



- 1 (5) An affidavit by the petitioner that no restitution orders or civil judgments  
2 representing amounts ordered for restitution entered against the petitioner  
3 are outstanding.

4 Upon filing of the petition, the petition shall be served upon the district attorney of the court  
5 wherein the case was tried resulting in conviction. The district attorney shall have 30 days  
6 thereafter in which to file any objection thereto and shall be duly notified as to the date of the  
7 hearing of the petition. Upon good cause shown, the court may grant the district attorney an  
8 additional 30 days to file objection to the petition. The district attorney shall make his or her  
9 best efforts to contact the victim, if any, to notify the victim of the request for expunction prior  
10 to the date of the hearing.

11 The presiding judge is authorized to call upon a probation officer for any additional  
12 investigation or verification of the petitioner's conduct since the conviction. The court shall  
13 review any other information the court deems relevant, including, but not limited to, affidavits  
14 or other testimony provided by law enforcement officers, district attorneys, and victims of  
15 crimes committed by the petitioner.

16 If the court, after hearing, finds that the petitioner has not previously been granted an  
17 expunction under this section, G.S. 15A-145, 15A-145.1, 15A-145.2, 15A-145.3, or  
18 15A-145.4; the petitioner has remained of good moral character; the petitioner has no  
19 outstanding warrants or pending criminal cases; the petitioner has no other felony or  
20 misdemeanor convictions other than a traffic violation; the petitioner has no outstanding  
21 restitution orders or civil judgments representing amounts ordered for restitution entered  
22 against the petitioner; and the petitioner was convicted of an offense eligible for expunction  
23 under this section and was convicted of, and completed any sentence received for, the  
24 nonviolent misdemeanor or nonviolent felony at least 15 years prior to the filing of the petition,  
25 it may order that such person be restored, in the contemplation of the law, to the status the  
26 person occupied before such arrest or indictment or information.

27 If the court denies the petition, the order shall include a finding as to the reason for the  
28 denial."

29 **SECTION 2.** G.S. 15A-145 reads as rewritten:

30 **"§ 15A-145. Expunction of records for first offenders under the age of 18 at the time of**  
31 **conviction of misdemeanor; expunction of certain other misdemeanors.**

32 (a) Whenever any person who has not previously been convicted of any felony, or  
33 misdemeanor other than a traffic or boating violation, under the laws of the United States, the  
34 laws of this State or any other state, (i) pleads guilty to or is guilty of a misdemeanor other than  
35 a traffic or boating violation, and the offense was committed before the person attained the age  
36 of 18 years, or (ii) pleads guilty to or is guilty of a misdemeanor possession of alcohol pursuant  
37 to G.S. 18B-302(b)(1), and the offense was committed before the person attained the age of 21  
38 years, he may file a petition in the court where he was convicted for expunction of the  
39 misdemeanor from his criminal record. The petition cannot be filed earlier than: (i) two years  
40 after the date of the conviction, or (ii) the completion of any period of probation, whichever  
41 occurs later, and the petition shall contain, but not be limited to, the following:

- 42 (1) An affidavit by the petitioner that he has been of good behavior for the  
43 two-year period since the date of conviction of the misdemeanor in question  
44 and has not been convicted of any felony, or misdemeanor other than a  
45 traffic or boating violation, under the laws of the United States or the laws of  
46 this State or any other state.
- 47 (2) Verified affidavits of two persons who are not related to the petitioner or to  
48 each other by blood or marriage, that they know the character and reputation  
49 of the petitioner in the community in which he lives and that his character  
50 and reputation are good.

- 1 (3) A statement that the petition is a motion in the cause in the case wherein the  
2 petitioner was convicted.
- 3 (4) Repealed by Session Laws 2010-174, s. 2, effective October 1, 2010, and  
4 applicable to petitions for expunctions filed on or after that date.
- 5 (4a) An application on a form approved by the Administrative Office of the  
6 Courts requesting and authorizing a name-based State and national criminal  
7 record check by the Department of Public Safety using any information  
8 required by the Administrative Office of the Courts to identify the individual  
9 and a search of the confidential record of expunctions maintained by the  
10 Administrative Office of the Courts. The application shall be forwarded to  
11 the Department of Public Safety and to the Administrative Office of the  
12 Courts, which shall conduct the searches and report their findings to the  
13 court.
- 14 (5) An affidavit by the petitioner that no restitution orders or civil judgments  
15 representing amounts ordered for restitution entered against him are  
16 outstanding.

17 The petition shall be served upon the district attorney of the court wherein the case was  
18 tried resulting in conviction. The district attorney shall have 10 days thereafter in which to file  
19 any objection thereto and shall be duly notified as to the date of the hearing of the petition.

