

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS75045-LH-17 (01/03)

Short Title: Prohibit Expunction Inquiry. (Public)

Sponsors: Senators Daniel, Goolsby, and Kinnaird (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT UNLAWFUL FOR AN EMPLOYER, EDUCATIONAL
3 INSTITUTION, OR STATE OR LOCAL GOVERNMENT AGENCY TO REQUEST
4 INFORMATION FROM AN APPLICANT FOR EMPLOYMENT OR ADMISSION
5 REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF
6 THE APPLICANT THAT HAS BEEN EXPUNGED.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Article 5 of Chapter 15A of the General Statutes is amended by
9 adding a new section to read:

10 "**§ 15A-153. Prohibited practices by employers, educational institutions, agencies of State**
11 **and local governments.**

12 (a) Purpose. – The purpose of this section is to clear the public record of any entry of
13 any arrest, criminal charge, or criminal conviction that has been expunged so that (i) the person
14 who is entitled to and obtains the expunction may omit reference to the charges or convictions
15 to potential employers and others and (ii) a records check for prior arrests and convictions will
16 not disclose the expunged entries.

17 (b) Prohibit Employer or Educational Institution From Requiring Disclosure of
18 Expunged Arrest, Criminal Charge, or Conviction. – An employer or educational institution
19 shall not, in any application, interview, or otherwise, require an applicant for employment or
20 admission to disclose information concerning any arrest, criminal charge, or criminal
21 conviction of the applicant that has been expunged. An applicant need not, in answer to any
22 question concerning any arrest or criminal charge that has not resulted in a conviction, include
23 a reference to or information concerning arrests, charges, or convictions that have been
24 expunged.

25 (c) Prohibit State or Local Government Agencies, Officials, and Employees From
26 Requiring Disclosure of Expunged Arrest, Criminal Charge, or Conviction. – Agencies,
27 officials, and employees of the State and local governments shall not, in any application,
28 interview, or otherwise, require an applicant for a license, permit, registration, or governmental
29 service to disclose information concerning any arrest, criminal charge, or criminal conviction of
30 the applicant that has been expunged. An applicant need not, in answer to any question
31 concerning any arrest or criminal charge that has not resulted in a conviction, include a
32 reference to or information concerning charges or convictions that have been expunged. Such
33 an application shall not be denied solely because of the applicant's refusal or failure to disclose
34 information concerning any arrest, criminal charge, or criminal conviction of the applicant that
35 has been expunged.



1 (d) Punishment. – A person who willfully violates this section is guilty of a Class 3
2 misdemeanor for each violation."

3 **SECTION 2.** This act becomes effective December 1, 2013. G.S. 15A-153(d), as
4 enacted by Section 1 of this act, applies only to violations of G.S. 15A-153 that occur on or
5 after December 1, 2013.