

EXPUNCTION OF CRIMINAL RECORDS IN NORTH CAROLINA

CITATION	ELIGIBLE OFFENSES	WAITING PERIOD	STIPULATIONS
<p>G.S. 15A-146</p> <p>Charges Dismissed or there is a finding of Not Guilty</p>	<p>Misdemeanor or felony.</p> <p>Infraction under G.S. 18B-302(i) [purchase or possession of malt beverages or unfortified wine, or consumption of any alcoholic beverage, by a person 19 or 20 years old] prior to December 1, 1999.</p>	<p>None</p>	<p>Charges dismissed or finding of not guilty for offense.</p> <p>Not applicable if person has had previous expungement* of any kind or has a felony conviction.</p> <p><i>*Unless the previous expungement was prior to October 1, 2005 and was for an offense that occurred within the same 12-month period or was dismissed in the same term of court as the offense(s) for which the current expungement is sought.</i></p>
<p>G.S. 15A-147</p> <p>Charges Dismissed or there is a finding of Not Guilty, as Result of Identity Theft</p>	<p>Infraction, misdemeanor or felony</p>	<p>None</p>	<p>Charges brought as result of identity theft and charges dismissed, finding of not guilty, or conviction is set aside.</p> <p>No costs taxed against petitioner.</p>
<p>G.S. 15A-145.2(b)</p> <p>G.S. 15A-145.3(b)</p> <p>Charges Dismissed Certain Drug Offenses/Toxic Vapors Act</p>	<p>Possession of a controlled substance, violation of the toxic vapors act, or possession of drug paraphernalia.</p>	<p>None</p>	<p>Charges dismissed or finding of not guilty.</p> <p>Person must be 21 or under at time of offense.</p>
<p>G.S. 15A-149</p> <p>Pardon of Innocence</p>	<p>Any offense</p>	<p>None</p>	<p>Petitioner has received pardon of innocence from the Governor</p>

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G.S. 7B-3200(h) Juvenile Records Alleged Delinquent/Undisciplined	Any allegation of juvenile delinquency. Any allegation of undisciplined juvenile.	Petitioner is 16 years or older. Petitioner is 18 years or older.	Delinquency alleged, but juvenile petition dismissed. Undisciplined alleged, but juvenile petition dismissed.
G.S. 7B-3200(a),(b) Juvenile Records Adjudicated Delinquent/Undisciplined	Any adjudication of undisciplined. Any adjudication of delinquency for a misdemeanor or Class F-I felony.	Petitioner is 18 years or older. For delinquency, at least 18 months after release from juvenile court jurisdiction.	Petitioner has had no subsequent delinquent adjudications or convictions of a misdemeanor or felony as an adult.
G.S. 15A-145 First Offender Under 18 (Age 21 for certain alcohol offenses)	Misdemeanor	Whichever of the following is later: <ul style="list-style-type: none"> • 2 years after the date of conviction; • Completion of any period of probation, 	No other convictions. Petitioner must have been: <ul style="list-style-type: none"> • Under 18 at the time of the offense; or • If offense is misdemeanor possession of alcohol in violation of G.S. 18B-302(b)(1), petitioner must have been under 21 at the time of the offense.
G.S. 15A-145.1 and G.S. 14-50.29 Certain Gang Offenses	Class H felony under Street Gang Suppression Act Enhanced offense under G.S. 14-50.22 (enhances any criminal offense by one class if done as part of gang activity)	After discharge and dismissal (conditional discharge) For convictions, whichever of the following is later: <ul style="list-style-type: none"> • 2 years after the date of conviction; • Completion of any period of probation. 	Petitioner must have been under 18 at the time of the offense. Petitioner has no prior misdemeanor or felony convictions.

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<p>G.S. 14-458.1(c) Cyberbullying</p>	<p>Cyberbullying by person under the age of 18 years.</p>	<p>Upon discharge and dismissal.</p>	<p>Petitioner must have been under 18 at the time of the offense.</p> <p>Expunction is pursuant to G.S. 15A-146.</p>
<p>G.S. 15A-145.2(a) G.S. 15A-145.3(a) First-time drug offenders (Discharge & Dismissal)</p>	<p>Possession of a controlled substance, violation of the toxic vapors act, or possession of drug paraphernalia.</p>	<p>Upon discharge and dismissal under G.S. 90-96(a) or (a1) or G.S. 90-113.14(a) or (a1).</p>	<p>Petitioner must have been under 21 at the time of the offense and must have no prior convictions and no prior discharge and dismissal under this statute.</p>
<p>G.S. 15A-145.2(c) G.S. 15A-145.3(c) First-time drug offenders (Convicted)</p>	<p>Possession of a controlled substance, violation of the toxic vapors act, or possession of drug paraphernalia</p>	<p>No sooner than 12 months after conviction.</p>	<p>Petitioner must have been under 21 at the time of the offense and must have no prior convictions and no prior expunctions under this statute.</p>
<p>G.S. 15A-145(d1) Misdemeanor Larceny</p>	<p>Misdemeanor larceny pursuant to G.S. 14-72(a); value of goods \$1,000 or less.</p>	<p>15 years from date of conviction.</p>	<p>Petitioner must have no felony convictions and must have had no misdemeanor convictions in the 15 years prior to petition for expunction.</p>

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<p>G.S. 15A-145.4</p> <p><i>Nonviolent Felony</i></p>	<p>Class H or Class I felony that does not include assault as an essential element of the offense, does not require the offender to register as a sex offender, or is otherwise specifically excluded.</p>	<p>Four years from date of conviction</p>	<p>Petitioner must have been under 18 at the time of the offense.</p> <p>Petitioner must <i>possess a high school diploma, graduation equivalency certificate, or a GED; and must have completed at least 100 hours of community service since the conviction.</i></p>