20 The judge to whom the petition is presented is authorized to call upon a probation officer  
21 for any additional investigation or verification of the petitioner's conduct during the two-year  
22 period that he deems desirable.

23 (b) If the court, after hearing, finds that the petitioner had remained of good behavior  
24 and been free of conviction of any felony or misdemeanor, other than a traffic or boating  
25 violation, for two years from the date of conviction of the misdemeanor in question, the  
26 petitioner has no outstanding restitution orders or civil judgments representing amounts ordered  
27 for restitution entered against him, and (i) petitioner was not 18 years old at the time of the  
28 offense in question, or (ii) petitioner was not 21 years old at the time of the offense of  
29 possession of alcohol pursuant to G.S. 18B-302(b)(1), it shall order that such person be  
30 restored, in the contemplation of the law, to the status he occupied before such arrest or  
31 indictment or information. No person as to whom such order has been entered shall be held  
32 thereafter under any provision of any laws to be guilty of perjury or otherwise giving a false  
33 statement by reason of his failure to recite or acknowledge such arrest, or indictment,  
34 information, or trial, or response to any inquiry made of him for any purpose.

35 ...."

36 **SECTION 3.** G.S. 15A-145.1 reads as rewritten:

37 **"§ 15A-145.1. Expunction of records for first offenders under the age of 18 at the time of**  
38 **conviction of certain gang offenses.**

39 (a) Whenever any person who has not previously been convicted of any felony or  
40 misdemeanor other than a traffic or boating violation under the laws of the United States or the  
41 laws of this State or any other state pleads guilty to or is guilty of (i) a Class H felony under  
42 Article 13A of Chapter 14 of the General Statutes or (ii) an enhanced offense under  
43 G.S. 14-50.22, or has been discharged and had the proceedings against the person dismissed  
44 pursuant to G.S. 14-50.29, and the offense was committed before the person attained the age of  
45 18 years, the person may file a petition in the court where the person was convicted for  
46 expunction of the offense from the person's criminal record. Except as provided in  
47 G.S. 14-50.29 upon discharge and dismissal, the petition cannot be filed earlier than (i) two  
48 years after the date of the conviction or (ii) the completion of any period of probation,  
49 whichever occurs later. The petition shall contain, but not be limited to, the following:

- 50 (1) An affidavit by the petitioner that the petitioner has been of good behavior  
51 (i) during the period of probation since the decision to defer further

1 proceedings on the offense in question pursuant to G.S. 14-50.29 or (ii)  
2 during the two-year period since the date of conviction of the offense in  
3 question, whichever applies, and has not been convicted of any felony or  
4 misdemeanor other than a traffic or boating violation under the laws of the  
5 United States or the laws of this State or any other state.

6 (2) Verified affidavits of two persons who are not related to the petitioner or to  
7 each other by blood or marriage, that they know the character and reputation  
8 of the petitioner in the community in which the petitioner lives, and that the  
9 petitioner's character and reputation are good.

10 (3) If the petition is filed subsequent to conviction of the offense in question, a  
11 statement that the petition is a motion in the cause in the case wherein the  
12 petitioner was convicted.

13 (4) Repealed by Session Laws 2010-174, s. 4, effective October 1, 2010, and  
14 applicable to petitions for expunctions filed on or after that date.

15 (4a) An application on a form approved by the Administrative Office of the  
16 Courts requesting and authorizing a name-based State and national criminal  
17 record check by the Department of Public Safety using any information  
18 required by the Administrative Office of the Courts to identify the individual  
19 and a search of the confidential record of expunctions maintained by the  
20 Administrative Office of the Courts. The application shall be forwarded to  
21 the Department of Public Safety and to the Administrative Office of the  
22 Courts, which shall conduct the searches and report their findings to the  
23 court.

24 (5) An affidavit by the petitioner that no restitution orders or civil judgments  
25 representing amounts ordered for restitution entered against the petitioner  
26 are outstanding.

27 The petition shall be served upon the district attorney of the court wherein the case was  
28 tried resulting in conviction. The district attorney shall have 10 days thereafter in which to file  
29 any objection thereto and shall be duly notified as to the date of the hearing of the petition.

30 The judge to whom the petition is presented is authorized to call upon a probation officer  
31 for any additional investigation or verification of the petitioner's conduct during the  
32 probationary period or during the two-year period after conviction.

