

April 4, 2005

**H 1084. EXPUNGE NONVIOLENT FELONIES/YOUNG OFFENDERS.** *TO PROVIDE THAT A YOUTHFUL OFFENDER'S CRIMINAL RECORD MAY BE EXPUNGED OF NONVIOLENT FELONIES.* Enacts new GS 15A-149 to create procedure and criteria for the expunction of a nonviolent felony conviction from the record of an offender who was under 18 years of age and had no other felony or misdemeanor convictions (except for traffic violations) at the time of the conviction. Defines nonviolent felony as any felony except (1) a Class A through Class E felony, (2) a felony that includes assault as an essential element of the offense, and (3) a felony that is an offense for which the convicted offender must register under Article 27A of GS Chapter 14. Multiple nonviolent felony convictions in the same session of court are treated as one nonviolent felony conviction. A petition for expunction cannot be filed earlier than two years after the date of the conviction or any probation, whichever occurs later. The offender must also perform at least 100 hours of community service before filing a petition. Specifies the content of the petition, requires service upon the district attorney of the court where the conviction was obtained, and permits the district attorney to file objections within 10 days after service. Requires the court to order expunction of the record and restore the offender to his or her pre-conviction status if the offender has been free of a felony or misdemeanor conviction (other than traffic conviction) from the date of the conviction in question and has no outstanding restitution orders or civil judgments for restitution. Provides for expunction of DNA records and sample from the State DNA database. Requires the Administrative Office of the Courts to maintain a file of the names of persons granted a discharge under the statute that may be disclosed only to judges of the General Court of Justice for the purpose of ascertaining whether any person charged with an offense has been previously granted a discharge.

**Intro. by Bordsen, Crawford.**

Ref. to Judiciary II

GS 15A

April 21, 2005

**H 1084. EXPUNGE NONVIOLENT FELONIES/YOUNG OFFENDERS.** Intro. 4/4/05. House committee substitute makes the following changes to 1st edition. Modifies proposed GS 15A-149 as follows: (1) Clarifies that expunction procedure applies to offenders who were under 18 years old at the time of the offense and provides that petition for expunction cannot be filed earlier than two years after the date of conviction or when any active sentence, period of probation, and post-release supervision has been served (was, two years after conviction date or probation). (2) Replaces provision requiring that petition for expunction be accompanied by affidavits of various court and law enforcement officials concerning offender's prior convictions with provision requiring that petition include an application authorizing a criminal record check by the Dep't of Justice. (3) Deletes provisions requiring expunction of DNA records and samples from the State DNA database. (4) Adds provisions requiring that State and local governmental agencies expunge information on an expunged conviction and reverse administrative actions taken against person as a result of the conviction, and requiring that any person eligible for expunction be notified of section's requirements. (5) Increases fee for expunction petition from \$65 to \$100. (6) Changes effective date to December 1, 2005, and makes technical and conforming changes.

June 30, 2005

**H 1084. EXPUNGE NONVIOLENT FELONIES/YOUNG OFFENDERS.** Intro. 4/4/05. House committee substitute makes the following changes to 2nd edition. Modifies proposed GS 15A-149(d) to require that the court make the following additional findings before the juvenile's record is expunged: (1) the petitioner has not previously been convicted of any felony or misdemeanor other than a traffic violation; and (2) a search of the records of expunctions conducted by the Administrative Office of the Courts shows that the petitioner has not been previously granted an expunction. Also modifies proposed GS 15A-149(f) to clarify that requirement that State and local governments expunge conviction entries does not apply to the Dep't of Justice for DNA records and samples stored in the State DNA Database and Databank. Provides that act expires December 1, 2012. Makes technical changes.

July 7, 2005

**H 1084. EXPUNGE NONVIOLENT FELONIES/YOUNG OFFENDERS.** Intro. 4/4/05. House amendments make the following changes to 3rd edition. Amendment #1 amends definition of "nonviolent felony" in GS 15A-149(a) to cover any felony charged under GS Chapter 90, when it involves methamphetamines. Amendment #2 amends GS 159-149(c) to require that the District Attorney make his or her best efforts to contact the victim, if any, and provide notice of the request for expunction prior to the date of the hearing. Amendment #3 limits coverage of provision in GS 15A-149(d), providing that a covered person shall not be held to be guilty of perjury or false statements, to failure to recite or acknowledge a relevant arrest, indictment, information, trial, or conviction. Amendment #4 requires that petition specified in GS 15A-149(c) contain an affidavit that the petitioner possesses a high school diploma or graduation equivalency certificate or is attending a basic skills program in pursuit of a General Education Development Degree or adult high school diploma and amends finding required for restoration in GS 15A-149(d)(5) to include a finding that the petitioner possesses a high school diploma or graduation equivalency certificate or is attending a program in pursuit of a General Education Development Degree or adult high school diploma.