

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 193  
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Short Title: AOC Ct Changes/Amd Expunction.

(Public)

Sponsors:

Referred to:

February 27, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHANGES AND TECHNICAL CORRECTIONS TO THE  
3 LAWS GOVERNING THE ADMINISTRATION OF JUSTICE, AS RECOMMENDED BY  
4 THE ADMINISTRATIVE OFFICE OF THE COURTS AND TO ALLOW FOR THE  
5 EXPUNCTION OF THE OFFENSE OF BREAKING AND ENTERING OF A BUILDING  
6 WITH INTENT TO COMMIT A FELONY OR LARCENY AND AMEND THE  
7 CONDITIONS THAT RESULT IN A PETITION FOR EXPUNCTION BEING DENIED.

8 The General Assembly of North Carolina enacts:

9  
10 **AUTHORIZE DEBIT AND CREDIT CARD PAYMENTS OF JUDGMENTS**

11 **SECTION 1.(a)** G.S. 1-239(a) reads as rewritten:

12 "(a) Payment of money judgment to clerk's office.

13 (1) The party against whom a judgment for the payment of money is rendered by  
14 any court of record may pay the whole, or any part thereof, in cash or by check,  
15 to the clerk of the court in which the same was rendered, although no  
16 execution has issued on ~~such~~ the judgment. With the approval of, and pursuant  
17 to procedures approved by, the Director of the Administrative Office of the  
18 Courts, the party against whom a judgment for payment of money is rendered  
19 may also pay the whole, or any part thereof, by credit card, debit card, or other  
20 electronic payment method to the clerk of the court in which the same was  
21 rendered, although no execution has issued on the judgment.

22 ...

23 (3) When a payment to the clerk is made in ~~cash~~ cash, by credit or debit card or  
24 other electronic payment method, or when a check is finally paid by the  
25 drawee bank, the clerk shall give the notice provided for in subsection (b).  
26 When the full amount of a judgment has been so paid, the clerk shall include  
27 the words "JUDGMENT PAID IN FULL" in the notice.

28 ...."

29 **SECTION 1.(b)** This section becomes effective October 1, 2023.

30  
31 **INDIGENCY SCOPE OF ENTITLEMENT TECHNICAL CORRECTION**

32 **SECTION 2.** G.S. 7A-451(a) reads as rewritten:

33 "(a) An indigent person is entitled to services of counsel in the following actions and  
34 proceedings:



\* H 1 9 3 - V - 4 \*

1 ...  
 2 (14) A proceeding to terminate parental rights where a guardian ad litem is  
 3 appointed pursuant to ~~G.S. 7B-1101~~G.S. 7B-1101.1.  
 4 ...."  
 5

6 **REMOTE ELECTRONIC NOTARIZATION TECHNICAL CORRECTION**

7 **SECTION 3.** Section 3(d) of S.L. 2022-54 reads as rewritten:

8 "SECTION 3.(d) Any emergency video notarization completed after December 31, 2021,  
 9 and before the effective date of this act shall be deemed valid and cured if ~~such~~that act was  
 10 performed in conformity with ~~G.S. 10B-200~~G.S. 10B-201 as it existed on December 31, 2021."  
 11

12 **REPEAL ANNUAL LEGISLATIVE REPORT ON FEE WAIVER NOTICE**  
 13 **IMPLEMENTATION**

14 **SECTION 4.** G.S. 7A-304(a2) is repealed.  
 15

16 **REPEAL CLERK AND MAGISTRATE BOND REQUIREMENTS**

17 **SECTION 5.(a)** G.S. 7A-107 is repealed.

18 **SECTION 5.(b)** G.S. 7A-174 is repealed.

19 **SECTION 5.(c)** G.S. 7A-11 reads as rewritten:

20 **"§ 7A-11. Clerk of the Supreme Court; salary; ~~bond~~; fees; oath.**

21 The clerk of the Supreme Court shall be appointed by the Supreme Court to serve at its  
 22 pleasure. The annual salary of the clerk shall be fixed by the Administrative Officer of the Courts,  
 23 subject to the approval of the Supreme Court. The clerk may appoint assistants in the number  
 24 and at the salaries fixed by the Administrative Officer of the Courts. The clerk shall perform ~~such~~  
 25 all duties as the Supreme Court may assign, and shall be bonded to the State, for faithful  
 26 performance of duty, in the same manner as the clerk of the superior court, and in such amount  
 27 as the Administrative Officer of the Courts shall determine. ~~assign.~~ The clerk shall adopt a seal  
 28 of office, to be approved by the Supreme Court. A fee bill for services rendered by the clerk shall  
 29 be fixed by rules of the Supreme Court, and all ~~such~~those fees shall be remitted to the State  
 30 treasury. Charges to litigants for document management and the reproduction of appellate records  
 31 and briefs shall be fixed by rule of the Supreme Court and remitted to the Appellate Courts  
 32 Printing and Computer Operations Fund established in G.S. 7A-343.3. The operations of the  
 33 Clerk of the Supreme Court shall be subject to the oversight of the State Auditor pursuant to  
 34 Article 5A of Chapter 147 of the General Statutes. Before entering upon the duties of ~~his~~the  
 35 clerk's office, the clerk shall take the oath of office prescribed by law."  
 36

37 **SECTION 5.(d)** G.S. 7A-20 reads as rewritten:

38 **"§ 7A-20. Clerk; oath; ~~bond~~; salary; assistants; fees.**

39 (a) The Court of Appeals shall appoint a clerk to serve at its pleasure. Before entering  
 40 upon the clerk's duties, the clerk shall take the oath of office prescribed for the clerk of the  
 41 Supreme Court, conformed to the office of clerk of the Court of Appeals, and shall be bonded,  
 42 in the same manner as the clerk of superior court, in an amount prescribed by the Administrative  
 43 Officer of the Courts, payable to the State, for the faithful performance of the clerk's duties.  
 44 Appeals. The salary of the clerk shall be fixed by the Administrative Officer of the Courts, subject  
 45 to the approval of the Court of Appeals. The number and salaries of the clerk's assistants, and  
 46 their bonds, if required, shall be fixed by the Administrative Officer of the Courts. The clerk shall  
 47 adopt a seal of office, to be approved by the Court of Appeals.  
 48

49 ...."

