

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

H

1

HOUSE JOINT RESOLUTION 760

Sponsors: Representative (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Rules, Calendar, and Operations of the House.

April 7, 2011

1 A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH
2 COMMISSION TO STUDY THE OBSTACLES ENCOUNTERED IN SEEKING
3 EMPLOYMENT BY PERSONS WHO HAVE COMMITTED RELATIVELY MINOR
4 CRIMINAL OFFENSES, THE NEED FOR EMPLOYERS TO HAVE ACCURATE
5 CRIMINAL INFORMATION ABOUT POTENTIAL EMPLOYEES, AND THE
6 FEASIBILITY OF DEVELOPING AND IMPLEMENTING AN EXPUNCTION
7 PROCEDURE THAT STRIKES THE APPROPRIATE BALANCE BETWEEN THOSE
8 CONCERNS.

9 Be it resolved by the House of Representatives, the Senate concurring:

10 **SECTION 1.** The Legislative Research Commission may study whether current
11 law strikes an appropriate balance between an employer's need for access to accurate criminal
12 history information about potential employees and the need for a person who committed a
13 relatively minor offense in the distant past to obtain employment in spite of the person's
14 criminal history. If the Legislative Research Commission finds that it may be possible to
15 achieve a better balance between these interests, then the Legislative Research Commission
16 may further consider what type of expunction procedure may be developed and implemented
17 that addresses the interests and concerns of employers, but also affords some appropriate relief
18 to persons with a relatively minor past criminal conviction. In its study, the Commission may
19 consider all of the following:

- 20 (1) The effect of a person's criminal record with regard to a person's ability to
21 obtain employment.
- 22 (2) The reasons that an employer may need to know about a potential
23 employee's criminal record.
- 24 (3) What types of criminal records may or may not be relevant with regard to
25 certain types of employment.
- 26 (4) What criminal offenses, if any, it may be reasonable to allow to be expunged
27 from a person's record, the time period or other criteria that should be used
28 to determine whether it is appropriate to allow the expunction, and whether
29 the offense should be completely erased from the criminal record so that the
30 person has no criminal record, or retained but limit the accessibility of the
31 record only for certain purposes.
- 32 (5) Any other issues the Commission considers relevant to this topic.

33 **SECTION 2.** The Legislative Research Commission may make an interim report to
34 the 2011 General Assembly when it reconvenes in 2012 and shall make its final report to the
35 2013 General Assembly.

36 **SECTION 3.** This resolution is effective upon ratification.

