

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 402

Short Title: Expunge Infractions.

(Public)

Sponsors: Representatives Smith; Goodwin.

Referred to: Judiciary II.

March 5, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT AN INFRACTION MAY BE EXPUNGED FROM A PERSON'S RECORD.

The General Assembly of North Carolina enacts:

Section 1. Article 5 of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-145.1. Expunction of records for first offenders under the age of 18 at the time of conviction of infraction.

Whenever any person who has not yet attained the age of 18 years and has not previously been convicted of any felony, misdemeanor, or infraction other than a traffic violation, under the laws of the United States, the laws of this State or any other state, pleads responsible to or is found responsible of an infraction other than a traffic violation the person may file a petition in the court where the person was found responsible for expunction of the infraction from the person's record. The procedure for expunging an infraction for which a person was found responsible shall be the same as under G.S. 15A-145."

Section 2. 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, 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

1 was brought for an order to expunge from all official records any entries relating to his
2 apprehension or trial. The court shall hold a hearing on the application and, upon finding
3 that the person had not previously received an expungement and that the person had not
4 previously been convicted of any felony under the laws of the United States, this State, or
5 any other state, the court shall order the expunction. No person as to whom such an order
6 has been entered shall be held thereafter under any provision of any law to be guilty of
7 perjury, or to be guilty of otherwise giving a false statement or response to any inquiry
8 made for any purpose, by reason of his failure to recite or acknowledge any expunged
9 entries concerning apprehension or trial."

10 Section 3. This act is effective when it becomes law.