50 **MODIFY VARIOUS PROVISIONS AFFECTING THE CONFERENCE OF DISTRICT ATTORNEYS OF NORTH CAROLINA**

1           **SECTION 6.(a)** Article 32 of Chapter 7A of the General Statutes is amended by  
2 adding new sections to read:

3 **"§ 7A-415. Resource prosecutors.**

4           The Conference of District Attorneys may employ resource prosecutors as appointed by the  
5 executive director. A resource prosecutor shall be an attorney licensed and eligible to practice in  
6 the courts of this State and shall serve at the pleasure of the executive director. A resource  
7 prosecutor shall take the same oath of office as a district attorney in this State and shall be  
8 authorized to represent the State in any court of this State without taking an additional oath. When  
9 assisting a district attorney, a resource prosecutor shall have the same authority, power, and  
10 privileges as an assistant district attorney serving in the requesting district attorney's office.

11 **"§ 7A-416. Conference of District Attorneys legislative liaison.**

12           The Conference of District Attorneys may designate liaison personnel to lobby for legislative  
13 action in accordance with Article 5 of Chapter 120C of the General Statutes."

14           **SECTION 6.(b)** G.S. 120C-500(d) reads as rewritten:

15           "(d) The Chief Justice of the Supreme Court shall designate at least one, but no more than  
16 four, liaison personnel to lobby for legislative action for all offices, conferences, commissions,  
17 and other agencies established under Chapter 7A of the General Statutes. This subsection shall  
18 not apply to any conference or office created under Article 32 or Article 60 of Chapter 7A of the  
19 General Statutes, so long as ~~that office complies~~ those offices comply with subsection (a) of this  
20 section."

21           **SECTION 6.(c)** This section becomes effective July 1, 2023.

22  
23 **ADVERSE CHILDHOOD EXPERIENCES TRAINING FOR JUVENILE JUDGES**

24           **SECTION 7.** G.S. 7A-147(c) reads as rewritten:

25           "(c) The policy of the State is to encourage specialization in juvenile cases by district court  
26 judges who are qualified by training and temperament to be effective in relating to youth and in  
27 the use of appropriate community resources to meet their needs. The Administrative Office of  
28 the Courts is therefore authorized to encourage judges who hear juvenile cases to secure  
29 appropriate training whether or not they were elected to a specialized judgeship as provided  
30 herein. ~~Such~~ This training shall be provided within the funds available to the Administrative  
31 Office of the Courts for ~~such~~ this training, and judges attending ~~such~~ the training shall be  
32 reimbursed for travel and subsistence expenses at the same rate as is applicable to other State  
33 employees.

34           The Administrative Office of the Courts shall develop a plan whereby a district court judge  
35 may be better qualified to hear juvenile cases by reason of training, experience, and demonstrated  
36 ability. Any district court judge who completes the training under this ~~plan~~ plan, which shall  
37 include trauma-informed training on recognizing and mitigating adverse childhood experiences  
38 and adverse community environments, shall receive a certificate to this effect from the  
39 Administrative Office of the Courts. In districts where there is a district court judge who has  
40 completed this training as herein provided, the chief district judge shall give due consideration  
41 in the assignment of ~~such~~ juvenile cases where practical and feasible."

42  
43 **DELEGATION OF JURY EXCUSES**

44           **SECTION 8.(a)** G.S. 9-6(b) reads as rewritten:

45           "(b) Pursuant to the foregoing policy, each chief district court judge shall promulgate  
46 procedures whereby the chief district court judge or any district court judge of the chief district  
47 court judge's district court district designated by the chief district court judge, prior to the date  
48 that a jury session (or sessions) of superior or district court convenes, shall receive, hear, and  
49 pass on applications for excuses from jury duty. The procedures shall provide for the time and  
50 place, publicly announced, at which applications for excuses will be heard, and prospective jurors  
51 who have been summoned for service shall be so informed. The chief district judge may assign

1 the duty of passing on applications for excuses from jury service to judicial support ~~staff~~-staff,  
2 or may, with the clerk's consent, delegate that authority to the clerk of superior court. In all cases  
3 concerning excuses, the clerk of superior court or judicial support staff shall notify prospective  
4 jurors of the disposition of their excuses."

5 **SECTION 8.(b)** G.S. 9-6.1 reads as rewritten:

6 "**§ 9-6.1. Requests to be excused.**

7 (a) Any person summoned as a juror who is a full-time student and who wishes to be  
8 excused pursuant to G.S. 9-6(b1) or who is 72 years or older and who wishes to be excused,  
9 deferred, or exempted, may make the request without appearing in person by filing a signed  
10 statement of the ground of the request with the chief district court judge of that district, or the  
11 district court ~~judge~~-judge, clerk of superior court, or judicial support staff member designated by  
12 the chief district court judge pursuant to G.S. 9-6(b), at any time five business days before the  
13 date upon which the person is summoned to appear.