33 (b) If the court, after hearing, finds that (i) the petitioner was dismissed and the  
34 proceedings against the petitioner discharged pursuant to G.S. 14-50.29 and that the person had  
35 not yet attained 18 years of age at the time of the offense or (ii) the petitioner has remained of  
36 good behavior and been free of conviction of any felony or misdemeanor other than a traffic or  
37 boating violation for two years from the date of conviction of the offense in question, the  
38 petitioner has no outstanding restitution orders or civil judgments representing amounts ordered  
39 for restitution entered against the petitioner, and the petitioner had not attained the age of 18  
40 years at the time of the offense in question, it shall order that such person be restored, in the  
41 contemplation of the law, to the status occupied by the petitioner before such arrest or  
42 indictment or information, and that the record be expunged from the records of the court. No  
43 person as to whom such order has been entered shall be held thereafter under any provision of  
44 any laws to be guilty of perjury or otherwise giving a false statement by reason of the person's  
45 failure to recite or acknowledge such arrest, or indictment or information, or trial, or response  
46 to any inquiry made of the person for any purpose. The court shall also direct all law  
47 enforcement agencies, the Division of Adult Correction of the Department of Public Safety, the  
48 Division of Motor Vehicles, and any other State or local government agencies identified by the  
49 petitioner as bearing record of the same to expunge their records of the petitioner's criminal  
50 charge and any conviction resulting from the charge. The clerk shall notify State and local  
51 agencies of the court's order as provided in G.S. 15A-150.

1       ...."

2               **SECTION 4.** G.S. 15A-145.2 reads as rewritten:

3       **"§ 15A-145.2. Expunction of records for first offenders not over 21 years of age at the**  
4       **time of the offense of certain drug offenses.**

5       (a) Whenever a person is discharged, and the proceedings against the person dismissed,  
6 pursuant to G.S. 90-96(a) or (a1), and the person was not over 21 years of age at the time of the  
7 offense, the person may apply to the court for an order to expunge from all official records,  
8 other than the confidential files retained under G.S. 15A-151, all recordation relating to the  
9 person's arrest, indictment or information, trial, finding of guilty, and dismissal and discharge  
10 pursuant to this section. The applicant shall attach to the application the following:

11           (1) An affidavit by the petitioner that he or she has been of good behavior  
12 during the period of probation since the decision to defer further proceedings  
13 on the offense in question and has not been convicted of any felony or  
14 misdemeanor other than a traffic or boating violation under the laws of the  
15 United States or the laws of this State or any other state;

16           (2) Verified affidavits by two persons who are not related to the petitioner or to  
17 each other by blood or marriage, that they know the character and reputation  
18 of the petitioner in the community in which he or she lives, and that the  
19 petitioner's character and reputation are good;

20           (3) Repealed by Session Laws 2010-174, s. 5, effective October 1, 2010, and  
21 applicable to petitions for expunctions filed on or after that date.

22           (3a) An application on a form approved by the Administrative Office of the  
23 Courts requesting and authorizing a name-based State and national criminal  
24 record check by the Department of Public Safety using any information  
25 required by the Administrative Office of the Courts to identify the individual  
26 and a search of the confidential record of expunctions maintained by the  
27 Administrative Office of the Courts. The application shall be forwarded to  
28 the Department of Public Safety and to the Administrative Office of the  
29 Courts, which shall conduct the searches and report their findings to the  
30 court.

31       The judge to whom the petition is presented is authorized to call upon a probation officer  
32 for any additional investigation or verification of the petitioner's conduct during the  
33 probationary period deemed desirable.

34       If the court determines, after hearing, that such person was discharged and the proceedings  
35 against him or her dismissed and that the person was not over 21 years of age at the time of the  
36 offense, it shall enter such order. The effect of such order shall be to restore such person in the  
37 contemplation of the law to the status the person occupied before such arrest or indictment or  
38 information. No person as to whom such order was entered shall be held thereafter under any  
39 provision of any law to be guilty of perjury or otherwise giving a false statement by reason of  
40 the person's failures to recite or acknowledge such arrest, or indictment or information, or trial  
41 in response to any inquiry made of him or her for any purpose.

42       The court shall also order that all records of the proceeding be expunged from the records  
43 of the court and direct all law enforcement agencies, the Division of Adult Correction, the  
44 Division of Motor Vehicles, and any other State and local government agencies identified by  
45 the petitioner as bearing records of the same to expunge their records of the proceeding. The  
46 clerk shall notify State and local agencies of the court's order as provided in G.S. 15A-150.

47       ...

