



# HOUSE BILL 856: Expunctions/Boating Violations

2015-2016 General Assembly

<b>Committee:</b>	House Judiciary I	<b>Date:</b>	April 21, 2015
<b>Introduced by:</b>	Reps. Fisher, Hardister, Harrison, B. Turner	<b>Prepared by:</b>	R. Erika Churchill
<b>Analysis of:</b>	PCS to First Edition H856-CSST-26		Committee Counsel

## SUMMARY:

[As introduced, this bill was identical to S570, as introduced by Sens. Bryant, McKissick, Daniel, which is currently in Unknown.]

**CURRENT LAW:** In limited circumstances, North Carolina law permits the expunction of certain offenses from a person's criminal record. Expunction is the process by which a record of criminal conviction is removed by order of the court, and a person is restored to the status the person occupied before the arrest or indictment. The terms "expunction" and "expungement" are often used interchangeably, and both appear in the statutes. There are several requirements that must be met for expunction, and a person may generally be granted only one expunction in his or her lifetime.

Several provisions of the General Statutes contain provisions authorizing a person to request an expunction if the person has no specified criminal convictions, other than a traffic violation.

**BILL ANALYSIS:** The PCS would amend the following statutes to provide that a person must not be denied an expunction under the following statutes solely because the person has a conviction for a misdemeanor boating violation:

- G.S. 15A-145.5(c) – "Expunction of certain misdemeanors and felonies; no age limit."
- G.S. 15A-145 – "Expunction of records for first offenders under the age of 18 at the time of conviction of misdemeanor; expunction of certain other misdemeanors."
- G.S. 15A-145.1 – "Expunction of records for first offenders under the age of 18 at the time of conviction of certain gang offenses."
- G.S. 15A-145.2 – "Expunction of records for first offenders not over 21 years of age at the time of the offense of certain drug offenses."
- G.S. 15A-145.3 – "Expunction of records for first offenders not over 21 years of age at the time of the offense of certain toxic vapors offenses."
- G.S. 15A-145.4 – "Expunction of records for first offenders who are under 18 years of age at the time of the commission of a nonviolent felony."
- G.S. 15A-145.6(f) – "Expunction for certain defendants convicted of prostitution."
- G.S. 14-50.30 – "Expunction of records."

The PCS would also establish the ability of a person to expunge up to 2 youthful drug offenses, if the person has been drug free for at least 12 months prior to the petition, and the petition is filed at least 10

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years after the date of conviction or when the active sentence, period of probation, and post-release supervision has been served, whichever is later.

**EFFECTIVE DATE:** Effective when it becomes law.