

March 21, 2007

**S 1336. EXPUNGE NONVIOLENT CRIMES/YOUNG PERSON.** Filed 3/21/07. *TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN NONVIOLENT CRIMINAL OFFENSES IF THE PERSON WAS SEVENTEEN TO TWENTY-ONE YEARS OF AGE AT THE TIME OF THE CONVICTION, TO ALLOW DISCLOSURE OF EXPUNGED INFORMATION TO LAW ENFORCEMENT AGENCIES AND FEDERALLY INSURED DEPOSITORY INSTITUTIONS FOR EMPLOYMENT PURPOSES ONLY AND TO REQUIRE THOSE AGENCIES AND INSTITUTIONS TO MAINTAIN THE CONFIDENTIALITY OF THE EXPUNGED INFORMATION, TO MAKE CONFORMING CHANGES TO EXISTING EXPUNCTION STATUTES, TO INCREASE THE FEES FOR EXPUNCTIONS, AND TO REQUIRE STATE AND NATIONAL CRIMINAL RECORD CHECKS WHEN EXPUNGING RECORDS.*

To be summarized in tomorrow's *Daily Bulletin*.

**Intro. by Kinnaird.**

GS 15A, 90

March 22, 2007

**S 1336. EXPUNGE NONVIOLENT CRIMES/YOUNG PERSON.** Filed 3/21/07. *TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN NONVIOLENT CRIMINAL OFFENSES IF THE PERSON WAS SEVENTEEN TO TWENTY-ONE YEARS OF AGE AT THE TIME OF THE CONVICTION, TO ALLOW DISCLOSURE OF EXPUNGED INFORMATION TO LAW ENFORCEMENT AGENCIES AND FEDERALLY INSURED DEPOSITORY INSTITUTIONS FOR EMPLOYMENT PURPOSES ONLY AND TO REQUIRE THOSE AGENCIES AND INSTITUTIONS TO MAINTAIN THE CONFIDENTIALITY OF THE EXPUNGED INFORMATION, TO MAKE CONFORMING CHANGES TO EXISTING EXPUNCTION STATUTES, TO INCREASE THE FEES FOR EXPUNCTIONS, AND TO REQUIRE STATE AND NATIONAL CRIMINAL RECORD CHECKS WHEN EXPUNGING RECORDS.*

Enacts GS 15A-150 providing for expunction of conviction records for certain nonviolent criminal offenses committed by individuals 17-21 years of age if there are no subsequent criminal convictions for at least 10 years. Covered offenses include misdemeanors and Class H and I felonies, as long as the offense does not involve an assault, does not require sex offender registration, does not include possession or use of a firearm as an element or as an aggravating factor, is not a drug trafficking offense, and does not involve impaired driving. The petition may not be filed earlier than 10 years after the date of conviction or completion of a term of incarceration, post-release supervision, or probation, whichever is later. Specifies form of the petition and service. Provides for court-ordered expunction. Requires court clerks to file with the Administrative Office of the Courts (AOC) records of expunctions. The AOC must maintain this information in a confidential file and it may be disclosed only as follows: to trial judges for purposes of ascertaining whether a person charged with an offense has previously been granted an expunction and to state and local law enforcement agencies and federally insured depository institutions for employment purposes. Unlawful disclosures of confidential information are made Class 3 misdemeanors. Establishes a \$200 expunction application fee, \$100 of which is remitted to the Department of Justice; the other \$100 is remitted to the AOC to pay implementation costs. Amends GS 15A-145 pertaining to expunction of records for first offender misdemeanants under 18 years of age and for other misdemeanants, requiring that the person not have previously obtained an expunction and requiring that an application be submitted requesting and authorizing criminal record checks and a search of the confidential record of expunctions maintained by the AOC. Also increases the fee in this statute to \$200, allocated as noted above. Makes similar application and fee changes to GS 90-96, pertaining to expunction of records for first time drug offenders, and GS 90-113.14, pertaining to expunctions for first offenses under the toxic vapors act. Effective December 1, 2007, and applies to applications for expunction made on or after that date.

**Intro. by Kinnaird.**

GS 15A, 90