48       (c) Whenever any person who has not previously been convicted of (i) any felony  
49 offense under any state or federal laws; (ii) any offense under Chapter 90 of the General  
50 Statutes; or (iii) an offense under any statute of the United States or any state relating to  
51 controlled substances included in any schedule of Chapter 90 of the General Statutes or to that

1 paraphernalia included in Article 5B of Chapter 90 of the General Statutes, pleads guilty to or  
2 has been found guilty of a misdemeanor under Article 5 of Chapter 90 of the General Statutes  
3 by possessing a controlled substance included within Schedules I through VI of Chapter 90, or  
4 by possessing drug paraphernalia as prohibited by G.S. 90-113.22 or pleads guilty to or has  
5 been found guilty of a felony under G.S. 90-95(a)(3), the court may, upon application of the  
6 person not sooner than 12 months after conviction, order cancellation of the judgment of  
7 conviction and expunction of the records of the person's arrest, indictment or information, trial,  
8 and conviction. A conviction in which the judgment of conviction has been canceled and the  
9 records expunged pursuant to this subsection shall not be thereafter deemed a conviction for  
10 purposes of this subsection or for purposes of disqualifications or liabilities imposed by law  
11 upon conviction of a crime, including the additional penalties imposed for second or  
12 subsequent convictions of Article 5 of Chapter 90 of the General Statutes. Cancellation and  
13 expunction under this subsection may occur only once with respect to any person. Disposition  
14 of a case under this subsection at the district court division of the General Court of Justice shall  
15 be final for the purpose of appeal.

16 The granting of an application filed under this subsection shall cause the issue of an order to  
17 expunge from all official records, other than the confidential files retained under G.S. 15A-151,  
18 all recordation relating to the petitioner's arrest, indictment or information, trial, finding of  
19 guilty, judgment of conviction, cancellation of the judgment, and expunction of records  
20 pursuant to this subsection.

21 The judge to whom the petition is presented is authorized to call upon a probation officer  
22 for additional investigation or verification of the petitioner's conduct since conviction. If the  
23 court determines that the petitioner was convicted of (i) a misdemeanor under Article 5 of  
24 Chapter 90 of the General Statutes for possessing a controlled substance included within  
25 Schedules I through VI of Article 5 of Chapter 90 of the General Statutes or for possessing  
26 drug paraphernalia as prohibited in G.S. 90-113.22 or (ii) a felony under G.S. 90-95(a)(3), that  
27 the petitioner has no disqualifying previous convictions as set forth in this subsection, that the  
28 petitioner was not over 21 years of age at the time of the offense, that the petitioner has been of  
29 good behavior since his or her conviction, that the petitioner has successfully completed a drug  
30 education program approved for this purpose by the Department of Health and Human  
31 Services, and that the petitioner has not been convicted of a felony or misdemeanor other than a  
32 traffic or boating violation under the laws of this State at any time prior to or since the  
33 conviction for the offense in question, it shall enter an order of expunction of the petitioner's  
34 court record. The effect of such order shall be to restore the petitioner in the contemplation of  
35 the law to the status the petitioner occupied before arrest or indictment or information or  
36 conviction. No person as to whom such order was entered shall be held thereafter under any  
37 provision of any law to be guilty of perjury or otherwise giving a false statement by reason of  
38 the person's failures to recite or acknowledge such arrest, or indictment or information, or  
39 conviction, or trial in response to any inquiry made of him or her for any purpose. The judge  
40 may waive the condition that the petitioner attend the drug education school if the judge makes  
41 a specific finding that there was no drug education school within a reasonable distance of the  
42 defendant's residence or that there were specific extenuating circumstances which made it  
43 likely that the petitioner would not benefit from the program of instruction.

44 The court shall also order all law enforcement agencies, the Department of Correction, the  
45 Division of Motor Vehicles, and any other State or local agencies identified by the petitioner as  
46 bearing records of the conviction and records relating thereto to expunge their records of the  
47 conviction. The clerk shall notify State and local agencies of the court's order as provided in  
48 G.S. 15A-150.

49 ...."

50 **SECTION 5.** G.S. 15A-145.3 reads as rewritten:

1 **"§ 15A-145.3. Expunction of records for first offenders not over 21 years of age at the**  
2 **time of the offense of certain toxic vapors offenses.**

3 (a) Whenever a person is discharged and the proceedings against the person dismissed  
4 under G.S. 90-113.14(a) or (a1), such person, if he or she was not over 21 years of age at the  
5 time of the offense, may apply to the court for an order to expunge from all official records,  
6 other than the confidential files retained under G.S. 15A-151, all recordation relating to the  
7 person's arrest, indictment or information, trial, finding of guilty, and dismissal and discharge  
8 pursuant to this section. The applicant shall attach to the application the following:

