

RESTORATION OF CIVIL RIGHTS OF A FEDERAL OR MILITARY OFFENSE UNDER THE LAWS OF ANOTHER COUNTRY

NOTICE TO APPLICANT

Please read the application instructions carefully, and complete the application accordingly.

Submission of incomplete applications or applications that do not comply with instructions may result in the Board's Clemency Section soliciting you in writing for the correct documentation.

Failure to comply with instructions will delay processing.

For your records, make copies of all documentation that you submit to the Board's Clemency Section.

Due to the inability to retain records for extended time periods for incomplete applications, we are advising you NOT to provide originals of personal items, including but not exclusive to photos, transcripts, birth and other certificates, achievement awards, licenses, literature, social security and other identification cards or items, notebooks or binders, and clemency proclamations. You may in lieu of originals provide copies of these documents with your submitted application.

RESTORATION OF CIVIL RIGHTS OF A FEDERAL OR MILITARY OFFENSE UNDER THE LAWS OF ANOTHER COUNTRY

INSTRUCTIONS & CHECKLIST

Mail completed applications to: TEXAS BOARD OF PARDONS AND PAROLES
ATTN: CLEMENCY SECTION
8610 SHOAL CREEK BLVD.
AUSTIN, TX 78757

1. Submit a completed application form. Please respond to **all** items. If necessary, use “N/A,” “Unknown,” “None,” or “Do not remember.”
2. Applications must be typed or printed legibly in **black or blue** ink.
3. **Three** or more affidavits/letters of recommendation attesting to the good character of the applicant. (Input from family members will only be accepted as supplemental information.) Affidavits/letters must:
 - (a) be addressed to the Board of Pardons and Paroles, as in the example, “To the Board of Pardons and Paroles:” (Do not address letters to the Board’s Clemency Section or “To whom it may concern”);
 - (b) contain a recommendation for Restoration of Civil Rights, as in the example, “I recommend restoration of civil rights on behalf of (applicant’s name)”;
 - (c) contain the name, occupation, signature, telephone number and mailing address of the writer;
 - (d) be current and not submitted as part of a previous clemency application; and
 - (e) be originals (photocopies and faxes are not acceptable).
4. Certified court documentation (indictment, judgment and sentence) for each adult conviction. For these purposes, adult is defined as all arrests committed when age 16 or older or when younger than age 16 but certified as an adult. If the court ordered a **fine/assessment** and/or **restitution**, furnish a statement confirming the amount paid.
5. Offense (arrest) reports for each adult conviction. Obtain these documents from the arresting agency. The documents do not need to be certified. If you were not arrested, provide a statement that you were not arrested and explain any interaction you had with law enforcement agencies before trial.
6. Must comply with the Texas Code of Criminal Procedure, Art. 48.05. Restoration of Civil Rights.
7. Complete the attached application form as presented. You may submit attached documents as instructed in the application. Do not alter the presentation of this application either through reformatting or rewriting. Do not bind or staple the application with any other submitted material.
8. The application must be signed and dated by the applicant.
 - **ALL APPLICANTS**, including non-Texas residents, must provide an official criminal history statement from the sheriff of the county of residence.
 - The entire criminal history will be considered for the purposes of this application. References may be contacted to verify information.
 - If the Board recommends restoration of civil rights, the Governor makes the final decision. The applicant will be notified in writing upon final action.

- If the Board of Pardons and Paroles or the Governor denies the application, the individual may not file another application before the first anniversary of the date of the denial.
- Please let us know of any change of address or telephone number.
- If the Board of Pardons and Paroles makes a recommendation to restore the civil rights of an individual, the Governor may either grant or deny the restoration of civil rights to the individual. If the Governor grants restoration of civil rights, the Governor shall issue a certificate of restoration of civil rights (proclamation).
- On the Application Page 1 of 6, A. Demographic Information, where asked to provide the applicant's current name, input the full name as it might appear on a Governor's proclamation.

GENERAL INFORMATION

Definition - A restoration of civil rights under this article is a form of pardon that restores all civil rights under the laws of this state that an individual forfeits as a result of the individual's conviction of an offense, except as specifically provided in the certificate of restoration.

The **Texas Code of Criminal Procedure, Art. 48.05. Restoration of Civil Rights** relates to consideration of a request for restoration of civil rights of certain individuals convicted of a federal or military offense. An individual convicted of a federal or military offense may submit an application for restoration of civil rights forfeited under the laws of this state as a result of the conviction.

