



HOUSE BILL 7: Amend Firearm Restoration Law

2015-2016 General Assembly

Committee:	House Judiciary III	Date:	March 11, 2015
Introduced by:	Reps. Speciale, Pittman	Prepared by:	Susan Sitze
Analysis of:	PCS to First Edition H7-CSSA-13		Staff Attorney

SUMMARY: *The Proposed Committee Substitute (PCS) for House Bill 7 would 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.*

CURRENT LAW: Any person convicted of a felony loses certain rights, such as the right to vote and the right to possess a firearm. When they have completed any sentence received as a result of conviction those rights are restored, except for the firearm rights. G.S. 14-415.4 authorizes the restoration of firearm rights of certain persons convicted of nonviolent felonies after 20 years from the date all other civil rights were restored.

BILL ANALYSIS: The PCS for House Bill 7 would automatically restore the firearms rights of anyone convicted of a felony who meets all of the following criteria:

- The person had their firearms rights restored prior to December 1, 1995, and the forfeiture on December 1, 1995 was only as a result of the changes to G.S. 14-415.1 enacted by S.L. 1995-487 and further amended by S.L. 2004-186 became effective.
- The person's felony convictions prior to December 1, 1995 are only for nonviolent felonies as defined by G.S. 14-415.4.
- 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.

EFFECTIVE DATE: This act becomes effective October 1, 2015.

BACKGROUND: Prior to 1995, a person convicted of certain felonies only had their right to possess a handgun restricted, but could still possess a long gun. Additionally, their right to possess a handgun was restored after 5 years. Changes to the law in 1995 applied the rights revocation to all felonies and revoked the handgun rights permanently, but still allowed felons to possess a long gun. In 2004, the law was changed to take away the long gun rights of a convicted felon permanently as well. In 2010, G.S. 14-415.4 was enacted to allow restoration of those rights after a period of 20 years.

In 2009, the North Carolina Supreme Court decided in *Britt v. North Carolina* that the 1995 and 2004 laws were unconstitutional as applied to Mr. Britt in part because his rights had been restored completely prior to the 1995 change, and his felony was "nonviolent". But the court was clear that the opinion applied specifically to Mr. Britt, and did not declare the statute itself unconstitutional.