- 9 (1) An affidavit by the petitioner that the petitioner has been of good behavior  
10 during the period of probation since the decision to defer further proceedings  
11 on the misdemeanor in question and has not been convicted of any felony or  
12 misdemeanor other than a traffic or boating violation under the laws of the  
13 United States or the laws of this State or any other state;
- 14 (2) Verified affidavits by two persons who are not related to the petitioner or to  
15 each other by blood or marriage, that they know the character and reputation  
16 of the petitioner in the community in which the petitioner lives, and that his  
17 or her character and reputation are good;
- 18 (3) Repealed by Session Laws 2010-174, s. 6, effective October 1, 2010, and  
19 applicable to petitions for expunctions filed on or after that date.
- 20 (3a) An application on a form approved by the Administrative Office of the  
21 Courts requesting and authorizing a name-based State and national criminal  
22 record check by the Department of Public Safety using any information  
23 required by the Administrative Office of the Courts to identify the individual  
24 and a search of the confidential record of expunctions maintained by the  
25 Administrative Office of the Courts. The application shall be forwarded to  
26 the Department of Public Safety and to the Administrative Office of the  
27 Courts, which shall conduct the searches and report their findings to the  
28 court.

29 The judge to whom the petition is presented is authorized to call upon a probation officer  
30 for any additional investigation or verification of the petitioner's conduct during the  
31 probationary period deemed desirable.

32 If the court determines, after hearing, that such person was discharged and the proceedings  
33 against the person dismissed and that he or she was not over 21 years of age at the time of the  
34 offense, it shall enter such order. The effect of such order shall be to restore such person in the  
35 contemplation of the law to the status the person occupied before such arrest or indictment or  
36 information. No person as to whom such order was entered shall be held thereafter under any  
37 provision of any law to be guilty of perjury or otherwise giving a false statement by reason of  
38 the person's failures to recite or acknowledge such arrest, or indictment or information, or trial  
39 in response to any inquiry made of him or her for any purpose.

40 The court shall also order that all records of the proceeding be expunged from the records  
41 of the court and direct all law enforcement agencies bearing records of the same to expunge  
42 their records of the proceeding. The clerk shall notify State and local agencies of the court's  
43 order as provided in G.S. 15A-15.

44 ...

45 (c) Whenever any person who has not previously been convicted of an offense under  
46 Article 5 or 5A of Chapter 90 of the General Statutes or under any statute of the United States  
47 or any state relating to controlled substances included in any schedule of Article 5 of Chapter  
48 90 of the General Statutes or to that paraphernalia included in Article 5B of Chapter 90 of the  
49 General Statutes pleads guilty to or has been found guilty of a misdemeanor under Article 5A  
50 of Chapter 90 of the General Statutes, the court may, upon application of the person not sooner  
51 than 12 months after conviction, order cancellation of the judgment of conviction and

1 expunction of the records of the person's arrest, indictment or information, trial, and conviction.  
2 A conviction in which the judgment of conviction has been cancelled and the records expunged  
3 pursuant to this subsection shall not be thereafter deemed a conviction for purposes of this  
4 subsection or for purposes of disqualifications or liabilities imposed by law upon conviction of  
5 a crime, including the additional penalties imposed for second or subsequent convictions of  
6 violation of Article 5A of Chapter 90 of the General Statutes. Cancellation and expunction  
7 under this subsection may occur only once with respect to any person. Disposition of a case  
8 under this subsection at the district court division of the General Court of Justice shall be final  
9 for the purpose of appeal.

10 The granting of an application filed under this subsection shall cause the issue of an order to  
11 expunge from all official records, other than the confidential files retained under G.S. 15A-151,  
12 all recordation relating to the person's arrest, indictment or information, trial, finding of guilty,  
13 judgment of conviction, cancellation of the judgment, and expunction of records pursuant to  
14 this subsection.

15 The judge to whom the petition is presented is authorized to call upon a probation officer  
16 for additional investigation or verification of the petitioner's conduct since conviction. If the  
17 court determines that the petitioner was convicted of a misdemeanor under Article 5A of  
18 Chapter 90 of the General Statutes, or for possessing drug paraphernalia as prohibited by  
19 G.S. 90-113.22, that the petitioner was not over 21 years of age at the time of the offense, that  
20 the petitioner has been of good behavior since his or her conviction, that the petitioner has  
21 successfully completed a drug education program approved for this purpose by the Department  
22 of Health and Human Services, and that the petitioner has not been convicted of a felony or  
23 misdemeanor other than a traffic or boating violation under the laws of this State at any time  
24 prior to or since the conviction for the misdemeanor in question, it shall enter an order of  
25 expunction of the petitioner's court record. The effect of such order shall be to restore the  
26 petitioner in the contemplation of the law to the status he occupied before such arrest or  
27 indictment or information or conviction. No person as to whom such order was entered shall be  
28 held thereafter under any provision of any law to be guilty of perjury or otherwise giving a  
29 false statement by reason of the person's failures to recite or acknowledge such arrest, or  
30 indictment or information, or conviction, or trial in response to any inquiry made of him or her  
31 for any purpose. The judge may waive the condition that the petitioner attend the drug  
32 education school if the judge makes a specific finding that there was no drug education school  
33 within a reasonable distance of the defendant's residence or that there were specific extenuating  
34 circumstances which made it likely that the petitioner would not benefit from the program of  
35 instruction.

