR102)

- 1. Make as many copies of the signed *Petition for Restoration of Firearm and Ammunition Rights* form as needed for parties being served in Step 3 and a copy for yourself.
- 2. The original will be filed with court administration (later in step 4).

Step 3

Serve the *Petition for Restoration of Firearm and Ammunition Rights* (FIR102) and complete the *Proof of Service* (FIR103)

2. Fill in the name of the person who mailed the *Petition*.
3. Fill in the date the *Petition* was mailed.
4. Fill in the city where the *Petition* was mailed.

1 _____ County Attorney's Office Attn: Criminal Records _____ _____ _____ <i>(check box & use if related to your case)</i>	2 _____ County Probations Office _____ _____ _____ <i>(check box & use if related to your case)</i>	3 _____ County Sheriff's Office Attn: Records _____ _____ _____ <i>(check box & use if related to your case)</i>
4 MN Bureau of Criminal Apprehension CJIS-CCH-Court Orders / Petitions 1430 Maryland Avenue East St. Paul, MN 55106 <i>(check box & use if related to your case)</i>	5 MN Dept. of Corrections Attn: Records 1450 Energy Park Drive, Ste. 200 St. Paul, MN 55108-5219 <i>(check box & use if related to your case)</i>	6 Office of the MN Attorney General Suite 1800 NCL Towers 445 Minnesota Street St. Paul, MN 55101 <i>(check box & use if related to your case)</i>
7 MN Dept. of Natural Resources 500 Lafayette Road Box #47 St. Paul, MN 55155-4040 <i>(check box & use if related to your case)</i>	8 _____ _____ _____ <i>(check box & use if related to your case)</i>	9 _____ _____ _____ <i>(check box & use if related to your case)</i>

5. Check the boxes for any agency that was served and/or fill in the name and address of any agency not listed.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

6

Date _____

8

County and State where signed

7

Signature (person who mailed the papers) _____

Printed Name: _____ 9

Address: _____

City/State/Zip: _____

Telephone: _____

6. Fill in the date the *Proof of Service* is signed by person who mailed the *Petition*.
7. Sign the form. This must be done by the person who mailed the *Petition*.
8. Fill in the county and state where the *Proof of Service* was signed.
9. Fill in contact information of person who mailed the *Petition*.

Step 4

File Your Forms

File the original *Petition for Restoration of Firearm and Ammunition Rights* (FIR102) and *Proof of Service* (FIR103) forms with court administration. There is no filing fee to file this Petition in the Criminal or Juvenile Delinquency case(s).

If you are filing a Civil case, there will be a filing fee. If you have a low income or otherwise cannot afford to pay the filing fee, you can ask for a fee waiver. Fee Waiver forms and instructions are available online at <http://mncourts.gov/GetForms.aspx?c=19&p=69>.