14 (b) Any person summoned as a juror who has a disability that could interfere with the  
15 person's ability to serve as a juror and who wishes to be excused, deferred, or exempted may  
16 make the request without appearing in person by filing a signed statement of the ground of the  
17 request, including a brief explanation of the disability that interferes with the person's ability to  
18 serve as a juror, with the chief district court judge of that district, or the district court ~~judge~~-judge,  
19 clerk of superior court, or judicial support staff member designated by the chief district court  
20 judge pursuant to G.S. 9-6(b), at any time five business days before the date upon which the  
21 person is summoned to appear. Upon request of the court, medical documentation of any  
22 disability may be submitted. Any privileged medical information or protected health information  
23 described in this section shall be confidential and shall be exempt from the provisions of Chapter  
24 132 of the General Statutes or any other provision requiring information and records held by  
25 State agencies to be made public or accessible to the public.

26 (c) A person may request either a temporary or permanent exemption under this section,  
27 and the ~~judge~~-judge, clerk of superior court, or judicial support staff member may accept or reject  
28 either in the exercise of discretion conferred by G.S. 9-6(b), including the substitution of a  
29 temporary exemption for a requested permanent exemption. In the case of supplemental jurors  
30 summoned under G.S. 9-11, notice may be given when summoned. In case the chief district court  
31 judge, or the ~~judge~~-judge, clerk of superior court, or judicial support staff member designated by  
32 the chief district court judge pursuant to G.S. 9-6(b), rejects the request for exemption, the  
33 prospective juror shall be immediately notified by the judicial support staff member or the clerk  
34 of court by telephone, letter, or personally."

35 **SECTION 8.(c)** This section becomes effective October 1, 2023.

36  
37 **FILING OF CERTAIN BOND DOCUMENTS WITH THE CLERK**

38 **SECTION 9.(a)** G.S. 58-72-50 reads as rewritten:

39 "**§ 58-72-50. Approval, acknowledgment and custody of bonds.**

40 The approval of all official bonds taken or renewed by the board of commissioners shall be  
41 recorded by the clerk to the board. ~~Every such~~-Each bond shall be acknowledged by the parties  
42 thereto or proved by a subscribing witness, before the chairman of the board of commissioners,  
43 or before the clerk of the superior court, and ~~the original bond,~~ filed with the clerk of the superior  
44 court with the approval of the commissioners endorsed thereon and certified by ~~their chairman,~~  
45 ~~shall be deposited with the clerk of the superior court for safekeeping,~~ the chairman of the board  
46 of commissioners. Provided that an official bond executed as surety by a surety company  
47 authorized to do business in this State need not be acknowledged upon behalf of the surety when  
48 ~~such that~~ bond is executed under seal in the name of the surety by an agent or attorney-in-fact by  
49 authority of a power of attorney duly recorded in the office of the register of deeds of ~~such that~~  
50 county."

51 **SECTION 9.(b)** G.S. 162-9 reads as rewritten:

1 **"§ 162-9. County commissioners to take and approve bonds.**

2 The board of county commissioners in every county shall take and approve the official bond  
3 of the sheriffs, which they shall cause to be registered ~~and the original deposited with the register~~  
4 ~~of deeds and filed with the clerk of superior court for safekeeping.~~ court. The bond shall be taken  
5 on or before the first Monday of December next after the election."  
6

7 **CLARIFY CHIEF MAGISTRATE DELEGATED AUTHORITY**

8 **SECTION 10.** G.S. 7A-146 reads as rewritten:

9 **"§ 7A-146. Administrative authority and duties of chief district judge.**

10 The chief district judge, subject to the general supervision of the Chief Justice of the Supreme  
11 Court, has administrative supervision and authority over the operation of the district courts and  
12 magistrates in the chief district judge's district. These powers and duties include, but are not  
13 limited to, the following:

14 ...

- 15 (9) Assigning magistrates when exigent circumstances exist to temporary duty  
16 outside the county of their appointment but within that district pursuant to the  
17 policies and procedures prescribed under G.S. 7A-343(11). The chief district  
18 judge may, in writing, delegate the authority to assign magistrates in this  
19 subdivision to an appointed chief magistrate. A chief magistrate with authority  
20 delegated under this subdivision shall make monthly reports to the chief  
21 district judge of the times and places actually served by each magistrate.
- 22 (10) Designating another district judge of ~~his~~ that district as acting chief district  
23 judge, to act during the absence or disability of the chief district judge.
- 24 (11) Designating certain magistrates to appoint counsel and accept waivers of  
25 counsel pursuant to Article 36 of this Chapter. This designation does not give  
26 any magistrate the authority to appoint counsel or accept waivers of counsel  
27 for potentially capital offenses, as defined by rules adopted by the Office of  
28 Indigent Defense Services. The chief district judge may delegate, in writing,  
29 the authority to designate magistrates in this subdivision to an appointed chief  
30 magistrate.
- 31 (12) Designating a full-time magistrate in a county to serve as chief magistrate for  
32 that county for an indefinite term and at the judge's pleasure. The chief  
33 magistrate shall have the derivative administrative authority assigned by the  
34 chief district court judge under ~~subdivision (4)~~ subdivisions (4), (9), (11), and  
35 (13) of this section. This subdivision applies only to counties in which the  
36 chief district court judge determines that designating a chief magistrate would  
37 be in the interest of justice.
- 38 (13) Investigating written complaints against magistrates. The chief district judge  
39 may, in writing, delegate authority to an appointed chief magistrate to make  
40 preliminary investigations into written complaints against magistrates and to  
41 make a written report of their preliminary findings to the chief district judge.  
42 However, the delegation shall not authorize the chief magistrate to make  
43 written findings of misconduct or take any disciplinary action. Upon  
44 investigation and written findings of misconduct in violation of the Rules of  
45 Conduct for Magistrates, a chief district court judge may discipline a  
46 magistrate in accordance with the Rules of Conduct for Magistrates. Written  
47 complaints received by the chief district court judge and records of  
48 investigations into those complaints are to be treated as personnel records  
49 under Article 7 of Chapter 126 of the General Statutes. Notwithstanding  
50 Article 7 of Chapter 126 of the General Statutes, once a letter of caution,  
51 written reprimand, or suspension has been issued by the chief district court

