

March 15, 2005

S 559. EXPUNCTION/CONVICTIONS OF NONVIOLENT CRIMES. TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN NONVIOLENT CRIMINAL OFFENSES. Adds new GS 15A-149 to provide for the expunction of conviction records for certain nonviolent criminal offenses, namely, misdemeanors, Class H felonies, and Class I felonies, except for those involving assault or possession or use of a firearm, those requiring registration as a sex offender, or those constituting drug trafficking under GS 90-95(h). Only a person who had not previously been convicted of a felony or misdemeanor (other than a traffic violation) may apply for the expunction of such a conviction record. The expunction may be obtained by filing at least 15 years later, a petition in the court in which he or she was convicted of the nonviolent criminal offense, including certain affidavits attesting to the petitioner's character and to the fact that he or she has remained free of conviction of any other felony or misdemeanors. A person applying for expunction of such a criminal conviction may also apply for an order expunging DNA records from the State DNA Databank. Effective December 1, 2005.

Intro. by Kinnaird.

Ref. to Judiciary II

GS 15A

April 26, 2005

S 559. EXPUNCTIONS/CONVICTIONS OF NONVIOLENT CRIMES. Intro. 3/15/05. Senate committee substitute makes the following changes to 1st edition. (1) Reduces the waiting period before a person may apply for an expunction order under proposed GS 15A-149 from 15 to 10 years; specifies that waiting period does not begin until after later of ending of active sentence, post-release supervision, or probation. (2) Requires applicant to submit to state and national record check by NC Department of Justice as condition of obtaining expunction. (3) Provides that expunction may occur only once for each person. (4) Deletes provision in proposed GS 15A-149 authorizing expunction and destruction of DNA records and samples. (5) Requires state or local government agency to expunge any of its records that reflect the expunged conviction, and requires those agencies to reverse any administrative actions taken as a result of those convictions; waives any license reinstatement fees for any person who has record expunged under the new provision if the license action was taken as a result of the conviction. (6) Changes other expunction statutes (GS 15A-145, 90-96(b), and 90-113.14) to require state and national record checks as described in (2) above. (7) Amends GS 15A-145 and 15A-146 to impose duties similar to those described in (5) above for agencies who have records based on convictions or charges expunged under those sections. (8) Specifies that bill applies to applications for expunctions made on or after bill's effective date of December 1, 2005.