



SENATE BILL 570: Expunction/Boat Violation

2015-2016 General Assembly

Committee:	Senate Judiciary II	Date:	April 20, 2015
Introduced by:	Sens. Bryant, McKissick, Daniel	Prepared by:	Janice Paul
Analysis of:	PCS to First Edition S570-CSTJ-19		Committee Counsel

SUMMARY: *The Proposed Committee Substitute (PCS) for Senate Bill 570 would provide that a person shall not be denied an expunction solely because the person has a conviction for a misdemeanor boating violation.*

[As introduced, this bill was identical to H856, as introduced by Reps. Fisher, Hardister, Harrison, B. Turner, which is currently in House Judiciary I.]

BACKGROUND: 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.

CURRENT LAW: 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 to Senate Bill 570 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."*

EFFECTIVE DATE: This act is effective when it becomes law.

Brenda Carter George, former staff attorney, and Susan Sitze, staff attorney, contributed to this summary.

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