

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S

1

SENATE BILL 614

Short Title: Expunctions Related to Raise the Age. (Public)

Sponsors: Senators Nickel, McKissick, and Britt (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 4, 2019

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE EXPUNCTION OF CERTAIN OFFENSES COMMITTED
BETWEEN THE ENACTMENT DATE AND THE EFFECTIVE DATE OF THE
LEGISLATION KNOWN AS RAISE THE AGE.

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-145.8 Expunction of records for offenders under the age of 18 at the time of
conviction of certain misdemeanors and felonies upon completion of the
sentence.**

(a) A person convicted of a misdemeanor or Class H or I felony, other than a traffic
offense, committed on or after the person's sixteenth birthday, but before the person's eighteenth
birthday, may file a petition for expunction in the trial court upon completion of any sentence or
period of probation imposed and payment of any restitution ordered. The court shall hold a
hearing and upon finding that (i) the offense was committed on or after the person's sixteenth
birthday, but before the person's eighteenth birthday, (ii) any sentence or period of probation was
completed, and (iii) the person has no outstanding restitution orders or civil judgments
representing amounts ordered for restitution against the person, the court shall order that the
person be restored, in the contemplation of the law, to the status the person occupied before such
conviction. A person convicted of multiple offenses shall be eligible to have those convictions
expunged pursuant to this section.

(b) Nothing in this section shall be interpreted to allow the expunction of (i) any offense
involving impaired driving as defined in G.S. 20-4.01(24a) or (ii) any offense requiring
registration pursuant to Article 27A of Chapter 14 of the General Statutes, whether or not the
person is currently required to register.

(c) Any petition for expungement under this section shall be on a form approved by the
Administrative Office of the Courts and shall be filed with the clerk of superior court in the
county where the person was convicted. Upon order of expungement, the clerk shall forward the
petition to the Administrative Office of the Courts.

(d) No person as to whom such order has been entered shall be held thereafter under any
provision of any laws to be guilty of perjury or otherwise giving a false statement by reason of
that person's failure to recite or acknowledge such arrest, or indictment, information, or trial, or
response to any inquiry made of the person for any purpose.

(e) The court shall also order that the conviction be expunged from the records of the
court. The court shall direct all law enforcement agencies, the Division of Adult Correction and
Juvenile Justice of the Department of Public Safety, the Division of Motor Vehicles, and any



* S 6 1 4 - V - 1 *

1 other State or local government agencies identified by the petitioner as bearing record of the same
2 to expunge their records of the petitioner's conviction. The clerk shall notify State and local
3 agencies of the court's order as provided in G.S. 15A-150.

4 (f) No filing fee shall be required to file a petition under this section, and the costs of
5 expunging the records shall not be taxed against the petitioner."

6 **SECTION 2.** G.S. 15A-151.5(a) reads as rewritten:

7 "(a) Notwithstanding any other provision of this Article, the Administrative Office of the
8 Courts shall make all confidential files maintained under G.S. 15A-151 electronically available
9 to all prosecutors of this State if the criminal record was expunged on or after July 1, 2018, under
10 any of the following:

11 (1) G.S. 15A-145. Expunction of records for first offenders under the age of 18 at
12 the time of conviction of misdemeanor; expunction of certain other
13 misdemeanors.

14 (2) G.S. 15A-145.1. Expunction of records for first offenders under the age of 18
15 at the time of conviction of certain gang offenses.

16 (3) G.S. 15A-145.2. Expunction of records for first offenders not over 21 years of
17 age at the time of the offense of certain drug offenses.

18 (4) G.S. 15A-145.3. Expunction of records for first offenders not over 21 years of
19 age at the time of the offense of certain toxic vapors offenses.

20 (5) G.S. 15A-145.4. Expunction of records for first offenders who are under 18
21 years of age at the time of the commission of a nonviolent felony.

22 (6) G.S. 15A-145.5. Expunction of certain misdemeanors and felonies; no age
23 limitation.

24 (7) G.S. 15A-145.6. Expunctions for certain defendants convicted of prostitution.

25 (7a) G.S. 15A-145.8. Expunction of records for offenders under the age of 18 at
26 the time of conviction of certain misdemeanors and felonies upon completion
27 of the sentence.

28 (8) G.S. 15A-146(a). Expunction of records when charges are dismissed.

29 (9) G.S. 15A-146(a1). Expunction of records when charges are dismissed."

30 **SECTION 3.** Section 1 of this act becomes effective December 1, 2019, and applies
31 to offenses committed between July 1, 2017, and November 30, 2019. The remainder of this act
32 becomes effective December 1, 2019.