

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL DRS45390-MLF-92B

Short Title: Second Amendment Freedoms.

(Public)

Sponsors: Senators Britt, Perry, and Johnson (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REVISE THE CRITERIA FOR RESTORATION OF FIREARMS RIGHTS TO ALLOW RESTORATION IF THE PETITIONER WAS CONVICTED OF A CRIME OF VIOLENCE CONSTITUTING A MISDEMEANOR SO LONG AS TEN YEARS HAVE PASSED SINCE THE DATE OF CONVICTION OR THE DATE WHEN ANY ACTIVE SENTENCE, PERIOD OF PROBATION, OR POST-RELEASE SUPERVISION HAS BEEN SERVED FOR THE OFFENSE; TO ALLOW THE FILING AND GRANTING OF A PETITION BY A PERSON WHO WAS CONVICTED OF A NONVIOLENT FELONY IN A JURISDICTION OTHER THAN NORTH CAROLINA IF TEN YEARS HAVE PASSED SINCE THE DATE THE PERSON BECAME ELIGIBLE TO HAVE THE PERSON'S CIVIL RIGHTS AUTOMATICALLY RESTORED; AND TO ALLOW THE PURCHASE OF A HANDGUN WITHOUT A PISTOL PURCHASE PERMIT.

The General Assembly of North Carolina enacts:

PART I. FIREARMS RIGHTS RESTORATION REVISIONS

SECTION 1.1. G.S. 14-415.4 reads as rewritten:

"§ 14-415.4. **Restoration of firearms rights.**

...

(c) Petition for Restoration of Firearms Rights. – A person who was convicted of a nonviolent felony in North Carolina but whose civil rights have been restored pursuant to Chapter 13 of the General Statutes for a period of at least ~~20~~10 years may petition the district court in the district where the person resides to restore the person's firearms rights pursuant to this section. A person who was convicted of a nonviolent felony in a jurisdiction other than North Carolina may petition the district court in the district where the person resides to restore the person's firearms rights pursuant to this section only if a period of 10 years have passed since (i) the person's civil rights, including the right to possess a firearm, have been restored, pursuant to the law of the jurisdiction where the conviction occurred, for a period of at least 20 years. or (ii) the person became eligible under G.S. 13-1 to have the person's civil rights automatically restored. The court may restore a petitioner's firearms rights after a hearing in court if the court determines that the petitioner meets the criteria set out in this section and is not otherwise disqualified to have that right restored.

(d) Criteria. – The court may grant a petition to restore a person's firearms rights under this section if the petitioner satisfies all of the following criteria and is not otherwise disqualified to have that right restored:

...



(3) ~~The petitioner's rights of citizenship have been restored pursuant to Chapter 13 of the General Statutes or, if the conviction was in a jurisdiction other than North Carolina, have been restored, pursuant to the laws of the jurisdiction where the conviction occurred, for a period of at least 20 years before the date of the filing of the petition.~~ petitioner satisfied the applicable 10-year requirement set forth in subsection (c) of this section.

(4) ~~The petitioner has not been convicted under the laws of the United States, the laws of this State, or the laws of any other state of any misdemeanor as described in subdivision (6) of subsection (e) of this section since the conviction of the nonviolent felony.~~

...

(e) Disqualifiers Requiring Denial of Petition. – The court shall deny the petition to restore the firearms rights of any petitioner if the court finds any of the following:

...

(6) The petitioner is or has been adjudicated guilty of or received a prayer for judgment continued or suspended sentence for one or more crimes of violence constituting a misdemeanor, including a misdemeanor under Article 8 of Chapter 14 of the General Statutes, Statutes other than a misdemeanor under G.S. 14-33, or a misdemeanor under G.S. 14-225.2, 14-226.1, 14-258.1, 14-269.2, 14-269.3, 14-269.4, 14-269.6, 14-276.1, 14-277, ~~14-277.1,~~ 14-277.2, 14-277.3, 14-281.1, 14-283, 14-288.2, ~~14-288.4(a)(1) or (2),~~ 14-288.6, 14-288.9, former 14-288.12, former 14-288.13, former 14-288.14, ~~14-288.20A,~~ 14-318.2, 14-415.21(b), or 14-415.26(d), or a substantially similar out-of-state or federal offense.

...."

SECTION 1.2. This Part becomes effective October 1, 2021, and applies to petitions filed on or after that date.

PART II. REPEAL PISTOL PURCHASE PERMIT

SECTION 2.1. G.S. 14-402 through G.S. 14-405 and G.S. 14-407.1 are repealed.

SECTION 2.2. G.S. 14-315(b1)(1) is repealed.

SECTION 2.3. G.S. 122C-54(d2) is repealed.

SECTION 2.4. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

SECTION 2.5. This Part is effective when it becomes law and applies to pistols sold, given away, transferred, purchased, or received on or after that date.

PART III. EFFECTIVE DATE

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.