

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 403

Short Title: Restoration of Rights.

(Public)

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Sponsors: Senator Ballance.

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Referred to: Judiciary.

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March 17, 1997

A BILL TO BE ENTITLED

AN ACT TO RESTORE THE RIGHTS OF CITIZENSHIP OF A CONVICTED PERSON IF THAT PERSON IS RELEASED FROM INCARCERATION OR IS GIVEN A SENTENCE WITHOUT INCARCERATION.

The General Assembly of North Carolina enacts:

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

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

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

- (1) The ~~unconditional~~ discharge of an inmate by the State Department of Correction or the North Carolina Department of ~~Correction, of a probationer by the State Department of Correction, or of a parolee by the Department of Correction; or of a defendant under a suspended sentence by the court.~~ Correction.
- (2) ~~The unconditional pardon of the offender.~~
- (3) ~~The satisfaction by the offender of all conditions of a conditional pardon.~~
- (4) With regard to any person convicted of a crime against the United States, the ~~unconditional~~ discharge from incarceration of such person by

1 the agency of the United States having jurisdiction of such ~~person, the~~  
2 ~~unconditional pardon of such person or the satisfaction by such person of a~~  
3 ~~conditional pardon.~~ person.

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

9 (6) The imposition by a court of a sentence other than jail or imprisonment,  
10 provided that:

11 a. Citizenship shall be forfeited if jail or imprisonment is imposed  
12 because of a failure of the offender to meet conditions of the  
13 nonincarcerating sentence; and

14 b. If the sentence included a mixture of incarceration and other  
15 forms of punishment, the offender's citizenship shall not be  
16 restored until the offender has been released from incarceration."

17 Section 2. This act becomes effective January 1, 1998.