

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 132*

Select Committee on Courts Committee Substitute Adopted 2/24/94
Finance Committee Substitute No. 2 Adopted 3/2/94

Short Title: Restoration of Citizenship.

(Public)

Sponsors:

Referred to:

February 15, 1994

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON CONVICTED OF A FELONY DOES NOT HAVE CITIZENSHIP AUTOMATICALLY RESTORED UPON PARDON OR UPON COMPLETION OF SENTENCE, PROBATION, OR PAROLE, BUT INSTEAD MUST WAIT ONE OR TWO YEARS AND PROVE GOOD CHARACTER TO A COURT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 13 of the General Statutes is amended by designating G.S. 13-1 through G.S. 13-10 as Article 1 with the heading "Felonies Committed Before April 1, 1994."

Sec. 2. Article 1 of Chapter 13 of the General Statutes is amended by adding a new section to read:

"§ 13-11. Applicability.

This Article applies only to felonies committed before April 1, 1994."

Sec. 3. Chapter 13 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 2.

"FELONIES COMMITTED ON OR AFTER APRIL 1, 1994.

"§ 13-15. Petition filing.

A person whose citizenship rights have been forfeited because that person was convicted of a felony, who has met any one of the following conditions, and who has

1 waited the prescribed amount of time after meeting that condition may file a petition
2 seeking restoration of those citizenship rights:

- 3 (1) Unconditional discharge of an inmate, a probationer, or a parolee by
4 the agency of this State, another state, or the United States having
5 jurisdiction of the petitioner.
- 6 (2) Unconditional discharge of a defendant under a suspended sentence by
7 the court.
- 8 (3) Unconditional pardon or satisfaction of all conditions of a conditional
9 pardon.

10 Two years shall elapse before a petitioner who has met the requirements of subdivision
11 (1), who was convicted of a Class A, B, C, D, E, F, or G felony, and who was sentenced
12 to prison may file a petition. One year shall elapse before a petitioner who has met the
13 requirements of subdivision (3) may file a petition. All other petitioners shall wait one
14 year before filing a petition.

15 A petitioner shall file the petition in the district court of the county in which the
16 petitioner is a resident or in the county in which the petitioner was convicted. The
17 procedure initiated by the filing of the petition is as specified in this Article.

18 **"§ 13-16. Substance of petition.**

19 The petition shall set forth all of the following information:

- 20 (1) The crime for which the petitioner was convicted and the sentence
21 imposed.
- 22 (2) The petitioner's place of residence.
- 23 (3) The petitioner's occupation since the conviction.
- 24 (4) The reasons that the petitioner is entitled to have citizenship rights
25 restored.
- 26 (5) A statement as to whether or not the citizenship rights of the petitioner
27 have ever been previously restored.
- 28 (6) The affidavits of five registered voters of the county in which the
29 petitioner resides who are acquainted with the petitioner and have been
30 acquainted with the petitioner for one year before the petition was filed
31 that the petitioner has had a truthful and honest character during that
32 time.

33 **"§ 13-17. Notice given.**

34 For 30 days before the session in which the petition is scheduled to be heard, the
35 clerk of court shall post the substance of that petition continuously at the county
36 courthouse door.

37 **"§ 13-18. Hearing and order.**

38 The court shall hear testimony offered by the petitioner as to the facts set forth in the
39 petition and by any person opposing the petition. If the court is satisfied that the facts
40 set forth in the petition and affidavits are true and that the petitioner has a truthful and
41 honest character, the court shall enter an order restoring the petitioner's citizenship
42 rights.

43 **"§ 13-19. Court costs.**

- 1 The court costs under this Article shall be the same as for civil actions under G.S.
2 7A-305 and shall be paid by the petitioner."
3 Sec. 4. This act is effective upon ratification.