

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 431
HOUSE BILL 325

AN ACT TO AMEND G.S. CHAPTER 15 AND G.S. CHAPTER 90 TO REDUCE THE
NUMBER OF AFFIDAVITS REQUIRED BY YOUTHFUL OFFENDERS SEEKING TO
EXPUNGE A CONVICTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15-223(a)(4) is rewritten to read as follows:

"(4) Affidavits of the clerk of superior court, chief of police, where appropriate, and sheriff of the county in which the petitioner was convicted and, if different, the county of which the petitioner is a resident, showing that the petitioner has not been convicted of a felony or misdemeanor other than a traffic violation under the laws of this State at any time prior to the conviction for the misdemeanor in question or during the two-year period following that conviction."

Sec. 2. G.S. 15-223(a) is amended by adding the following at the end thereof:

"The judge to whom the petition is presented is authorized to call upon a probation officer for any additional investigation or verification of the petitioner's conduct during the two-year period that he deems desirable."

Sec. 3. G.S. 90-96(b)(3) and G.S. 90-113.14(b)(3) are each rewritten to read as follows:

"Affidavits of the clerk of superior court, chief of police, where appropriate, and sheriff of the county in which the petitioner was convicted, and, if different, the county of which the petitioner is a resident, showing that the applicant has not been convicted of a felony or misdemeanor other than a traffic violation under the laws of this State at any time prior to the conviction for the misdemeanor in question or during the period of probation following the decision to defer further proceedings on the misdemeanor in question."

Sec. 4. G.S. 90-96(b) and G.S. 90-113.14(b) are each amended, after subdivision (3), by insertion of the following:

"The judge to whom the petition is presented is authorized to call upon a probation officer for any additional investigation or verification of the petitioner's conduct during the probationary period deemed desirable."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of April,
1979.