

**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 3<sup>rd</sup> day of January, 2023.

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Jeffrey W. Shaw, Judge