Article 48.05 applies to a federal or military offense, other than an offense involving violence or the threat of violence, drugs, or firearms.

An individual may not apply for restoration of civil rights under this article unless:

- (1) the individual has completed the sentence for the offense;
- (2) the conviction occurred three or more years before the date of application; and
- (3) the individual has not been convicted at any other time of an offense under the laws of this state, another state, or the United States.

A Restoration of Civil Rights restores the following civil rights:

1. Right to vote.
2. Right to hold public office.
3. Right to serve on a jury.
4. Licensing privileges for certain types of employment (however, you must check with the appropriate licensing authority to determine if a full pardon is necessary to be licensed). If available, please provide written documentation from that authority advising that you will not be considered for a license without receiving a full pardon. If the licensing authority will not provide you with written documentation, please obtain and furnish the name of the licensing authority, phone number, and name of the person you contacted.
5. Right to serve as Executor or Administrator of an estate.

A RESTORATION OF CIVIL RIGHTS DOES NOT NECESSARILY RESTORE THE RIGHT TO BEAR ARMS. Many felons also lose their right to bear arms with the federal government. Additionally, you may or may not qualify for a State of Texas license to carry a concealed handgun. You **MUST** check with **BOTH** the Federal Bureau of Alcohol, Tobacco & Firearms **AND** the Texas Department of Public Safety for your status **BEFORE** bearing any arms.

A RESTORATION OF CIVIL RIGHTS DOES NOT expunge an arrest under the criminal laws. This can only be accomplished by petitioning a district court in the county of conviction.

A RESTORATION OF CIVIL RIGHTS DOES NOT restore the right of the applicant to drive and operate a motor vehicle upon public highways after an automatic suspension of that license as a result of a conviction for Driving While Intoxicated or other similar suspension, unless the Governor's certificate of restoration of civil rights specifically so states.

A RESTORATION OF CIVIL RIGHTS DOES NOT relieve the convicted person of any outstanding fines, fees, restitution or reparation as ordered by the Court.

**APPLICATION FOR RESTORATION OF CIVIL RIGHTS
 OF A FEDERAL OR MILITARY OFFENSE UNDER THE
 LAWS OF ANOTHER COUNTRY TO THE TEXAS
 BOARD OF PARDONS & PAROLES**

TO THE BOARD OF PARDONS AND PAROLES OF TEXAS:

I hereby request the Board of Pardons and Paroles or its designated agent to file this application for Clemency, to investigate the statements herein made under oath and, if the facts so justify, make a favorable recommendation to the Governor of the State of Texas that a Restoration of Civil Rights of a federal or military offense, to which I may be entitled under the laws of the State of Texas, be granted.

A. DEMOGRAPHIC INFORMATION

Current full name	Last Name	<input type="checkbox"/> Jr. <input type="checkbox"/> III	<input type="checkbox"/> Sr. <input type="checkbox"/> IV	First Name	Full Middle Name
Name(s) convicted under					
Race and sex	Race _____ Sex _____				
Date and place of birth	Date of birth _____ Place of birth _____				
Driver's license	State _____ License Number _____				
Alias names (including maiden name, name by former marriage and nicknames), birth dates, social security #'s, etc.					
Current marital status	<input type="checkbox"/> Married – Spouse's Name:				
	<input type="checkbox"/> Divorced	<input type="checkbox"/> Separated	<input type="checkbox"/> Single		
Children / support / alimony	I have _____ children under the age of 18 years. I am supporting the following named children under the age of 18 years: _____ I currently pay \$ _____ / month in child support. I currently pay \$ _____ / month in alimony.				

B. ADDRESSES

<p>Current Mailing Address <i>Indicate your current mailing address.</i></p>		<p>Current Physical Address <i>Provide information even if the physical and mailing addresses are the same.</i></p>
Number and street _____ Apartment _____		Number and street _____ Apartment _____
City _____ State _____ Zip Code _____		City _____ State _____ Zip Code _____
Home phone number [_____] _____		County of residence _____
Work phone number [_____] _____		Years resided at physical residence _____
Email Address _____		

Previous Addresses

List **all** previous physical addresses since age 18. Do not use post office boxes. If you lived in an apartment complex, list your apartment number. *All time periods must be accounted for.* Include complete dates (months and years of residence), addresses, city, state and zip codes. Complete this page before attaching any additional page(s). Place attachments behind this page.

