

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1445  
Committee Substitute Favorable 7/13/09  
PROPOSED COMMITTEE SUBSTITUTE H1445-PCS80502-RD-85

Short Title: Reform Bill of 2009.

(Public)

Sponsors:

Referred to:

April 13, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO RESTRUCTURE THE PRIOR RECORD LEVEL POINT RANGES IN  
3 STRUCTURED SENTENCING IN ORDER TO EXPAND THE POINTS IN PRIOR  
4 RECORD LEVEL I AND TO EVEN OUT THE REMAINING RANGES; TO MAKE  
5 THE INCREASE IN SENTENCE LENGTHS BETWEEN PRIOR RECORD LEVELS  
6 MORE PROPORTIONATE USING A SET PERCENTAGE INCREMENT; TO  
7 INCREASE THE PERIOD OF POST-RELEASE SUPERVISION FROM NINE MONTHS  
8 TO TWELVE MONTHS, TO RECLASSIFY STATUTORY RAPE OR SEXUAL  
9 OFFENSE OF A PERSON WHO IS FIFTEEN YEARS OLD BY A DEFENDANT WHO  
10 IS MORE THAN FOUR YEARS BUT LESS THAN SIX YEARS OLDER AS A CLASS  
11 F FELONY; TO MODIFY THE AGE REQUIREMENTS OF CERTAIN EXPUNCTIONS  
12 TO BE THE AGE AT THE TIME OF THE OFFENSE RATHER THAN THE AGE AT  
13 THE TIME OF CONVICTION; TO MAKE CONFORMING CHANGES TO EXISTING  
14 EXPUNCTION STATUTES; AND TO REQUIRE STATE AND NATIONAL CRIMINAL  
15 RECORD CHECKS WHEN EXPUNGING RECORDS.

16 The General Assembly of North Carolina enacts:

17  
18 **PART I. RESTRUCTURE PRIOR CRIMINAL RECORD POINTS AND SENTENCE**  
19 **LENGTHS FOR STRUCTURED SENTENCING**

20 **SECTION 1.** G.S. 15A-1340.14(c) reads as rewritten:

21 "(c) Prior Record Levels for Felony Sentencing. – The prior record levels for felony  
22 sentencing are:

- 23 (1) Level I – ~~0 points.~~ Not more than 1 point.  
24 (2) Level II – At least ~~1,2,~~ but not more than ~~4 points.~~ 5 points.  
25 (3) Level III – At least ~~5,6,~~ but not more than ~~8 points.~~ 9 points.  
26 (4) Level IV – At least ~~9,10,~~ but not more than ~~14 points.~~ 13 points.  
27 (5) Level V – At least ~~15,14,~~ but not more than ~~18 points.~~ 17 points.  
28 (6) Level VI – At least ~~19 points.~~ 18 points.

29 In determining the prior record level, the classification of a prior offense is the classification  
30 assigned to that offense at the time the offense for which the offender is being sentenced is  
31 committed."

32 **SECTION 2.** G.S. 15A-1340.17 reads as rewritten:

33 **"§ 15A-1340.17. Punishment limits for each class of offense and prior record level.**



\* H 1 4 4 5 - P C S 8 0 5 0 2 - R D - 8 5 \*

(a) Offense Classification; Default Classifications. – The offense classification is as specified in the offense for which the sentence is being imposed. If the offense is a felony for which there is no classification, it is a Class I felony.

(b) Fines. – Any judgment that includes a sentence of imprisonment may also include a fine. If a community punishment is authorized, the judgment may consist of a fine only. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. Unless otherwise provided, the amount of the fine is in the discretion of the court.

(c) Punishments for Each Class of Offense and Prior Record Level; Punishment Chart Described. – The authorized punishment for each class of offense and prior record level is as specified in the chart below. Prior record levels are indicated by the Roman numerals placed horizontally on the top of the chart. Classes of offense are indicated by the letters placed vertically on the left side of the chart. Each cell on the chart contains the following components:

- (1) A sentence disposition or dispositions: "C" indicates that a community punishment is authorized; "I" indicates that an intermediate punishment is authorized; "A" indicates that an active punishment is authorized; and "Life Imprisonment Without Parole" indicates that the defendant shall be imprisoned for the remainder of the prisoner's natural life.
- (2) A presumptive range of minimum durations, if the sentence of imprisonment is neither aggravated or mitigated; any minimum term of imprisonment in that range is permitted unless the court finds pursuant to G.S. 15A-1340.16 that an aggravated or mitigated sentence is appropriate. The presumptive range is the middle of the three ranges in the cell.
- (3) A mitigated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that a mitigated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the mitigated range is permitted. The mitigated range is the lower of the three ranges in the cell.
- (4) An aggravated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that an aggravated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the aggravated range is permitted. The aggravated range is the higher of the three ranges in the cell.

**PRIOR RECORD LEVEL**

	I	II	III	IV	V	VI	
	0 Pts	1-4 Pts	5-8 Pts	9-14 Pts	15-18 Pts	19+ Pts	
	0-1 Pt	2-5 Pts	6-9 Pts	10-13 Pts	14-17 Pts	18+ Pts	
A	Life Imprisonment Without Parole or Death as Established by Statute						
	A	A	A	A	A	A	DISPOSITION
	240-300	288-360	336-420	384-480	Life Imprisonment Without Parole		Aggravated
B1	192-240	230-288	269-336	307-384	346-433	384-480	PRESUMPTIVE
	144-192	173-230	202-269	230-307	260-346	288-384	Mitigated
	<u>237-297</u>	<u>273-342</u>	<u>314-394</u>	<u>362-453</u>	Life Imprisonment Without Parole		Aggravated
B1	<u>189-237</u>	<u>218-273</u>	<u>251-314</u>	<u>289-362</u>	<u>333-417</u>	<u>383-480</u>	PRESUMPTIVE
	<u>141-189</u>	<u>163-218</u>	<u>187-251</u>	<u>216-289</u>	<u>249-333</u>	<u>287-383</u>	Mitigated
	A	A	A	A	A	A	DISPOSITION
	157-196	189-237	220-276	251-313	282-353	313-392	Aggravated
B2	125-157	151-189	176-220	201-251	225-282	251-313	PRESUMPTIVE

