



HOUSE BILL 774: Amend Certificates of Relief.

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

2017-2018 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: June 14, 2018
Introduced by: Reps. Stevens, Clampitt	Prepared by: Jennifer H. Bedford
Analysis of: Third Edition	Staff Attorney

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 December 1, 2018, and apply to any petitions filed on or after that date.

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