

March 19, 2009

H 726. CLARIFY EXPUNCTIONS. Filed 3/19/09. *TO PROVIDE THAT A PERSON'S RECORD MAY BE EXPUNGED FOR A FIRST MISDEMEANOR OFFENSE COMMITTED WHEN THE PERSON WAS LESS THAN EIGHTEEN YEARS OLD EVEN THOUGH THE PERSON IS EIGHTEEN YEARS OLD OR OLDER AT THE TIME OF CONVICTION AND TO PROVIDE THAT A PRAYER FOR JUDGMENT CONTINUED MAY BE DISMISSED FROM A PERSON'S RECORD IN THE SAME MANNER AS A DISMISSAL OR FINDING OF NOT GUILTY.*

Amends GS 15A-145 to allow for the expunction of records for first offenders who were under the age of 18 at the time of the *commission* (was, conviction) of a misdemeanor. Clarifies that the statute also applies to first offenders who committed a misdemeanor possession of alcohol pursuant to GS 18B-302(b)(1) (purchase, attempt to purchase, or possess malt beverages or unfortified wine by a person under 21 years old), regardless of the individual's age at the time of conviction. Makes technical and conforming changes.

Amends GS 15A-146 to provide that if a prayer for judgment is continued, the person charged may apply to the court of the county where the charge was brought for an order to expunge from all official records any entries relating to the person's apprehension or trial. Makes conforming changes, including a change to the caption.

Effective for petitions for expunctions filed on or after December 1, 2009.

Intro. by Moore.

GS 15A

May 13, 2009

H 726. CLARIFY EXPUNCTIONS. Filed 3/19/09. House committee substitute makes the following changes to 1st edition. Amends GS 15A-145 to provides that first offenses of possession of alcohol offenses may be expunged if the person was under 21 at the time of the offense. Deletes requirement that application for expunction include affidavits of clerk of court, police chief, and sheriff showing the person's absence of convictions for the previous two year period and replacing it with a provision requiring a state and national record check by the Department of Justice, using Administrative Office of the Courts (AOC) forms. Justice Department and AOC are to report the results of the record check to the court considering the expunction. Directs all state and local government agencies to expunge records ordered expunged by the court, and specifies that a person required to conduct a record check of applicants is deemed not to have knowledge of any expunged offense. Deletes proposed amendments to GS 15A-146, which would have authorized expunction of certain prayers for judgment continued.

June 29, 2010

H 726. CLARIFY EXPUNCTIONS. Filed 3/19/09. Senate committee substitute makes the following changes to 1st edition. Clarifies that expunctions authorized by the statute are limited to those not convicted of a previous felony or misdemeanor other than a traffic violation. Extends period of no prior conviction in GS 15A-145 to 15 years from 10 years. Amends GS 15A-145, GS 15A-145.1, GS 15A-145.2, and GS 15A-145.3 to require national criminal record check rather than affidavit and clarifies law enforcement agencies to which order of expunction is to be directed and the procedure.

Effective October 1, 2010, amends GS 15A-151 to provide for confidentiality of files by agencies maintaining a licensing agreement to provide record information to a private entity. Makes amendments to GS 15A-152 concerning retention of records by private entities and notice of record removal. Amends SL 2006-247 (concerning registration in the sex offender registry for convictions in another state) by including reportable sexually violent offenses occurring prior to December 1, 2006, as well as after. Effective October 1, 2010.

Makes other clarifying and technical changes. Amends the title.

August 12, 2010

SL 2010-174 (H 726). CLARIFY EXPUNCTIONS. *AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO STATUTES RELATED TO EXPUNCTION OF RECORDS; TO REQUIRE STATE AND NATIONAL CRIMINAL RECORD CHECKS WHEN EXPUNGING*

RECORDS; AND TO REQUIRE SEX OFFENDERS RESIDING IN THIS STATE TO REGISTER AS A SEX OFFENDER FOR CONVICTIONS OBTAINED OUTSIDE THIS STATE. Summarized in *Daily Bulletin* 3/19/09, 5/13/09, and 6/29/10. Enacted August 2, 2010. Sections 7–9 are effective October 1, 2010. The remainder is effective October 1, 2010, except as otherwise provided.