1		<u>94-125</u>	<u>114-151</u>	<u>132-176</u>	<u>151-201</u>	<u>169-225</u>	<u>188-251</u>	Mitigated
2		<u>154-193</u>	<u>177-222</u>	<u>204-255</u>	<u>235-294</u>	<u>270-339</u>	<u>311-390</u>	Aggravated
3	<u>B2</u>	<u>122-154</u>	<u>141-177</u>	<u>162-204</u>	<u>187-235</u>	<u>216-270</u>	<u>248-311</u>	PRESUMPTIVE
4		<u>91-122</u>	<u>105-141</u>	<u>121-162</u>	<u>140-187</u>	<u>161-216</u>	<u>186-248</u>	Mitigated
5		A	A	A	A	A	A	DISPOSITION
6		<u>73-92</u>	<u>100-125</u>	<u>116-145</u>	<u>133-167</u>	<u>151-188</u>	<u>168-210</u>	Aggravated
7	<u>C</u>	<u>58-73</u>	<u>80-100</u>	<u>93-116</u>	<u>107-133</u>	<u>121-151</u>	<u>135-168</u>	PRESUMPTIVE
8		<u>44-58</u>	<u>60-80</u>	<u>70-93</u>	<u>80-107</u>	<u>90-121</u>	<u>101-135</u>	Mitigated
9		<u>70-89</u>	<u>80-101</u>	<u>93-117</u>	<u>107-135</u>	<u>124-156</u>	<u>143-179</u>	Aggravated
10	<u>C</u>	<u>55-70</u>	<u>64-80</u>	<u>74-93</u>	<u>85-107</u>	<u>98-124</u>	<u>114-143</u>	PRESUMPTIVE
11		<u>41-55</u>	<u>47-64</u>	<u>55-74</u>	<u>63-85</u>	<u>73-98</u>	<u>84-114</u>	Mitigated
12		A	A	A	A	A	A	DISPOSITION
13		<u>64-80</u>	<u>77-95</u>	<u>103-129</u>	<u>117-146</u>	<u>133-167</u>	<u>146-183</u>	Aggravated
14	<u>D</u>	<u>51-64</u>	<u>61-77</u>	<u>82-103</u>	<u>94-117</u>	<u>107-133</u>	<u>117-146</u>	PRESUMPTIVE
15		<u>38-51</u>	<u>46-61</u>	<u>61-82</u>	<u>71-94</u>	<u>80-107</u>	<u>88-117</u>	Mitigated
16		<u>61-77</u>	<u>70-89</u>	<u>81-102</u>	<u>94-118</u>	<u>108-136</u>	<u>125-157</u>	Aggravated
17	<u>D</u>	<u>48-61</u>	<u>56-70</u>	<u>64-81</u>	<u>75-94</u>	<u>86-108</u>	<u>100-125</u>	PRESUMPTIVE
18		<u>35-48</u>	<u>41-56</u>	<u>48-64</u>	<u>55-75</u>	<u>64-86</u>	<u>74-100</u>	Mitigated
19		I/A	I/A	A	A	A	A	DISPOSITION
20		<u>25-31</u>	<u>29-36</u>	<u>34-42</u>	<u>46-58</u>	<u>53-66</u>	<u>59-74</u>	Aggravated
21	<u>E</u>	<u>20-25</u>	<u>23-29</u>	<u>27-34</u>	<u>37-46</u>	<u>42-53</u>	<u>47-59</u>	PRESUMPTIVE
22		<u>15-20</u>	<u>17-23</u>	<u>20-27</u>	<u>28-37</u>	<u>32-42</u>	<u>35-47</u>	Mitigated
23		<u>22-28</u>	<u>26-33</u>	<u>30-38</u>	<u>35-45</u>	<u>41-52</u>	<u>47-60</u>	Aggravated
24	<u>E</u>	<u>17-22</u>	<u>20-26</u>	<u>23-30</u>	<u>27-35</u>	<u>32-41</u>	<u>37-47</u>	PRESUMPTIVE
25		<u>12-17</u>	<u>14-20</u>	<u>17-23</u>	<u>20-27</u>	<u>23-32</u>	<u>27-37</u>	Mitigated
26		I/A	I/A	I/A	A	A	A	DISPOSITION
27		<u>16-20</u>	<u>19-24</u>	<u>21-26</u>	<u>25-31</u>	<u>34-42</u>	<u>39-49</u>	Aggravated
28	<u>F</u>	<u>13-16</u>	<u>15-19</u>	<u>17-21</u>	<u>20-25</u>	<u>27-34</u>	<u>31-39</u>	PRESUMPTIVE
29		<u>10-13</u>	<u>11-15</u>	<u>13-17</u>	<u>15-20</u>	<u>20-27</u>	<u>23-31</u>	Mitigated
30		<u>16-20</u>	<u>19-23</u>	<u>21-27</u>	<u>25-31</u>	<u>28-36</u>	<u>33-41</u>	Aggravated
31	<u>F</u>	<u>13-16</u>	<u>15-19</u>	<u>17-21</u>	<u>20-25</u>	<u>23-28</u>	<u>26-33</u>	PRESUMPTIVE
32		<u>10-13</u>	<u>11-15</u>	<u>13-17</u>	<u>15-20</u>	<u>17-23</u>	<u>20-26</u>	Mitigated
33		I/A	I/A	I/A	I/A	A	A	DISPOSITION
34		<u>13-16</u>	<u>15-19</u>	<u>16-20</u>	<u>20-25</u>	<u>21-26</u>	<u>29-36</u>	Aggravated
35	<u>G</u>	<u>10-13</u>	<u>12-15</u>	<u>13-16</u>	<u>16-20</u>	<u>17-21</u>	<u>23-29</u>	PRESUMPTIVE
36		<u>8-10</u>	<u>9-12</u>	<u>10-13</u>	<u>12-16</u>	<u>13-17</u>	<u>17-23</u>	Mitigated
37		<u>13-16</u>	<u>14-18</u>	<u>17-21</u>	<u>19-24</u>	<u>22-27</u>	<u>25-31</u>	Aggravated
38	<u>G</u>	<u>10-13</u>	<u>12-14</u>	<u>13-17</u>	<u>15-19</u>	<u>17-22</u>	<u>20-25</u>	PRESUMPTIVE
39		<u>8-10</u>	<u>9-12</u>	<u>10-13</u>	<u>11-15</u>	<u>13-17</u>	<u>15-20</u>	Mitigated
40		C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
41		<u>6-8</u>	<u>8-10</u>	<u>10-12</u>	<u>11-14</u>	<u>15-19</u>	<u>20-25</u>	Aggravated
42	<u>H</u>	<u>5-6</u>	<u>6-8</u>	<u>8-10</u>	<u>9-11</u>	<u>12-15</u>	<u>16-20</u>	PRESUMPTIVE
43		<u>4-5</u>	<u>4-6</u>	<u>6-8</u>	<u>7-9</u>	<u>9-12</u>	<u>12-16</u>	Mitigated
44		C	C/I	I	I/A	I/A	I/A	DISPOSITION
45		<u>6-8</u>	<u>6-8</u>	<u>6-8</u>	<u>8-10</u>	<u>9-11</u>	<u>10-12</u>	Aggravated
46	<u>I</u>	<u>4-6</u>	<u>4-6</u>	<u>5-6</u>	<u>6-8</u>	<u>7-9</u>	<u>8-10</u>	PRESUMPTIVE
47		<u>3-4</u>	<u>3-4</u>	<u>4-5</u>	<u>4-6</u>	<u>5-7</u>	<u>6-8</u>	Mitigated

48 (d) Maximum Sentences Specified for Class F through Class I Felonies. – Unless  
 49 provided otherwise in a statute establishing a punishment for a specific crime, for each  
 50 minimum term of imprisonment in the chart in subsection (c) of this section, expressed in

1 months, the corresponding maximum term of imprisonment, also expressed in months, is  
 2 specified in the table below for Class F through Class I felonies. The first figure in each cell in  
 3 the table is the minimum term and the second is the maximum term.

