

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH50497-LH-204 (3/18)

Short Title: Expunction Info/Dismissal or Not Guilty.

(Public)

Sponsors: Representative Adams.

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE THAT THE COURT SHALL INQUIRE WHETHER A
3 PERSON WANTS TO APPLY TO THE COURT FOR AN EXPUNCTION OF
4 THE PERSON'S RECORD WHEN THE COURT DISMISSES CHARGES
5 AGAINST THE PERSON OR ENTERS A FINDING OF NOT GUILTY, THAT
6 THE COURT SHALL PROVIDE THE APPROPRIATE FORM AND
7 INFORMATION REGARDING PETITION FOR AN EXPUNCTION WHEN
8 REQUESTED BY THE PERSON, AND TO PROVIDE THAT A PERSON MAY
9 REQUEST THE CLERK OF COURT TO DETERMINE THE STATUS OF A
10 PERSON'S PETITION FOR AN EXPUNCTION IF THE PERSON HAS
11 RECEIVED NO NOTICE REGARDING THE EXPUNCTION WITHIN NINETY
12 DAYS AFTER FILING THE PETITION FOR AN EXPUNCTION.

13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** G.S. 15A-146 is amended by adding a new subsection to read:

15 "(a2) When a person is charged with a crime, either a misdemeanor or a felony, or
16 was charged with an infraction under G.S. 18B-302(i) prior to December 1, 1999, and
17 the charge is dismissed, or a finding of not guilty or not responsible is entered, the court
18 shall inform the person that he or she may be eligible to have an order issued to expunge
19 all official records, court records, and DNA records regarding the person's apprehension
20 or trial pursuant to this section. The court shall inform the person of the requirements of
21 this section. If the person indicates to the court that the person may want to seek an
22 expunction of his or her record, the court shall provide to the person a printed
23 application form for an expunction, a printed information package prepared by the
24 Administrative Office of the Courts that sets out the procedure to petition the court for
25 an expunction under this section, and the Internet site where the forms and instructions
26 to petition for an expunction are located."

27 **SECTION 2.** G.S. 15A-146 is amended by adding a new subsection to read:

1 "(d) If a person petitions the court for an expungement under this section and
2 receives no notice from the court regarding the status of the petition within 90 days of
3 the date that the petition was filed, the person may contact the clerk of court in the
4 county where the petition was filed and request the clerk of court to determine the status
5 of the petition. The clerk of court shall determine the status of the petition and shall
6 report to the petitioner no later than five business days after receipt of the petitioner's
7 request regarding the status of the petition and the estimated date that the clerk expects
8 the petition to be returned to the clerk."

9 **SECTION 3.** The Administrative Office of the Courts and the State Judicial
10 Council shall study how to make the procedure of petitioning for an expunction under
11 G.S. 15A-146 more easily understood and available to the public and shall report their
12 findings to the Chief Justice by December 1, 2007.

13 **SECTION 4.** This act becomes effective December 1, 2007.