

4-941. Motion to restore right to possess or receive a firearm or ammunition.

[For use with Section 34-9-19 NMSA 1978]

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

In the matter of _____, No. _____
Respondent.

**MOTION TO RESTORE RIGHT
TO POSSESS OR RECEIVE A FIREARM OR AMMUNITION¹**

I, _____ (*name*), am the Respondent in this proceeding and state as follows:

1. On _____ (*date*), I was notified that I am subject to the firearm and ammunition prohibitions set forth in 18 U.S.C. § 922(g)(4) as a result of the following order (*select one*):

- Order appointing a full or plenary guardian that includes a finding of total incapacitation.
- Order appointing a full or plenary conservator that includes a finding of total incapacitation.
- Order for involuntary commitment.
- Order for involuntary protective services or protective placement.
- Order for assisted outpatient treatment that includes a finding of serious violent behavior or of threatened or attempted serious physical harm.

2. The Court entered the order identified in Paragraph 1, above, in this case.

YES (*required*) I have attached a copy of the order to this motion.

3. I request that this Court restore my right to possess or receive a firearm or ammunition, including my right to be eligible for a concealed handgun license.

4. I have not filed a Motion To Restore Right To Possess or Receive a Firearm or Ammunition within the past two (2) years.

5. I request that this Court schedule a hearing to consider whether my rights should be restored under Section 34-9-19(E) NMSA 1978.²

WHEREFORE, I ask the Court to grant this motion and for any other relief that the Court deems proper.

Respectfully submitted,

Signature of Respondent

Name of Respondent (*print*)

Mailing address

Telephone number

VERIFICATION

I, the Respondent, affirm under penalty of perjury under the laws of the State of New Mexico the following:

- (A) I am the respondent in the above-entitled cause;
- (B) I have read the motion to restore right to possess or receive a firearm or ammunition;
- (C) The contents of the motion are true and correct to the best of my information and belief; and
- (D) I understand the following:
 - (1) If the Court sets a hearing on the motion, I must offer evidence of the following when I come to Court:
 - (a) The circumstances regarding the firearm disabilities from which I am seeking relief;
 - (b) My mental health records and criminal history records, if any (It is my responsibility to provide these records);
 - (c) My reputation, which must be supported, at the very least, by a person who can come to the hearing to testify about my character; a sworn, written statement by a person familiar with my character; or by other character evidence; and
 - (d) Changes in my condition or circumstances since the order identified in Paragraph 1 of this motion was entered;
 - (2) The evidence described above will be used to determine whether I am likely to act in a manner dangerous to public safety and whether restoring my right to possess or receive a firearm or ammunition is contrary to the public interest; and
 - (3) After I file this motion with the court, I must mail or hand-deliver a court-stamped copy to the Office of the Attorney General and to all parties to the proceeding that resulted in the order identified in Paragraph 1 of this motion.³

Date

Respondent

USE NOTE

1. You may be required to pay a filing fee to the court clerk in cash or money order at the time the motion is filed. If you cannot afford to pay the filing fee, you may ask the court to allow you to file for free or for a reduced rate by filing an application for free process, Form 4-222 NMRA.

2. You must bring a self-addressed stamped envelope with you when you file your motion. The clerk will use the envelope to notify you by mail of the date and time of your hearing.

3. You should bring the original and at least two copies of the motion with you when you file the motion. The clerk will file the original and will stamp and return the copies to you. You may keep one copy for your records, and you must mail or hand-deliver the other copies to the attorney general and to all parties to this proceeding as required by NMSA 1978, § 34-9-19(D). The court may ask you for proof that you mailed or hand-delivered the other copies.

[Approved by Supreme Court Order No.17-8300-003, effective for all cases filed on or after March 31, 2017; as amended by Supreme Court Order No. 17-8300-026, effective December 31, 2017.]