4								
5	3-4	4-5	5-6	6-8	7-9	8-10	9-11	10-12
6	11-14	12-15	13-16	14-17	15-18	16-20	17-21	18-22
7	19-23	20-24	21-26	22-27	23-28	24-29	25-30	26-32
8	27-33	28-34	29-35	30-36	31-38	32-39	33-40	34-41
9	35-42	36-44	37-45	38-46	39-47	40-48	41-50	42-51
10	43-52	44-53	45-54	46-56	47-57	48-58	49-59	

11  
 12 (e) Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum  
 13 Terms up to 339 Months. – Unless provided otherwise in a statute establishing a punishment  
 14 for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of  
 15 this section, expressed in months, the corresponding maximum term of imprisonment, also  
 16 expressed in months, is as specified in the table below for Class B1 through Class E felonies.  
 17 The first figure in each cell of the table is the minimum term and the second is the maximum  
 18 term.

19								
20	<del>15-27</del>	<del>16-29</del>	<del>17-30</del>	<del>18-31</del>	<del>19-32</del>	<del>20-33</del>	<del>21-35</del>	<del>22-36</del>
21	<del>23-37</del>	<del>24-38</del>	<del>25-39</del>	<del>26-41</del>	<del>27-42</del>	<del>28-43</del>	<del>29-44</del>	<del>30-45</del>
22	<del>31-47</del>	<del>32-48</del>	<del>33-49</del>	<del>34-50</del>	<del>35-51</del>	<del>36-53</del>	<del>37-54</del>	<del>38-55</del>
23	<del>39-56</del>	<del>40-57</del>	<del>41-59</del>	<del>42-60</del>	<del>43-61</del>	<del>44-62</del>	<del>45-63</del>	<del>46-65</del>
24	<del>47-66</del>	<del>48-67</del>	<del>49-68</del>	<del>50-69</del>	<del>51-71</del>	<del>52-72</del>	<del>53-73</del>	<del>54-74</del>
25	<del>55-75</del>	<del>56-77</del>	<del>57-78</del>	<del>58-79</del>	<del>59-80</del>	<del>60-81</del>	<del>61-83</del>	<del>62-84</del>
26	<del>63-85</del>	<del>64-86</del>	<del>65-87</del>	<del>66-89</del>	<del>67-90</del>	<del>68-91</del>	<del>69-92</del>	<del>70-93</del>
27	<del>71-95</del>	<del>72-96</del>	<del>73-97</del>	<del>74-98</del>	<del>75-99</del>	<del>76-101</del>	<del>77-102</del>	<del>78-103</del>
28	<del>79-104</del>	<del>80-105</del>	<del>81-107</del>	<del>82-108</del>	<del>83-109</del>	<del>84-110</del>	<del>85-111</del>	<del>86-113</del>
29	<del>87-114</del>	<del>88-115</del>	<del>89-116</del>	<del>90-117</del>	<del>91-119</del>	<del>92-120</del>	<del>93-121</del>	<del>94-122</del>
30	<del>95-123</del>	<del>96-125</del>	<del>97-126</del>	<del>98-127</del>	<del>99-128</del>	<del>100-129</del>	<del>101-131</del>	<del>102-132</del>
31	<del>103-133</del>	<del>104-134</del>	<del>105-135</del>	<del>106-137</del>	<del>107-138</del>	<del>108-139</del>	<del>109-140</del>	<del>110-141</del>
32	<del>111-143</del>	<del>112-144</del>	<del>113-145</del>	<del>114-146</del>	<del>115-147</del>	<del>116-149</del>	<del>117-150</del>	<del>118-151</del>
33	<del>119-152</del>	<del>120-153</del>	<del>121-155</del>	<del>122-156</del>	<del>123-157</del>	<del>124-158</del>	<del>125-159</del>	<del>126-161</del>
34	<del>127-162</del>	<del>128-163</del>	<del>129-164</del>	<del>130-165</del>	<del>131-167</del>	<del>132-168</del>	<del>133-169</del>	<del>134-170</del>
35	<del>135-171</del>	<del>136-173</del>	<del>137-174</del>	<del>138-175</del>	<del>139-176</del>	<del>140-177</del>	<del>141-179</del>	<del>142-180</del>
36	<del>143-181</del>	<del>144-182</del>	<del>145-183</del>	<del>146-185</del>	<del>147-186</del>	<del>148-187</del>	<del>149-188</del>	<del>150-189</del>
37	<del>151-191</del>	<del>152-192</del>	<del>153-193</del>	<del>154-194</del>	<del>155-195</del>	<del>156-197</del>	<del>157-198</del>	<del>158-199</del>
38	<del>159-200</del>	<del>160-201</del>	<del>161-203</del>	<del>162-204</del>	<del>163-205</del>	<del>164-206</del>	<del>165-207</del>	<del>166-209</del>
39	<del>167-210</del>	<del>168-211</del>	<del>169-212</del>	<del>170-213</del>	<del>171-215</del>	<del>172-216</del>	<del>173-217</del>	<del>174-218</del>
40	<del>175-219</del>	<del>176-221</del>	<del>177-222</del>	<del>178-223</del>	<del>179-224</del>	<del>180-225</del>	<del>181-227</del>	<del>182-228</del>
41	<del>183-229</del>	<del>184-230</del>	<del>185-231</del>	<del>186-233</del>	<del>187-234</del>	<del>188-235</del>	<del>189-236</del>	<del>190-237</del>
42	<del>191-239</del>	<del>192-240</del>	<del>193-241</del>	<del>194-242</del>	<del>195-243</del>	<del>196-245</del>	<del>197-246</del>	<del>198-247</del>
43	<del>199-248</del>	<del>200-249</del>	<del>201-251</del>	<del>202-252</del>	<del>203-253</del>	<del>204-254</del>	<del>205-255</del>	<del>206-257</del>
44	<del>207-258</del>	<del>208-259</del>	<del>209-260</del>	<del>210-261</del>	<del>211-263</del>	<del>212-264</del>	<del>213-265</del>	<del>214-266</del>
45	<del>215-267</del>	<del>216-269</del>	<del>217-270</del>	<del>218-271</del>	<del>219-272</del>	<del>220-273</del>	<del>221-275</del>	<del>222-276</del>
46	<del>223-277</del>	<del>224-278</del>	<del>225-279</del>	<del>226-281</del>	<del>227-282</del>	<del>228-283</del>	<del>229-284</del>	<del>230-285</del>
47	<del>231-287</del>	<del>232-288</del>	<del>233-289</del>	<del>234-290</del>	<del>235-291</del>	<del>236-293</del>	<del>237-294</del>	<del>238-295</del>
48	<del>239-296</del>	<del>240-297</del>	<del>241-299</del>	<del>242-300</del>	<del>243-301</del>	<del>244-302</del>	<del>245-303</del>	<del>246-305</del>
49	<del>247-306</del>	<del>248-307</del>	<del>249-308</del>	<del>250-309</del>	<del>251-311</del>	<del>252-312</del>	<del>253-313</del>	<del>254-314</del>
50	<del>255-315</del>	<del>256-317</del>	<del>257-318</del>	<del>258-319</del>	<del>259-320</del>	<del>260-321</del>	<del>261-323</del>	<del>262-324</del>
51	<del>263-325</del>	<del>264-326</del>	<del>265-327</del>	<del>266-329</del>	<del>267-330</del>	<del>268-331</del>	<del>269-332</del>	<del>270-333</del>

