

## Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

## SUPREME COURT OF THE UNITED STATES

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## CARON v. UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE FIRST CIRCUIT

No. 97–6270. Argued April 21, 1998— Decided June 22, 1998

Federal law forbids a person convicted of a serious offense to possess any firearm, 18 U. S. C. §922(g)(1), and requires that a three-time violent felon who violates §922(g) receive an enhanced sentence, §924(e). However, a previous conviction is not a predicate for the substantive offense or the enhanced sentence if the offender’s civil rights have been restored, “unless such . . . restoration . . . expressly provides that the person may not . . . possess . . . firearms.” §921(a)(20). Petitioner, who has an extensive criminal record, was convicted of possessing, *inter alia*, six rifles and shotguns in violation of §922(g). The District Court enhanced his sentence based on one California conviction and three Massachusetts convictions, but the First Circuit vacated the sentence, concluding that his civil rights had been restored by operation of a Massachusetts law that permitted him to possess rifles but restricted his right to carry handguns. On remand, the District Court disregarded the Massachusetts convictions, finding that, because Massachusetts law allowed petitioner to possess rifles, §921(a)(20)’s “unless clause” was not activated, and that the handgun restriction was irrelevant because the case involved rifles and shotguns. The First Circuit reversed, counting the convictions because petitioner remained subject to significant firearms restrictions.

*Held:* The handgun restriction activates the unless clause, making the Massachusetts convictions count under federal law. The phrase “may not . . . possess . . . firearms” must be interpreted under either of two “all-or-nothing” approaches: either it applies when the State forbids one or more types of firearms, as the Government contends; or it does not apply if the State permits one or more types of firearms, regardless of the one possessed in the particular case. This Court agrees

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with the Government's approach, under which a state weapons limitation activates the uniform federal ban on possessing any firearms at all. Even if a State permitted an offender to have the guns he possessed, federal law uses the State's determination that the offender is more dangerous than law-abiding citizens to impose its own broader stricture. Under petitioner's approach, if he had possessed a handgun in violation of state law, the unless clause would not apply because he could have possessed a rifle. This approach contradicts a likely, and rational, congressional intent. Congress, believing that existing state laws provided less than positive assurance that a repeat violent offender no longer poses an unacceptable risk of dangerousness, intended to keep guns away from all offenders who might cause harm, even if they were not deemed dangerous by the States. *Dickerson v. New Banner Institute, Inc.*, 460 U. S. 103, 119, 120. To provide the missing assurance, federal law must reach primary conduct not covered by state law. The fact that state law determines the restoration of civil rights does not mean that state law also controls the unless clause: As to weapons possession, the Federal Government has an interest in a single, national, protective policy, broader than required by state law. The rule of lenity does not apply here, since petitioner relies on an implausible reading of the congressional purpose. See *United States v. Shabani*, 513 U. S. 10, 17. Pp. 4–8.

Affirmed.

KENNEDY, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and STEVENS, O'CONNOR, GINSBURG, and BREYER, JJ., joined. THOMAS, J., filed a dissenting opinion, in which SCALIA and SOUTER, JJ., joined.