



PENDING - DO NOT REMOVE

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1329

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H1329-ASA-33 [v.1]

Page 1 of 2

Comm. Sub. [NO]
Amends Title [NO]
Fourth Edition

Date 7-7-09, 2009

Senator Soles

1 moves to amend the bill on page 19, lines 38-39
2 by rewriting those lines to read:
3 "misdemeanor larceny pursuant to G.S.14-72(a) more than ten years prior to the filing of the
4 petition.

5 The petition shall contain, but not be limited to, the following:

- 6 (1) An affidavit by the petitioner that he has been of good behavior for the
7 ten-year period preceding the filing of the petition, and has not been
8 convicted of any felony, or misdemeanor other than a traffic violation, under
9 the laws of the United States or the laws of this State or any other state
10 during the ten-year period.
- 11 (2) Verified affidavits of two persons who are not related to the petitioner or to
12 each other by blood or marriage, that they know the character and reputation
13 of the petitioner in the community in which he lives and that his character
14 and reputation are good.
- 15 (3) A statement that the petition is a motion in the cause in the case wherein the
16 petitioner was convicted.
- 17 (4) Affidavits of the clerk of superior court, chief of police, where appropriate,
18 and sheriff of the county in which the petitioner was convicted and, if
19 different, the county of which the petitioner is a resident, showing that the
20 petitioner has not been convicted of a felony or misdemeanor other than a
21 traffic violation under the laws of this State during the ten-year period
22 preceding the filing of the petition.
- 23 (5) An affidavit by the petitioner that no restitution orders or civil judgments
24 representing amounts ordered for restitution entered against him are
25 outstanding.

26 The petition shall be served upon the district attorney of the court wherein the case was
27 tried resulting in conviction. The district attorney shall have 10 days thereafter in which to file
28 any objection thereto and shall be duly notified as to the date of the hearing of the petition.

29 The judge to whom the petition is presented is authorized to call upon a probation officer
30 for any additional investigation or verification of the petitioner's conduct during the ten-year
31 period that he deems desirable.

32 If the court, after hearing finds that the petitioner had remained of good behavior and been
33 free on conviction of any felony or misdemeanor, other than a traffic violation, during the ten-



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1 year period preceding the petition, the petitioner has no outstanding restitution orders or civil
2 judgments representing amounts ordered for restitution entered against him, and petitioner was
3 convicted of misdemeanor larceny pursuant to G.S. 14-72(a) more than ten years prior to the
4 filing of the petition, it shall order that such person be restored, in the contemplation of the law,
5 to the status he occupied before such arrest or indictment or information. No person as to
6 whom such order has been entered shall be held thereafter under any provision of any laws to
7 be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or
8 acknowledge such arrest, or indictment, information, or trial, or response to any inquiry made
9 of him for any purpose.

10 The provisions of subsections (c), (d), and (e) of this section shall apply to a petition for
11 expunction filed or granted pursuant to this subsection."
12

SIGNED _____


Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____

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