1 judge, the written complaint, and the record of the chief district court judge's  
 2 action on that complaint, including any investigatory records, are no longer  
 3 confidential personnel records."  
 4

5 **AUTHORIZE REDACTION OF CONFIDENTIAL INFORMATION FROM PUBLICLY**  
 6 **ACCESSIBLE COPIES OR IMAGES OF COURT RECORDS**

7 **SECTION 11.** G.S. 132-1.10 reads as rewritten:

8 "**§ 132-1.10. Social security numbers and other personal identifying information.**

9 ...

10 (c) Subsection (b) of this section does not apply in the following circumstances:

11 ...

12 (7) To any ~~document filed in the~~ official records of the courts.

13 ...

14 (f1) Without a request made pursuant to subsection (f) of this section, a register of deeds,  
 15 clerk of court, or the Administrative Office of the Courts may remove from images or copies of  
 16 publicly accessible official records any of the identifying and financial information listed in  
 17 subsection (f) of this section and any other information that is confidential under applicable law  
 18 that is contained in that official record. Registers of deeds, clerks of court, and the Administrative  
 19 Office of the Courts may apply optical character recognition technology or other reasonably  
 20 available technology to publicly accessible official records in order to, in good faith, identify and  
 21 redact any of the identifying and financial information listed in subsection (f) of this section.  
 22 Notwithstanding the foregoing, law enforcement personnel, judicial officials, and parties to a  
 23 case and their counsel shall be entitled to access, inspect, and copy unredacted records.

24 ...

25 (h) Any affected person may petition the court for an order directing compliance with  
 26 this section. No liability shall accrue ~~to to, and no requirements under G.S. 75-65 shall be~~  
 27 imposed on, a register of deeds or clerk of court or to his or her that official's agent for any action  
 28 related to provisions of this section or for any claims or damages that might result from a social  
 29 security number or other identifying information on the public record or on a register of deeds'  
 30 or clerk of court's Internet website available to the general public or an Internet Web site available  
 31 to the general public used by a register of deeds or clerk of court."  
 32

33 **REVISIONS TO SERVICE OF PROCESS STATUTES FOR ECOURTS FILINGS**

34 **SECTION 12.(a)** G.S. 1A-1, Rule 5 reads as rewritten:

35 "**Rule 5. Service and filing of pleadings and other papers.**

36 ...

37 (a2) Service by the Court. – With respect to any document filed by the court that is required  
 38 to be served, service by the court may be made by a notice that identifies the document filed and  
 39 directs the recipient to an internet location where the document is available to the recipient.

40 (b) Service – How made. – A pleading setting forth a counterclaim or cross claim shall  
 41 be filed with the court and a copy thereof shall be served on the party against whom it is asserted  
 42 or on the party's attorney of record as provided by this subsection.

43 With respect to all pleadings subsequent to the original complaint and other papers required  
 44 or permitted to be served, service shall be made upon the party's attorney of record and, if ordered  
 45 by the court, also upon the party. If the party has no attorney of record, service shall be made  
 46 upon the party.

47 Service is made under this subsection if performed on an attorney through the court's  
 48 electronic filing system or case management system at an email address of record with the court.  
 49 Service is made under this subsection if performed on a party through the court's electronic filing  
 50 system or case management system at an email address of record with the court in the case if the  
 51 party has consented to receive service through the court's electronic filing or case management

1 system and a copy of the consent is filed with the court by any party. Service through the court's  
2 electronic filing or case management system must be sent by 5:00 P.M. Eastern Time on a regular  
3 business day. If the service is sent after 5:00 P.M., it will be deemed to have been sent on the  
4 next business day.

5 When service through the court's electronic filing or case management system is not  
6 available, ~~or the party is not registered to receive service through the court's electronic filing~~  
7 ~~system~~, service may be made as follows:

8 (1) Upon a party's attorney of record:

- 9 a. By delivering a copy to the attorney. Delivery of a copy within this  
10 sub-subdivision means handing it to the attorney, leaving it at the  
11 attorney's office with a partner or employee, or sending it to the  
12 attorney's office by a confirmed telefacsimile transmittal for receipt by  
13 5:00 P.M. Eastern Time on a regular business day, as evidenced by a  
14 telefacsimile receipt confirmation. If receipt of delivery by  
15 telefacsimile is after 5:00 P.M., service will be deemed to have been  
16 completed on the next business day. Service may also be made on the  
17 attorney by electronic mail (e-mail) to an e-mail address of record with  
18 the court in the case. Such e-mail must be sent by 5:00 P.M. Eastern  
19 Time on a regular business day. If the e-mail is sent after 5:00 P.M., it  
20 will be deemed to have been sent on the next business day.
- 21 b. By mailing a copy to the attorney's ~~office~~ mailing address of record  
22 with the court.
- 23 c. In the manner provided in Rule 4 for service and return of process.

