



NORTH CAROLINA GENERAL ASSEMBLY
CONFERENCE REPORT

House Bill 1329

H1329-CRRK-47 [v.6]

Page 1 of 2

[NO] Title Change

[YES] For Committee Substitute

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1329, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, TO MODIFY THE AGE REQUIREMENTS OF CERTAIN EXPUNCTIONS TO BE THE AGE AT THE TIME OF THE OFFENSE RATHER THAN THE AGE AT THE TIME OF CONVICTION, TO ALLOW THE EXPUNCTION OF MISDEMEANOR LARCENY, AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO THE EXPUNCTION STATUTES, Senate Judiciary I Committee Substitute #2 Adopted 8/4/09, submit the following report:

The House and Senate agree to the following amendments to the Senate Judiciary I Committee Substitute #2 Adopted 8/4/09, and the House concurs in the Senate Judiciary I Committee Substitute #2 as amended:

On page 7, between lines 37 and 38, by inserting the following:

"SECTION 3.1. G.S. 15A-146(a1) reads as rewritten:

(a1) Notwithstanding subsection (a) of this section, if a person is charged with multiple offenses and all the charges are dismissed, or findings of not guilty or not responsible are made, then a person may apply to have each of those charges expunged if the offenses occurred within the same 12-month period of time or if the charges are dismissed or findings are made at the same term of court. Unless circumstances otherwise clearly provide, the phrase "term of court" shall mean one week for superior court and one day for district court. There is no requirement that the multiple offenses arise out of the same transaction or occurrence or that the multiple offenses were consolidated for judgment. The court shall hold a hearing on the application. If the court finds (i) that the person had not previously received an expungement under this subsection, subsection, or that any previous expungement received under this subsection occurred prior to October 1, 2005 and was for an offense that occurred within the same 12-month period of time, or was dismissed or findings made at the same term of court, as the offenses that are the subject of the current application, (ii) that the person had not previously received an expungement under G.S. 15A-145 or G.S. 90-96, and (iii) that the person had not previously been convicted of any felony under the laws of the United States, this State, or any other state, the court shall order the expunction. No person as to whom such an order has been entered shall be held thereafter under any provision of any law to be guilty of perjury, or to be guilty of otherwise giving a false statement or response to any inquiry made for any purpose,



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H1329-CRRK-47 [v.6]

Page 2 of 2

by reason of his failure to recite or acknowledge any expunged entries concerning apprehension or trial.";

And on page 19, line 43, by inserting between the words "person" and "was" the following: "has no prior felony convictions and";

And on page 19, lines 44, by deleting the number "10" and substituting the number "15";

And on page 19, lines 47 through 51, by rewriting the lines to read:

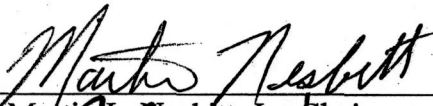
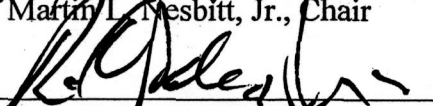
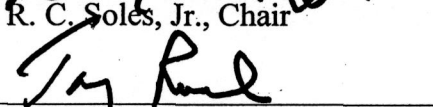

"(1) An affidavit by the petitioner that he has not been convicted of any felony, has been of good behavior for the 15-year period preceding the filing of the petition, and has not been convicted of any misdemeanor other than a traffic violation, under the laws of the United States or the laws of this State or any other state during the 15-year period."

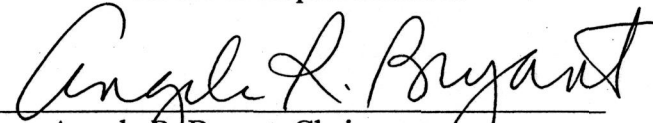
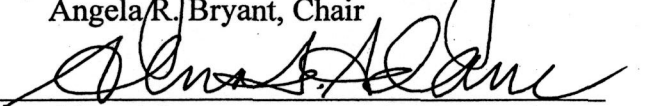

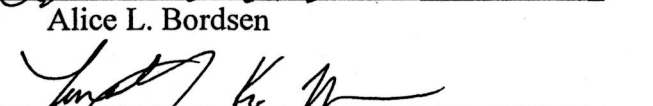
The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 7, 2009.

Conferees for the Senate

Conferees for the House of Representatives


Martin L. Nesbitt, Jr., Chair

R. C. Soles, Jr., Chair

Tony Rand, Chair

Josh Stein, Chair


Angela R. Bryant, Chair

Alma Adams

Alice L. Bordsen

Tim Moore

House Submitted 8/9/09 placed on calendar 8/10/09
House ADOPTED AUG 10 2009 (69144) EV Message Received 8/7/09
ADOPTED (1) Ordered Enrolled 8/10/09
ORDERED SENT TO GOVERNOR

Senate notified

Special Message

Special Message

Senior Member

WRG