1	<u>271-335</u>	<u>272-336</u>	<u>273-337</u>	<u>274-338</u>	<u>275-339</u>	<u>276-341</u>	<u>277-342</u>	<u>278-343</u>
2	<u>279-344</u>	<u>280-345</u>	<u>281-347</u>	<u>282-348</u>	<u>283-349</u>	<u>284-350</u>	<u>285-351</u>	<u>286-353</u>
3	<u>287-354</u>	<u>288-355</u>	<u>289-356</u>	<u>290-357</u>	<u>291-359</u>	<u>292-360</u>	<u>293-361</u>	<u>294-362</u>
4	<u>295-363</u>	<u>296-365</u>	<u>297-366</u>	<u>298-367</u>	<u>299-368</u>	<u>300-369</u>	<u>301-371</u>	<u>302-372</u>
5	<u>303-373</u>	<u>304-374</u>	<u>305-375</u>	<u>306-377</u>	<u>307-378</u>	<u>308-379</u>	<u>309-380</u>	<u>310-381</u>
6	<u>311-383</u>	<u>312-384</u>	<u>313-385</u>	<u>314-386</u>	<u>315-387</u>	<u>316-389</u>	<u>317-390</u>	<u>318-391</u>
7	<u>319-392</u>	<u>320-393</u>	<u>321-395</u>	<u>322-396</u>	<u>323-397</u>	<u>324-398</u>	<u>325-399</u>	<u>326-401</u>
8	<u>327-402</u>	<u>328-403</u>	<u>329-404</u>	<u>330-405</u>	<u>331-407</u>	<u>332-408</u>	<u>333-409</u>	<u>334-410</u>
9	<u>335-411</u>	<u>336-413</u>	<u>337-414</u>	<u>338-415</u>	<u>339-416</u>			
10	<u>12-27</u>	<u>13-28</u>	<u>14-29</u>	<u>15-30</u>	<u>16-32</u>	<u>17-33</u>	<u>18-34</u>	<u>19-35</u>
11	<u>20-36</u>	<u>21-38</u>	<u>22-39</u>	<u>23-40</u>	<u>24-41</u>	<u>25-42</u>	<u>26-44</u>	<u>27-45</u>
12	<u>28-46</u>	<u>29-47</u>	<u>30-48</u>	<u>31-50</u>	<u>32-51</u>	<u>33-52</u>	<u>34-53</u>	<u>35-54</u>
13	<u>36-56</u>	<u>37-57</u>	<u>38-58</u>	<u>39-59</u>	<u>40-60</u>	<u>41-62</u>	<u>42-63</u>	<u>43-64</u>
14	<u>44-65</u>	<u>45-66</u>	<u>46-68</u>	<u>47-69</u>	<u>48-70</u>	<u>49-71</u>	<u>50-72</u>	<u>51-74</u>
15	<u>52-75</u>	<u>53-76</u>	<u>54-77</u>	<u>55-78</u>	<u>56-80</u>	<u>57-81</u>	<u>58-82</u>	<u>59-83</u>
16	<u>60-84</u>	<u>61-86</u>	<u>62-87</u>	<u>63-88</u>	<u>64-89</u>	<u>65-90</u>	<u>66-92</u>	<u>67-93</u>
17	<u>68-94</u>	<u>69-95</u>	<u>70-96</u>	<u>71-98</u>	<u>72-99</u>	<u>73-100</u>	<u>74-101</u>	<u>75-102</u>
18	<u>76-104</u>	<u>77-105</u>	<u>78-106</u>	<u>79-107</u>	<u>80-108</u>	<u>81-110</u>	<u>82-111</u>	<u>83-112</u>
19	<u>84-113</u>	<u>85-114</u>	<u>86-116</u>	<u>87-117</u>	<u>88-118</u>	<u>89-119</u>	<u>90-120</u>	<u>91-122</u>
20	<u>92-123</u>	<u>93-124</u>	<u>94-125</u>	<u>95-126</u>	<u>96-128</u>	<u>97-129</u>	<u>98-130</u>	<u>99-131</u>
21	<u>100-132</u>	<u>101-134</u>	<u>102-135</u>	<u>103-136</u>	<u>104-137</u>	<u>105-138</u>	<u>106-140</u>	<u>107-141</u>
22	<u>108-142</u>	<u>109-143</u>	<u>110-144</u>	<u>111-146</u>	<u>112-147</u>	<u>113-148</u>	<u>114-149</u>	<u>115-150</u>
23	<u>116-152</u>	<u>117-153</u>	<u>118-154</u>	<u>119-155</u>	<u>120-156</u>	<u>121-158</u>	<u>122-159</u>	<u>123-160</u>
24	<u>124-161</u>	<u>125-162</u>	<u>126-164</u>	<u>127-165</u>	<u>128-166</u>	<u>129-167</u>	<u>130-168</u>	<u>131-170</u>
25	<u>132-171</u>	<u>133-172</u>	<u>134-173</u>	<u>135-174</u>	<u>136-176</u>	<u>137-177</u>	<u>138-178</u>	<u>139-179</u>
26	<u>140-180</u>	<u>141-182</u>	<u>142-183</u>	<u>143-184</u>	<u>144-185</u>	<u>145-186</u>	<u>146-188</u>	<u>147-189</u>
27	<u>148-190</u>	<u>149-191</u>	<u>150-192</u>	<u>151-194</u>	<u>152-195</u>	<u>153-196</u>	<u>154-197</u>	<u>155-198</u>
28	<u>156-200</u>	<u>157-201</u>	<u>158-202</u>	<u>159-203</u>	<u>160-204</u>	<u>161-206</u>	<u>162-207</u>	<u>163-208</u>
29	<u>164-209</u>	<u>165-210</u>	<u>166-212</u>	<u>167-213</u>	<u>168-214</u>	<u>169-215</u>	<u>170-216</u>	<u>171-218</u>
30	<u>172-219</u>	<u>173-220</u>	<u>174-221</u>	<u>175-222</u>	<u>176-224</u>	<u>177-225</u>	<u>178-226</u>	<u>179-227</u>
31	<u>180-228</u>	<u>181-230</u>	<u>182-231</u>	<u>183-232</u>	<u>184-233</u>	<u>185-234</u>	<u>186-236</u>	<u>187-237</u>
32	<u>188-238</u>	<u>189-239</u>	<u>190-240</u>	<u>191-242</u>	<u>192-243</u>	<u>193-244</u>	<u>194-245</u>	<u>195-246</u>
33	<u>196-248</u>	<u>197-249</u>	<u>198-250</u>	<u>199-251</u>	<u>200-252</u>	<u>201-254</u>	<u>202-255</u>	<u>203-256</u>
34	<u>204-257</u>	<u>205-258</u>	<u>206-260</u>	<u>207-261</u>	<u>208-262</u>	<u>209-263</u>	<u>210-264</u>	<u>211-266</u>
35	<u>212-267</u>	<u>213-268</u>	<u>214-269</u>	<u>215-270</u>	<u>216-272</u>	<u>217-273</u>	<u>218-274</u>	<u>219-275</u>
36	<u>220-276</u>	<u>221-278</u>	<u>222-279</u>	<u>223-280</u>	<u>224-281</u>	<u>225-282</u>	<u>226-284</u>	<u>227-285</u>
37	<u>228-286</u>	<u>229-287</u>	<u>230-288</u>	<u>231-290</u>	<u>232-291</u>	<u>233-292</u>	<u>234-293</u>	<u>235-294</u>
38	<u>236-296</u>	<u>237-297</u>	<u>238-298</u>	<u>239-299</u>	<u>240-300</u>	<u>241-302</u>	<u>242-303</u>	<u>243-304</u>
39	<u>244-305</u>	<u>245-306</u>	<u>246-308</u>	<u>247-309</u>	<u>248-310</u>	<u>249-311</u>	<u>250-312</u>	<u>251-314</u>
40	<u>252-315</u>	<u>253-316</u>	<u>254-317</u>	<u>255-318</u>	<u>256-320</u>	<u>257-321</u>	<u>258-322</u>	<u>259-323</u>
41	<u>260-324</u>	<u>261-326</u>	<u>262-327</u>	<u>263-328</u>	<u>264-329</u>	<u>265-330</u>	<u>266-332</u>	<u>267-333</u>
42	<u>268-334</u>	<u>269-335</u>	<u>270-336</u>	<u>271-338</u>	<u>272-339</u>	<u>273-340</u>	<u>274-341</u>	<u>275-342</u>
43	<u>276-344</u>	<u>277-345</u>	<u>278-346</u>	<u>279-347</u>	<u>280-348</u>	<u>281-350</u>	<u>282-351</u>	<u>283-352</u>
44	<u>284-353</u>	<u>285-354</u>	<u>286-356</u>	<u>287-357</u>	<u>288-358</u>	<u>289-359</u>	<u>290-360</u>	<u>291-362</u>
45	<u>292-363</u>	<u>293-364</u>	<u>294-365</u>	<u>295-366</u>	<u>296-368</u>	<u>297-369</u>	<u>298-370</u>	<u>299-371</u>
46	<u>300-372</u>	<u>301-374</u>	<u>302-375</u>	<u>303-376</u>	<u>304-377</u>	<u>305-378</u>	<u>306-380</u>	<u>307-381</u>
47	<u>308-382</u>	<u>309-383</u>	<u>310-384</u>	<u>311-386</u>	<u>312-387</u>	<u>313-388</u>	<u>314-389</u>	<u>315-390</u>
48	<u>316-392</u>	<u>317-393</u>	<u>318-394</u>	<u>319-395</u>	<u>320-396</u>	<u>321-398</u>	<u>322-399</u>	<u>323-400</u>
49	<u>324-401</u>	<u>325-402</u>	<u>326-404</u>	<u>327-405</u>	<u>328-406</u>	<u>329-407</u>	<u>330-408</u>	<u>331-410</u>
50	<u>332-411</u>	<u>333-412</u>	<u>334-413</u>	<u>335-414</u>	<u>336-416</u>	<u>337-417</u>	<u>338-418</u>	<u>339-419</u>
51								

