

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

S

1

SENATE BILL 764

Short Title: Felons Can't Possess Firearms.

(Public)

Sponsors: Senators Gulley; and Lucas.

Referred to: Judiciary I.

April 3, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT CONVICTED FELONS FROM POSSESSING ALL TYPES  
3 OF FIREARMS AND TO DELETE THE EXCEPTION THAT PERMITS  
4 CONVICTED FELONS TO POSSESS FIREARMS IN THEIR HOMES OR  
5 BUSINESSES.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 14-415.1 reads as rewritten:

8 "§ 14-415.1. Possession of firearms, etc., by felon prohibited.

9 (a) It shall be unlawful for any person who has been convicted of a felony to  
10 purchase, own, possess, or have in his custody, care, or control any ~~handgun or other~~  
11 ~~firearm with a barrel length of less than 18 inches or an overall length of less than 26~~  
12 ~~inches~~, or any weapon of mass death and destruction as defined in G.S. 14-288.8(c).

13 Every person violating the provisions of this section shall be punished as a Class G  
14 felon.

15 ~~Nothing in this subsection would prohibit the right of any person to have possession~~  
16 ~~of a firearm within his own home or on his lawful place of business.~~

17 (b) Prior convictions which cause disenfranchisement under this section shall only  
18 include:

- 19 (1) Felony convictions in North Carolina that occur before, on, or after  
20 December 1, ~~1995;~~ 2003; and
- 21 (2) Repealed by Session Laws 1995, c. 487, s. 3.
- 22 (3) Violations of criminal laws of other states or of the United States that  
23 occur before, on, or after December 1, ~~1995;~~ 2003, and that are  
24 substantially similar to the crimes covered in subdivision (1) which are  
25 punishable where committed by imprisonment for a term exceeding  
26 one year.

27 When a person is charged under this section, records of prior convictions of any offense,  
28 whether in the courts of this State, or in the courts of any other state or of the United  
29 States, shall be admissible in evidence for the purpose of proving a violation of this

1 section. The term "conviction" is defined as a final judgment in any case in which  
2 felony punishment, or imprisonment for a term exceeding one year, as the case may be,  
3 is permissible, without regard to the plea entered or to the sentence imposed. A  
4 judgment of a conviction of the defendant or a plea of guilty by the defendant to such an  
5 offense certified to a superior court of this State from the custodian of records of any  
6 state or federal court shall be prima facie evidence of the facts so certified.

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

14 **SECTION 2.** This act becomes effective December 1, 2003, and applies to  
15 offenses committed on or after that date. Prosecutions for offenses committed before  
16 the effective date of this act are not abated or affected by this act, and the statutory  
17 provisions that would be applicable but for this act remain applicable to those  
18 prosecutions.