

VIRGINIA: IN THE CIRCUIT COURTS OF GLOUCESTER, MATHEWS & MIDDLESEX COUNTIES

In re: LOCAL RULE GOVERNING PETITIONS TO RESTORE FIREARM RIGHTS

ORDER

WHEREAS, Virginia Code § 18.2-308.2(C) allows a person who is “prohibited from possessing, transporting, or carrying a firearm, ammunition for a firearm, or a stun weapon under [Virginia Code § 18.2-308.2(A)]” to petition the Circuit Court “for a restoration order that unconditionally authorizes possessing, transporting, or carrying a firearm, ammunition for a firearm, or a stun weapon.”

“The court may, in its discretion and for good cause shown, grant such petition and issue a restoration order.”

Pursuant to Rule 1:15(a) of the Rules of the Supreme Court of Virginia, the Court prescribes the following local rule governing the filing of a petition seeking a firearm rights restoration order in the Circuit Courts of Gloucester, Mathews, and Middlesex Counties:

1. Petition

A. Contents. Any petition seeking a firearm rights restoration order must contain the following information **under oath**:

- i. Full Name of Petitioner
- ii. All other names used by Petitioner
- iii. Petitioner’s residence address
- iv. Petitioner’s date of birth
- v. Petitioner’s Social Security Number
- vi. Petitioner’s complete criminal history, including:
 - a. Jurisdiction
 - b. Charge
 - c. Date(s) of Conviction
 - d. Disposition
- vii. Whether there are any pending charges
- viii. Whether the Petitioner is subject to a protective or other restraining order, or a substantial risk order

- ix. Whether the Petitioner has been:
 - a. Acquitted of any crime by reason of insanity
 - b. Adjudicated legally incompetent or mentally incapacitated
 - c. Involuntarily admitted or ordered to outpatient treatment
- x. Date of Governor's rights restoration
- xi. Whether a hearing on the petition is requested

B. *Supporting Documentation.* Any petition seeking a firearm rights restoration order must contain the following supporting documentation:

- i. Copy of the underlying felony conviction and sentencing orders
- ii. Copy of any other conviction and sentencing orders
- iii. Copy of any felony probation violation orders
- iv. Copy of any orders releasing the Petitioner from supervised probation
- v. Copy of Governor's rights restoration

C. *Additional Documentation.* The Petitioner may submit any relevant additional documentation in support of the Petition.

D. *Fingerprints.* The Petitioner must submit a complete set of the Petitioner's fingerprints.

E. *Record Check.* The Petitioner must submit a state police record check SP-167.

F. *Service.* A copy of the petition must be mailed or delivered to the attorney for the Commonwealth.

G. *Incomplete petition or missing documentation.* The Court will not consider any petition seeking a firearm rights restoration order until all information required by paragraphs 1(A), 1(B), 1(D) and 1(E) has been filed and the petitioner has complied with paragraph 1(F).

2. Response by the Commonwealth

A. *Response.* The Commonwealth's Attorney is entitled to respond to the petition and represent the interests of the Commonwealth. Any response by the Commonwealth must indicate whether a hearing on the petition is requested.

B. *Time.* Any response by the Commonwealth must be filed within 21 days of service or mailing.

3. Hearing

A. Request. The court will only conduct a hearing if requested by either party in writing.

B. Scheduling. If either party requests a hearing, the petitioner must contact the Commonwealth's Attorney to schedule the hearing on a regular criminal day. No hearing may be scheduled until all information required by paragraphs 1(A), 1(B), 1(D) and 1(E) has been filed.

4. Deviation

The Court, in its discretion, may deviate from these procedures as circumstances warrant.

The Court DIRECTS the Clerks of each Court to spread a copy of this Order upon the respective order books, post a copy with the date of entry in the clerk's office, furnish a copy to the Commonwealth's Attorney and attorneys regularly practicing before the respective circuit courts, and furnish a copy to the petitioner, or counsel, upon filing of such petition.

The Court DIRECTS the Clerk of the Gloucester Circuit Court to file a copy with the Executive Secretary of the Supreme Court.

ENTERED this 3rd day of January, 2023.

Jeffrey W. Shaw, Judge