36 The clerk shall notify State and local agencies of the court's order as provided in  
37 G.S. 15A-150.

38 ...."

39 **SECTION 6.** G.S. 15A-145.4 reads as rewritten:

40 "**§ 15A-145.4. Expunction of records for first offenders who are under 18 years of age at**  
41 **the time of the commission of a nonviolent felony.**

42 ...

43 (c) Whenever any person who had not yet attained the age of 18 years at the time of the  
44 commission of the offense and has not previously been convicted of any felony or  
45 misdemeanor other than a traffic or boating violation under the laws of the United States or the  
46 laws of this State or any other state pleads guilty to or is guilty of a nonviolent felony, the  
47 person may file a petition in the court where the person was convicted for expunction of the  
48 nonviolent felony from the person's criminal record. The petition shall not be filed earlier than  
49 four years after the date of the conviction or when any active sentence, period of probation, and  
50 post-release supervision has been served, whichever occurs later. The person shall also perform



1 at least 100 hours of community service, preferably related to the conviction, before filing a  
2 petition for expunction under this section. The petition shall contain the following:

- 3 (1) An affidavit by the petitioner that the petitioner has been of good moral  
4 character since the date of conviction of the nonviolent felony in question  
5 and has not been convicted of any other felony or any misdemeanor other  
6 than a traffic or boating violation under the laws of the United States or the  
7 laws of this State or any other state.
- 8 (2) Verified affidavits of two persons who are not related to the petitioner or to  
9 each other by blood or marriage, that they know the character and reputation  
10 of the petitioner in the community in which the petitioner lives and that the  
11 petitioner's character and reputation are good.
- 12 (3) A statement that the petition is a motion in the cause in the case wherein the  
13 petitioner was convicted.
- 14 (4) An application on a form approved by the Administrative Office of the  
15 Courts requesting and authorizing (i) a State and national criminal history  
16 record check by the Department of Public Safety using any information  
17 required by the Administrative Office of the Courts to identify the  
18 individual; (ii) a search by the Department of Public Safety for any  
19 outstanding warrants or pending criminal cases; and (iii) a search of the  
20 confidential record of expunctions maintained by the Administrative Office  
21 of the Courts. The application shall be forwarded to the Department of  
22 Public Safety and to the Administrative Office of the Courts, which shall  
23 conduct the searches and report their findings to the court.
- 24 (5) An affidavit by the petitioner that no restitution orders or civil judgments  
25 representing amounts ordered for restitution entered against the petitioner  
26 are outstanding.
- 27 (6) An affidavit by the petitioner that the petitioner has performed at least 100  
28 hours of community service since the conviction for the nonviolent felony.  
29 The affidavit shall include a list of the community services performed, a list  
30 of the recipients of the services, and a detailed description of those services.
- 31 (7) An affidavit by the petitioner that the petitioner possesses a high school  
32 diploma, a high school graduation equivalency certificate, or a General  
33 Education Development degree.

34 The petition shall be served upon the district attorney of the court wherein the case was  
35 tried resulting in conviction. The district attorney shall have 30 days thereafter in which to file  
36 any objection thereto and shall be duly notified as to the date of the hearing of the petition. The  
37 district attorney shall make his or her best efforts to contact the victim, if any, to notify the  
38 victim of the request for expunction prior to the date of the hearing.

39 ...  
40 (e) The court may order that the person be restored, in the contemplation of the law, to  
41 the status the person occupied before the arrest or indictment or information if the court finds  
42 all of the following after a hearing:

- 43 (1) The petitioner has remained of good moral character and has been free of  
44 conviction of any felony or misdemeanor, other than a traffic or boating  
45 violation, for four years from the date of conviction of the nonviolent felony  
46 in question or any active sentence, period of probation, or post-release  
47 supervision has been served, whichever is later.
- 48 (2) The petitioner has not previously been convicted of any felony or  
49 misdemeanor other than a traffic or boating violation under the laws of the  
50 United States or the laws of this State or any other state.
- 51 (3) The petitioner has no outstanding warrants or pending criminal cases.

