

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 636
HOUSE BILL 997

AN ACT TO PROVIDE FOR THE EXPUNGEMENT OF RECORDS OF FIRST OFFENDERS ONLY WHEN CHARGES ARE DISMISSED OR THERE ARE FINDINGS OF NOT GUILTY.

The General Assembly of North Carolina enacts:

Section 1. Article 23 of Chapter 15 of the General Statutes is recodified as Article 5 of Chapter 15A of the General Statutes. G.S. 15-223 is recodified as G.S. 15A-145. G.S. 15-224 is recodified as G.S. 15A-146.

Sec. 2. G.S. 15-224, recodified as G.S. 15A-146, is amended in the first sentence by deleting the language "Except as otherwise provided in G.S. 90-96, if" and substituting the word "If".

Sec. 3. G.S. 15-224, recodified as G.S. 15A-146, is amended in the second sentence by deleting the language "at the time any of the proceedings against him occurred the person had not attained the age of 18 years and" and inserting in lieu thereof the language "the person had not previously received an expungement and that the person".

Sec. 4. G.S. 15-224, recodified as G.S. 15A-146, is amended by deleting the last sentence.

Sec. 5. G.S. 15-224, recodified as G.S. 15A-146, is amended by denominating the current paragraph as paragraph (a).

Sec. 6. G.S. 15A-146(b) is written to read:

"The court may also order that the said entries shall be expunged from the records of the court, and direct all law enforcement agencies bearing record of the same to expunge their records of the entries. The clerk shall forward a certified copy of the order to the sheriff, chief of police, or other arresting agency. The sheriff, chief or head of such other arresting agency shall then transmit the copy of the order with the form supplied by the State Bureau of Investigation to the State Bureau of Investigation, and the State Bureau of Investigation shall forward the order to the Federal Bureau of Investigation. The costs of expunging such records shall be taxed against the petitioner."

Sec. 7. G.S. 15A-146(c) is written to read:

"The Clerk of Superior Court in each county in North Carolina shall, as soon as practicable after each term of court in his county, file with the Administrative Office of the Courts, the names of those persons granted an expungement under the provisions of this section and the Administrative Office of the Courts shall maintain a confidential file containing the names of persons granted such expungement. The information contained in such files shall be disclosed only to judges of the General Court of Justice of North

Carolina for the purpose of ascertaining whether any person charged with an offense has been previously granted an expungement."

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.