

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 416
HOUSE BILL 869

AN ACT TO PERMIT JUDGES TO SET ASIDE CONVICTIONS ENTERED PURSUANT TO G.S. 20-24c(1) THROUGH c(3).

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-24 is amended by adding the following immediately after subsection c(3):

"Provided, that any conviction entered pursuant to the provisions of this subsection by reason of the defendant's failure to submit himself to the jurisdiction of the court to answer the charge within 90 days after his failure to appear at the call of the case, may be set aside within 12 months of such entry by a judge of the General Court of Justice in the same division and same jurisdiction in which the defendant failed to appear, upon a showing by the defendant, in open court, and after 10 days' notice to the District Attorney, that:

- (1) Defendant's failure to appear was due to his excusable neglect, or the neglect or mistake of some other party; or
- (2) The conviction was entered by clerical mistake or inadvertence; and
- (3) Defendant has submitted himself to the jurisdiction of the court for trial.

Upon such action setting aside a conviction, the Division of Motor Vehicles shall be notified, and shall remove that conviction from the driving record of the defendant."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1981.