1 (e1) Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum  
2 Terms of 340 Months or More. – Unless provided otherwise in a statute establishing a  
3 punishment for a specific crime, when the minimum sentence is 340 months or more, the  
4 corresponding maximum term of imprisonment shall be equal to the sum of the minimum term  
5 of imprisonment and twenty percent (20%) of the minimum term of imprisonment, rounded to  
6 the next highest month, plus ~~nine~~12 additional months."  
7

## 8 **PART II. INCREASE POST-RELEASE SUPERVISION PERIOD TO TWELVE** 9 **MONTHS**

10 **SECTION 3.** G.S. 15A-1368(a)(5) reads as rewritten:

11 "(5) Maximum imposed term. – The maximum term of imprisonment imposed on  
12 an individual prisoner by a court judgment, as described in  
13 G.S. 15A-1340.13(c). When a prisoner is serving consecutive prison terms,  
14 the maximum imposed term, for purposes of this Article, is the sum of all  
15 maximum terms imposed in the court judgment or judgments, less ~~nine~~12  
16 months for each of the second and subsequent sentences imposed for Class B  
17 through Class E felonies."

18 **SECTION 4.** G.S. 15A-1368.2 reads as rewritten:

### 19 **"§ 15A-1368.2. Post-release supervision eligibility and procedure.**

20 (a) A prisoner to whom this Article applies shall be released from prison for  
21 post-release supervision on the date equivalent to his maximum imposed prison term less ~~nine~~  
22 12 months, less any earned time awarded by the Department of Correction or the custodian of a  
23 local confinement facility under G.S. 15A-1340.13(d). If a prisoner has not been awarded any  
24 earned time, the prisoner shall be released for post-release supervision on the date equivalent to  
25 his maximum prison term less ~~nine~~12 months.