From (month/year):	Number and street	Apartment
To (month/year):	City	State Zip Code

From (month/year):	Number and street	Apartment
To (month/year):	City	State Zip Code

From (month/year):	Number and street	Apartment
To (month/year):	City	State Zip Code

From (month/year):	Number and street	Apartment
To (month/year):	City	State Zip Code

C. EMPLOYMENT

Please give a comprehensive adult (since age 18) employment history, beginning with your present employment and working backwards. Include employer's name, address, your job position working title, description of job duties, salary, dates employed, and reason for leaving. Complete this page before attaching any additional page(s). Place attachments behind this page.

From (month/year):	Employer name
To (month/year):	Employer address
Job position (working title)	Description of your work duties
Average monthly salary	Reason for leaving

From (month/year):	Employer name
To (month/year):	Employer address
Job position (working title)	Description of your work duties
Average monthly salary	Reason for leaving

From (month/year):	Employer name
To (month/year):	Employer address
Job position (working title)	Description of your work duties
Average monthly salary	Reason for leaving

From (month/year):	Employer name
To (month/year):	Employer address
Job position (working title)	Description of your work duties
Average monthly salary	Reason for leaving

D. STATUS

<p>Does the federal or military conviction for which you are requesting restoration of civil rights involve violence, the threat of violence, drugs or firearms?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Have you completed the sentence for the federal or military conviction?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Did the conviction for the federal or military offense occur three or more years before the date of application?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Other than the federal or military conviction for which you are requesting restoration of civil rights, have you ever been convicted at any other time of an offense under the laws of Texas, another state, or the United States?</p> <p><i>If "yes," attach an explanation page and place it behind this page. For each additional conviction, identify the offense, offense date, arrest date, arresting agency, cause number, court, court disposition, disposition date, and final disposition.</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Have you ever been incarcerated in a federal or military institution, or any Texas or non-Texas penal institution?</p> <p><i>If "yes," list your institutional identification numbers. Include the institution (facility name) and location.</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ID Number: _____</p> <p>Institution: _____</p> <p>Location: _____</p>
<p>Do you have any pending criminal charges?</p> <p><i>If "yes," attach an explanation page and place it behind this page. Place the attachment behind this page. For each pending criminal charge, identify the offense, offense date, arrest date, arresting agency, cause number, court, court disposition, disposition date and final disposition.</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Have you ever been granted a pardon by the federal government, another state, or Texas?</p> <p><i>If "yes," attach an explanation page and place it behind this page. Provide information about the grantor, the date granted, and conviction pardoned (offense, offense date, cause number, court, court disposition, disposition date and final disposition).</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

F. CERTIFICATION BY APPLICANT

Please read the following statements carefully and indicate your understanding and acceptance by signing in the space provided. This application must be signed.

I hereby give my permission to the Board of Pardons and Paroles or its designated agent to make any inquiry and receive any information of record that it may deem proper in the investigation of this application for clemency; and

I understand that compliance with these requirements is sufficient for the Board's consideration of this application, but compliance does not necessarily mean that favorable action will result.

I hereby swear upon my oath that I am the subject herein named and the facts contained in this application are true and correct.

Applicant's Signature (Full Name)

Date

CRIMINAL HISTORY INFORMATION

Provide information on all adult criminal offenses (**list one offense per page**) and the disposition of each arrest. For these purposes, adult is defined as all arrests committed when age 16 or older or when younger than age 16 but certified as an adult. All blanks must be completed for each criminal offense. Included in this application are two (2) blank "Criminal History Information" pages provided in the event that you have multiple arrests.

Photocopy as many of these blank pages as needed to list additional offenses.

Criminal Offense: _____

List the offense as it appears in the court documentation.

Are you requesting Restoration of Civil Rights of a Federal or Military

Offense for this offense?

Yes / No

Only federal or military convictions that comply with the Texas Code of Criminal Procedure, Art. 48.05. Restoration of Civil Rights are eligible for clemency consideration.

Additional Information about the Criminal Offense

Jurisdiction: _____

Notate as "Federal" if adjudicated in a federal court. If this is a state offense, specify the state and county where the offense occurred.

Cause Number: _____

Court of Adjudication: _____

Mark "N/A" if not adjudicated in a Court.

Disposition/Sentence Date: _____

Date of sentencing or other form of court adjudication.

Court Disposition/Sentence: _____

Examples of possible responses that you may modify to reflect your circumstance:

5 years federal probation
5 years TDCJ
2 years State Jail Felony

2 years probation
2 years deferred adjudication probation
30 days jail

Class C Misdemeanor
No Bill
Charge dismissed

No formal charge
Released without prosecution
Plea in Bar

Fine ordered in the Sentence?