- 1 (4) The petitioner has no outstanding restitution orders or civil judgments  
2 representing amounts ordered for restitution entered against the petitioner.  
3 (5) The petitioner was less than 18 years old at the time of the commission of  
4 the offense in question.  
5 (6) The petitioner has performed at least 100 hours of community service since  
6 the time of the conviction and possesses a high school diploma, a high  
7 school graduation equivalency certificate, or a General Education  
8 Development degree.  
9 (7) The search of the confidential records of expunctions conducted by the  
10 Administrative Office of the Courts shows that the petitioner has not been  
11 previously granted an expunction.

12 ...."

13 **SECTION 7.** G.S. 15A-145.6(f) reads as rewritten:

14 "(f) The court shall order that the person be restored, in the contemplation of the law, to  
15 the status the person occupied before the arrest or indictment or information if the court finds  
16 all of the following after a hearing:

- 17 (1) The criteria set out in subsection (b) of this section are satisfied.  
18 (2) The petitioner has remained of good moral character and has been free of  
19 conviction of any felony or misdemeanor, other than a traffic or boating  
20 violation, since the date of conviction of the prostitution offense in question.  
21 (3) The petitioner has no outstanding warrants or pending criminal cases.  
22 (4) The petitioner has no outstanding restitution orders or civil judgments  
23 representing amounts ordered for restitution entered against the petitioner.  
24 (5) The search of the confidential records of expunctions conducted by the  
25 Administrative Office of the Courts shows that the petitioner has not been  
26 previously granted an expunction, other than an expunction for a prostitution  
27 offense."

28 **SECTION 8.** Article 5 of Chapter 15A of the General Statutes is amended by  
29 adding a new section to read:

30 **"§ 15A-145.7. Expunction of certain youth drug offenses.**

31 (a) The following definitions apply to this section:

- 32 (1) Drug free. – Free from drug dependency and any unlawful use of controlled  
33 substances.  
34 (2) Youthful drug offense. – A conviction of any violation of G.S. 90-95(a)(3)  
35 or G.S. 90-113.22 where the defendant had not yet attained the age of 25  
36 years at the time of the commission of the offense.

37 (b) Notwithstanding any other provision of law, if the person is convicted of more than  
38 one youthful drug offense in the same session of court, then the multiple youthful drug offense  
39 convictions shall be treated as one youthful drug offense conviction under this section, and the  
40 expunction order issued under this section shall provide that the multiple youthful drug offense  
41 convictions shall be expunged from the person's record in accordance with this section.

42 (c) A person may file a petition in the court where the person was convicted for  
43 expunction of up to two youthful drug offense convictions from the person's criminal record if  
44 the person has no misdemeanor or felony convictions, other than a traffic or boating violation,  
45 for a period of at least 10 years prior to the date that the petition is filed; convicted of a youthful  
46 drug offense that is eligible pursuant to subsection (a) of this section; and provides proof  
47 pursuant to subsection (d) of this section that the person is drug free and has been drug free for  
48 a period of at least one year prior to the date that the petition is filed. The petition shall not be  
49 filed earlier than (i) 10 years after the date of the conviction or (ii) when any active sentence,  
50 period of probation, and post-release supervision has been served, whichever occurs later. If the  
51 petition is to expunge two youthful drug offense convictions, the petition shall not be filed

1 earlier than 10 years after the date of the last conviction or when any active sentence, period of  
2 probation, and post-release supervision has been served for the last conviction, whichever  
3 occurs later.

4 (d) To establish that a person is drug free and has been drug free for a period of at least  
5 one year prior to the date that the petition is filed, a person shall provide proof that the person  
6 has been tested for drugs every 30 days for a period of at least one year immediately preceding  
7 the date that the petition is filed and tested drug free at each testing, and shall also provide a  
8 drug evaluation for review by the court. The Administrative Office of the Courts, in  
9 cooperation with the Department of Health and Human Services, shall determine what type of  
10 documentation must be provided to the court regarding the required drug testing and evaluation  
11 and the format in which the documentation shall be presented to the court for review.

12 (e) The petition shall contain, but not be limited to, the following:

13 (1) An affidavit by the petitioner that the petitioner is of good moral character  
14 and has not been convicted of any felony or misdemeanor, other than a  
15 traffic or boating violation, under the laws of the United States or the laws of  
16 this State or any other state for a period of at least 10 years prior to the date  
17 that the petition is filed.

18 (2) Verified affidavits of two persons who are not related to the petitioner or to  
19 each other by blood or marriage, that they know the character and reputation  
20 of the petitioner in the community in which the petitioner lives, and that the  
21 petitioner's character and reputation are good.

22 (3) A statement that the petition is a motion in the cause in the case wherein the  
23 petitioner was convicted.