26 (b) A prisoner shall not refuse post-release supervision.

27 (c) A supervisee's period of post-release supervision shall be for a period of ~~nine~~12  
28 months, unless the offense is an offense for which registration is required pursuant to Article  
29 27A of Chapter 14 of the General Statutes. For offenses subject to the registration requirement  
30 of Article 27A of Chapter 14 of the General Statutes, the period of post-release supervision is  
31 five years. The conditions of post-release supervision are as authorized in G.S. 15A-1368.5.

32 (c1) Notwithstanding subsection (c) of this section, a person required to submit to  
33 satellite-based monitoring pursuant to G.S. 15A-1368.4(b1)(6) shall continue to participate in  
34 satellite-based monitoring beyond the period of post-release supervision until the Commission  
35 releases the person from that requirement pursuant to G.S. 14-208.43.

36 (d) A supervisee's period of post-release supervision may be reduced while the  
37 supervisee is under supervision by earned time awarded by the Department of Correction,  
38 pursuant to rules adopted in accordance with law. A supervisee is eligible to receive earned  
39 time credit toward the period of supervision for compliance with reintegrative conditions  
40 described in G.S. 15A-1368.5.

41 (e) Repealed by Session Laws 1997-237, s. 7.

42 (f) When a supervisee completes the period of post-release supervision, the sentence or  
43 sentences from which the supervisee was placed on post-release supervision are terminated."  
44

## 45 **PART III. RECLASSIFY STATUTORY RAPE OR SEXUAL OFFENSE OF A PERSON** 46 **WHO IS 15 YEARS OLD**

47 **SECTION 5.** G.S. 14-27.7A reads as rewritten:

### 48 **"§ 14-27.7A. Statutory rape or sexual offense of person who is 13, 14, or 15 years old.**

49 (a) A defendant is guilty of a Class B1 felony if the defendant engages in vaginal  
50 intercourse or a sexual act with another person who is 13, 14, or 15 years old and the defendant

1 is at least six years older than the person, except when the defendant is lawfully married to the  
2 person.

3 (b) A defendant is guilty of a Class C felony if the defendant engages in vaginal  
4 intercourse or a sexual act with another person who is ~~13, 14, or 15~~ 13 or 14 years old and the  
5 defendant is more than four but less than six years older than the person, except when the  
6 defendant is lawfully married to the person.

7 (c) A defendant is guilty of a Class F felony if the defendant engages in vaginal  
8 intercourse or a sexual act with another person who is 15 years old and the defendant is more  
9 than four but less than six years older than the person, except when the defendant is lawfully  
10 married to the person."

## 11 12 PART IV. EXPUNGE CERTAIN CRIMES

13 SECTION 6. G.S. 15A-145 reads as rewritten:

14 "§ 15A-145. Expunction of records for first offenders under the age of 18 at the time of  
15 conviction of misdemeanor; expunction of certain other misdemeanors.

16 (a) Whenever any person who ~~has (i) not yet attained the age of 18 years and has not~~  
17 ~~previously been convicted of any felony, or misdemeanor other than a traffic violation, under~~  
18 ~~the laws of the United States, the laws of this State or any other state, (i) pleads guilty to or is~~  
19 ~~guilty of a misdemeanor other than a traffic violation, and the offense was committed before~~  
20 ~~the person attained the age of 18 years, or (ii) not yet attained the age of 21 years and has not~~  
21 ~~previously been convicted of any felony, or misdemeanor other than a traffic violation, under~~  
22 ~~the laws of the United States, the laws of this State or any other state, (ii) pleads guilty to or is~~  
23 ~~guilty of a misdemeanor possession of alcohol pursuant to G.S. 18B-302(b)(1), and the offense~~  
24 ~~was committed before the person attained the age of 21 years, he the person may file a petition~~  
25 ~~in the court where he the person was convicted for expunction of the misdemeanor from his or~~  
26 ~~her criminal record. The petition cannot be filed earlier than: (i) two years after the date of the~~  
27 ~~conviction, or (ii) the completion of any period of probation, whichever occurs later, and the~~  
28 ~~petition shall contain, but not be limited to, the following:~~

29 (1) An affidavit by the petitioner that he or she has been of good behavior for  
30 the two-year period since the date of conviction of the misdemeanor in  
31 question and has not been convicted of any felony, or misdemeanor other  
32 than a traffic violation, under the laws of the United States or the laws of this  
33 State or any other state.

34 (2) Verified affidavits of two persons who are not related to the petitioner or to  
35 each other by blood or marriage, that they know the character and reputation  
36 of the petitioner in the community in which ~~he the petitioner~~ lives and that  
37 ~~his the petitioner's~~ character and reputation are good.

38 (3) A statement that the petition is a motion in the cause in the case wherein the  
39 petitioner was convicted.

40 ~~(4) Affidavits of the clerk of superior court, chief of police, where appropriate,~~  
41 ~~and sheriff of the county in which the petitioner was convicted and, if~~  
42 ~~different, the county of which the petitioner is a resident, showing that the~~  
43 ~~petitioner has not been convicted of a felony or misdemeanor other than a~~  
44 ~~traffic violation under the laws of this State at any time prior to the~~  
45 ~~conviction for the misdemeanor in question or during the two-year period~~  
46 ~~following that conviction.~~

47 (4) An application on a form approved by the Administrative Office of the  
48 Courts requesting and authorizing a State and national criminal history  
49 record check by the Department of Justice using any information required by  
50 the Administrative Office of the Courts to identify the individual and a  
51 search of the confidential record of expungements maintained by the

1 Administrative Office of the Courts. The application shall be forwarded to  
2 the Department of Justice and to the Administrative Office of the Courts,  
3 which shall conduct the searches and report their findings to the court.

- 4 (5) An affidavit by the petitioner that no restitution orders or civil judgments  
5 representing amounts ordered for restitution entered against him or her are  
6 outstanding.

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

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

13 (b) If the court, after hearing, finds that the petitioner had remained of good behavior  
14 and been free of conviction of any felony or misdemeanor, other than a traffic violation, for two  
15 years from the date of conviction of the misdemeanor in question, the petitioner has no  
16 outstanding restitution orders or civil judgments representing amounts ordered for restitution  
17 entered against ~~him~~, him or her, and (i) petitioner was not 18 years old at the time of the  
18 ~~conviction~~ offense in question, or (ii) petitioner was not 21 years old at the time of the  
19 ~~conviction~~ offense of possession of alcohol pursuant to G.S. 18B-302(b)(1), it shall order that  
20 such person be restored, in the contemplation of the law, to the status he or she occupied before  
21 such arrest or indictment or information. No person as to whom such order has been entered  
22 shall be held thereafter under any provision of any laws to be guilty of perjury or otherwise  
23 giving a false statement by reason of his failure to recite or acknowledge such arrest, or  
24 indictment, information, or trial, or response to any inquiry made of him for any purpose.

