



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 571: Automatic Expunction/Wrongful Conviction.

2017-2018 General Assembly

Committee:	House Judiciary I. If favorable, re-refer to Appropriations	Date:	April 26, 2017
Introduced by:	Reps. Hanes, Hardister, Dobson, Quick	Prepared by:	Jennifer H. Bedford
Analysis of:	PCS to First Edition H571-CSTT-23		Legislative Analyst

OVERVIEW: *The PCS for House Bill 571 would require the expunction of false criminal charges for exonerated individuals released from prison.*

CURRENT LAW: G.S. 15A-146 provides for the expunction of records when charges are dismissed or there is a finding of not guilty. A person charged with any crime, whether a misdemeanor or a felony, who is not convicted of that offense, can apply to have the charge expunged. An individual who has previously received an expunction under this or other specified provisions, or someone who has previously been convicted of a felony would not qualify for an expunction under this provision.

BILL ANALYSIS: The PCS for House Bill 571 would:

- Require that a court that exonerates an individual, would also order the expunction of the false charges.
- Require, in cases determined by the Innocence Inquiry Commission, that the three judge panel that exonerates an individual, would also order the expunction of the false charges.
- Make the expunction of an exoneree automatic.
- Require the clerk to notify law enforcement and relevant State agencies that records of the charge, apprehension, and conviction of the exoneree must be expunged.
- Protect the exoneree from perjury if the exoneree fails to recite facts concerning the expunged charges.
- Waive the costs and fees associated with an exoneree's expunction.
- Provide legal counsel, if requested, at no cost to the exoneree.

An individual who was exonerated prior to the effective date of this bill, may petition the court for expunction.

EFFECTIVE DATE: This act would become effective December 1, 2017, and would apply to exonerations ordered on or after that date.

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