

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1066
HOUSE BILL 1461

AN ACT TO AMEND G.S. 90-96 RELATING TO EXPUNCTION OF RECORDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-96, as the same appears in Volume 2C of the Cumulative Supplement of the General Statutes of North Carolina, is hereby amended by adding a new subsection (d) to read as follows:

"(d) Whenever any person is charged with a misdemeanor under this Article by possessing a controlled substance included within Schedules III through VI of this Article, upon dismissal by the State of the charges against him, upon entry of a nolle prosequi, or upon a finding of not guilty or other adjudication of innocence, such person may apply to the court for an order to expunge from all official records all recordation relating to his arrest, indictment or information, or trial. If the court determines, after hearing that such person was not over 21 years of age at the time any of the proceedings against him occurred, it shall enter such order. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his failures to recite or acknowledge such arrest, or indictment or information, or trial in response to any inquiry made of him for any purpose."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1974.