

March 19, 2007

H 898. EXPUNGE NONVIOLENT FELONY/YOUTHFUL OFFENDER (=S 677). Filed 3/19/07. *TO PROVIDE THAT A YOUTHFUL OFFENDER'S CRIMINAL RECORD MAY BE EXPUNGED OF NONVIOLENT FELONIES.*

Substantively identical to S 677, filed 3/12/07.

Intro. by Bordsen, Crawford, Hall, Jones.

GS 15A

June 27, 2007

H 898. EXPUNGE NONVIOLENT FELONY/YOUTHFUL OFFENDER. Filed 3/19/07. House committee substitute makes the following changes to 1st edition. Modifies GS 15A-150 to clarify that for multiple nonviolent felony convictions to be treated as one nonviolent felony conviction for purposes of issuing an expunction order, none of the nonviolent felonies may be alleged to have occurred after the person was charged and arrested for the commission of a nonviolent felony. Requires that the petitioner submit an affidavit attesting that the petitioner has been of good *moral character* (was, behavior) in the intervening two years since the date of conviction.

Requires that the Department of Justice conduct a search for any outstanding warrants or pending criminal cases for the petitioner. Directs that the petitioner submit an affidavit that the petitioner possesses (was, is in pursuit of) a General Education Development Degree in lieu of a high school diploma or graduation equivalency certificate. Increases the time during which the district attorney (DA) may file an objection to the petition from 10 days to 30 days after the petition is served upon the DA. Expands the steps the court may take and the issues it may consider in making its decision on a petition for expunction of the records of a nonviolent felony. Modifies the list of court findings necessary to grant the petition for expunction to include a requirement that the petitioner have no outstanding warrants or pending criminal cases.

Requires persons pursuing employment with law enforcement agencies to disclose felony convictions to the appropriate certifying commissions even if the convictions have been expunged. Provides that persons required by state law to obtain a criminal background check on a prospective employee are not deemed to have knowledge of any felony convictions that have been expunged. Adds state and local law enforcement agencies and training standards commissions to the list of entities to whom the information contained in the confidential file containing the names of persons granted expunctions may be disclosed. Increases the proposed filing fee for an expunction petition from \$100 to \$125, unless the petitioner is indigent.

Amends GS 17C-13 and GS 17E-12 to provide that notwithstanding the provisions of proposed GS 15A-150 regarding confidentiality of expunction files, the NC Criminal Justice Education and Training Standards Commission (GS 17C-13) and the NC Sheriff's Education and Training Standards Commission (GS 17E-12) may gain access to a person's felony conviction records, including the confidential files maintained by the Administrative Office of the Courts containing the names of persons granted expunctions. Provides that the commissions may deny, suspend, or revoke a person's certification based solely on that person's felony conviction, whether or not that conviction was expunged.

Makes technical and conforming changes.

July 19, 2007

H 898. EXPUNGE NONVIOLENT FELONY/YOUTHFUL OFFENDER. Filed 3/19/07. House committee substitute makes the following changes to 2nd edition. Modifies proposed new GS 15A-150 to include the following violations in the list of felony offenses *not defined* as a nonviolent felony: (1) burning a cross on public or private property for the purpose of intimidating others, GS 14-12.12(b); (2) placing exhibits with the intent of intimidating others, GS 14-12.13; (3) wearing a mask, hood, or other disguise while placing an exhibit with the intent to intimidate others, GS 14-12.14; and (4) felony hate crimes, GS 14-3(c). Directs (was, allows) the court to take specified steps and consider the listed issues in making its decision on a petition for expunction of the records of a nonviolent felony.

July 25, 2007

H 898. EXPUNGE NONVIOLENT FELONY/ YOUTHFUL OFFENDER. Filed 3/19/07. House amendments make the following changes to 3rd edition. Amendment # 5 modifies proposed GS 15A-150 to expand the list of felonies ineligible for expunction under the statute to include any felony offense charged under GS Chapter 90 involving the possession of heroin or cocaine with the intent to sell or deliver. Amendment # 2 expands the list of felonies ineligible for expunction under the statute to include any offense charged as a felony under GS 14-401.16 (knowingly contaminating food or drink with a controlled substance) or GS 14-277.3 (stalking). Amendment # 1 provides that a petition for expunction of a nonviolent felony may not be filed earlier than four years (was, two years) after the date of conviction and increases other relevant time frames regarding the petition for expunction from two to four years.