25 (c) The court shall also order that the said misdemeanor conviction, or a civil  
26 revocation of a drivers license as the result of a criminal charge, be expunged from the records  
27 of the court, and direct all law-enforcement agencies, including the Division of Motor Vehicles,  
28 bearing record of the same to expunge their records of the conviction or a civil revocation of a  
29 drivers license as the result of a criminal charge. This subsection does not apply to civil or  
30 criminal charges based upon the civil revocation, or to civil revocations under G.S. 20-16.2.  
31 The clerk shall forward a certified copy of the order to the sheriff, chief of police, or other  
32 arresting agency. The clerk shall forward a certified copy of the order to the Division of Motor  
33 Vehicles for the expunction of a civil revocation provided the underlying criminal charge is  
34 also expunged. The civil revocation of a drivers license shall not be expunged prior to a final  
35 disposition of any pending civil or criminal charge based upon the civil revocation. The sheriff,  
36 chief or head of such other arresting agency shall then transmit the copy of the order with a  
37 form supplied by the State Bureau of Investigation to the State Bureau of Investigation, and the  
38 State Bureau of Investigation shall forward the order to the Federal Bureau of Investigation.

39 (c1) Any other applicable State or local government agency shall expunge from its  
40 records entries made as a result of the charge or conviction ordered expunged under this  
41 section. Except when related to an employment action or decision by a law enforcement  
42 agency, the agency also shall reverse any administrative actions taken against a person whose  
43 record is expunged under this section as a result of the charges or convictions expunged.  
44 Notwithstanding any other provision of law, the normal fee for any reinstatement of a license or  
45 privilege resulting under this section shall be waived.

46 (d) The clerk of superior court in each county ~~in North Carolina~~ shall, as soon as  
47 practicable after each term of court in ~~his~~ the clerk's county, file with the Administrative Office  
48 of the Courts, the names of those persons granted a discharge under the provisions of this  
49 section, and the Administrative Office of the Courts shall maintain a confidential file  
50 containing the names of persons granted conditional discharges. The information contained in  
51 such file shall be disclosed only to judges of the General Court of Justice ~~of North Carolina~~ for



1 the purpose of ascertaining whether any person charged with an offense has been previously  
2 granted a discharge.

3 (e) A person who files a petition for expunction of a criminal record under this section  
4 must pay the clerk of superior court a fee of one hundred twenty-five dollars (\$125.00) at the  
5 time the petition is filed. Fees collected under this subsection shall be deposited in the General  
6 Fund. This subsection does not apply to petitions filed by an indigent."

7 **SECTION 7.** G.S. 15A-146 is amended by adding a new subsection to read:

8 "(b3) Any other applicable State or local government agency shall expunge from its  
9 records entries made as a result of the charge or conviction ordered expunged under this  
10 section. Except when related to an employment action or decision by a law enforcement  
11 agency, the agency also shall reverse any administrative actions taken against a person whose  
12 record is expunged under this section as a result of the charges or convictions expunged.  
13 Notwithstanding any other provision of law, the normal fee for any reinstatement of a license or  
14 privilege resulting under this section shall be waived."

15 **SECTION 8.(a)** G.S. 90-96(b) reads as rewritten:

16 "(b) Upon the dismissal of such person, and discharge of the proceedings against him  
17 under subsection (a) of this section, such person, if he were not over 21 years of age at the time  
18 of the offense, may apply to the court for an order to expunge from all official records (other  
19 than the confidential file to be retained by the Administrative Office of the Courts under  
20 subsection (c)) all recordation relating to his arrest, indictment or information, trial, finding of  
21 guilty, and dismissal and discharge pursuant to this section. The applicant shall attach to the  
22 application the following:

- 23 (1) An affidavit by the applicant that he has been of good behavior during the  
24 period of probation since the decision to defer further proceedings on the  
25 offense in question and has not been convicted of any felony, or  
26 misdemeanor, other than a traffic violation, under the laws of the United  
27 States or the laws of this State or any other state;
- 28 (2) Verified affidavits by two persons who are not related to the applicant or to  
29 each other by blood or marriage, that they know the character and reputation  
30 of the petitioner in the community in which he lives, and that his character  
31 and reputation are good; and
- 32 ~~(3) Affidavits of the clerk of superior court, chief of police, where appropriate,~~  
33 ~~and sheriff of the county in which the petitioner was convicted, and, if~~  
34 ~~different, the county of which the petitioner is a resident, showing that the~~  
35 ~~applicant has not been convicted of a felony or misdemeanor other than a~~  
36 ~~traffic violation under the laws of this State at any time prior to the~~  
37 ~~conviction for the offense in question or during the period of probation~~  
38 ~~following the decision to defer further proceedings on the offense in~~  
39 ~~question.~~
- 40 (3) An application on a form approved by the Administrative Office of the  
41 Courts requesting and authorizing a State and national criminal history  
42 record check by the Department of Justice using any information required by  
43 the Administrative Office of the Courts to identify the individual and a  
44 search of the confidential record of expungements maintained by the  
45 Administrative Office of the Courts. The application shall be forwarded to  
46 the Department of Justice and to the Administrative Office of the Courts,  
47 which shall conduct the searches and report their findings to the court.

48 The judge to whom the petition is presented is authorized to call upon a probation officer  
49 for any additional investigation or verification of the petitioner's conduct during the  
50 probationary period deemed desirable.

1 If the court determines, after hearing, that such person was dismissed and the proceedings  
2 against him discharged and that he was not over 21 years of age at the time of the offense, it  
3 shall enter such order. The effect of such order shall be to restore such person in the  
4 contemplation of the law to the status he occupied before such arrest or indictment or  
5 information. No person as to whom such order was entered shall be held thereafter under any  
6 provision of any law to be guilty of perjury or otherwise giving a false statement by reason of  
7 his failures to recite or acknowledge such arrest, or indictment or information, or trial in  
8 response to any inquiry made of him for any purpose.

9 The court shall also order that said conviction and the records relating thereto be expunged  
10 from the records of the court, and direct all law-enforcement agencies bearing records of the  
11 same to expunge their records of the conviction. The clerk shall forward a certified copy of the  
12 order to the sheriff, chief of police or other arresting agency, as appropriate, and the sheriff,  
13 chief of police or other arresting agency, as appropriate, shall forward such order to the State  
14 Bureau of Investigation with a form supplied by the State Bureau of Investigation. The State  
15 Bureau of Investigation shall forward the court order in like manner to the Federal Bureau of  
16 Investigation."