24 (2) Upon a party:

- 25 a. By delivering a copy to the party. Delivery of a copy within this  
26 sub-subdivision means handing it to the party.
- 27 b. By mailing a copy to the party at the party's last known address or, if  
28 no address is known, by filing it with the clerk of court.
- 29 c. Service may also be made on the party by electronic mail (e-mail) if  
30 the party has consented to receive e-mail service in the case at a  
31 particular e-mail address, and a copy of the consent is filed with the  
32 court by any party. Such e-mail must be sent by 5:00 P.M. Eastern  
33 Time on a regular business day. If the e-mail is sent after 5:00 P.M.  
34 Eastern Time, it will be deemed to have been sent on the next business  
35 day.
- 36 d. In the manner provided in Rule 4 for service and return of process.

37 Service by mail shall be complete upon deposit of the pleading or paper enclosed in a post-paid,  
38 properly addressed wrapper in a post office or official depository under the exclusive care and  
39 custody of the United States Postal Service.

40 (b1) Service – Certificate of Service. – A certificate of service shall accompany every  
41 pleading and every paper required to be served on any party or nonparty to the litigation, except  
42 with respect to pleadings and papers whose service is governed by Rule 4. The certificate shall  
43 show the date and method of service or the date of acceptance of service and shall show the name  
44 and service address of each person upon whom the paper has been served. If one or more persons  
45 are served by facsimile transmission or electronic mail (e-mail), the certificate shall also show  
46 the telefacsimile number or e-mail address of each person so served in that manner. Each  
47 certificate of service shall be signed in accordance with and subject to Rule 11 of these rules.  
48 With respect to persons served through the court's electronic filing systems, an automated  
49 certificate of service generated by that system and that is filed in the case satisfies the  
50 requirements of this rule.

51 ...."

1 SECTION 12.(b) Article 4 of Chapter 84 of the General Statutes is amended by  
 2 adding a new section to read:

3 **"§ 84-39. Member's address of record with the court.**

4 Each member shall provide a mailing address, phone number, and email address to the  
 5 secretary-treasurer of the State Bar to be that member's contact information of record with the  
 6 court, pursuant to G.S. 1A-1, Rule 5. Contact information provided by the member pursuant to  
 7 G.S. 84-34 shall be used for this purpose unless the member provides different contact  
 8 information to the secretary-treasurer of the State Bar for compliance with this section."

9 SECTION 12.(c) G.S. 84-4.1 reads as rewritten:

10 **"§ 84-4.1. Limited practice of out-of-state attorneys.**

11 Any attorney domiciled in another state, and regularly admitted to practice in the courts of  
 12 record of and in good standing in that state, having been retained as attorney for a party to any  
 13 civil or criminal legal proceeding pending in the General Court of Justice of North Carolina, the  
 14 North Carolina Utilities Commission, the North Carolina Industrial Commission, the Office of  
 15 Administrative Hearings of North Carolina, or any administrative agency, may, on motion to the  
 16 relevant forum, be admitted to practice in that forum for the sole purpose of appearing for a client  
 17 in the proceeding. The motion required under this section shall be signed by the attorney and  
 18 shall contain or be accompanied by:

19 (1) The attorney's full name, ~~post-office address~~, bar membership number, and  
 20 status as a practicing attorney in another state.

21 (1a) The attorney's mailing address, phone number, and email address to be used  
 22 as the attorney's contact information of record with the court, pursuant to  
 23 G.S. 1A-1, Rule 5.

24 ...."

25 SECTION 12.(d) This section becomes effective August 1, 2023.

26 **REVISIONS TO INVOLUNTARY COMMITMENT FILINGS PROCESS**

27 SECTION 13.(a) G.S. 122C-261 reads as rewritten:

28 **"§ 122C-261. Affidavit and petition before clerk or magistrate when immediate**  
 29 **hospitalization is not necessary; custody order.**

30 ...

31 (d) If the affiant is a commitment examiner, who is filing a petition and affidavit for an  
 32 involuntary commitment in a county that has not implemented an electronic filing system  
 33 approved by the Director of the Administrative Office of the Courts, all of the following apply:  
 34

35 ...

36 (5) If the affiant is a physician or eligible psychologist at a 24-hour facility  
 37 described in G.S. 122C-252 who recommends inpatient commitment; the  
 38 respondent is physically present on the premises of the same 24-hour facility;  
 39 and the clerk or magistrate finds probable cause to believe that the respondent  
 40 meets the criteria for inpatient commitment, then the clerk or magistrate ~~may~~  
 41 shall issue an order by facsimile transmission or ~~may issue an electronically~~  
 42 ~~scanned order~~ by electronic transmission to the physician or eligible  
 43 psychologist at the 24-hour facility, or a designee, to take the respondent into  
 44 custody at the 24-hour facility and proceed according to G.S. 122C-266. Upon  
 45 receipt of the custody order, the physician or eligible psychologist at the  
 46 24-hour facility, or a designee, shall immediately (i) notify the respondent that  
 47 the respondent is not under arrest and has not committed a crime but is being  
 48 taken into custody to receive treatment and for the respondent's own safety  
 49 and the safety of others, (ii) take the respondent into custody, and (iii)  
 50 complete and sign the appropriate portion of the custody order and return the  
 51 order to the clerk or magistrate either by facsimile transmission or by scanning



1 it and sending it by electronic transmission. The physician or eligible  
2 psychologist, or a designee, shall mail the original custody order no later than  
3 five days after returning it by means of facsimile or electronic transmission to  
4 the clerk or magistrate. The clerk or magistrate shall file the original custody  
5 order with the copy of the custody order that was electronically returned.

6 Notwithstanding the provisions of this subdivision, a clerk or magistrate  
7 shall not issue a custody order to a physician or eligible psychologist at a  
8 24-hour facility, or a designee, if the physician or eligible psychologist, or a  
9 designee, has not completed training in proper service and return of service.  
10 As used in this subdivision, the term "designee" includes the 24-hour facility's  
11 on-site police security personnel.

