

February 13, 2007

**H 176. EXPUNGE NONVIOLENT CRIMES.** Filed 2/13/07. *TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN NONVIOLENT CRIMINAL OFFENSES, TO MAKE CONFORMING CHANGES TO EXISTING EXPUNCTION STATUTES, AND TO REQUIRE STATE AND NATIONAL CRIMINAL RECORD CHECKS WHEN EXPUNGING RECORDS.* Enacts new GS 15A-150, providing for the expunction of records of convictions of certain nonviolent criminal offenses. The offenses that may be expunged are most misdemeanors, class H felonies, and class I felonies. An offense may not be expunged if (1) assault is an essential element of the offense, (2) the offender was required to register as a sex offender because of the offense, (3) possession or use of a firearm is an essential element of the offense, (4) the offender was armed with or used a firearm during the offense, or (5) the offense was trafficking in controlled substances under GS 90-95(h). A person may not petition for expunction until 10 years after conviction. To qualify for expunction, the person must not have been convicted of any felony or misdemeanor other than a traffic violation in any state before or after the offense the person seeks to have expunged. The person must authorize, and the Department of Justice must conduct, a state and national criminal record check. If the court orders expunction, the offense must be expunged from court records, law enforcement records, and any other state or local government agency record in which entries were made as a result of the charge or conviction. State or local agencies must also reverse administrative actions taken against a person because of the offense which is expunged, and must waive the normal fee for any reinstatement of a license or privilege that results from the reversal of administrative actions. A person may have records expunged under the statute only once.

Amends GS 15A-145 (expunction of records for certain first offenders under the age of 18) to (1) require a person who petitions for expunction under that statute to authorize a state and national criminal record check, (2) require the Department of Justice to conduct the criminal record check, and (3) require state and local government agencies to expunge record entries made as a result of the charge or conviction, to reverse administrative actions taken because of the offense that is expunged, and to waive normal fees for any reinstatement of a license or privilege that results from the reversal of administrative actions.

Amends GS 15A-146 (expunction of records when charges are dismissed or there are findings of not guilty) to require state and local government agencies to expunge record entries made as a result of the charge or conviction, to reverse administrative actions taken because of the offense that is expunged, and to waive normal fees for any reinstatement of a license or privilege that results from the reversal of administrative actions.

Amends GS 90-96 (expunction of records for certain first offenses under the controlled substances act) and GS 90-113.14 (expunction of records for certain first offenses under the toxic vapors act) to require a person who petitions for expunction under either of these statutes to authorize a state and national criminal record check, and to require the Department of Justice to conduct the check.

Effective December 1, 2007, and applies to applications for expunction of records made on or after that date.

**Intro. by Daughtry.**

GS 15A, 90