

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

D

SENATE DRS35009-MA-1 (8/7)

Short Title: Expunge DWI Civil Revocation.

(Public)

Sponsors: Senator Kinnaird.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT RECORDS OF A CIVIL REVOCATION OF DRIVERS LICENSES SHALL BE EXPUNGED FROM AN INDIVIDUAL'S DRIVING RECORD IF THE UNDERLYING CRIMINAL CHARGE IS EXPUNGED PURSUANT TO ARTICLE 5 OF CHAPTER 15A OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-145(c) reads as rewritten:

"(c) The court shall also order that the said misdemeanor conviction be expunged from the records of the court, and direct all law-enforcement ~~agencies~~ agencies, including the Division of Motor Vehicles, bearing record of the same to expunge their records of the ~~conviction~~ conviction or a civil revocation of a drivers license as the result of a criminal charge. The clerk shall forward a certified copy of the order to the sheriff, chief of police, or other arresting agency. The clerk shall forward a certified copy of the order to the Division of Motor Vehicles for the expunction of a civil revocation provided the underlying criminal charge is also expunged. The sheriff, chief or head of such other arresting agency shall then transmit the copy of the order with a 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."

SECTION 2. G.S. 15A-146(b) reads as rewritten:

"(b) The court may also order that the said entries shall be expunged from the records of the court, and direct all law-enforcement ~~agencies~~ agencies, including the Division of Motor Vehicles, bearing record of the same to expunge their records of the ~~entries~~ entries, including civil revocations of drivers licenses as a result of the underlying charge being expunged. The clerk shall forward a certified copy of the order to the sheriff, chief of police, or other arresting agency. The clerk shall forward a

1 certified copy of the order to the Division of Motor Vehicles for the expunction of a
2 civil revocation provided the underlying criminal charge is also expunged. The sheriff,
3 chief or head of such other arresting agency shall then transmit the copy of the order
4 with the form supplied by the State Bureau of Investigation to the State Bureau of
5 Investigation, and the State Bureau of Investigation shall forward the order to the
6 Federal Bureau of Investigation. The costs of expunging these records shall not be taxed
7 against the petitioner."

8 **SECTION 3.** This act becomes effective October 1, 2007, and applies to
9 offenses committed on or after that date.