

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

1

SENATE BILL 262

Short Title: Expunge Wrongful Crim. Charge/Identity Fraud. (Public)

Sponsors: Senators Rand; Clodfelter, Dalton, Garrou, Gulley, Hartsell, Horton, Kerr, Miller, Odom, Plyler, Reeves, Soles, Weinstein, and Wellons.

Referred to: Judiciary I.

February 27, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON WRONGFULLY CHARGED WITH A
CRIMINAL OFFENSE BECAUSE OF IDENTITY FRAUD SHALL
AUTOMATICALLY HAVE HIS OR HER RECORD EXPUNGED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-113.22 is amended by adding a new subsection to read:

"(d) Upon a judicial finding that a named individual has been wrongfully charged with a criminal or traffic offense after another person uses the identifying information of the named individual to commit a crime or in attempting to avoid legal consequences, the court shall order the expunction of the wrongful charge from the criminal record of the named individual wrongfully charged, notwithstanding any contrary provisions in G.S. 15A-146. The costs of this expunction shall not be taxed against the individual wrongfully charged."

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