

Civil Rights Modification, Firearms Prohibition, and Cooperation With Police

In addition to the need for you to be thoroughly familiar with your general and special conditions of probation or parole there is additional information, which the Department of Corrections must bring to your attention at this time:

1. Loss/Restoration of Voting Rights

If you have been convicted of a felony including people will Suspended Imposition of Sentence (SIS) or Rule Plea Agreements.

Article V, Section 2 of the Alaska Constitution states that a person who has been convicted of a felony involving moral turpitude may not vote unless his or her civil rights have been restored. Alaska Statute 15.05.030 withdraws right to register to vote for persons convicted of a felony including moral turpitude. The right to register to vote is withdrawn under these sections is automatically restored upon the unconditional discharge of the person for probation or parole. You will be provided notice of the restoration of your right to register to vote and a copy will be sent to the State Division of Elections upon your unconditional discharge.

2. Disqualification as a Juror and For Elective or Appointive Office:

Alaska Statute 09.20.020(2) states a person is disqualified to act as a juror if he/she has been convicted of a felony for which the person has not been unconditionally discharged. Alaska Statute 15.25.030(16) precludes from filling a declaration of candidacy for public office, and Alaska Statute 38.05.100 precludes you from being qualified for appointment to a board or commission of state government.

3. Firearms Prohibition

A. State Disability – A.S. 11.61.200

Misconduct Involving Weapons in the Third Degree: Knowingly possesses a firearm capable of being concealable on his person after having been convicted of a felony by court of this state or a court of another state or territory, and/or Resides in a dwelling knowing that there is a firearm concealable weapon from a court of competent jurisdiction or from the head of enforcement agency of the community in which the dwelling is located.

Penalty: Class C Felony, maximum of 5 years, presumptive terms of 2 yrs (second felony) and 3 years (third felony). Disability ceases ten years after unconditional discharge.

B. Federal Disabilities

1. Misdemeanor Crime of Domestic Violence: Title 18 U.S.C. 922(g)(9) prohibits persons convicted of Misdemeanor Crimes of Domestic Violence from using or possessing firearms ammunition.

2. Gun Control Act of 1968 – [18 U.S.C. 922 (g)(9)]: It shall be unlawful for any person who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment exceeding one year to receive any firearm or ammunition which has been shipped or transported by interstate or foreign commerce.

Penalty: Up to 10 years and \$5,000. If possession is with the intent to commit felony, penalty may be enhanced to 10 years and \$10,000.

Relief: If the crime the person was convicted of did not involve the use of a firearm or other weapon, the person can make application for waiver to: Asst. Director Criminal Enforcement, Bureau of Tobacco & Firearms, P.O. Box 784, Ben Franklin Station, Washington, D.C. 20044.

- a. Explosive materials, means explosives, blasting agents, and detonators. The term explosive means gun powders used for blasting, all forms of high explosives, blasting materials, fuses (other than electric and circuit breakers), detonators, and other detonating agents, smokeless powders, other explosive or incendiary devices within the meaning of paragraph (5) of section 232 of this title, and any chemical compounds, mechanical mixture, or device that contains any oxidizing and combustible unit, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture, or device or any part thereof may cause an explosion.
- b. It shall be unlawful for any person,
- (1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year.
 - (2) who is a fugitive from justice;
 - (3) who is an unlawful user of or addicted to any controlled substance (as defined in section 1 of the Controlled Substances Act (21 U.S.C. 802)).
 - (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

to ship or transport any explosive in interstate or foreign commerce or to receive any explosive which has been shipped or transported in interstate or foreign commerce.

- c. Any person who violates subsections (a) through (l) of section 842 of this chapter shall be fined more than \$10,000 or imprisoned not more than ten years or both.
- d. In order to ensure you do not violate the GUN CONTROL ACT, any firearm owned or possessed by you should be permanently removed from your custody and control immediately. THAT MEANS ANY GUN IN THE HOUSE.

- e. The termination of your parole or probation supervision DOES NOT automatically relieve you of the disabilities incurred under this act except in the case of a conviction set aside as part of Suspended Imposition of Sentence (SIS) relief by the Court or expungement by State authorities or set aside following SIS allows the possession or receipt of firearms is otherwise prohibited. (Pub. L. No. 99-308, 100 Stat. 449 (1986)). The removal of disabilities in all cases except SIS or pardon may be approved ONLY AFTER FORMAL WRITTEN APPLICATION IS MADE TO THE U.S. DEPARTMENT OF TREASURY. ON WRITTEN APPLICATION, YOU WILL BE MAILED THE NECESSARY FORMS. AN INVESTIGAION WILL BE COMPLETED PRIOR TO APPROVAL OR DISAPPROVAL OF YOUR APPLICATION.

- 4. Cooperation With Police: Any and all contract a probationer or parolee with police must be reported to his or her supervising officer within 24 hours or the next working day. Persons under probation or parole supervision are prohibited from acting as an informant for law enforcement agencies or otherwise acting undercover capacity absent express permission from Superior Court. You are expected to conduct yourself as a good citizen and cooperate with police in reporting crimes and/or providing information as a citizen witness as an act of your civic duty. If you have any questions or concerns regarding cooperation with police, you are expected to discuss them with your probation/parole officer for direction.

STATEMENT

I, _____, have read or had read to me the above information, and clearly understand the information and how it pertains to my particular situation while I am on, and after, my probation and/or parole.

WITNESS OUR SIGNATURES THIS _____ day of _____ 20____

Adult Probation/Parole Officer

Probationer/Parolee