



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1023

AMENDMENT NO. 4
(to be filled in by
Principal Clerk)

H1023-ARK-124 [v.1]

Page 1 of 2

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

Date 6-18, 2012

Representative T. Moore

1 moves to amend the bill on page 1, line 24, by rewriting the line to read:

2
3 *DN* ~~(S)~~ deliver or sell and deliver cocaine; except that if a prayer for judgment
4 continued has been entered for an offense classified as either a Class G, H,
5 or I felony, the prayer for judgment continued shall be subject to expunction
6 under the procedures in this section." ; and
7

8 On page 6, lines 38 through 40, by rewriting the lines to read:

9
10 "application and, upon finding that the person had not previously ~~received an expungement~~
11 ~~under this section, G.S. 15A-145, G.S. 15A-145.1, 15A-145.2, or 15A-145.3, and that the~~
12 ~~person had not previously been convicted of any misdemeanor or felony"; and~~
13

14 On page 6, line 46, through page 7, line 14, by rewriting those lines to read:

15
16 "(a) Subsection (a) of this section shall apply to any charges, whether the charges are
17 dismissed, or findings of not guilty or not responsible are made, during the same or different
18 terms of court." ~~Notwithstanding subsection (a) of this section, if a person is charged with~~
19 ~~multiple offenses and all the charges are dismissed, or findings of not guilty or not responsible~~
20 ~~are made, then a person may apply to have each of those charges expunged if the offenses~~
21 ~~occurred within the same 12-month period of time or if the charges are dismissed or findings~~
22 ~~are made at the same term of court. Unless circumstances otherwise clearly provide, the phrase~~
23 ~~"term of court" shall mean one week for superior court and one day for district court. There is~~
24 ~~no requirement that the multiple offenses arise out of the same transaction or occurrence or that~~
25 ~~the multiple offenses were consolidated for judgment. The court shall hold a hearing on the~~
26 ~~application. If the court finds (i) that the person had not previously received an expungement~~
27 ~~under this subsection, or that any previous expungement received under this subsection~~
28 ~~occurred prior to October 1, 2005 and was for an offense that occurred within the same~~
29 ~~12-month period of time, or was dismissed or findings made at the same term of court, as the~~
30 ~~offenses that are the subject of the current application, (ii) that the person had not previously~~
31 ~~received an expungement under G.S. 15A-145, 15A-145.1, 15A-145.2, or 15A-145.3, and (iii)~~
32 ~~that the person had not previously been convicted of any felony under the laws of the United~~



* H 1 0 2 3 - A R K - 1 2 4 - V - 1 *

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1 ~~States, this State, or any other state, the court shall order the expunction. No person as to whom~~
2 ~~such an order has been entered shall be held thereafter under any provision of any law to be~~
3 ~~guilty of perjury, or to be guilty of otherwise giving a false statement or response to any inquiry~~
4 ~~made for any purpose, by reason of his failure to recite or acknowledge any expunged entries~~
5 ~~concerning apprehension or trial."~~
6
7
8

SIGNED _____



Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____