12 The Department of Health and Human Services shall cooperate and  
13 collaborate with the Administrative Office of the Courts and the UNC School  
14 of Government to develop protocols to implement this section, including a  
15 procedure for notifying clerks and magistrates of the names of the physicians,  
16 psychologists, and designees who have completed the training. The Secretary  
17 of the Department shall oversee implementation of these protocols.

18 ...

19 (d1) If the affiant is a commitment examiner filing a petition and affidavit for an  
20 involuntary commitment in a county that has implemented an electronic filing system approved  
21 by the Director of the Administrative Office of the Courts, the same provisions of subsection (d)  
22 of this section apply except that (i) the commitment examiner or their designee shall file the  
23 affidavit and petition, as well as any other supporting documentation required by law, through  
24 the electronic filing system, and (ii) the original custody order is not required to be mailed to the  
25 clerk or magistrate. In such counties, commitment examiners shall also file any subsequent  
26 documentation and notifications prescribed by statute to the clerk of superior court through the  
27 electronic filing system.

28 ...."

29 **SECTION 13.(b)** G.S. 122C-262(c) reads as rewritten:

30 "(c) If the commitment examiner executes the oath, appearance before a magistrate shall  
31 be waived. The commitment examiner shall send a copy of the certificate to the clerk of superior  
32 court (i) through the electronic filing system, if the county has implemented a system approved  
33 by the Director of the Administrative Office of the Courts, or (ii) by the most reliable and  
34 expeditious ~~means.~~ means otherwise available. If it cannot be reasonably anticipated that the  
35 clerk will receive the copy within 24 hours, excluding Saturday, Sunday, and holidays, of the  
36 time that it was signed, the physician or eligible psychologist shall also communicate the findings  
37 to the clerk by telephone."

38 **SECTION 13.(c)** G.S. 122C-266(c) reads as rewritten:

39 "(c) The findings of the physician and the facts on which they are based shall be in writing,  
40 in all cases. A copy of the findings shall be sent to the clerk of superior court (i) through the  
41 electronic filing system, if the county has implemented a system approved by the Director of the  
42 Administrative Office of the Courts, or (ii) by the most reliable and expeditious ~~means.~~ means  
43 otherwise available."

44 **SECTION 13.(d)** G.S. 122C-283(e) reads as rewritten:

45 "(e) The findings of the physician or eligible psychologist and the facts on which they are  
46 based shall be in writing in all cases. A copy of the findings made by the physician or eligible  
47 psychologist and the commitment examiner shall be sent to the clerk of superior court (i) through  
48 the electronic filing system, if the county has implemented a system approved by the Director of  
49 the Administrative Office of the Courts, or (ii) by the most reliable and expeditious ~~means.~~ means  
50 otherwise available. If it cannot be reasonably anticipated that the clerk will receive the copy

1 within 48 hours of the time that it was signed, the physician or eligible psychologist shall also  
2 communicate his findings to the clerk by telephone."

3 **SECTION 13.(e)** This section becomes effective April 1, 2024.  
4

5 **REVISE EXPUNCTION ELIGIBILITY**

6 **SECTION 14.(a)** G.S. 15A-145.5 reads as rewritten:

7 "**§ 15A-145.5. Expunction of certain misdemeanors and felonies; no age limitation.**

8 (a) For purposes of this section, the term "nonviolent misdemeanor" or "nonviolent  
9 felony" means any misdemeanor or felony except the following:

- 10 (1) A Class A through G felony or a Class A1 misdemeanor.
- 11 (2) An offense that includes assault as an essential element of the offense.
- 12 (3) An offense requiring registration pursuant to Article 27A of Chapter 14 of the  
13 General Statutes, whether or not the person is currently required to register.
- 14 (4) Any of the following sex-related or stalking offenses: G.S. 14-27.25(b),  
15 14-27.30(b), 14-190.7, 14-190.8, 14-190.9, 14-202, 14-208.11A, 14-208.18,  
16 14-277.3, 14-277.3A, 14-321.1.
- 17 (5) Any felony offense in Chapter 90 of the General Statutes where the offense  
18 involves methamphetamines, heroin, or possession with intent to sell or  
19 deliver or sell and deliver cocaine.
- 20 (6) An offense under G.S. 14-12.12(b), 14-12.13, or 14-12.14, or any offense for  
21 which punishment was determined pursuant to G.S. 14-3(c).
- 22 (7) An offense under G.S. 14-401.16.
- 23 (7a) An offense under ~~G.S. 14-54(a)~~ or G.S. 14-54(a1).
- 24 (8) Any felony offense in which a commercial motor vehicle was used in the  
25 commission of the offense.
- 26 (8a) Repealed by Session Laws 2021-118, s. 1, effective December 1, 2021, and  
27 applicable to petitions filed on or after that date.
- 28 (9) Any offense that is an attempt to commit an offense described in subdivisions  
29 (1) through (8) of this subsection.

30 ...

31 (c) A person may file a petition, in the court of the county where the person was  
32 convicted.