17 **SECTION 8.(b)** G.S. 90-96 is amended by adding a new subsection to read:

18 "(b1) Any other applicable State or local government agency shall expunge from its  
19 records entries made as a result of the charge or conviction ordered expunged under this  
20 section. Except when related to an employment action or decision by a law enforcement  
21 agency, the agency also shall reverse any administrative actions taken against a person whose  
22 record is expunged under this section as a result of the charges or convictions expunged.  
23 Notwithstanding any other provision of law, the normal fee for any reinstatement of a license or  
24 privilege resulting under this section shall be waived."

25 **SECTION 9.(a)** G.S. 90-113.14(b) reads as rewritten:

26 "(b) Upon the dismissal of such person, and discharge of the proceedings against him  
27 under subsection (a) of this section, such person, if he were not over 21 years of age at the time  
28 of the offense, may apply to the court for an order to expunge from all official records (other  
29 than the confidential file to be retained by the Administrative Office of the Courts under  
30 subsection (c)) all recordation relating to his arrest, indictment or information, trial, finding of  
31 guilty, and dismissal and discharge pursuant to this section. The applicant shall attach to the  
32 application the following:

- 33 (1) An affidavit by the applicant that he has been of good behavior during the  
34 period of probation since the decision to defer further proceedings on the  
35 misdemeanor in question and has not been convicted of any felony, or  
36 misdemeanor, other than a traffic violation, under the laws of the United  
37 States or the laws of this State or any other state;
- 38 (2) Verified affidavits by two persons who are not related to the applicant or to  
39 each other by blood or marriage, that they know the character and reputation  
40 of the petitioner in the community in which he lives, and that his character  
41 and reputation are good; and
- 42 (3) ~~Affidavits of the clerk of superior court, chief of police, where appropriate,~~  
43 ~~and sheriff of the county in which the petitioner was convicted, and, if~~  
44 ~~different, the county of which the petitioner is a resident, showing that the~~  
45 ~~applicant has not been convicted of a felony or misdemeanor other than a~~  
46 ~~traffic violation under the laws of this State at any time prior to the~~  
47 ~~conviction for the misdemeanor in question or during the period of probation~~  
48 ~~following the decision to defer further proceedings on the misdemeanor in~~  
49 ~~question.~~
- 50 (3) An application on a form approved by the Administrative Office of the  
51 Courts requesting and authorizing a State and national criminal history

1 record check by the Department of Justice using any information required by  
2 the Administrative Office of the Courts to identify the individual and a  
3 search of the confidential record of expungements maintained by the  
4 Administrative Office of the Courts. The application shall be forwarded to  
5 the Department of Justice and to the Administrative Office of the Courts,  
6 which shall conduct the searches and report their findings to the court.

7 The judge to whom the petition is presented is authorized to call upon a probation officer  
8 for any additional investigation or verification of the petitioner's conduct during the  
9 probationary period deemed desirable.

10 If the court determines, after hearing, that such person was dismissed and the proceedings  
11 against him discharged and that he was not over 21 years of age at the time of the offense, it  
12 shall enter such order. The effect of such order shall be to restore such person in the  
13 contemplation of the law to the status he occupied before such arrest or indictment or  
14 information. No person as to whom such order was entered shall be held thereafter under any  
15 provision of any law to be guilty of perjury or otherwise giving a false statement by reason of  
16 his failures to recite or acknowledge such arrest, or indictment or information, or trial in  
17 response to any inquiry made of him for any purpose.

18 The court shall also order that said conviction and the records relating thereto be expunged  
19 from the records of the court, and direct all law-enforcement agencies bearing records of the  
20 same to expunge their records of the conviction. The clerk shall forward a certified copy of the  
21 order to the sheriff, chief of police or other arresting agency, as appropriate, and the sheriff,  
22 chief of police or other arresting agency, as appropriate, shall forward such order to the State  
23 Bureau of Investigation with a form supplied by the State Bureau of Investigation. The State  
24 Bureau of Investigation shall forward the court order in like manner to the Federal Bureau of  
25 Investigation."

26 **SECTION 9.(b)** G.S. 90-113.14 is amended by adding a new subsection to read:

27 "(b1) Any other applicable State or local government agency shall expunge from its  
28 records entries made as a result of the charge or conviction ordered expunged under this  
29 section. Except when related to an employment action or decision by a law enforcement  
30 agency, the agency also shall reverse any administrative actions taken against a person whose  
31 record is expunged under this section as a result of the charges or convictions expunged.  
32 Notwithstanding any other provision of law, the normal fee for any reinstatement of a license or  
33 privilege resulting under this section shall be waived."

34 **SECTION 10.** G.S. 17C-13 reads as rewritten:

35 **"§ 17C-13. ~~Pardons.~~Pardons and expunctions.**

36 (a) When a person presents competent evidence that he has been granted an  
37 unconditional pardon for a crime in this State, any other state, or the United States, the  
38 Commission may not deny, suspend, or revoke that person's certification based solely on the  
39 commission of that crime or for an alleged lack of good moral character due to the commission  
40 of that crime.

41 (b) The Commission may gain access to a person's felony conviction records, including  
42 those maintained by the Administrative Office of the Courts in its confidential files containing  
43 the names of persons granted expunctions. Confidential records to which the Commission gains  
44 access under this subsection shall remain confidential and shall not be a public record under  
45 Chapter 132 of the General Statutes. The Commission may deny, suspend, or revoke a person's  
46 certification based solely on that person's felony conviction, whether or not the felony  
47 conviction was expunged."

48 **SECTION 11.** G.S. 17E-12 reads as rewritten:

49 **"§ 17E-12. ~~Pardons.~~Pardons and expunctions.**

50 (a) When a person presents competent evidence that the person has been granted an  
51 unconditional pardon of innocence for a crime in this State, any other state, or the United

1 States, the Commission may not deny, suspend, or revoke that person's certification based  
2 solely on the commission of that crime or for alleged lack of good moral character due to the  
3 commission of that crime.

4 (b) The Commission may gain access to a person's felony conviction records, including  
5 those maintained by the Administrative Office of the Courts in its confidential files containing  
6 the names of persons granted expunctions. Confidential records to which the Commission gains  
7 access under this subsection shall remain confidential and shall not be a public record under  
8 Chapter 132 of the General Statutes. The Commission may deny, suspend, or revoke a person's  
9 certification based solely on that person's felony conviction, whether or not the felony  
10 conviction was expunged."

11 **SECTION 12.** The headings to the parts and sections of this act are a convenience  
12 to the reader and are for reference only.

13 **SECTION 13.** This act becomes effective June 1, 2010. Sections 1 through 5 of  
14 this act apply to offenses committed on or after that date. Sections 6 through 11 of this act  
15 apply to applications for expunction of records made on or after that date.