GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

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HOUSE BILL 273 PROPOSED COMMITTEE SUBSTITUTE H273-PCS40246-SA-18

Short Title:	Clarify Cond. Discharge Law/No DWI Expunge.	(Public)
Sponsors:		
Referred to:		
	March 19, 2015	
PROSECT I FELON NOT APP OFFENSI The General A "(a) Us of any crimin offense of wh Article 81B of sentence disp provisions of not eligible for person is bei under G.S. 20 SI "(a1) No	A BILL TO BE ENTITLED TO CLARIFY THAT THE PROVISIONS REGARDING UTION AND CONDITIONAL DISCHARGE FOR CONVICTION TIES AND MISDEMEANORS UNDER STRUCTURED SENTED BY TO CONVICTIONS OF IMPAIRED DRIVING AND TO CLARES INVOLVING IMPAIRED DRIVING CANNOT BE EXPUNGED Assembly of North Carolina enacts: ECTION 1. G.S. 15A-1341(a) reads as rewritten: The se of Probation. — Unless specifically prohibited, a person who has be neal offense may be placed on probation as provided by this Article such the person is convicted and the person's prior record or conviction of this Chapter authorizes a community or intermediate punishmen osition or if the person is convicted of impaired driving under G.S. as subsections (a1), (a2), (a4), and (a5) of this section do not apply an or deferred prosecution or a conditional discharge under those subsengulated on probation under this Article for a conviction of important in this section shall be interpreted to allow the expunction of paired driving as defined in G.S. 20-4.01(24a)."	S OF H AND ENCING DO ARIFY THAT D. een convicted if the class of on level under t as a type of 20-138.1. The nd a person is sections if the paired driving to read:
	ECTION 3. G.S. 15A-145.4(a) reads as rewritten:	
	or purposes of this section, the term "nonviolent felony" means any	felony except
(1) (2) (3)	A Class A through G felony.A felony that includes assault as an essential element of the offer.	Article 27A of
(4 (5	Repealed by Session Laws 2012-191, s. 2, effective December	king offenses:
(6		ent to sell or for judgment



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- 1 or I felony, the prayer for judgment continued shall be subject to expunction 2 under the procedures in this section. 3 A felony offense under G.S. 14-12.12(b), 14-12.13, or 14-12.14, or any (7) 4 felony offense for which punishment was determined pursuant to 5 G.S. 14-3(c). 6 A felony offense under G.S. 14-401.16. (8) 7 Any felony offense in which a commercial motor vehicle was used in the (9) 8 commission of the offense. 9 Any felony offense involving impaired driving as defined in (10)10 G.S. 20-4.01(24a)." 11 **SECTION 4.** G.S. 15A-145.5(a) reads as rewritten: 12 For purposes of this section, the term "nonviolent misdemeanor" or "nonviolent "(a) 13 felony" means any misdemeanor or felony except the following: 14 A Class A through G felony or a Class A1 misdemeanor. (1) 15 An offense that includes assault as an essential element of the offense. (2) 16 An offense requiring registration pursuant to Article 27A of Chapter 14 of (3) 17 the General Statutes, whether or not the person is currently required to 18 register. Any of the following sex-related or stalking offenses: G.S. 14-27.7A(b), 19 (4) 20 14-190.7, 14-190.8, 14-190.9, 14-202, 14-208.11A, 14-208.18, 14-277.3, 21 14-277.3A, 14-321.1. 22 (5) Any felony offense in Chapter 90 of the General Statutes where the offense 23 involves methamphetamines, heroin, or possession with intent to sell or 24 deliver or sell and deliver cocaine. 25 An offense under G.S. 14-12.12(b), 14-12.13, or 14-12.14, or any offense for (6) which punishment was determined pursuant to G.S. 14-3(c). 26 An offense under G.S. 14-401.16. 27 (7) 28 (7a)An offense under G.S. 14-54(a), 14-54(a1), or 14-56. 29 Any felony offense in which a commercial motor vehicle was used in the (8) 30 commission of the offense. 31 An offense involving impaired driving as defined in G.S. 20-4.01(24a). (8a) 32 Any offense that is an attempt to commit an offense described in (9) 33
 - subdivisions (1) through (8) (8a) of this subsection." **SECTION 5.** Section 1 of this act becomes effective December 1, 2015, and applies to any order placing a person on probation on or after that date. Sections 2 through 4 of this act become effective July 1, 2015, and apply to petitions filed and petitions pending on or

after that date. The remainder of this act is effective when it becomes law.

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