- 33 (1) For expunction of one or more nonviolent misdemeanor convictions, the  
34 petition shall not be filed earlier than one of the following:  
35 a. For expunction of one nonviolent misdemeanor, five years after the  
36 date of the conviction or when any active sentence, period of  
37 probation, or post-release supervision has been served, whichever  
38 occurs later.
- 39 b. For expunction of more than one nonviolent misdemeanor, seven years  
40 after the date of the person's last conviction, other than a traffic offense  
41 not listed in the petition for expunction, or seven years after any active  
42 sentence, period of probation, or post-release supervision has been  
43 served, whichever occurs later.
- 44 (2) For expunction of up to three nonviolent felony convictions, the petition shall  
45 not be filed earlier than one of the following:  
46 a. For expunction of one nonviolent ~~felony~~, felony not subject to the  
47 waiting period set forth in sub-subdivision a1. of this subdivision, 10  
48 years after the date of the conviction or 10 years after any active  
49 sentence, period of probation, or post-release supervision, related to  
50 the conviction listed in the petition, has been served, whichever occurs  
51 later.

- 1                   a1.    For expunction of one nonviolent felony under G.S. 14-54(a), 15 years  
2                            after the date of the conviction or 15 years after any active sentence,  
3                            period of probation, or post-release supervision, related to the  
4                            conviction listed in the petition, has been served, whichever occurs  
5                            later.
- 6                   b.    For expunction of two or three nonviolent felonies, 20 years after the  
7                            date of the most recent conviction listed in the petition, or 20 years  
8                            after any active sentence, period of probation, or post-release  
9                            supervision, related to a conviction listed in the petition, has been  
10                           served, whichever occurs later.

11           A person previously granted an expunction under this section is not eligible for relief under  
12 this section for any offense committed after the date of the previous order for expunction. Except  
13 as provided in subsections (c4) and (c5) of this section, a person previously granted an expunction  
14 under this section for one or more misdemeanors is not eligible for expunction of additional  
15 misdemeanors under this section and a person previously granted an expunction under this  
16 section for one or more felonies is not eligible for expunction of additional felonies under this  
17 section.

18           (c1) A petition filed pursuant to this section shall contain, but not be limited to, the  
19 following:

- 20           (1) An affidavit by the petitioner that the petitioner is of good moral character and  
21 one of the following statements:
- 22                   a.    If the petition is for the expunction of one or more nonviolent  
23                            misdemeanors, that the petitioner has not been convicted of any other  
24                            felony or misdemeanor, other than a traffic violation, under the laws  
25                            of the United States or the laws of this State or any other state during  
26                            the applicable ~~five-year or seven-year~~ waiting period set forth in  
27                            subsection (c) of this section.
- 28                   b.    If the petition is for the expunction of one or up to three nonviolent  
29                            felonies, that the petitioner has not been convicted under the laws of  
30                            the United States or the laws of this State or any other state of any  
31                            misdemeanor, other than a traffic violation, in the five years preceding  
32                            the petition, or any felony during the applicable ~~10-year or 20-year~~  
33                            waiting period set forth in subsection (c) of this section.
- 34           (2) Verified affidavits of two persons who are not related to the petitioner or to  
35 each other by blood or marriage, that they know the character and reputation  
36 of the petitioner in the community in which the petitioner lives and that the  
37 petitioner's character and reputation are good.
- 38           (3) A statement that the petition is a motion in the cause in the case wherein the  
39 petitioner was convicted.
- 40           (4) An application on a form approved by the Administrative Office of the Courts  
41 requesting and authorizing a name-based State and national criminal history  
42 record check by the Department of Public Safety using any information  
43 required by the Administrative Office of the Courts to identify the individual,  
44 a search by the Department of Public Safety for any outstanding warrants on  
45 pending criminal cases, and a search of the confidential record of expunctions  
46 maintained by the Administrative Office of the Courts. The application shall  
47 be filed with the clerk of superior court. The clerk of superior court shall  
48 forward the application to the Department of Public Safety and to the  
49 Administrative Office of the Courts, which shall conduct the searches and  
50 report their findings to the court.

- 1 (5) An affidavit by the petitioner that no restitution orders or civil judgments  
2 representing amounts ordered for restitution entered against the petitioner are  
3 outstanding.
- 4 (6) An affidavit by the petitioner providing information on any additional  
5 petitions the petitioner has submitted, or intends to submit, in other counties  
6 pursuant to subsection (c4) of this section seeking expunction of additional  
7 convictions.
- 8 (7) An acknowledgement by the petitioner that, except as provided in subsection  
9 (c5) of this section, the expunction of one nonviolent misdemeanor prior to  
10 the seven-year waiting period or one nonviolent felony prior to the 20-year  
11 waiting period will preclude the petitioner from expunging additional  
12 nonviolent misdemeanors or nonviolent felonies that might otherwise be  
13 eligible for expunction pursuant to sub-subdivision b. of subdivision (1) of  
14 subsection (c) of this section or sub-subdivision b. of subdivision (2) of  
15 subsection (c) of this section.

16 Upon filing of the petition, the petition shall be served upon the district attorney of the court  
17 wherein the case was tried resulting in conviction. The district attorney shall have 30 days  
18 thereafter in which to file any objection thereto and shall be duly notified as to the date of the  
19 hearing of the petition. Upon good cause shown, the court may grant the district attorney an  
20 additional 30 days to file objection to the petition. The district attorney shall make his or her best  
21 efforts to contact the victim, if any, to notify the victim of the request for expunction prior to the  
22 date of the hearing. Upon request by the victim, the victim has a right to be present at any hearing  
23 on the petition for expunction and the victim's views and concerns shall be considered by the  
24 court at such hearing.

25 The presiding judge is authorized to call upon a probation officer for any additional  
26 investigation or verification of the petitioner's conduct since the conviction. The court shall  
27 review any other information the court deems relevant, including, but not limited to, affidavits  
28 or other testimony provided by law enforcement officers, district attorneys, and victims of crimes  
29 committed by the petitioner.