Yes No

If "Yes", indicate the amount: \$ _____

Was the fine paid in full?

Yes No

Assessment ordered in the Sentence?

Yes No

If "Yes", indicate the amount: \$ _____

Was the assessment paid in full?

Yes No

Restitution ordered in the Sentence?

Yes No

If "Yes", indicate the amount: \$ _____

Was the restitution paid in full?

Yes No

Final Disposition: _____

Examples of possible responses that you may modify to reflect your circumstance:

Discharged federal sentence 00/00/0000
Satisfactorily discharged federal probation sentence
Currently on probation
Satisfactorily discharged deferred adjudication probation sentence
Misdemeanor sentence completed
State Jail Felony sentence completed
TDCJ-CID sentence completed
Currently on parole

Unsatisfactorily discharged federal probation sentence
Discharged probation sentence
Unsatisfactorily discharged deferred adjudication probation sentence
Jail sentence completed
Currently incarcerated in a State Jail facility
Currently incarcerated in TDCJ-CID
Charge dismissed (no billed, no formal charge)

CRIMINAL HISTORY INFORMATION

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Photocopy as many of these blank pages as needed to list additional offenses.

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List the offense as it appears in the court documentation.

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Offense for this offense?

Yes / No

Only federal or military convictions that comply with the Texas Code of Criminal Procedure, Art. 48.05. Restoration of Civil Rights are eligible for clemency consideration.

Additional Information about the Criminal Offense

Jurisdiction: _____

Notate as "Federal" if adjudicated in a federal court. If this is a state offense, specify the state and county where the offense occurred.

Cause Number: _____

Court of Adjudication: _____

Mark "N/A" if not adjudicated in a Court.

Disposition/Sentence Date: _____

Date of sentencing or other form of court adjudication.

Court Disposition/Sentence: _____

Examples of possible responses that you may modify to reflect your circumstance:

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2 years State Jail Felony

2 years probation
2 years deferred adjudication probation
30 days jail

Class C Misdemeanor
No Bill
Charge dismissed

No formal charge
Released without prosecution
Plea in Bar

Fine ordered in the Sentence? Yes No **If "Yes", indicate the amount:** \$ _____

Was the fine paid in full? Yes No

Assessment ordered in the Sentence? Yes No **If "Yes", indicate the amount:** \$ _____

Was the assessment paid in full? Yes No

Restitution ordered in the Sentence? Yes No **If "Yes", indicate the amount:** \$ _____

Was the restitution paid in full? Yes No

Final Disposition: _____

Examples of possible responses that you may modify to reflect your circumstance:

Discharged federal sentence 00/00/0000
Satisfactorily discharged federal probation sentence
Currently on probation
Satisfactorily discharged deferred adjudication probation sentence
Misdemeanor sentence completed
State Jail Felony sentence completed
TDCJ-CID sentence completed
Currently on parole

Unsatisfactorily discharged federal probation sentence
Discharged probation sentence
Unsatisfactorily discharged deferred adjudication probation sentence
Jail sentence completed
Currently incarcerated in a State Jail facility
Currently incarcerated in TDCJ-CID
Charge dismissed (no billed, no formal charge)

RESTORATION OF CIVIL RIGHTS OF A FEDERAL OR MILITARY OFFENSE UNDER THE LAWS OF ANOTHER COUNTRY CHECKLIST

***Before submitting your application,** please ensure that you have complied with all application instructions and have reviewed the checklist information provided on this page. Incomplete applications will not be forwarded to the Texas Board of Pardons and Paroles for voting consideration.*

Eligibility

Did you review your eligibility for restoration of civil rights of a federal or military offense consideration by reviewing the attached copy of the Texas Code of Criminal Procedure, Article 48.05, Restoration of Civil Rights?

Completing the Restoration of Civil Rights Application Form

Did you complete the application form as instructed? Review to ensure that you have complied with all instructions, including the following:

- (1) Type or print legibly in black or blue ink;
- (2) Do not alter the presentation of the application by reformatting or rewriting the form, and do not bind or staple the application;
- (3) Respond to all items, if necessary using “N/A,” “Unknown,” “None,” or “Do not remember;”
- (4) For each adult conviction for which you are requesting restoration of civil rights of a federal or military offense under the laws of another country, complete application pages titled “Criminal History Information” and “Subject’s Version” as instructed, with a complete and detailed Subject’s Version of Offense with location, offense date, law enforcement agency involved, events leading up to the offense and your extent of involvement in the case;
- (5) Sign with full name the application form with a date of signature.

