

Determining Eligibility to Apply or Petition for Restoration of Civil Rights in Virginia

Updated April 2012

Person Providing Assistance: _____ Phone Number: _____

Person Receiving Assistance: _____ Phone Number: _____

Address: _____

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|---|-----|----|
| 1. Have you been convicted of a felony? | Yes | No |
| If the person was convicted of a misdemeanor, and is a Virginia resident or convicted in a Virginia court, then s/he has not lost her/his civil rights. | | |
| 2. Which state(s) do you have your convictions (other than VA)? | | |
| If a person moves into Virginia with a criminal conviction from another state then whether s/he has her/his civil rights depends on the previous state's law. If the person's conviction occurred in Maine or Vermont, her/his rights were never taken away. If the person's conviction occurred within a state with automatic restoration then the person's rights <i>should</i> be restored, and s/he can register to vote. For all other states please refer to The Sentencing Project's "Felon Disenfranchisement Laws in the United States" handout. | | |
| 3. Have you had a restoration of civil rights application rejected within the past year? | Yes | No |
| If a person has applied and been rejected, then s/he must wait one full year before re-applying to the Governor. | | |
| 4. Are you currently on probation, parole, or under any other correctional supervision (including community service, court-mandated classes, etc.)? | Yes | No |
| If a person is still under correctional supervision, s/he has not completed her sentence and is ineligible to apply. | | |
| 5. Have you paid all fines, fees, and/or restitution associated with your conviction(s)? | Yes | No |
| If a person has not paid all her/his court-ordered fees and penalties then s/he is ineligible to apply. | | |
| 6. Have you been convicted of a violent, drug distribution, or election-related crime? | Yes | No |
| If a person has been convicted of a violent, drug distribution, or election-related crime then s/he is only eligible to apply five years after the completion of her/his sentence. Here, "sentence" means all correctional supervision and court-ordered fees and penalties. If a person is convicted of a non-violent or drug possession (without intent to distribute) crime, then s/he must wait two years after the completion of her/his sentence to apply. | | |
| 7. Has it been (2-years for "non-violent" offenses/5-years for "violent" offenses) from the end of your sentence (including the payment of court-ordered fees, fines, and restitution)? | Yes | No |
| 8. Have you been convicted of a DWI within the past five years? | Yes | No |
| If a person has been convicted of a DWI within the past five years, s/he is ineligible to apply. | | |
| 9. Since the completion of your last felony sentence, have you been convicted of a misdemeanor? | Yes | No |
| If yes, her/his waiting period is restarted so that s/he must two or five years depending on whether s/he has non-violent or violent convictions. If s/he has been arrested, s/he must wait until the matter resolved (released from arrest, charges dropped, case dismissed) to apply. | | |

If a person has met these requirements then s/he is eligible to directly apply to the Governor or petition the Circuit Court to review her/his application. Please refer to Advancement Project's Virginia Civil Rights Restoration Guide for further instructions, applications, and other materials.