GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 796
PROPOSED COMMITTEE SUBSTITUTE H796-PCS40559-SA-21

Short Title: Study Expunctions Related to 50B Orders. (Public)

Sponsors:

Referred to:

April 13, 2017

A BILL TO BE ENTITLED

AN ACT TO STUDY WHETHER A DEFENDANT IN A 50B ACTION SHOULD BE ALLOWED TO EXPUNGE ORDERS AND OTHER DOCUMENTS RELATED TO THE ACTION IN SOME CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Oversight Committee on Justice and Public Safety shall study the issue of whether a defendant in a 50B action should be allowed to expunge orders and other documents related to the action and under what circumstances any expunction should be allowed. The Committee shall consider the following:

(1) Expunction when an ex parte or temporary order is issued, but a subsequent voluntary dismissal is filed or taken in favor of the defendant by the plaintiff.

(2) Expunction when an ex parte or temporary order is issued, but after a hearing or other regular court proceeding where evidence is presented by one or both parties, the court finds that the defendant did not commit acts of domestic violence.

(3) When a domestic violence protective order has been entered, whether there are conditions a defendant could meet to warrant expunction of the order after some period of time with no additional incidents of domestic violence, violent behavior, or substance or alcohol abuse.

(4) Any other relevant issue.

The Joint Legislative Oversight Committee on Justice and Public Safety shall report its findings and any recommendations to the General Assembly by April 1, 2018.

SECTION 2. This act is effective when it becomes law.