Letters of Recommendation

Did you provide at least three (3) letters/affidavits of recommendation that comply with application instructions? (Criteria for acceptable letters provided on application Page 1 of 2.)

Criminal History Statement

Did you provide an official criminal history statement from the sheriff of your county of residence?

Certified Court Documentation

Did you provide appropriate certified court documentation (indictment/complaint/information, judgment & sentence) or clerk statement (fine/restitution paid) for **all convictions** for which you are requesting restoration of civil rights of a federal or military offense under the laws of another country? Refer to application instruction Page 1 of 2 for detailed instructions.

Offense/Arrest Reports

Did you provide offense reports for **all convictions** for which you are requesting restoration of civil rights of a federal or military offense under the laws of another country from the appropriate law enforcement agency? For example, if you were arrested by the United States Marshal’s Service, you must request offense reports from that agency. If you were not arrested, provide a statement that you were not arrested and explain any interaction you had with law enforcement agencies before trial.

If you are unsure of the arresting agency, you may access public record information pertaining to criminal convictions by accessing the Texas Department of Public Safety (DPS) Crime Records Service website <http://records.txdps.state.tx.us/>; or you may contact DPS to request assistance in acquiring criminal history information.

TEXAS CODE OF CRIMINAL PROCEDURE
CHAPTER 48. PARDON AND PAROLE
ART. 48.05. RESTORATION OF CIVIL RIGHTS

- (a) (1) An individual convicted of an offense described by Subdivision (2) of this subsection may, except as provided by Subsection (b) of this article, submit an application for restoration of any civil rights forfeited under the laws of this state as a result of the conviction.
- (2) This article applies to:
 - (A) a federal offense, other than an offense involving:
 - (i) violence or the threat of violence;
 - (ii) drugs; or
 - (iii) firearms; and
 - (B) an offense under the laws of another country, other than an offense involving:
 - (i) violence or the threat of violence;
 - (ii) drugs; or
 - (iii) firearms, if the elements of the offense are substantially similar to elements of an offense under the laws of this state punishable as a felony.
- (b) An individual may not apply for restoration of civil rights under this article unless:
 - (1) the individual has completed the sentence for the offense;
 - (2) the conviction occurred:
 - (A) three or more years before the date of application, if the offense is a federal offense; or
 - (B) two or more years before the date of application, if the offense is an offense under the laws of another country; and
 - (3) the individual has not been convicted at any other time of an offense under the laws of this state, another state, or the United States.
- (c) An application for restoration of civil rights must contain:
 - (1) a completed application on a form adopted by the Board of Pardons and Paroles;
 - (2) three or more affidavits attesting to the good character of the applicant; and
 - (3) proof that the applicant has completed the sentence for the offense.

- (d) The applicant must submit the application to:
 - (1) the sheriff of the county in which the applicant resides at the time of application or resided at the time of conviction of the offense, if the individual resided in this state at that time; or
 - (2) the Board of Pardons and Paroles.
- (e) If an application is submitted to a sheriff, the sheriff shall review the application and recommend to the Board of Pardons and Paroles whether the individual's civil rights should be restored. If the sheriff recommends restoration of the individual's civil rights, the board may either:
 - (1) concur in the recommendation and forward the recommendation to the governor; or
 - (2) independently review the application to determine whether to recommend to the governor the restoration of the individual's civil rights.
- (f) If the sheriff does not recommend the restoration of the individual's civil rights, the individual may apply directly to the Board of Pardons and Paroles.
- (g) If an application is submitted to the Board of Pardons and Paroles without first being submitted to a sheriff, the board shall review the application and recommend to the governor as to whether the individual's civil rights should be restored.
- (h) The Board of Pardons and Paroles may require or obtain additional information as necessary to perform a review under Subsection (e)(2) or Subsection (g) of this article.
- (i) On receipt from the Board of Pardons and Paroles of a recommendation to restore the civil rights of an individual, the governor may either grant or deny the restoration of civil rights to the individual. If the governor grants the restoration of civil rights to the individual, the governor shall issue a certificate of restoration of civil rights.
- (j) If an application under this article is denied by the Board of Pardons and Paroles or the governor, the individual may not file another application under this article before the first anniversary of the date of the denial.
- (k) A restoration of civil rights under this article is a form of pardon that restores all civil rights under the laws of this state that an individual forfeits as a result of the individual's conviction of an offense, except as specifically provided in the certificate of restoration.