

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 421

Short Title: Restoration Non-NC Felons Rights.

(Public)

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Sponsors: Representative Kennedy.

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Referred to: Judiciary I.

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April 1, 1991

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY G.S. 13-1, TO RESTORE THE CITIZENSHIP OF PERSONS  
2 CONVICTED IN ANOTHER STATE ON THE SAME BASIS AS PERSONS  
3 CONVICTED IN THIS STATE OR IN FEDERAL COURT, AND TO SIMPLIFY  
4 THE PROCEDURE FOR FILING THE CERTIFICATE OF RESTORATION AS  
5 RECOMMENDED BY THE GENERAL STATUTES COMMISSION.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 13-1 reads as rewritten:

9 **"§ 13-1. Restoration of citizenship.**

10 Any person convicted of a crime, whereby the rights of citizenship are forfeited,  
11 shall have such rights automatically restored upon the occurrence of any one of the  
12 following conditions:

- 13 (1) The unconditional discharge of an inmate by the State Department of  
14 Correction or the North Carolina Department of Correction, of a  
15 probationer by the State Department of Correction, or of a parolee by  
16 the Department of Correction; or of a defendant under a suspended  
17 sentence by the court.
- 18 (2) The unconditional pardon of the offender.
- 19 (3) The satisfaction by the offender of all conditions of a conditional  
20 pardon.
- 21 (4) With regard to any person convicted of a crime against the United  
22 States, the unconditional discharge of such person by the agency of the  
23 United States having jurisdiction of such person, the unconditional

1 pardon of such person or the satisfaction by such person of a  
2 conditional pardon.

3 (5) With regard to any person convicted of a crime in another state, the  
4 unconditional discharge of such person by the agency of that state  
5 having jurisdiction of such person, the unconditional pardon of such  
6 person or the satisfaction by such person of a conditional pardon."

7 Sec. 2. G.S. 13-2 reads as rewritten:

8 "**§ 13-2. Issuance and filing of certificate or order of restoration.**

9 (a) The agency, department, or court having jurisdiction over the inmate,  
10 probationer, parolee or defendant at the time his rights of citizenship are restored under  
11 the provisions of G.S. 13-1(1) shall immediately issue a certificate or order in duplicate  
12 evidencing the offender's unconditional discharge and specifying the restoration of his  
13 rights of citizenship.

14 The original of such certificate or order shall be promptly transmitted to the clerk of  
15 the General Court of Justice in the county where the official record of the case from  
16 which the conviction arose is filed. The clerk shall then file the certificate or order  
17 without charge with the official record of the case.

18 (b) In the case of a person convicted of a crime against another state or the  
19 United States, whose rights to citizenship have been restored according to G.S. 13-1, the  
20 following provisions shall apply:

21 (1) It shall be the duty of the clerk of the court in the county where such  
22 person resides, upon a showing by such person or his representative  
23 that the conditions of G.S. 13-1 have been met, to issue the certificate  
24 evidencing the offender's unconditional discharge and specifying the  
25 restoration of his rights of citizenship. ~~described in this section.~~ For  
26 purposes of this ~~section~~ subsection, the fulfillment of the conditions of  
27 G.S. 13-1 shall be considered met upon the presentation to the clerk of  
28 any paper writing from the agency of any other state or of the United  
29 States government which had jurisdiction over such person, which  
30 shows that the conditions of G.S. 13-1 have been met.

31 (2) The certificate described in ~~this section~~ subdivision (b)(1) shall be filed  
32 by the clerk of the General Court of Justice in the county in which  
33 such person resides ~~as though it were a civil action bearing such person's~~  
34 name.

35 (3)  
36 The provisions of this ~~section~~ subsection apply equally to conditional and unconditional  
37 pardons by the governor of any other state or by the President of the United States, as  
38 well as unconditional discharges by the agency of another state or of the United States  
39 having jurisdiction over said person."

40 Sec. 3. This act is effective upon ratification.