

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 954
SENATE BILL 43

AN ACT PROHIBITING THE POSSESSION OF FIREARMS, WEAPONS AND
NARCOTICS BY FELONS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 14 of the General Statutes is hereby amended by inserting therein a new Article 54A entitled "The Felony Firearms Act" to read as follows:

"Article 54A

"The Felony Firearms Act.

"§ 14-415.1. **Possession of firearms, etc., by felon prohibited.** — (a) It shall be unlawful for any person who has been convicted in any court in this State, in any other state of the United States or in any federal court of the United States of a crime, punishable by imprisonment for a term exceeding two years, to purchase, own, possess or have in his custody, care or control, any hand gun or pistol.

Every person violating the provisions of this section shall be guilty of a felony and shall be imprisoned for not more than 10 years in the State prison or shall be fined an amount not exceeding five thousand dollars (\$5,000).

(b) In all cases where the person is charged under the provisions of this section, the record or records of prior convictions of any offense whether in courts in this State, or in courts of any other state or in any court of the United States shall be admissible in evidence, but only for the purpose of proving that said person has been convicted of a previous offense the punishment for which may be more than two years. The term 'conviction' is defined as a final judgment in any case of any offense having a maximum permissible penalty of more than two years without regard to the plea entered or to the sentence imposed. A judgment of a conviction or a plea of guilty to such an offense certified to a superior court of this State from the custodian of records of any state or federal court under the same name as that by which the defendant is charged shall be prima facie evidence that the identity of such person is the same as the defendant so charged and shall be prima facie evidence of the facts so certified.

(c) The indictment charging the defendant under the terms of this section shall be separate from any indictment charging him with other offenses related to or giving rise to a charge under this section. An indictment which charges the person with violation of this section must set forth the date that the prior offense was committed, the type offense and the penalty therefor, and the date that the defendant was convicted or plead guilty to such offense, the identity of the court in which the conviction or plea of guilty took place and the verdict and judgment rendered therein."

Sec. 2. Any person whose citizenship is restored under the provisions of Chapter 13 of the General Statutes, any comparable State or federal statute, shall thereafter be exempted from the provisions of this act.

Sec. 3. This act shall become effective on October 1, 1971.

In the General Assembly read three times and ratified, this the 19th day of July, 1971.