

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

5

HOUSE BILL 618
Committee Substitute Favorable 6/27/13
Committee Substitute #2 Favorable 7/24/13
Fourth Edition Engrossed 7/25/13
Senate Judiciary II Committee Substitute Adopted 6/10/14

Short Title: Amend Firearm Restoration Law.

(Public)

Sponsors:

Referred to:

April 10, 2013

A BILL TO BE ENTITLED

AN ACT TO RESTORE THE FIREARMS RIGHTS OF CERTAIN PERSONS WHO WERE CONVICTED OF NONVIOLENT FELONIES BEFORE DECEMBER 1, 1995, AND WHOSE FIREARMS RIGHTS HAD BEEN RESTORED BEFORE DECEMBER 1, 1995, TO INCREASE THE FEE TO PETITION FOR THE RESTORATION OF FIREARMS RIGHTS, AND TO ADD TO THE LIST OF OFFENSES INELIGIBLE FOR EXPUNCTION CERTAIN FELONY BREAKING AND ENTERING OFFENSES, AND ANY OFFENSE THAT IS AN ATTEMPT TO COMMIT AN OFFENSE THAT IS NOT ELIGIBLE FOR EXPUNCTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-415.1 is amended by adding a new subsection to read:

"(f) This section does not apply to, there is no disentanglement under this section for, and the firearms rights as defined in 14-415.4 are restored to any person who satisfies all of the following criteria:

(1) The person's firearms rights were restored prior to December 1, 1995, and the forfeiture of the person's firearms rights on December 1, 1995, occurred only because amendments to G.S. 14-415.1, enacted by S.L. 1995-487 and applicable to any person convicted of a felony before December 1, 1995, became effective.

(2) The person's felony convictions prior to December 1, 1995, are only for nonviolent felonies as defined in G.S. 14-415.4.

(3) The person has not been convicted of any subsequent felony on or after December 1, 1995, that would require forfeiture of the person's firearms rights and cause the person to be disentitled under this section."

SECTION 2. G.S. 14-415.4(k) reads as rewritten:

"(k) Fee. – A person who files a petition for restoration of firearms rights under this section shall pay the clerk of court a fee of ~~two hundred dollars (\$200.00)~~ two hundred fifty dollars (\$250.00) at the time the petition is filed. Fees collected under this subsection shall be deposited in the General Fund. This subsection does not apply to petitions filed by an indigent."

SECTION 3. G.S. 15A-145.5(a) reads as rewritten:

"(a) For purposes of this section, the term "nonviolent misdemeanor" or "nonviolent felony" means any misdemeanor or felony except the following:



- 1 (1) A Class A through G felony or a Class A1 misdemeanor.
- 2 (2) An offense that includes assault as an essential element of the offense.
- 3 (3) An offense requiring registration pursuant to Article 27A of Chapter 14 of
- 4 the General Statutes, whether or not the person is currently required to
- 5 register.
- 6 (4) Any of the following sex-related or stalking offenses: G.S. 14-27.7A(b),
- 7 14-190.7, 14-190.8, 14-190.9, 14-202, 14-208.11A, 14-208.18, 14-277.3,
- 8 14-277.3A, 14-321.1.
- 9 (5) Any felony offense in Chapter 90 of the General Statutes where the offense
- 10 involves methamphetamines, heroin, or possession with intent to sell or
- 11 deliver or sell and deliver cocaine.
- 12 (6) An offense under G.S. 14-12.12(b), 14-12.13, or 14-12.14, or any offense for
- 13 which punishment was determined pursuant to G.S. 14-3(c).
- 14 (7) An offense under G.S. 14-401.16.
- 15 (7a) An offense under G.S. 14-54(a), 14-54(a1), 14-54.1, 14-55, or 14-56.
- 16 (8) Any felony offense in which a commercial motor vehicle was used in the
- 17 commission of the offense.
- 18 (9) Any offense that is an attempt to commit an offense described in
- 19 subdivisions (1) through (8) of this subsection."

20 **SECTION 3.** Sections 1 and 2 and of this act become effective October 1, 2014.
21 Section 3 of this act becomes effective December 1, 2014, and applies to petitions filed on or
22 after that date, but petitions filed prior to that date are not abated by this act.