

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 86

Short Title: Citizens' Expungement Clarification of 2025. (Public)

Sponsors: Representatives Hastings, Biggs, Torbett, and Loftis (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Federal Relations and American Indian Affairs, if favorable, Rules, Calendar, and Operations of the House

February 11, 2025

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT A PERSON WHO IS NOT A LEGAL RESIDENT OR CITIZEN OF THE UNITED STATES OR ITS TERRITORIES FROM OBTAINING AN EXPUNCTION OF CRIMINAL CONVICTIONS OR CHARGES FROM THE PERSON'S RECORD.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as "The Citizens' Expungement Clarification of 2025."

SECTION 2. Article 5 of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-154. Prohibition on expunction for illegal aliens.

(a) Prohibition. – A person who is not a legal resident or citizen of the United States or its territories is ineligible to obtain an expunction under this Article.

(b) Verification. – In addition to all other applicable requirements set forth in this Article, and no earlier than 30 days prior to the date the court may enter an order of expunction, the court shall attempt to determine if a petitioner is a legal resident or citizen of the United States or its territories by an inquiry of the petitioner or by an examination of any relevant documents. If the court is unable to determine if the petitioner is a legal resident or citizen of the United States or its territories, the court shall make a query of Immigration and Customs Enforcement of the United States Department of Homeland Security.

(c) Applicability. – The prohibition set forth in subsection (a) of this section does not apply to a person who lawfully entered the United States and has filed an immigrant petition, or for whom an immigrant petition has been filed, with the United States Immigration and Naturalization Service."

SECTION 3. This act becomes effective October 1, 2025, and applies to petitions filed on or after that date.

