

### 3- Appeal after disposition.

The court findings may be appealed. The review or appeal shall be "de novo".

#### Additional Info:

Specific documents are being developed at this time which will assist the court in tracking when the disability is ordered on a case and when the court grants or denies the petition for relief of the former order.

The following ROA codes are anticipated:

**FDRO-** Firearms Disability Restrictions Ordered.

**FDPG-** Firearms Disability Relief Petition Granted

**FDPD-** Firearms Disability Relief Petition Denied

Copies of these documents will be forwarded to the court as quickly as possible if not included with this informational sheet.

#### NOTE:

A petitioner may file for relief from any of the following types of orders:

Orders of Commitment pursuant to section 66-329, Orders of treatment pursuant to section 66-406, Orders appointing a guardian pursuant to section 66-322, Orders appointing a conservator pursuant to 66-404, Orders appointing a guardian and conservator pursuant to 66-404, A finding of the court that the petitioner is incompetent to stand trial pursuant to 18-212.

I.S.C.

**Idaho Supreme Court  
451 W. State St.  
PO Box 83720  
Boise, Id 83720-0101**

**208-334-2850  
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7/1/2010

## Idaho Supreme Court

### Relief From Firearms Disability Cases 7/1/2010



### 1-2-3 Clerical Case Processing

Phone: 208-334-2850

## 1-2-3 Case Processing

### RELIEF FROM FIREARMS DISABILITIES:

House Bill 631 – Legislation 2010 creates a provision by which a person who, due to previous findings of the court, would not be able to “ship, transport, possess, or receive any firearms or ammunition and to make immediate arrangements for the disposition of any firearms or ammunition owned or possessed by the individual” a course of action to petition the court for relief from that imposition.



### 1- Case Creation & Service

The filing attorney, person or agency will file the petition with the court that issued such order, OR the district Court of the county where the individual resides, for relief from the order and to remove the person’s firearms-related disabilities.

Filing Fee Code: A14

Amount: \$ 88.00

New Subtype assigned: “HR” Hospitalization Relief. “RD” Relief/Disability (many of the cases involved where relief is sought are “HO” Hospitalization cases, but not all.

The petition submitted by the petitioner must list the county and the case number from which relief is being requested. A separate petition and fee must be submitted for each order (case) the applicant is asking for relief from.

The applicant shall provide a copy of the petition to be served on the director of the Department of Health and Welfare, and on the prosecuting attorney of the county

in which the original order, appointment or finding occurred, and shall arrange for service of the documents. Proof of service will be provided by the applicant to the court.

### 2- The Case

The court will receive and consider evidence in the matter and appropriate findings will be made by the court including an order granting the relief, or a denial.

The court will file a copy of the findings in the case from which the relief was being requested.

The dispositional findings either denying the petition or granting it will be entered by the court clerk in the current petition for relief case, and in the underlying original case. The case will be closed.

If the petition is granted the clerk shall immediately forward a copy of the order to the Idaho State Police, which shall immediately forward a copy to the FBI and NICS systems.

A new petition may be filed for relief on a case no more frequently than once every two (2) years.