

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-138
HOUSE BILL 402

AN ACT TO PROVIDE THAT AN INFRACTION FOR CERTAIN ALCOHOL-RELATED OFFENSES MAY BE EXPUNGED FROM A PERSON'S RECORD AFTER A DISMISSAL OR UPON A FINDING OF NOT RESPONSIBLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-146(a) reads as rewritten:

"(a) If any person is charged with a crime, either a misdemeanor or a felony, or is charged with an infraction under G.S. 18B-302(i), and the charge is dismissed, or a finding of not guilty or not responsible is entered, that person may apply to the court of the county where the charge was brought for an order to expunge from all official records any entries relating to his apprehension or trial. The court shall hold a hearing on the application and, upon finding that the person had not previously received an expungement and that the person had not previously been convicted of any felony under the laws of the United States, this State, or any other state, the court shall order the expunction. No person as to whom such an order has been entered shall be held thereafter under any provision of any law to be guilty of perjury, or to be guilty of otherwise giving a false statement or response to any inquiry made for any purpose, by reason of his failure to recite or acknowledge any expunged entries concerning apprehension or trial."

Section 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 26th day of May, 1997.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 9:54 a.m. this 4th day of June, 1997