24 (4) An application on a form approved by the Administrative Office of the  
25 Courts requesting and authorizing a name-based State and national criminal  
26 history record check by the Department of Public Safety using any  
27 information required by the Administrative Office of the Courts to identify  
28 the individual, a search by the Department of Public Safety for any  
29 outstanding warrants on pending criminal cases, and a search of the  
30 confidential record of expunctions maintained by the Administrative Office  
31 of the Courts. The application shall be forwarded to the Department of  
32 Public Safety and to the Administrative Office of the Courts, which shall  
33 conduct the searches and report their findings to the court.

34 (5) An affidavit by the petitioner that no restitution orders or civil judgments  
35 representing amounts ordered for restitution entered against the petitioner  
36 are outstanding.

37 (6) Documentation in a format approved by the Administrative Office of the  
38 Courts establishing that the petitioner is drug free and has been drug free for  
39 a period of at least one year prior to the date of the filing of the petition.

40 Upon filing of the petition, the petition shall be served upon the district attorney of the court  
41 wherein the case was tried resulting in conviction. The district attorney shall have 30 days  
42 thereafter in which to file any objection thereto and shall be duly notified as to the date of the  
43 hearing of the petition. Upon good cause shown, the court may grant the district attorney an  
44 additional 30 days to file objection to the petition. The district attorney shall make his or her  
45 best efforts to contact the victim, if any, to notify the victim of the request for expunction prior  
46 to the date of the hearing.

47 The presiding judge may call upon a probation officer for any additional investigation or  
48 verification of the petitioner's conduct since the conviction. The court shall review any other  
49 information the court deems relevant, including, but not limited to, affidavits or other testimony  
50 provided by law enforcement officers, district attorneys, and victims of crimes committed by  
51 the petitioner.

1       (f) If the court after hearing finds that the petitioner has not previously been granted an  
2 expunction under this section, the petitioner is drug free; the petitioner is of good moral  
3 character; the petitioner has no outstanding warrants or pending criminal cases; the petitioner  
4 has no felony or misdemeanor convictions other than a traffic violation, for a period of 10 years  
5 prior to the filing of the petition; the petitioner has no outstanding restitution orders or civil  
6 judgments representing amounts ordered for restitution entered against the petitioner; the  
7 petition for expunction of a youthful drug offense conviction was filed at least 10 years after  
8 the date of conviction or, if the petition for expunction is for two youthful drug offense  
9 convictions, the petition was filed at least 10 years after the date of the later conviction; and the  
10 petitioner has completed any sentence received for the conviction, it may order that such person  
11 be restored, in the contemplation of the law, to the status the person occupied before such arrest  
12 or indictment or information. If the court denies the petition, the order shall include a finding as  
13 to the reason for the denial.

14       (g) No person as to whom an order has been entered pursuant to this section shall be  
15 held thereafter under any provision of any law to be guilty of perjury or otherwise giving a  
16 false statement by reason of that person's failure to recite or acknowledge the arrest, indictment,  
17 information, trial, or conviction. Persons pursuing certification under the provisions of Chapter  
18 17C or 17E of the General Statutes, however, shall disclose any and all convictions to the  
19 certifying Commission, regardless of whether or not the convictions were expunged pursuant to  
20 the provisions of this section. Persons required by State law to obtain a criminal history record  
21 check on a prospective employee shall not be deemed to have knowledge of any convictions  
22 expunged under this section.

23       (h) The court shall also order that the conviction be expunged from the records of the  
24 court and direct all law enforcement agencies bearing record of the same to expunge their  
25 records of the conviction. The clerk shall notify State and local agencies of the court's order, as  
26 provided in G.S. 15A-150.

27       (i) Any other applicable State or local government agency shall expunge from its  
28 records entries made as a result of the conviction ordered expunged under this section upon  
29 receipt from the petitioner of an order entered pursuant to this section. The agency shall also  
30 vacate and reconsider any administrative actions taken against a person whose record is  
31 expunged under this section as a result of the charges or convictions expunged.

32       (j) A person who files a petition for expunction of a criminal record under this section  
33 must pay the clerk of superior court a fee of one hundred seventy-five dollars (\$175.00) at the  
34 time the petition is filed. Fees collected under this subsection are payable to the Administrative  
35 Office of the Courts. The clerk of superior court shall remit one hundred twenty-two dollars  
36 and fifty cents (\$122.50) of each fee to the North Carolina Department of Public Safety for the  
37 costs of criminal record checks performed in connection with processing petitions for  
38 expunctions under this section. The remaining fifty-two dollars and fifty cents (\$52.50) of each  
39 fee shall be retained by the Administrative Office of the Courts and used to pay the costs of  
40 processing petitions for expunctions under this section. This subsection does not apply to  
41 petitions filed by an indigent."

42               **SECTION 9.** This act is effective when it becomes law.