



# HOUSE BILL 774: Amend Certificates of Relief.

2017-2018 General Assembly

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<b>Committee:</b> Senate Rules and Operations of the Senate	<b>Date:</b> June 13, 2018
<b>Introduced by:</b> Reps. Stevens, Clampitt	<b>Prepared by:</b> Jennifer H. Bedford
<b>Analysis of:</b> Second Edition	Staff Attorney

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**OVERVIEW:** *House Bill 774 would amend the procedure in criminal law for an individual to petition a court for a Certificate of Relief to alleviate some of the collateral consequences of a criminal conviction.*

## CURRENT LAW:

**G.S. 15A-173.2:** A Certificate of Relief is a document provided by the court that assists individuals convicted of certain classes of crimes, deal with the collateral sanctions and disqualifications that result from a criminal conviction. \*A chart providing the current law is on page 2.

## BILL ANALYSIS:

**Section 1** would change the number of criminal convictions that are eligible for the relief provided under a Certificate for Relief from two Class H, I, and G felonies and misdemeanors to *five Class H and I felonies, and any misdemeanors.*

**Section 1** would also:

- Require that the criminal history reviewed by the court be a comprehensive criminal history of the petitioner provided by the district attorney.
- Clarify that the relief provided does not apply if the Certificate is subsequently revoked or modified.
- Automatically revoke any Certificate of Relief for a subsequent felony or misdemeanor conviction in this state.
- Require the Administrative Office of the Courts to place a disclaimer on criminal judgments regarding the automatic revocation of any Certificate of Relief.
- Create a one-time fifty dollar (\$50.00) fee that goes to the General Fund for filing an initial petition.
- Requires that the individual notify anyone who has relied on the Certificate in the event that that individual is subsequently convicted of another criminal offense.

**Section 2** would:

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- Require the court to revoke a Certificate of Relief if it finds that the individual has a subsequent out-of-state conviction.
- Authorize the court to revoke or modify a Certificate of Relief if it finds that the individual made a material misrepresentation in the petition.

**Section 3** would make a conforming change in the law that protects an individual who has relied on the Certificate of Relief from liability related to negligence.

**EFFECTIVE DATE:** This act would be effective when it becomes law.

\*This chart, created by the School of Government, provides the **current law**:

## Current Certificates of Relief

Matters Subject to Certificate of Relief	Principal Restrictions on Issuance of Certificate of Relief	Applicable Statutes and Forms
<ul style="list-style-type: none"><li>• Any combination of two or fewer Class G, H, or I felony or misdemeanor convictions in one session of court</li></ul>	<ul style="list-style-type: none"><li>• No other convictions for a felony or misdemeanor other than for traffic violation</li><li>• Person is not in violation of any criminal sentence, or violation is justified, excused, involuntary, or insubstantial</li><li>• No pending criminal charges</li><li>• Person is engaged in or seeking a lawful occupation or activity or otherwise has a lawful source of support</li><li>• Petition may not be filed until 12 months after completion of sentence</li><li>• Granting of petition would not pose unreasonable risk</li></ul>	<ul style="list-style-type: none"><li>• <a href="#">G.S. 15A-173.2</a></li><li>• <a href="#">AOC-CR-273</a> (June 2012), <a href="#">AOC-CR-273I</a> (May 2013) (instructions)</li></ul>