30 (c2) The court, after hearing a petition for expunction of one or more nonviolent  
31 misdemeanors, shall order that the petitioner be restored, in the contemplation of the law, to the  
32 status the petitioner occupied before the arrest or indictment or information, except as provided  
33 in G.S. 15A-151.5, if the court finds all of the following:

- 34 (1) One of the following:
- 35 a. The petitioner has not previously been granted an expunction under  
36 this section for one or more nonviolent misdemeanors.
- 37 b. Any previous expunction granted to the petitioner under this section  
38 for one or more nonviolent misdemeanors was granted pursuant to a  
39 petition filed prior to December 1, 2021.
- 40 (2) The petitioner is of good moral character.
- 41 (3) The petitioner has no outstanding warrants or pending criminal ~~eases-cases~~, is  
42 not under indictment, and no finding of probable cause exists against the  
43 defendant for a felony, in any federal court or state court in the United States.
- 44 (3a) The petitioner is not free on bond or personal recognizance pending trial,  
45 appeal, or sentencing in any federal court or state court in the United States  
46 for a crime which would prohibit the person from having his or her petition  
47 for expunction under this section granted.
- 48 (4) The petitioner has no other felony or misdemeanor convictions, other than a  
49 traffic violation not listed in the petition for expunction, during the applicable  
50 ~~five-year or seven-year~~ waiting period set forth in subsection (c) of this  
51 section.

- 1 (5) The petitioner has no outstanding restitution orders or civil judgments  
2 representing amounts ordered for restitution entered against the petitioner.  
3 (6) The petitioner has no convictions for a misdemeanor or felony that is listed as  
4 an exception to the terms "nonviolent misdemeanor" or "nonviolent felony"  
5 as provided in subsection (a) of this section.  
6 (7) The petitioner was convicted of an offense or offenses eligible for expunction  
7 under this section.  
8 (8) The petitioner has completed the applicable ~~five-year or seven-year~~ waiting  
9 period set forth in subsection (c) of this section.

10 If the court denies the petition, the order shall include a finding as to the reason for the denial.

11 (c3) The court, after hearing a petition for expunction of one or up to three nonviolent  
12 felonies, may order that the petitioner be restored, in the contemplation of the law, to the status  
13 the petitioner occupied before the arrest or indictment or information, except as provided in  
14 G.S. 15A-151.5, if the court finds all of the following:

- 15 (1) One of the following:  
16 a. The petitioner has not previously been granted an expunction under  
17 this section for one or more nonviolent felonies.  
18 b. Any previous expunction granted to the petitioner under this section  
19 for a felony was granted pursuant to a petition filed prior to December  
20 1, 2021.  
21 (2) The petitioner is of good moral character.  
22 (3) The petitioner has no outstanding warrants or pending criminal ~~eases-cases~~, is  
23 not under indictment, and no finding of probable cause exists against the  
24 defendant for a felony, in any federal court or state court in the United States.  
25 (3a) The petitioner is not free on bond or personal recognizance pending trial,  
26 appeal, or sentencing in any federal court or state court in the United States  
27 for a crime which would prohibit the person from having his or her petition  
28 for expunction under this section granted.  
29 (4) If the petition is for the expunction of one felony, the petitioner has no  
30 misdemeanor convictions, other than a traffic violation not listed in the  
31 petition for expunction, in the five years preceding the petition, and no other  
32 felony convictions during the applicable ~~10-year~~ waiting period set forth in  
33 subsection (c) of this section.  
34 (4a) If the petition is for the expunction of two or three felonies, or if the petitioner  
35 has filed petitions in more than one county pursuant to subsection (c4) of this  
36 section, the petitioner has no misdemeanor convictions other than a traffic  
37 violation not listed in the petition for expunction in the five years preceding  
38 the petition, and no other felony convictions during the applicable ~~20-year~~  
39 waiting period set forth in subsection (c) of this section.  
40 (4b) If the petition is for the expunction of two or three felonies, if the petitioner  
41 has filed petitions in more than one county pursuant to subsection (c4) of this  
42 section, or if the petition is filed pursuant to subsection (c5) of this section,  
43 the felony offenses were committed within the same 24-month period.  
44 (5) The petitioner has no outstanding restitution orders or civil judgments  
45 representing amounts ordered for restitution entered against the petitioner.  
46 (6) The petitioner has no convictions for a misdemeanor that is listed as an  
47 exception to the term "nonviolent misdemeanor" as provided in subsection (a)  
48 of this section or any other felony offense.  
49 (7) The petitioner was convicted of an offense eligible for expunction under this  
50 section.

1           (8)     The petitioner has completed the applicable ~~10-year or 20-year~~ waiting period  
2                     set forth in subsection (c) of this section.  
3     If the court denies the petition, the order shall include a finding as to the reason for the denial.  
4     ...."

5           **SECTION 14.(b)** This section becomes effective December 1, 2023, and applies to  
6 petitions filed on or after that date.

7  
8 **CHANGE S.L. 2022-47 EFFECTIVE DATE**

9           **SECTION 14.5.** Subsection (b) of Section 1 of S.L. 2022-47 reads as rewritten:  
10     "**SECTION 1.(b)** This section becomes effective August 1, 2022, and expires ~~August 1,~~  
11 ~~2023.~~July 1, 2024."

12  
13 **SEVERABILITY CLAUSE**

14           **SECTION 15.** If any section or provision of this act is declared unconstitutional or  
15 invalid by the courts, it does not affect the validity of this act as a whole or any part other than  
16 the part so declared to be unconstitutional or invalid.

17  
18 **EFFECTIVE DATE**

19           **SECTION 16.** Except as otherwise provided, this act is effective when it becomes  
20 law.